

# South Bay Connect Project Final Environmental Impact Report

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# Table of Contents

1	Introduction.....	1
1.1	Document Organization.....	1
1.2	Environmental Review Process.....	2
2	Summary of Project Description.....	4
2.1	Proposed Project Goal.....	4
2.2	Project Description Summary.....	4
2.3	Best Management Practices.....	5
2.4	Mitigation Measures.....	18
3	List of Commenters.....	45
3.1	Federal Agencies.....	45
3.2	State Agencies.....	45
3.3	Regional/Local Agencies.....	45
3.4	Corporations, Attorneys and NGOs.....	46
3.5	Non-Affiliated Individual Commenters.....	47
4	Comments and Responses.....	50
4.1	CEQA Comment Letters.....	52
4.1.1	Responses to CEQA Comments and Updates to Draft EIR Text.....	52
4.1.2	Final EIR Updated Tables and Figures.....	208
4.1.3	Master Responses.....	260
4.2	Recurring Comment Letters.....	289
4.2.1	Recurring Comment Letter #1.....	289
4.2.2	Recurring Comment Letter #2.....	292
4.2.3	Recurring Comment Letter #3.....	297
4.3	Non-CEQA Comment Letters.....	299
4.3.1	General Comments.....	300
4.3.2	Opinion Without Supporting Facts.....	300
4.3.3	Social and Economic Effects.....	300

## List of Tables

Table 1. Best Management Practices.....	5
Table 2. Proposed Mitigation Measures.....	18
Table 3. Matrix of Comment Responses and Changes Made to Draft EIR Text.....	53

## List of Appendices

Appendix A. DEIR Public Outreach Summary Report
Appendix B. Mitigation, Monitoring and Reporting Program
Appendix C. CEQA Comment Letters
Appendix D. Comment Letters from Recurring Comment Letter #1
Appendix E. Comment Letters from Recurring Comment Letter #2
Appendix F. Comment Letters from Recurring Comment Letter #3
Appendix G. Non-CEQA Comment Letters
Appendix H. Fremont Public Petition as Copied from Internet
Appendix I. Supplemental Cumulative Analysis
Appendix J. Draft EIR

# 1 Introduction

This Final Environmental Impact Report (Final EIR) has been prepared by the Capitol Corridor Joint Powers Authority (CCJPA) as the California Environmental Quality Act (CEQA) Lead Agency for the Capitol Corridor South Bay Connect Project (proposed Project), in accordance with CEQA regulatory requirements. A summarized proposed Project description is provided in Chapter 2. The FEIR includes the Draft Environmental Impact Report (Draft EIR) for the proposed Project, released for public review in May 2024, and changes to the Draft EIR text, findings, and mitigation measures resulting from agency and public comments received. The Draft EIR is available in Appendix J of this Final EIR and is incorporated within this Final EIR by reference.

## 1.1 Document Organization

The May 2024 Draft EIR was organized into the following chapters:

- Executive Summary
- Chapter 1: Introduction
- Chapter 2: Project Alternatives
- Chapter 3: Existing Conditions, Environmental Impacts, and Mitigation Measures
- Chapter 4: Sea Level Rise
- Chapter 5: Other CEQA Considerations
- Chapter 6: Public Outreach and Agency Consultation
- Chapter 7: List of Preparers
- Chapter 8: References
- Appendices:
  - Appendix A: Alternative E (Proposed Project) and Other Project Alternatives
  - Appendix B: Air Quality
  - Appendix C: Biological Resources
  - Appendix D: Cultural Resources
  - Appendix E: Hazards and Hazardous Materials
  - Appendix F: Hydrology and Water Quality
  - Appendix G: Noise and Vibration
  - Appendix H: Public Services and Transportation Analysis
  - Appendix I: Cumulative Utilities Analysis
  - Appendix J: Sea Level Rise



- Appendix K: Other CEQA Considerations/Environmental Justice Impacts
- Appendix L: Scoping Outreach and Agency Consultation

This November 2024 Final EIR is organized into the following chapters:

- Chapter 1: Introduction
- Chapter 2: Summary of Project Description
- Chapter 3: List of Commenters
- Chapter 4: Comments and Responses
- Appendices:
  - Appendix A: Final EIR Public Outreach Summary Report
  - Appendix B: Mitigation, Monitoring and Reporting Program
  - Appendix C: CEQA Comment Letters (referenced in [Section 4.1](#))
  - Appendix D: Comment Letters from Recurring Comment Letter #1 (referenced in [Section 4.2](#))
  - Appendix E: Comment Letters from Recurring Comment Letter #2 (referenced in [Section 4.2](#))
  - Appendix F: Comment Letters from Recurring Comment Letter #3 (referenced in [Section 4.2](#))
  - Appendix G: Non-CEQA Comment Letters (referenced in [Section 4.3](#))
  - Appendix H: Fremont Public Petition as Copied from Internet (referenced in [Section 4.3](#))
  - Appendix I: Supplemental Cumulative Analysis (referenced in [Section 4.1](#), Master Response #13)
  - Appendix J: Draft EIR

## 1.2 Environmental Review Process

CCJPA is the Lead Agency for this EIR. Both the Draft and Final EIR have been prepared in compliance with CEQA and applies CEQA significance thresholds (questions) as listed in Appendix G of the CEQA Guidelines.

The Draft EIR for the proposed Project was made available for public review from May 29, 2024, through July 15, 2024. Local and State Responsible and Trustee agencies and the public were advised of the availability of the Draft EIR through public notice. The Draft EIR identified and described the potentially significant impacts on the environment that would be associated with the proposed Project. For the identified potentially significant impacts, the Draft EIR incorporated mitigation measures that are anticipated to avoid or minimize all such impacts to a level that would be less than significant. Because of these findings, while CCJPA could have chosen to prepare an Initial Study/Mitigated Negative Declaration (IS/MND) that would have

been satisfactory and compliant with CEQA, it instead chose to continue with the EIR process to provide the highest levels of public engagement and transparency for the proposed Project.

CEQA requires Lead Agencies to consult with public agencies with jurisdiction over a proposed Project and to provide other agencies and the public with a chance to comment on the Draft EIR. As part of the required EIR process, extensive public outreach was conducted by CCJPA, including direct mailings, newspaper advertisements, electronic notifications, social media, and stakeholder and public meetings, among other efforts. Appendix A of this Final EIR provides a Summary Report of the Public Outreach conducted as part of the 2024 Draft EIR and Final EIR public review periods. A similar report, written to summarize the scoping process following release of the NOP in 2020, is included in Appendix L of the Draft EIR (included in this Final EIR as Appendix J). Chapter 3 provides a list of agencies and individuals who commented on the proposed Project EIR.

This Final EIR has been prepared to respond to comments received on the Draft EIR and to clarify any errors, omissions, or misinterpretations of discussions of findings in the Draft EIR. Comments were received by email, website, and mail. This Final EIR also contains copies of verbal comments that were transcribed from public meetings. Where changes were made to the Draft EIR in response to comments received from agencies and the public, the matrix provided in [Section 4.1](#) includes columns showing the letter-comment number of the public comment that triggered the update, the original text from the Draft EIR, and the revised text.

## 2 Summary of Project Description

### 2.1 Proposed Project Goal

As stated in the Draft EIR, the proposed Project's overlying goal is to improve Northern California's transportation mobility and enhance Capitol Corridor's operational efficiency and reliability. The proposed Project would accomplish this by using a more direct passenger rail route, reducing rail travel time between Oakland and San Jose, and by facilitating more auto-competitive travel times for Intercity Passenger Rail trips throughout Northern California. In addition, the proposed Project would also create the opportunity for new inter-modal connections to Transbay transit services and destinations on the San Francisco Peninsula.

### 2.2 Project Description Summary

The proposed Project is consistent with the description provided in the Draft EIR, Chapter 2 Project Alternatives, and no changes to the Project Description have been made since the Draft EIR. The proposed Project is located within the San Francisco Bay Area in Alameda County, California, primarily along the Union Pacific Railroad (UPRR) Coast Subdivision between Elmhurst Junction in the City of Oakland to the north and Newark Junction in the City of Newark to the south. The proposed Project also includes some work on the UPRR Niles Subdivision where the Coast Subdivision connects to at its north and south ends. The proposed Project includes relocation of the existing Capitol Corridor intercity passenger rail service from the Niles Subdivision to the Coast Subdivision for a faster, more direct route between Oakland and San Jose. It includes rail infrastructure improvements on the Coast Subdivision to ensure operational capacity and reliability for existing freight and passenger rail service as well as the new passenger rail service proposed to be relocated from the Niles Subdivision. These improvements would include the installation of an additional track with associated railroad bridge improvements, replacement of existing rail and ties, upgrades to at-grade crossings, and modifications to existing grade-separated crossings, among others.

The proposed Project also includes a new intermodal station on the Coast Subdivision at the existing Ardenwood Park-and-Ride in the City of Fremont to serve southern Alameda County passengers and to facilitate intermodal transfers between rail and Transbay transit services. The proposed Ardenwood Station would provide a new passenger platform, with two pedestrian overcrossings allowing access across the tracks and to the platform. The proposed passenger rail station is currently configured to include a center boarding platform located between two tracks. The platform would have grade-separated access across the tracks. The proposed north pedestrian overcrossing would be approximately 42 feet high. A south pedestrian overcrossing would be constructed to connect to adjacent business complexes, and a pedestrian pathway would be constructed under State Route 84 to provide access for passengers coming from the City of Newark. Parking for the new station would be built on a vacant parcel to the northwest.

Construction is anticipated to occur over two years, beginning in summer 2027. Construction would occur in multiple "segments" of the Project footprint. Within each segment, construction would generally consist of grading and earthwork, construction of structures, track and rail signal upgrades within the rail right of way, and roadway and utility improvements at at-grade rail crossings. Construction of the Ardenwood Station is estimated to take up to 12 months.

Capitol Corridor train operations on the Coast Subdivision would be updated by the service operator (Amtrak) to accommodate the transferred Capitol Corridor passenger rail service and would not affect the frequency of existing passenger or freight services along the rail line. No changes to freight service operations on the Niles and Oakland subdivisions are anticipated as a result of Project implementation. Railroad right-of-way maintenance on all UPRR subdivisions would continue to follow the standards and guidelines currently in place and implemented by UPRR; no changes to the maintenance requirements would result from implementation of the proposed Project. Operations and maintenance at the proposed new Ardenwood Station would be consistent with procedures and guidelines implemented at existing Capitol Corridor passenger rail stations.

## 2.3 Best Management Practices

During Project implementation, CCJPA will implement a range of best management practices (BMPs) to avoid or minimize adverse effects on the environment. The proposed BMPs and their full descriptions are named after the primary resource area and are presented in Table 1. Minor public comments were received on BMPs, and corrections have been made. BMP BIO-1: Weed Abatement Program has been added in the Final EIR BMP Table and BMP HYD-1, HYD-5, and HYD-9 have been updated to match the final BMPs referenced in Section 3-11, Hydrology and Water Quality. All other updates to the BMPs occur in the “BMP Description” field of Table 1 and are shown in bold text.

**Table 1. Best Management Practices**

BMP	BMP Description *	Related Resource Areas
<b>BMP AES-1: Special Permits and/or Variance from Local Jurisdictions where Work is Outside of UPRR Right-of-Way (ROW)</b>	To the extent possible, CCJPA will comply with the local jurisdictional codes and regulations pertaining to aesthetics and visual quality for those areas proposed for construction outside of the UPRR ROW. In these non-UPRR areas, CCJPA will obtain the required jurisdictional approvals for any concurrences, variances, and/or permits required related to visual quality. Design elements and/or public art reflective of community aesthetics will also be coordinated with the city or county in areas outside of UPRR ROW.	Aesthetics
<b>BMP AQ-1: Implement Bay Area Air Quality Management District (BAAQMD) Basic Construction Mitigation Measures</b>	Construction of the proposed Project will require that all construction contractors implement the basic construction mitigation measures recommended by BAAQMD. The emissions reduction measures will include, at a minimum, the following: <ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day.</li> <li>• All haul truck loads will be covered when transporting soil, sand, or other loose material off site.</li> <li>• All visible mud or dirt track-out material on adjacent public roads will be removed using wet-power vacuum-type street sweepers at least once a day. The use of dry-power sweeping is prohibited.</li> </ul>	Air Quality Recreation

BMP	BMP Description *	Related Resource Areas
	<ul style="list-style-type: none"> <li>• All vehicle speeds will be limited to 15 miles per hour on unpaved roads.</li> <li>• All roadways, driveways, and sidewalks that are to be paved will be paved as soon as possible. Building pads will be laid as soon as possible after grading, unless seeding or soil binders are used.</li> <li>• All excavation, grading, and/or demolition activities will be suspended when average wind speeds exceed 20 mph.</li> <li>• All trucks and equipment, including their tires, will be washed off prior to leaving the site.</li> <li>• Unpaved roads providing access to sites that are located 100 feet or further from a paved road will be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.</li> <li>• Publicly visible signs will be posted with the telephone number and person to contact at CCJPA regarding dust complaints. CCJPA will respond and take corrective action within 48 hours. BAAQMD's phone number will also be visible to ensure compliance with applicable regulations.</li> </ul>	
<p><b>BMP BIO-1: Weed Abatement Program</b></p>	<p>Prior to the start of construction activities, CCJPA and/or its contractors will develop landscaping and erosion control plans that do not use plant species listed as invasive pursuant to Executive Order 13112 and other applicable local jurisdiction requirements. A weed abatement program will be developed and incorporated into the Plans, Specifications, and Estimates (PS&amp;E) package to avoid and/or minimize the importation of nonnative plant material during and after construction. At a minimum, the program will include the following measures:</p> <ul style="list-style-type: none"> <li>• During construction, invasive plant material will be removed from the proposed project work area. All removed invasive plant material will be disposed of properly in a landfill or other suitable facility.</li> <li>• During construction, the construction contractor will inspect and clean construction equipment at the beginning of each day and prior to transporting equipment from one project location to another.</li> <li>• During construction, soil and vegetation disturbance will be minimized to the greatest extent feasible.</li> <li>• During construction, the construction contractor will ensure that all active portions of the construction site are watered a minimum of twice daily, or more often when needed, due to dry or windy conditions, to prevent excessive amounts of dust.</li> </ul>	<p>Biological Resources</p>

BMP	BMP Description *	Related Resource Areas
	<ul style="list-style-type: none"> <li>• During construction, the construction contractor will ensure that all material stockpiled is sufficiently watered or covered to prevent excessive amounts of dust.</li> <li>• During construction, soil, gravel, and rock will be obtained from weed-free sources and only certified weed-free straw, mulch, and/or fiber rolls will be used for erosion control.</li> <li>• After construction, affected areas adjacent to native vegetation will be revegetated with plant species that are native to the vicinity as approved by CCJPA designated biologist.</li> <li>• After construction, all revegetated areas will avoid the use of species listed on the Cal-IPC that have a High or Moderate rating.</li> <li>• Erosion control and/or revegetation sites will be monitored after construction to detect and control the introduction/invasion of nonnative species. The monitoring period will be determined in consultation with resource agencies.</li> <li>• Eradication procedures (e.g., spraying and/or hand weeding) will be outlined should an infestation occur; the use of herbicides will be prohibited within and adjacent to native vegetation, except as specifically authorized and monitored by the CCJPA designated biologist.</li> </ul>	
<p><b>BMP CUL-1: Conduct Cultural Resources Awareness Training Prior to Project-Related Ground Disturbance</b></p>	<p>Prior to any Project-related ground disturbance, CCJPA will ensure that all construction workers receive training by a registered professional archaeologist who is experienced in teaching non-specialists to ensure that contractors can recognize archaeological resources in the event that any are discovered during construction. A tribal representative will be invited to participate in the training. Construction staff directly overseeing or engaged in ground disturbing activities will be required to participate in this preconstruction training.</p> <p>This training will be administered as standalone training or included as part of the overall environmental awareness training required as a result of the proposed Project. The training will include, at minimum, the following:</p> <ul style="list-style-type: none"> <li>• The types of cultural resources that are likely to be encountered;</li> <li>• The procedures to be taken in the event of an inadvertent cultural resource discovery; and</li> <li>• The penalties for disturbing or destroying cultural resources.</li> </ul>	<p>Cultural Resources</p> <p>Tribal Cultural Resources</p>

BMP	BMP Description *	Related Resource Areas
<b>BMP CUL-2: Stop Work if Archaeological Deposits and/or Human Remains are Encountered During Ground-Disturbing Activities</b>	<p>If archaeological deposits are encountered during Project-related ground disturbance, work in the area (100-foot radius) should stop immediately and the procedures outlined in the AMATP will be implemented.</p> <p>If any human remains are discovered during ground-disturbing activities, there should be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains. These remains should be treated in accordance with existing state laws, including California PRC Section 5097.98 and California Health and Safety Code Section 7050.5.</p>	<p>Cultural Resources</p> <p>Tribal Cultural Resources</p>
<b>BMP GEO-1: Geotechnical Investigations</b>	<p>CCJPA will require geotechnical investigations during the Project design phase. The Project will be designed to minimize slope failure, settlement, and erosion using recommended construction techniques and BMPs.</p>	<p>Geology and Soils</p>
<b>BMP GEO-2: Expansive Soil</b>	<p>Where expansive soils are present, the structures will be designed and constructed to withstand the increased earth pressures exerted by the expansive clays and to specifications determined by the geotechnical investigation prepared during final design. As necessary, expansive clays will also be treated with lime to reduce the shrink-swell potential in localized areas or removed and replaced with a non-expansive fill material.</p>	<p>Geology and Soils</p>
<b>BMP GHG-1: Implement BAAQMD Construction Measures</b>	<ul style="list-style-type: none"> <li>• Construction of the proposed Project will require implementation of the following measures that would ensure that GHG emissions during construction would be minimized.</li> <li>• Use zero-emission and hybrid-powered equipment to the greatest extent possible, particularly if emissions are occurring near sensitive receptors or within a BAAQMD-designated Community Air Risk Evaluation (CARE) area or AB 617 community.</li> <li>• Require all diesel-fueled off-road construction equipment to be equipped with U.S. Environmental Protection Agency Tier 4 Final engines or better.</li> <li>• Require all on-road heavy-duty trucks to be zero emission or meet the most stringent model-year emissions standard where feasible.</li> <li>• Minimize idling time, either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes. Provide clear signage that posts this requirement for workers at the entrances to the site.</li> <li>• Use California Air Resources Board-approved renewable diesel fuel in off-road construction equipment and on-road trucks where feasible.</li> <li>• Use U.S. Environmental Protection Agency SmartWay-certified trucks for deliveries and equipment transport where feasible.</li> </ul>	<p>Greenhouse Gas Emissions</p>

BMP	BMP Description *	Related Resource Areas
	<ul style="list-style-type: none"> <li>• Require all construction equipment to be maintained and properly tuned in accordance with the manufacturer's specifications.</li> <li>• Where grid power is available, prohibit portable diesel engines and provide electrical hook-ups for electric tools, such as saws, drills, and compressors; use electric tools whenever feasible.</li> <li>• Where grid power is not available, use alternative fuels, such as propane or solar electrical power, for generators at construction sites whenever feasible.</li> <li>• Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers and offer meal options onsite or shuttles to nearby meal destinations for construction employees.</li> <li>• Reduce electricity use in the construction office by using LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.</li> <li>• Minimize energy used during site preparation by deconstructing existing structures to the greatest extent feasible.</li> <li>• Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15 percent more, by weight, than the diversion requirement in Title 24.</li> <li>• Use locally sourced or recycled materials for construction (goal of at least 20 percent, based on cost of building materials and volume of roadway, parking lot, sidewalk, and curb materials).</li> <li>• Use low-carbon concrete, minimize the amount of concrete used, and produce concrete on-site where feasible if it is more efficient than transporting ready-mix.</li> <li>• Develop a plan to efficiently use water for adequate dust control.</li> <li>• Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply compliant on- or off-road construction equipment prior to any ground-disturbing and construction activities.</li> </ul>	
<b>BMP HAZ-1: Prepare a Construction Hazardous Material Management Plan (HMMP)</b>	<p>Prior to construction, CCJPA will ensure that 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, <b>and contaminated groundwater used or exposed during construction, including the proper locations for disposal</b>. The HMMP will be prepared to address construction activity within the Project footprint and include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• A description of hazardous materials used (29 C.F.R. 1910.1200).</li> </ul>	Hazards and Hazardous Materials



Capitol Corridor Joint Powers Authority  
South Bay Connect Project - Final Environmental Impact Report

BMP	BMP Description *	Related Resource Areas
	<ul style="list-style-type: none"> <li>• A description of handling, transport, treatment, and disposal procedures, as relevant for each hazardous material or hazardous waste (29 C.F.R. 1910.120).</li> <li>• Preparedness, prevention, contingency, and emergency procedures, including emergency contact information (29 C.F.R. 1910.38).</li> <li>• A description of personnel training including, but not limited to: (1) recognition of existing or potential hazards resulting from accidental spills or other releases; (2) implementation of evacuation, notification, and other emergency response procedures; (3) management, awareness, and handling of hazardous materials and hazardous wastes, as required by their level of responsibility (29 C.F.R. 1910).</li> <li>• Instructions on keeping Safety Data Sheets on site for each on-site hazardous chemical (29 C.F.R. 1910.1200).</li> <li>• Identification of the locations of hazardous material storage areas, including temporary storage areas, which will be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank (29 C.F.R. 1910.120).</li> <li>• A description of accidental hazardous materials release measures and spill cleanup procedures, including, but not limited to, contacting the correct regulating agency about the spill; evacuating the spill area; securing the spill; placing barriers and absorbents around the spill to prevent contamination from spreading; putting up signs or caution tape to prevent entry to the spill area; characterizing the spill; and cleanup by qualified personnel.</li> </ul>	
<b>BMP HAZ-2: Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments</b>	<p>Prior to or during the ROW acquisition phase, CCJPA will ensure that Phase 1 Environmental Site Assessments are conducted in accordance with standard ASTM methodologies to characterize each high-risk parcel prior to acquisition within the Project footprint. The determination of parcels that require a Phase 2 Environmental Site Assessment (for example, soil, groundwater, soil vapor subsurface investigations) would be informed by a Phase 1 Environmental Site Assessments and may require coordination with state and local agency officials. Major work areas requiring substantial ground disturbance and excavation outside of acquired properties will also be subject to Phase 2 investigations. <b>Drilling permits would be acquired from ACWD prior to the start of any subsurface drilling activities for Phase 2 assessments within the cities of Fremont, Newark, and Union City.</b></p>	Hazards and Hazardous Materials
<b>BMP HAZ-3: Prepare a General Construction Soil Management Plan</b>	<p>Prior to construction, CCJPA will ensure that a General Construction Soil Management Plan is prepared, which will include general provisions for how soil will be managed within the Project footprint for the duration of construction.</p>	Hazards and Hazardous Materials

BMP	BMP Description *	Related Resource Areas
	<p>General soil management controls to be implemented by the contractor, and the following additional topics, will be addressed within the General Construction Soil Management Plan:</p> <ul style="list-style-type: none"> <li>• General worker health and safety procedures.</li> <li>• Dust control/wind erosion control.</li> <li>• Management of soil stockpiles.</li> <li>• Traffic control.</li> <li>• Stormwater erosion control using BMPs.</li> </ul>	
<p><b>BMP HAZ-4: Prepare Parcel-Specific Soil Management Plans and Health and Safety Plans (HASP)</b></p>	<p>Prior to construction, CCJPA will ensure that parcel-specific Soil Management Plans be prepared for known contaminated sites for submittal and approval by the Department of Toxic Substances Control (DTSC). The plans will include specific hazards and provisions for how soil will be managed for known contaminated sites. The nature and extent of contamination varies widely across the Project footprint, and the parcel specific Soil Management Plan will provide parcel-specific requirements addressing the following:</p> <ul style="list-style-type: none"> <li>• Soil testing and soil characterization.</li> <li>• Soil disposal protocols.</li> <li>• Protocols governing the discovery of unknown contaminants.</li> <li>• Soil management on properties within the Project footprint with known hazardous contaminants.</li> </ul> <p>Prior to construction on individual properties with known contaminants, a parcel-specific HASP will also be prepared for approval by DTSC. The HASP will be prepared to meet OSHA requirements, Title 29 of the C.F.R. 1910.120 and CCR Title 8, Section 5192, and all applicable federal, state, and local regulations and agency ordinances related to the proposed management, transport, and disposal of contaminated media during construction. The HASP will be signed and sealed by a Certified Industrial Hygienist, who is licensed by the American Board of Industrial Hygiene. In addition to general construction soil management plan provisions, the following parcel-specific HASP provisions will also be implemented:</p> <ul style="list-style-type: none"> <li>• Training requirements for site workers who may be handling contaminated material, including the transport and disposal of contaminated material.</li> <li>• Chemical exposure hazards in soil, groundwater, or soil vapor that are known to be present on a property.</li> <li>• Mitigation and monitoring measures that are protective of site workers and public health and safety.</li> </ul> <p>Prior to construction, CCJPA will coordinate proposed soil management measures and reporting activities with regulatory agencies with jurisdiction in order to establish an</p>	<p>Hazards and Hazardous Materials</p> <p>Public Services</p>

BMP	BMP Description *	Related Resource Areas
	appropriate monitoring and reporting program that meets all federal, state, and local laws at each of the contaminated sites.	
<b>BMP HAZ-5: Leaking Underground Storage Tank (LUST) Sites and Coordination with DTSC</b>	Prior to construction on properties with a LUST, CCJPA will coordinate with DTSC regarding any plans, construction activities, and/or public outreach that is needed to verify that construction activities on properties with LUSTs would be conducted in a manner protective of public health.	Hazards and Hazardous Materials
<b>BMP HAZ-6: Halt Construction Work if Potentially Hazardous Materials/Abandoned Oil Wells are Encountered</b>	During construction, CCJPA will ensure that contractors will follow all applicable local, state, and federal regulations regarding discovery, notification, response, disposal, and remediation for hazardous materials and/or abandoned oil wells encountered during the construction process.	Hazards and Hazardous Materials
<b>BMP HAZ-7: Pre-Demolition Investigation</b>	Prior to the demolition of any structures constructed prior to the 1970s, CCJPA will ensure that a survey be conducted for the presence of hazardous building materials, such as Asbestos-Containing Material (ACMs), Lead-Based Paints (LBPs), and other materials falling under the Universal Waste requirements. The results of this survey will be submitted to CCJPA, and applicable agencies as deemed appropriate by CCJPA. If any hazardous building materials are identified prior to demolition of any structures, a plan for proper removal will be prepared in accordance with applicable OSHA and Alameda County Department of Environmental Health requirements. The contractor performing the work will be required to implement the removal plan, will be required to have a C-21 license in the State of California, and possess an A or B classification. If asbestos-related work is required, the contractor or their subcontractor will be required to possess a California Contractor License (Asbestos Certification). Prior to any demolition activities, the contractor will be required to secure the site and ensure utilities are disconnected.	Hazards and Hazardous Materials
<b>BMP HYD-1: Construction Stormwater Management</b>	<b>As special conditions to the contractor construction documentation, CCJPA will require that the contractor prepare and implement a proposed Project-specific Stormwater Management and Treatment Plan that addresses construction-related activities. The plan will include the Stormwater Pollution Prevention Plan (SWPPP), as well as all construction measures included below, and will be enforceable as a contract provision. The SWPPP will identify measures that must be implemented to reduce construction effects on receiving water quality. These measures will address sediment and erosion control and other pollutants. All project registration documents, including the SWPPP, are required to be uploaded into the SWRCB's online</b>	Hydrology and Water Quality

BMP	BMP Description *	Related Resource Areas
	<p><b>Stormwater Multiple Application and Report Tracking System at least 30 days prior to construction.</b></p> <p>All temporarily disturbed slopes will be protected with temporary erosion control and sediment controls. Temporary erosion control includes temporary bonded fiber matrix, temporary hydraulic mulch, temporary hydroseeding, and temporary cover with geotextiles or rolled erosion control products (RECPs). Temporary sediment controls include temporary silt fence, temporary check dams, temporary fiber rolls, and storm drain inlet protection.</p> <p>The SWPPP will also contain a visual monitoring program for “nonvisible” pollutants, and a sediment monitoring plan if the site discharges directly to a waterbody listed on the CWA 303(d) list for sediment.</p> <p>Other requirements under the SWPPP will include:</p> <ul style="list-style-type: none"> <li>• Measures to safely use and store hazardous materials.</li> <li>• Contaminated soils or groundwater encountered will be managed, stored, and disposed of in compliance with the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit.</li> <li>• Measures to reduce the likelihood and severity of the potential release of construction related pollutants, like fuel, grease and other common construction materials.</li> <li>• Water quality measures to prevent water quality degradation and other related environmental impacts during construction.</li> <li>• Good housekeeping measures such as stabilized construction entrances, material delivery and storage, stockpile management, hazardous waste management, liquid water management, vehicle and equipment fueling and maintenance.</li> <li>• Wind erosion control measures such as construction, halting activities during high wind conditions, and dust suppression by wetting disturbed soil areas.</li> </ul>	
<b>BMP HYD-2: Creek Diversion to Address In-Creek Construction</b>	<p>Construction work in live perennial streams and creeks will include temporary creek diversion BMPs. Temporary clear water diversions and dewatering operations would be implemented in accordance with the California Stormwater Quality Association’s <i>Stormwater Best Management Practice Handbook: Construction</i> (2023). These BMPs for dewatering operations, erosion control, and soil stabilization will avoid discharging water in a manner and at rates that cause substantial changes in surface water hydrology and water quality. This will be achieved by</p>	Hydrology and Water Quality

BMP	BMP Description *	Related Resource Areas
	controlling pumping rates and using velocity dissipation devices or similar methods that minimize impacts on the flow rates of streams.	
<b>BMP HYD-3: Delineate Environmentally Sensitive Areas (ESAs) Near Construction Areas</b>	All environmentally sensitive areas will be protected with high visibility fencing to avoid impacts or disturbance. Thus, preserving existing vegetation and avoiding sensitive wetland and riparian habitats to the extent feasible.	Hydrology and Water Quality
<b>BMP HYD-4: Permanent Erosion Control</b>	All unpaved slopes will be protected with permanent erosion control such as RECP or permanent hydroseeding with hydraulic mulch.	Hydrology and Water Quality
<b>BMP HYD-5: Permanent Stormwater Treatment and Pollution Prevention</b>	<b>For new impervious areas, the proposed Project will comply with applicable municipal/regional NPDES permits. Permanent stormwater treatment and pollution prevention measures (such as requiring trash capture devices) will be implemented to treat stormwater runoff from new impervious surfaces.</b>	Hydrology and Water Quality
<b>BMP HYD-6: Addressing Hydromodification Impacts</b>	Hydromodification impacts from added impervious in susceptible areas will be avoided or managed with the inclusion of flow control features and energy dissipators such as flared end sections, rock slope protection and check dams.	Hydrology and Water Quality
<b>BMP HYD-7: Dewatering at High Groundwater</b>	BMPs for dewatering operations will be used within excavation areas with high groundwater.	Hydrology and Water Quality
<b>BMP HYD-8: Monitoring Weather Forecast to Avoid Construction Impacts During Storm Events</b>	CCJPA and its contractors will need to monitor weather forecasts for intense storm events that have the potential to create flood conditions for areas within the floodplains. When there is a possibility of flooding within the Project footprint, the contractor will remove temporary structures, equipment, and materials from aquatic resources to avoid substantial increases in the Water Surface Elevation (WSE) of 100-year floodplains. If needed, formworks and falseworks will be designed to remain within floodplains during the winter rainy season and withstand the hydraulic forces of flood flows without increasing WSE by 1 foot.	Hydrology and Water Quality
<b>BMP HYD-9: Soffit Elevations for New Bridges</b>	<b>The soffit elevation for proposed new bridges will be matched to existing soffit elevations to limit the impact of the bridge replacement on the floodplain.</b>	Hydrology and Water Quality
<b>BMP REC-1: Protection of Alameda Creek Regional Trail</b>	When construction work occurs over the Alameda Creek Regional Trail, the trail will be closed for as short a duration as feasible. Protective measures will be installed when the trail is open to ensure the safety of trail users.	Recreation

BMP	BMP Description *	Related Resource Areas
<b>BMP REC-2: Coordinate and Provide Advance Notice of Construction Activities Adjacent to Public Trails</b>	CCJPA will coordinate construction activities adjacent to publicly accessible trails with the East Bay Regional Parks District (EBRPD). CCJPA's contractors will be responsible for informing trail users regarding upcoming construction activities and any potential detours. At least 10 days in advance, notices will be posted along the trail regarding any trail closures or detours. To the extent possible, the trail will be kept open at all times.	Recreation
<b>BMP TR-1: Transportation Management Plan (TMP)</b>	<p>During final design, a TMP will be developed by CCJPA in coordination with affected jurisdictions, fire and police departments, <b>BCDC</b>, and adjacent construction projects to reduce construction-related impacts. The TMP will include, at a minimum, the following measures:</p> <ul style="list-style-type: none"> <li>• Identifying full closures, short-term closures, and detour routes for all modes of travel, including the pedestrian, bicycle, vehicular, public transit, freight, and emergency vehicle modes.</li> <li>• Coordinating and communication with fire and police departments during development of TMP to ensure adequate access is maintained during construction.</li> <li>• Identifying locations of short-term and long-term capacity reductions on the transportation system and coordinating with local agencies to minimize congestion effects.</li> <li>• Installing temporary traffic control measures to promote safety in construction zones.</li> <li>• Installing signage to alert drivers to upcoming closures and lane reductions.</li> <li>• Coordinating with public transit agencies to notify riders about stop closures or diversions.</li> <li>• Identifying construction vehicle routings that minimize effects on the transportation system.</li> </ul>	Transportation Hazards and Hazardous Materials Land Use and Planning Public Services Recreation Wildfire
<b>BMP UT-1: Utility Verification and Coordination with Utility Providers and California Public Utilities Commission (CPUC)</b>	<p>CCJPA and the contractor will coordinate with ACWD during future design and construction to identify location, conflicts, and protection measures for ACWD facilities including monitoring wells. The following measures will be implemented:</p> <ul style="list-style-type: none"> <li>• Prior to and during construction, CCJPA will coordinate with service providers to obtain necessary permits and to minimize or avoid interruptions.</li> <li>• At least two days prior to excavation of any subsurface installation, the construction contractor will notify the regional notification Underground Service Alert per the Regional Notification Center System (California Government Code 4216). The Underground Service Alert then notifies utilities that may have buried lines within 1,000 feet of the excavation. Representatives of the utilities will mark the specific location of their facilities within the work area prior to the start of excavation. The construction contractor will probe and</li> </ul>	Utilities and Service Systems

BMP	BMP Description *	Related Resource Areas
	<p>expose the underground facilities by hand prior to using power equipment.</p> <ul style="list-style-type: none"> <li>• Service interruptions will be minimized to the extent feasible.</li> <li>• CCJPA will notify pipeline operators of proposed demolition, excavation, tunneling, or construction near or affecting a pipeline, in accordance with Norman Y. Mineta Research and Special Programs Improvement Act.</li> <li>• Affected utilities will be relocated in-kind.</li> <li>• CCJPA will coordinate with CPUC to ensure compliance with General Orders 95 and 131-D. A permit to construct (for powerlines) or a certificate of public convenience and necessity (for transmission lines) will be obtained should it be determined during final design that the proposed Project would require the modification, alteration, or addition of electrical lines over 50 kV.</li> <li>• CCJPA will observe relevant ACWD Standard Specifications for Water Main Extension.</li> <li>• CCJPA will observe the California Department of Health Services (DHS) standards, which require: a 10-foot horizontal separation between parallel sewer and water mains, and a 1-foot vertical separation between perpendicular water and sewer line crossings. In the event that separation requirements cannot be maintained, the Project proponent will obtain a DHS variance through provisions of water encasement or other means deemed suitable by the department.</li> </ul>	
<b>BMP UT-2 Minimize Potable Water Use</b>	The contractor will maximize use of recycled water and minimize use of potable water.	Utilities and Service Systems
<b>BMP UT-3: Water Efficient Landscaping</b>	<p>Landscaping, outside of the UPRR ROW, will comply with Water Efficient Landscape Ordinance and Bay Friendly Landscaping criteria. The proposed Project will coordinate with municipalities to ensure landscape improvements at all grade crossings comply with local ordinances. Outside of the UPRR ROW, the Project will:</p> <ul style="list-style-type: none"> <li>• Use low-water, native plants and avoid planting invasive species.</li> <li>• Use recycled, reclaimed, and/or non-potable water for irrigation where available.</li> <li>• Limit turf to no more than 25 percent of the total planted area on the project.</li> <li>• Utilize the whole systems/watershed approach to design and maintenance of landscaping to support the integrity of the San Francisco Bay watershed through best practices.</li> </ul>	Utilities and Service Systems

BMP	BMP Description *	Related Resource Areas
<b>BMP UT-4: Public Notification</b>	Prior to construction in areas where utility service interruptions are unavoidable, the construction contractor, CCJPA, and/or the affected utility will notify the affected public through a combination of communication media (e.g., by phone, email, mail, newspaper notices, or other means) within that jurisdiction and the affected service providers of the planned outage. The notification will specify the estimated duration of the planned outage and would be published no less than seven days prior to the outage. Construction will be coordinated to avoid interruptions of utility service to hospitals and other critical users.	Utilities and Service Systems
<b>BMP UT-5: Coordinate with Hayward Water System (HWS) and Alameda County Water District (ACWD) in Dry Construction Years</b>	The Project will coordinate with HWS and ACWD in dry years (as defined in their Urban Water Management Plans [UWMPs]). The proposed Project will comply with HWS and ACWD requirements during water shortages, including submittal of a construction water use plan in Level 3 shortages to HWS that addresses how impacts to existing water uses will be minimized, such as by selecting SWPPP measures with lower water requirements. The Project may also evaluate acquiring potable and/or non-potable water from outside sources to supplement construction within HWS and/or ACWD service area.	Utilities and Service Systems
<b>BMP UT-6: Minimize Construction and Demolition (C&amp;D) Debris</b>	<p>C&amp;D debris will be minimized to the maximum extent practicable, prioritizing reuse of C&amp;D materials and then recycling. Where applicable, the proposed Project will at minimum meet the current state and county recycling requirements and will comply with the municipal recycling requirements at the time of construction to the extent feasible.</p> <p>Where required by regulations, a Waste Reduction and Recycling Plan will be prepared by the Contractor that shows how the proposed Project will meet current recycling requirements. Contractor will provide documentation that recycling requirements were met.</p>	Utilities and Service Systems
<b>BMP UT-7: Treated Wood Waste (TWW) Handler Notification</b>	The contractor will notify DTSC within 30 days if generating more than 10,000 pounds of TWW per calendar year. The contractor will comply with AB 332's Alternative Management Standards for TWW.	Utilities and Service Systems
<b>BMP WF-1: Prepare Fire Prevention Plan</b>	Prior to construction, the contractor will prepare a Fire Prevention Plan for CCJPA approval. This plan will outline fire prevention measures that will be applicable within 500 feet of very high fire hazard severity zones (VHFHSZs) during the dry season (June through December, or earlier if a fire season is declared by a fire protection authority). The Fire Prevention Plan will be prepared in consultation with and comply with the City of Fremont's Fire Department and the East Bay Regional Parks Fire Department	Wildfire  Hazards and Hazardous Materials



BMP	BMP Description *	Related Resource Areas
	<p>requirements. The construction contractor will implement any fire protection measures that are applicable within the VHFHSZ. The plan would include at minimum the following measures:</p> <ul style="list-style-type: none"> <li>• No parking or driving on dry grasses.</li> <li>• Smoking is prohibited in vegetated areas.</li> <li>• Generators and gas-powered equipment will have spark arrestors.</li> </ul> <p>Any flame- or spark- producing activities (e.g., welding, rail cutting) requires 30 feet of clearance to any flammable material (such as grass, weeds, wood chips, brush, removed rail ties). A suitable fire extinguisher will be immediately accessible for the duration of this work. During Extreme or Very High Fire Danger, use of gasoline powered equipment (e.g., mowers in rough areas, weed eaters, chain saws, welders and generators) may require extra protection measures.</p>	
<b>BMP WF-2: Use Drought-Tolerant and Fire-Resistant Native Plants</b>	<p>Within 500 feet of VHFHSZs and outside of UPRR ROW, landscape design and soil stabilization will use drought-tolerant and fire-resistant native plants and least flammable mulches (e.g., coarse compost) to the extent feasible. CCJPA will ensure that this is included in the final design of the project and in construction specifications.</p>	<p>Wildfire Hazards and Hazardous Materials</p>

\* Bold text in the “BMP Description” column designates updates to Draft EIR text.

## 2.4 Mitigation Measures

The Draft EIR identified impacts in several resource areas that were potentially significant. For each of these potentially significant impacts, mitigation measures were described that would avoid or reduce these impacts to a level that would be less than significant. Table 2 lists these mitigation measures and the environmental impacts they would address. These mitigation measures are from the Draft EIR and modifications made in response to comments on the Draft EIR are shown in **bold text**. Appendix B Mitigation Monitoring and Reporting Program (MMRP) designates agency responsibility and implementation timing and responsible parties for individual actions included in the MMRP measures.

**Table 2. Proposed Mitigation Measures**

Mitigation Measure	Mitigation Measure Description *
<b>MM AES-1: Construction Area Visual Screening</b>	<p>Prior to the commencement of construction activities, Capitol Corridor Joint Powers Authority (CCJPA), will develop a visual resource construction plan for areas that may be affected by construction activities <b>and will be distributed to relevant municipalities for their input to ensure areas that require screening are adequately identified.</b> Construction areas subject to this mitigation measure would be refined by CCJPA based on the size of the area, the nature of the construction activity, the proximity or visibility of the area to public vantage points or residential uses, and the type of visual screening to be implemented</p>

Mitigation Measure	Mitigation Measure Description *
	<p>during construction activities. Potential visual screening may include, but is not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Fence with vinyl or mesh banners;</li> <li>• Fence with privacy screens; and</li> <li>• Chain link fence with slat panels.</li> </ul>
<b>MM AES-2: Construction Lighting Plan</b>	<p>Prior to commencement of construction activities, CCJPA will develop a construction lighting plan for areas that could be affected by construction activities. <b>The construction lighting plan will be developed during the project design phase. Prior to being finalized, the plan will be reviewed with relevant municipalities to verify that those areas that could be affected by construction activities have been identified.</b> The construction lighting plan will consider the size of the area, the nature of the construction activity, the proximity or visibility of the area to sensitive receptors, and the type of lighting needed during construction activities. In addition, the construction lighting plan will evaluate the following:</p> <ul style="list-style-type: none"> <li>• Lighting policies/requirements of the local jurisdiction;</li> <li>• Use of glare-free lights, such as color corrected halide lights or balloon lights;</li> <li>• Selection of light fixtures that meet or exceed industry standards for cutoff performance; and</li> <li>• Installation of lights at the proper angle such that spill light is minimized beyond the construction site.</li> </ul>
<b>MM AES-3: Vegetation Impact, Protection, and Replacement Plan</b>	<p>During final design, CCJPA will develop a vegetation impact, protection, and replacement plan for areas outside of the UPRR right of way that would be affected by construction activities. <b>The vegetation impact, protection, and replacement plan will be developed during the design phase. Prior to being finalized, the plan will be reviewed with relevant municipalities to verify that those areas outside of the UPRR right of way that could be affected by construction activities have been identified.</b> The Vegetation Impact, Protection, and Replacement Plan will consider the following elements outside of UPRR ROW:</p> <ul style="list-style-type: none"> <li>• Minimizing size of area for clearing and grubbing;</li> <li>• Requiring that any pruning activity be performed by a Certified Arborist;</li> <li>• Including vegetation restoration requirements, including use of drought tolerant plant species and avoidance of invasive plant species in areas listed on Table 3.2-1;</li> <li>• Incorporating landscape design options to soften vertical structures, minimize surface glare, reduce the visual monotony of the structures, and enhance the aesthetics of the structure;</li> <li>• Using California native species with strong emphasis on vegetation and natural habitat restoration and screening of the rail corridor in non-urbanized areas;</li> <li>• Selecting plant species from local (city or county) jurisdictional plant lists, if available, with an emphasis on adaptability to urban conditions, and placing plants in accordance with Crime Prevention Through Environmental Design principles for urbanized areas;</li> </ul>

Mitigation Measure	Mitigation Measure Description *																		
	<ul style="list-style-type: none"> <li>Developing an irrigation design and a maintenance program that will maximize retention of the selected plant species and minimize potential for takeover by local invasive species.</li> <li><b>Minimizing the introduction and spread of Phytophthora species during construction and habitat restoration activities.</b></li> </ul>																		
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<b>MM AES-4: Landscape Plan for Ardenwood Station</b>	<p>During final design, CCJPA, in coordination with the City of Fremont, will develop a landscape plan for the proposed Ardenwood Station's surface parking lot, entrance plaza, and any disturbed vegetation at the Ardenwood Park and Ride or at other areas outside of the UPRR ROW that would be affected by station construction. The landscape plan would include, at a minimum, the following measures:</p> <ul style="list-style-type: none"> <li>Shade trees and groundcovers at proposed surface parking lot, along the accessible walkways connecting south pedestrian overcrossing with the station, Dumbarton Court, and Overlake Place to improve aesthetics and to provide shade;</li> <li>Use of the City of Fremont's Landscape Development Requirements for all areas within the City's jurisdiction (City of Fremont 2019);</li> <li>Station entry plaza landscaping;</li> <li>Use of drought tolerant plant species and avoidance of invasive plant species</li> </ul>																		

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	<ul style="list-style-type: none"> <li>Mixed landscape plantings to provide multi-season visual interest, while maintaining clear identification and visibility of the station for the public;</li> <li>Irrigation design and maintenance program to support landscaping and minimize takeover by invasive species</li> </ul>												
<b>MM AES-5: Aesthetic Plan for Proposed Bridge Structures</b>	<p>During final design, CCJPA will develop an aesthetic plan for proposed Project bridges that would replace single-track bridge structures with double-track bridge structures or where new bridges would be constructed adjacent to an existing bridge on the same roadway or waterway. The new bridge structures would match the height and aesthetic treatments of the existing bridge structures <b>to the extent possible, given that the new structure(s) must also be compliant with regulatory, rail operations, and constructability requirements.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Proposed Structure</th> <th style="width: 40%;">Optimal Height</th> <th style="width: 30%;">Color and Surface Finish</th> </tr> </thead> <tbody> <tr> <td><b>Alameda Creek bridge</b></td> <td>Match existing Alameda Creek bridges removed as part of the proposed Project</td> <td>Natural steel, CCJPA approved</td> </tr> <tr> <td><b>Lowry Road double-track bridge</b></td> <td>Match existing Lowry Road bridge adjacent to the proposed bridge</td> <td>Natural steel, CCJPA approved</td> </tr> <tr> <td><b>Crandall Creek double-track bridge or culvert</b></td> <td>Approximately match existing Crandall Creek bridges removed as part of the proposed Project</td> <td>Natural steel, CCJPA approved</td> </tr> </tbody> </table>	Proposed Structure	Optimal Height	Color and Surface Finish	<b>Alameda Creek bridge</b>	Match existing Alameda Creek bridges removed as part of the proposed Project	Natural steel, CCJPA approved	<b>Lowry Road double-track bridge</b>	Match existing Lowry Road bridge adjacent to the proposed bridge	Natural steel, CCJPA approved	<b>Crandall Creek double-track bridge or culvert</b>	Approximately match existing Crandall Creek bridges removed as part of the proposed Project	Natural steel, CCJPA approved
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<b>MM AES-6: Aesthetic Plan for Proposed Structural Features</b>	<p>During final design, CCJPA will develop an aesthetic plan for the coated new, relocated, and/or replaced ancillary features, fencing, and railings proposed along the proposed Project corridor, but outside of the UPRR ROW. The Aesthetic Plan will consider, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>Coloring or shading ancillary features <b>outside the UPRR ROW</b> a shade that would be two to three shades darker than the general surrounding area using the prescribed color palette from U.S. Department of the Interior, Bureau of Land Management with a finish to reduce the potential glare;</li> <li>Coloring and texturizing ancillary features within or adjacent to the UPRR right of way, such as signal equipment, safety gates, signal houses, and pavement markings, to be in accordance with UPRR requirements for consistency throughout the corridor;</li> <li>Constructing any new fences within the UPRR right-of-way to be in accordance with UPRR <b>and</b> CCJPA requirements. The existing fences affected by the proposed Project outside of the UPRR ROW will be replaced in kind or with black powder coated chain link fences or high-security fences, as determined by CCJPA;</li> <li>Cable railing to be used to maintain corridor-wide railing design consistency and not to block scenic vistas where applicable.</li> </ul>												

Mitigation Measure	Mitigation Measure Description *						
<b>MM AES-7: Aesthetic Plan for Ardenwood Station Structures, Pedestrian Overcrossings, Grade Separated Structures, Retaining Walls, and Bridges</b>	<p>During final design, CCJPA will develop an aesthetic plan for new structures with high visibility from SR 84, Industrial Parkway, and Alameda Creek Regional Trail (Table 3.2-3). <b>Prior to being finalized, the plan will be reviewed with relevant municipalities to verify that design plans of the new high-visibility structures are consistent with existing general plan policies and local regulatory requirements.</b> Aesthetic design treatments will consider, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• Selecting colors and textures to recede into views to reduce the overall apparent scale of the proposed structures. Use of earth-toned colors, such as light buff/tan or light gray colors to <b>complement</b> the surrounding vegetation and provide a subtle foreground to surrounding scenic vistas. Using roughened surfaces to provide visual texture, reduce glare, and deter graffiti;</li> <li>• During design, considering the aesthetics of similar local structures to complement the existing cultural and natural landscape and adhering to the local city or county jurisdictional regulations pertaining to aesthetics;</li> <li>• Complying with UP requirements for railroad structures related to structural design <b>and appearance</b> and post-construction access to all facilities for inspections during operations;</li> <li>• Incorporating aesthetics along the rail corridor for new, modified, or relocated retaining walls to correspond with existing retaining walls nearby or at the original locations, to the extent allowable by UPRR rail standards.</li> </ul>						
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	Design railings <b>to the extent possible</b> to be visually transparent to soften the mass of the structure.
<b>Ardenwood Station south overcrossing (Hayward)</b>	To the extent possible, design overcrossing as a gateway element and incorporate design features reflective of City of Newark community aesthetics <b>in coordination with the City.</b> Select structure color and texture to be consistent with the surrounding built environment. <b>To the extent possible, design</b> railing to be visually transparent to soften the mass of the structure.
<b>Retaining Walls</b>	Add texture to concrete. Add cap to retaining walls.
<b>Lowry Road double-track bridge</b>	Concrete texture on abutments
<b>Crandall Creek double-track bridge or culvert</b>	Concrete texture on abutments

**MM AES-8: Lighting Plan** During final design, CCJPA will develop a lighting plan for the proposed Project to minimize light trespassing and glare. **Prior to being finalized, the plan will be reviewed with relevant municipalities to verify that final design plans are consistent with existing general plan policies and local regulatory requirements.** The lighting plan will consider, but not be limited to, the following:

- Lighting design will comply with the **illuminating** Engineering Society’s design guidelines. Lighting fixtures and lighting control systems will conform to the International Dark-Sky Associations’ Fixture Seal of Approval program.
- Downcast cut-off type fixtures that direct light only toward objects requiring illumination and shields will be used where needed to minimize light pollution. Shielding for lights in parking lots, along pathways, and station platforms will be used to minimize off-site light spillage, ambient light glow, and glare.
- Lights will be installed at the lowest allowable height to cast low angle illumination that minimizes incidental light spill onto adjacent properties and open spaces or backscatter into the nighttime sky. Lights will be screened and directed away from adjacent uses to the highest degree possible.
- The lowest allowable illuminance level and intensity feasible will be used for security, safety, and personnel access. The number of nighttime lights will be minimized to the extent feasible.
- Non-glare finishes will be applied to light fixtures to avoid reflective daytime glare. Energy efficient design with daylight sensors or timed with an on/off program will be used. Aesthetically pleasing light color and fixture types will be selected.

Mitigation Measure	Mitigation Measure Description *
	<ul style="list-style-type: none"> <li>Note that railroad and traffic signals are subject to operational and regulatory requirements and may not meet this mitigation measure.</li> </ul>
<b>MM AQ-1: Implement Advanced Emissions Controls for Off-Road Equipment</b>	CCJPA will require off-road equipment greater than 25 horsepower have engines that meet or exceed either U.S. EPA or CARB Tier 4 final off-road emission standards.
<b>MM AQ-2: Implement Advanced Emissions Controls for Locomotives Used for Construction</b>	CCJPA will require diesel-powered locomotives used for construction to have engines that meet or exceed either U.S. EPA or CARB Tier 4 locomotive emission standards.
<b>MM BIO-1: Implement Biological Resources Protection Measures during Construction</b>	<p>CCJPA will implement the following measures during construction to minimize direct and indirect impacts on special-status species:</p> <ul style="list-style-type: none"> <li>Prior to the commencement of construction, CCJPA will designate a <b>Project biologist (approved by USFWS, CDFW, and/or the NMFS, as appropriate)</b> (qualified biologist) who has familiarity with special-status plant and wildlife species with the potential to be impacted by the Project. The Project biologist will be responsible for overseeing compliance with protective measures for biological resources during vegetation clearing and work activities within and adjacent to areas of special-status species habitat. The Project biologist will be familiar with the local habitats, plants, and wildlife, and will maintain communications with the contractor to ensure that issues relating to biological resources are appropriately and lawfully managed. The Project biologist may designate other qualified biologists or biological monitors to help oversee Project compliance or conduct preconstruction surveys for special-status species. These biologists will have familiarity with the species for which they will be conducting preconstruction surveys or monitoring during construction activities.</li> <li>The Project biologist or qualified biologist shall review final plans, designate areas that need temporary fencing measures to identify ESAs (e.g., fencing or flagging) and monitor construction activities within and adjacent to areas with native vegetation communities or special-status plant and wildlife species and their habitats. The qualified biologist shall monitor activities within designated areas during critical times such as vegetation removal, initial ground-disturbing activities, and the installation of BMPs and fencing to protect native species. The qualified biologist will also track Project wildlife and regulatory agency permit requirements, conservation measures, and general avoidance and minimization measures are properly implemented and followed. The qualified biologist shall check construction barriers or exclusion fencing and shall provide corrective measures to the contractor to ensure that the barriers or fencing are maintained throughout construction.</li> <li>The qualified biologist will have the authority to stop work if a special-status wildlife species is encountered within or adjacent to the proposed Project footprint during construction. The Project</li> </ul>

Mitigation Measure	Mitigation Measure Description *
	<p>biologist or qualified biologist will request that the resident engineer halt work within 100 feet of the encounter (or within an appropriate distance, as determined by the Project biologist or qualified biologist) and confer with CCJPA to confirm proper implementation of species and habitat protection measures. Construction activities shall cease until the Project biologist or qualified biologist determines that the animal will not be harmed or that it has left the construction area on its own. The Project biologist will report any encounters or other non-compliance issue(s) to CCJPA: CCJPA will notify the appropriate regulatory agency(is) within 24 hours of the occurrence.</p> <ul style="list-style-type: none"> <li>• Prior to the start of construction, all Project personnel and contractors who will be on site during construction will complete mandatory training conducted by the Project <b>biologist</b> or a designated qualified biologist. Any new Project personnel or contractors that come on board after the initiation of construction shall also be required to complete the mandatory Worker Environmental Awareness Program training before they <b>commence</b> work. The training will advise workers of potential impacts on special-status vegetation communities and special-status species, and the potential penalties for impacts on such vegetation communities and species. At a minimum, the training will include the following topics: <ul style="list-style-type: none"> <li>• <b>Occurrences</b> of special status species and special status vegetation communities in the Project area (including vegetation communities subject to USACE, CDFW, and RWQCB jurisdiction)</li> <li>• <b>The purposes</b> for resource protection</li> <li>• <b>Sensitivity</b> of special status species to human activities</li> <li>• <b>Protective measures</b> to be implemented in the field, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced to avoid special status resource areas in the field (i.e., avoided areas delineated on maps or on the Project site by fencing)</li> <li>• <b>Environmentally responsible construction practices</b></li> <li>• <b>The protocol</b> to resolve conflicts that may arise at any time during the construction process.</li> <li>• <b>Reporting requirements and procedures</b> to follow should a special status species be encountered during construction; and,</li> <li>• <b>Avoidance and minimization measures</b> designed to reduce the impacts on special status species.</li> <li>• The training program will include color photos of special status species and special status vegetation communities. Following the education program, the photos shall be posted in the contractor and resident engineer's office, where the photos will remain throughout the duration of Project construction. Photos of the habitat in which special status species are found will be posted onsite.</li> <li>• The contractor will be required to provide CCJPA with evidence of the employee training (e.g., a sign-in sheet) on request. Project personnel and contractors will be instructed to immediately notify the Project biologist or designated biologist of any incidents that could affect special-status vegetation</li> </ul> </li> </ul>



Mitigation Measure	Mitigation Measure Description *
	<p>communities or special-status species and incidents that could include fuel leaks or injury to any wildlife. The Project <b>biologist</b> will notify CCJPA of any incident and CCJPA will notify the appropriate regulatory agency within 24 hours of notification.</p> <ul style="list-style-type: none"> <li>• The Project biologist will monitor the Project site immediately prior to and during construction to identify the presence of invasive weeds and will recommend measures to avoid their inadvertent spread in association with the proposed Project. Such measures will include inspection and cleaning of construction equipment and use of eradication strategies. All heavy equipment will be washed and cleaned of debris prior to entering special-status species habitats to minimize the spread of invasive weeds.</li> <li>• At least ten days prior to initiating construction, the Contractor will submit to CCJPA proposed plans for ESA fencing/flagging and initial clearing and grubbing of the proposed Project footprint at that segment. Following implementation of CCJPA-approved delineation plan for ESA's and construction at that segment, CCJPA will submit final plans for initial clearing and grubbing of the proposed Project footprint to the appropriate regulatory agencies for approval; these plans will also identify locations of established ESA protections and will include photographs that show the fenced and flagged ESA limits and all areas to be impacted or avoided, including perimeter fencing and flagging.</li> <li>• All native or special-status plant or wildlife habitat within and adjacent to the designated Project footprint will be designated as ESAs on Project maps. Following CCJPA approval of final plans for ESA fencing and flagging, and initial clearing and grubbing, and prior to construction, the Contractor will delineate the proposed Project footprint, including construction, staging, lay-down, and equipment storage areas, and establish construction boundaries, with fencing, along the perimeter of the identified construction area to protect adjacent special-status wildlife habitats and special-status plant populations. In areas where fencing cannot be installed, other means of identifying the ESA can be used, such as flagging or paint. ESAs within and adjacent to the proposed Project footprint will be clearly delineated with fencing or flagging prior to construction to inform construction personnel where the ESAs are located. ESAs fencing may include orange plastic snow fence, orange silt fencing, or stakes and flagging in areas of flowing water. No personnel, equipment, or debris will be allowed within the ESAs. The Contractor will install fences in a manner that does not impact habitats to be avoided and such that it is clearly visible to personnel on foot or operating heavy equipment. Delineations will be approved by the Project biologist or qualified biologist prior to any ground disturbance. If work inadvertently occurs beyond the flagged or demarcated limits of impact, all work will cease until the problem has been remedied to the satisfaction of CCJPA and the appropriate regulatory agencies. Temporary construction fences, flagging, and markers will be maintained in good repair by the Contractor throughout the duration of work at that <b>segment and</b> will be removed upon completion of proposed Project construction at that segment.</li> </ul>

Mitigation Measure	Mitigation Measure Description *
	<ul style="list-style-type: none"> <li>• No work activities, materials or equipment storage or access will be permitted outside the proposed Project footprint. All parking and equipment storage by the contractor related to the Project will be confined to the proposed Project footprint. Areas outside and adjacent to the proposed Project footprint will not be used for parking or equipment storage. Project-related vehicle traffic will also be restricted to the proposed Project footprint and established roads and construction access points.</li> <li>• When nighttime activities are required, then workers will direct all lights for nighttime lighting into the work area and will minimize the lighting of natural habitat areas adjacent to the work area. The contractor will use light glare shields to reduce the extent of illumination. If the work area is located near surface waters, the lighting will be shielded such that it does not shine directly into the water.</li> <li>• Vegetation clearing will be confined to the minimal area necessary to facilitate construction activities. Cleared vegetation and spoils will be disposed of daily at a permanent offsite disposal facility or at a temporary onsite location that will not create habitat for special-status wildlife species. Spoils and dredged material will be disposed of at an approved site or facility in accordance with all applicable federal, state, and local regulations.</li> <li>• <b>G</b>arbage will be disposed of in wildlife-proof containers and will be removed from the Project area daily during the construction period. Vehicles carrying trash will be required to have loads covered and secured to prevent trash and debris from falling onto roads and adjacent properties.</li> <li>• Construction equipment used for the proposed Project will be maintained in accordance with manufacturer's recommendations and requirements and will be maintained to comply with noise standards (e.g., exhaust mufflers, acoustically attenuating shields, shrouds, or enclosures).</li> <li>• The Contractor will store construction-related vehicles and equipment in the designated staging areas. These areas will not contain native or sensitive natural communities and will not provide habitat for special-status plant or wildlife species.</li> <li>• The Contractor will avoid wildlife entrapment by covering or providing escape ramps for excavated steep-walled holes or trenches that are more than 1 foot deep at the end of each construction workday. The qualified biologist will inspect open trenches and holes and will remove or release any trapped wildlife found in the trenches or holes prior to being refilled by the construction contractor.</li> <li>• Wildlife species can be attracted to den-like structures and may enter stored materials or equipment and become trapped or injured. Construction pipes, culverts, or similar features; construction equipment; or construction debris left overnight in areas that may be occupied by wildlife species that could occupy such structures will be inspected by a qualified biologist prior to being used for construction. Such inspections will occur at the beginning of each day's activities for those materials to be used or moved that day. If necessary, and under the direct supervision</li> </ul>

Mitigation Measure	Mitigation Measure Description *
	<p>of the qualified biologist, the structure may be moved up to one time to isolate it from construction activities, until the wildlife species has moved from the structure of their own volition, has been captured and relocated, or has otherwise been removed from the structure.</p> <ul style="list-style-type: none"> <li>• Capture and relocation of trapped or injured special-status wildlife species will only be performed by personnel with appropriate state and/or federal permits. CCJPA and resource agencies will be notified by biologists within 24 hours of discovery of injury to or mortality of a special-status species that results from Project-related construction activities or is observed at the construction site. Notification will include the date, time, and location of the incident or of the discovery of an individual special-status species that is dead or injured. For a special-status species that is injured, general information on the type or extent of injury will be included. The location of the incident will be clearly indicated on a USGS 7.5-minute quadrangle and/or similar map at a scale that will allow others to find the location in the field, or as requested by resource agencies. A follow-up report will be prepared for governing regulatory agencies, including dates, locations, habitat description, and any corrective measures taken to protect special-status species encountered. Any general sightings (no injury or mortality) will be recorded per monitoring requirements. For each special-status species encountered, the biologist will submit a completed CNDDDB field survey form (or equivalent) to CDFW no more than 90 days after completing the last field visit to the Project site.</li> <li>• The spread of dust from work sites to sensitive natural communities or habitats for special-status plant or wildlife species on adjacent lands will be minimized by use of a water truck. During dry conditions, dirt access roads, haul roads, and spoils areas will be watered at least twice each day when being used during construction.</li> <li>• The Contractor will strictly limit their activities, vehicles, equipment, and construction materials to established roads and the proposed Project footprint limits. Posted speed limit signs on local roads and a 15 mile-per-hour speed limit along access and haul routes will be observed. Extra caution will be used when special-status reptile species may be basking on roads.</li> <li>• To avoid injury or death to wildlife, no firearms will be allowed on the Project site except for those carried by authorized security personnel or local, state, or federal law enforcement officials.</li> <li>• To prevent harassment, injury, or mortality of special-status wildlife species by dogs or cats, no canine or feline pets of workers will be permitted in the construction area.</li> <li>• Plastic monofilament netting or similar material will not be used for erosion control because smaller wildlife may become entangled or trapped in it. Acceptable substitutes include coconut coir matting or tackifier hydroseeding compounds. This limitation will be communicated to the contractor through specifications or special provisions included in the construction bid solicitation package.</li> <li>• Herbicides will be used in accordance with the manufacturer recommended uses and applications, and in such a manner as</li> </ul>

Mitigation Measure	Mitigation Measure Description *
	<p>to prevent primary or secondary poisoning of special-status fish and wildlife species and depletion of prey populations or vegetation upon which they depend. All uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, the California Department of Pesticide Regulation, and other appropriate state and federal regulations. <b>Rodenticides will not be used during construction.</b></p> <ul style="list-style-type: none"> <li>• Hazardous materials and equipment stored overnight, including small amounts of fuel to refuel handheld equipment, will be stored within secondary containment at least 50 feet from open water to the fullest extent practicable.</li> <li>• The Contractor will be required to conduct vehicle refueling in upland areas where fuel cannot enter Waters of the U.S. or Waters of the State, and in areas that do not have suitable habitat to support special-status species. Fuel containers, repair materials including creosote treated wood, and/or stockpiled material that is left onsite overnight will be secured in secondary containment within the construction work area or a staging <b>area and</b> covered with plastic at the end of each workday.</li> <li>• In the event that no activity is to occur in the work area for the weekend and/or a period of time greater than 48 hours, the Contractor will remove portable fuel containers from the Project site or place them within a secured container.</li> <li>• Equipment and containers will be inspected daily for leaks. Should a leak occur, contaminated soils and surfaces will be cleaned up and disposed of following the guidelines identified in the SWPPP, Materials Safety Data Sheets, and any specifications required by other permits issued for the Project.</li> <li>• If maintenance of equipment must occur onsite, fuel/oil pans, absorbent pads, or appropriate containment will be used to capture spills/leaks. Where feasible, maintenance of equipment will occur in upland areas where fuel cannot enter WOUS or WOS and in areas that do not have suitable habitat to support special-status species.</li> </ul>
<b>MM BIO-2: Rare Plant Pre-construction Surveys</b>	<p>At least one year prior to initial ground disturbance and during the appropriate blooming period (June through November), a focused survey for rare plants, including Congdon's tarplant and California seablite, will be conducted by a qualified plant ecologist within suitable habitat in the proposed Project footprint (e.g., areas of ruderal grassland, estuarine, and saline emergent wetland habitat) and a 50-foot buffer around the identified suitable habitat. This buffer may be increased by the qualified plant ecologist depending on site-specific conditions and activities planned in the area but must be at least 50 feet wide for permanent impacts. Situations for which a greater buffer may be required include proximity to proposed activities expected to generate large volumes of dust that cannot be effectively mitigated, such as grading; potential for Project activities to alter hydrology supporting the habitat for the species; or proximity to proposed structures that may shade areas farther than 50 feet away. The purpose of the survey will be to assess the presence or absence of Congdon's tarplant and California seablite. If the target species are not found in the impact area or the identified buffer, then no further mitigation will be warranted. If Congdon's tarplant and/or</p>

Mitigation Measure	Mitigation Measure Description *
	<p>California seablite are observed on or in proximity to the proposed Project site, or during Project surveys, CCJPA will submit California Natural Diversity Data Base (CNDDDB) forms and maps to the CNDDDB within five working days of the sightings. In addition, if California seablite is found, consultation with USFWS would be required.</p>
<b>MM BIO-3: Rare Plant Avoidance Buffers</b>	<p>To the extent feasible, and in consultation with a qualified plant ecologist and USFWS, CCJPA and/or its contractors will design and construct the Project to avoid and minimize impacts on all populations of Congdon's tarplant and California seablite within the proposed Project footprint or within the identified buffer of the impact area. Avoided Congdon's tarplant and California seablite populations will be protected by establishing and enforcing ESAs with fencing and appropriate signage between plant populations and the impact area. If a reduced buffer is needed for temporary impacts, the qualified plant ecologist will work with the Project construction team to minimize temporary indirect impacts (e.g., watering of construction areas periodically during construction to minimize dust mobilization). Such populations located in the impact area or the identified buffer, and their associated designated avoidance areas, will be clearly depicted on any construction plans. In addition, prior to initial ground disturbance or vegetation removal, the limits of the identified buffer around Congdon's tarplant and California seablite individuals to be avoided will be marked in the field (e.g., with flagging, fencing, paint, or other means appropriate for the site). This marking will be maintained intact and in good condition throughout Project-related construction activities.</p> <ul style="list-style-type: none"> <li>• If more than 10 percent of a population of Congdon's tarplant (by occupied area or individuals) would be impacted as determined by a qualified plant ecologist, then Mitigation Measure MM BIO-4 will be implemented.</li> <li>• If complete avoidance of California seablite is not feasible, then Mitigation Measure MM BIO-4 will be implemented.</li> </ul>
<b>MM BIO-4: Rare Plant Mitigation/Habitat Mitigation Management Plan</b>	<p>If avoidance of more than 10 percent of the existing Congdon's tarplant is not feasible, and complete avoidance of California seablite individuals and/or populations is not feasible, CCJPA will consult relevant regulatory agency(ies) (e.g. CDFW/USFWS) regarding compensatory mitigation to be provided via the preservation, enhancement, and management of occupied habitat for the species, or the creation and management of a new population, or as directed by CDFW/USFWS.</p> <ul style="list-style-type: none"> <li>• To compensate for impacts on Congdon's tarplant, off-site habitat occupied by the species will be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected), for any impact over the 10 percent significance threshold. Alternately, seed from the population to be impacted may be harvested and used either to expand an existing population (by a similar number/occupied area to compensate for impacts to Congdon's tarplant beyond the 10 percent significance threshold) or establish an entirely new population in suitable habitat.</li> <li>• Areas proposed to be preserved as compensatory mitigation for impacts on Congdon's tarplant and/or California seablite must</li> </ul>

Mitigation Measure	Mitigation Measure Description *
	<p>contain verified extant populations of the species, or in the event that enhancement of existing populations or establishment of a new population is selected, the area must contain suitable habitat for the species as identified by a qualified plant ecologist. Mitigation will be achieved through a combination of in-kind creation, restoration, and/or enhancement as determined to be appropriate through consultation with the resource agencies. Mitigation will first be considered onsite, then with an approved mitigation bank, and thirdly through offsite mitigation. The appropriate permit applications will be submitted to state and federal regulatory agencies. The permits issued by these agencies will finalize the mitigation requirements.</p> <p>A habitat mitigation and monitoring plan (HMMP) will be developed and implemented for the mitigation lands. That plan will include, at a minimum, the following information:</p> <ul style="list-style-type: none"> <li>• A summary of habitat impacts and the proposed mitigation;</li> <li>• A description of the location and boundaries of the mitigation site and description of existing site conditions;</li> <li>• A description of measures to be undertaken to enhance (e.g., through focused management that may include removal of invasive species in adjacent suitable but currently unoccupied habitat) the mitigation site for Congdon’s tarplant and California seablite;</li> <li>• A description of measures to transplant individual plants or seeds from the impacted area to the mitigation site, if appropriate (which will be determined by a qualified plant or restoration ecologist);</li> <li>• Proposed management activities to maintain high-quality habitat conditions for Congdon’s tarplant and California seablite;</li> <li>• A description of habitat and species monitoring measures on the mitigation site, including specific, objective final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc. At a minimum, performance criteria will include demonstration that any plant population fluctuations over the monitoring period of a minimum of five years for preserved populations and a minimum of 10 years for enhanced or established populations do not indicate a downward trajectory in terms of reduction in numbers and/or occupied area for the preserved mitigation population that can be attributed to management (e.g., that are not the result of local weather patterns, as determined by monitoring of a nearby reference population, or other factors unrelated to management);</li> <li>• If a new population is established, the new population must contain at least 200 individuals or the same number of impacted individuals, whichever is greater, by year five. This is to ensure the created population will be large enough to expect to persist and gain sufficient dedicated pollination services. If year five is a poor weather year for summer and fall-blooming annual plants and reference populations show a decline, <b>this criterion</b> can be measured in the next year occurring with average or better rainfall; and</li> </ul>

Mitigation Measure	Mitigation Measure Description *
	<ul style="list-style-type: none"> <li>• Contingency measures for mitigation elements that do not meet performance criteria.</li> </ul> <p>The HMMP will be prepared by a qualified plant or restoration ecologist. CDFW and USFWS approval of the HMMP will be required before Project impacts on Congdon's tarplant or California seablite occur.</p>
<b>MM BIO-5: Monarch Butterfly Avoidance</b>	<p>Prior to construction, CCJPA will ensure that a qualified biologist will conduct a pre-construction survey for overwintering monarchs or milkweed plants within 50 feet of the <b>Project</b>. If overwintering monarchs are found to be present in any tree within 50 feet of any disturbance area or milkweed is found within 50 feet of any disturbance area during the pre-construction survey, the following guidelines will also be implemented:</p> <ul style="list-style-type: none"> <li>• The tree and/or milkweed will be mapped, delineated with ESA fencing, and avoided;</li> <li>• The modification and/or minimizing of herbicide usage to promote growth of milkweed and flowering plants outside of UPRR ROW; and</li> <li>• Use local seed mixes that include a variety of flowering plants and milkweed.</li> </ul>
<b>MM BIO-6: Bumble Bee Pre-construction Surveys</b>	<p>Within one year prior to construction, CCJPA will perform a habitat assessment for Crotch's and western bumble bee be conducted within the proposed Project footprint and an appropriate survey buffer be established by a qualified biologist with experience surveying for and observing Crotch's and western bumble bee. If the qualified biologist determines that suitable habitat is present, surveys will be conducted to determine the presence/absence of Crotch's and western bumble bee. Surveys will be conducted during flying season when the species are most likely to be detected above ground, between March 1 to September 1. Survey results, including negative findings, will be submitted to the CDFW prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's and/or western bumble bee. At minimum, a survey report will provide the following:</p> <ul style="list-style-type: none"> <li>• A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's and/or western bumble bee;</li> <li>• Field survey conditions including name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched;</li> <li>• Map(s) showing the location of nests/colonies; and,</li> <li>• A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found, a sufficient description of biological conditions, primarily impacted habitat, will include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).</li> </ul> <p>If the target species is not found in the impact area, then no further mitigation will be warranted. If Crotch's bumble bee or western bumble</p>

Mitigation Measure	Mitigation Measure Description *
	bee individuals are found within the survey area, then <b>MM BIO-7</b> will be implemented.
<b>MM BIO-7: Bumble Bee CESA Section 2080 Coordination</b>	<p>If a qualified biologist determines Crotch's and/or western bumble bees are present within the proposed Project footprint, CCJPA will develop a plan to minimize impacts to Crotch's and western bumble bee be developed in consultation with a qualified entomologist during final design. The plan will include effective, specific, enforceable, and feasible measures. An avoidance plan will be submitted to CDFW prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's and/or western bumble bee. If Crotch's and/or western bumble bees are determined to be present within the proposed Project footprint and it is determined the species will be impacted by Project implementation, appropriate mitigation will be determined in consultation with CDFW.</p> <p>If Crotch's and/or western bumble bee is detected during the survey, and if impacts to Crotch's and/or western bumble bee cannot be feasibly avoided during proposed Project construction and activities, CCJPA and a designated qualified entomologist will coordinate with CDFW to obtain appropriate permit for incidental take of Crotch's and/or western bumble bee prior to commencement of Project activities in habitat occupied by the bumble bees. The incidental take permit will quantify and provide appropriate mitigation for impacts on Crotch's and/or western bumble bee habitat. Mitigation for impacts to Crotch's and/or western bumble bee habitat would be at a ratio comparable to the Project's level of impacts.</p>
<b>MM BIO-8: Steelhead and Green Sturgeon Work Window</b>	In-water work within and over Alameda Creek will be restricted to a seasonal window when surface water flows are lowest, and steelhead and green sturgeon are least likely to be present. 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.
<b>MM BIO-9: Dewatering and Aquatic Species Relocation Plan</b>	<ul style="list-style-type: none"> <li>• <b>To avoid and minimize effects to water quality and take of aquatic species, the project footprint within Alameda Creek will be dewatered prior to construction. During advanced design and permitting with regulatory agencies, CCJPA will prepare a Dewatering Plan and Aquatic Species Relocation Plan. The plans will be submitted as part of the regulatory permit applications required under the Clean Water Act Section 404 with the USACE, the Clean Water Act Section 401 with the RWQCB, and the Lake and Streambed Alteration Agreement with CDFW as well as USFWS and NMFS. The plans will include but not be limited to the following:</b> <ul style="list-style-type: none"> <li>• <b>Minimum</b> qualifications for the <b>Project Biologist</b> who <b>will be responsible</b> to monitor in-water construction activities, <b>oversee</b> dewatering, and <b>implement relocation of</b> aquatic species;</li> <li>• <b>Restrictions on work within the channel. Dewatering of the channel will be limited to the minimum footprint necessary to complete the work. The Dewatering Plan will</b></li> </ul> </li> </ul>



Mitigation Measure	Mitigation Measure Description *
	<p><b>include details noting type and location for placement of necessary fill, cofferdams, pipes, and sequencing of activities. After completion of construction, materials used for dewatering will be removed and the channel will be restored to the original condition;</b> and                      Methods, best management practices, <b>and release locations (i.e., Bay-side or landside)</b> for the relocation of special-status fish and other aquatic species to appropriate suitable habitat. The Aquatic Species Relocation Plan <b>will include provisions to limit stress to aquatic species, ensure the quickest relocation to appropriate habitat, and documentation requirements for reporting to permitting agencies.</b></p>
<b>MM BIO-10: Steelhead and Green Sturgeon Habitat Replacement</b>	<p>Prior to construction activities, CCJPA will coordinate with the National Marine Fisheries Service (NMFS) to determine mitigation ratios for permanent impacts on Central California Coast Distinct Population Segment steelhead habitat and green sturgeon (Southern DPS) critical habitat. Mitigation will include on-site restoration, in-lieu fee payment, purchase of mitigation credits at a NMFS-approved mitigation bank, or as defined by NMFS as part of consultation.</p>
<b>MM BIO-11: Western Pond Turtle Pre-construction Surveys</b>	<p>A <b>qualified</b> biologist will conduct a pre-construction survey for western pond turtle prior to any proposed ground disturbing activities occurring within 350 feet of Alameda Creek, and the proposed Project footprint. The survey area will include all disturbance areas within 350 feet of water line, all habitat between the disturbance areas and the water line, and the edge of Alameda Creek and the percolation ponds. In areas of suitable habitat, the qualified biologist will conduct a pre-construction survey for the species within 48 hours prior to construction activities before construction equipment mobilizes to the proposed Project footprint. If pond turtles or their nests are found, the biologist will prepare a relocation plan and submit it to the California Department Fish and Wildlife (CDFW) for written acceptance prior to starting Project activities, and then implement the plan. A pond turtle habitat improvement plan will also be prepared and implemented if required by CDFW. Construction activities will avoid pond turtles and their nests including an appropriate buffer as determined by the <b>qualified</b> biologist.</p>
<b>MM BIO-12: Nesting Migratory Birds, Special-Status Birds, and Raptor Pre-construction Surveys</b>	<p>CCJPA and its contractors will conduct vegetation removal, where required to construct Project features, during the non-breeding season for migratory birds and raptors (generally between September 16 and January 14) to the extent feasible. If construction activities occur between January 15 and September 15, a qualified biologist will conduct a preconstruction survey (within seven days prior to construction activities) to determine whether any active bird nests are present and, if so, identify their locations. The results of the surveys will be submitted to CCJPA (and made available to the wildlife agencies [USFWS/CDFW], upon request) prior to initiation of any construction activities. Should nesting birds be found, exclusionary buffers will be determined by a qualified biologist. Project activity will not commence within the buffer</p>

Mitigation Measure	Mitigation Measure Description *
	<p>areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. The size of the buffer may be adjusted if a qualified biologist and CCJPA determine that such an adjustment would not be likely to adversely affect the nest. The qualified biologist will monitor the active nest during construction to confirm that the buffer is adequate and will document and provide notification when the nest has fledged or failed. Consultation with CDFW may be required if species of state-listed special concern, or fully protected species are observed.</p>
<b>MM BIO-13: Burrowing Owl Habitat Assessment</b>	<p>Prior to the start of construction activities, CCJPA will retain a qualified biologist to conduct a focused burrowing owl habitat assessment in areas of ruderal and grassland habitat within the proposed Project footprint in accordance with the methodologies outlined in the California Department of Fish and Wildlife's (CDFW's) 2012 Staff Report on Burrowing Owl Mitigation. If burrowing owls or the presence of suitable burrows are detected during the burrowing owl habitat assessment, the qualified biologist, in coordination with CCJPA and CDFW, will implement avoidance, minimization, and mitigation methodologies outlined in CDFW's 2012 Staff Report on Burrowing Owl Mitigation prior to initiating Project-related activities that may impact burrowing owls or burrowing owl habitat.</p>
<b>MM BIO-14: Salt Marsh Harvest Mouse Avoidance</b>	<p>Salt marsh harvest mouse (SMHM) will be assumed present within the proposed Project footprint; therefore, the following measures below would be implemented:</p> <ul style="list-style-type: none"> <li>• A barrier will be installed at limits of the construction work area to exclude SMHM from the construction area: <ul style="list-style-type: none"> <li>i. This exclusionary barrier, which will be shown on the Project plans and will be constructed and installed under the guidance of a biologist qualified to survey for SMHM (must meet permit requirements and be approved by USFWS), will consist of a three-foot tall, tight cloth, smooth plastic, or sheet-metal (or similar material approved by the USFWS) fence toed into the soil at least 3 inches deep and supported with stakes placed on the inside of the barrier;</li> <li>ii. A qualified biologist will conduct a preconstruction survey of the area every morning, prior to construction activities commencing for the day;</li> <li>iii. The qualified biologist will monitor the installation of the exclusionary barrier and will remain on site to monitor all work performed adjacent to SMHM ESAs;</li> <li>iv. Excavations or open trenches in or adjacent to SMHM habitat will either be backfilled or closed at the end of the construction day, or escape ramps will be provided;</li> <li>v. Following the installation of the exclusionary barrier, the qualified biologist will check its integrity each morning that construction activities occur and will have construction personnel initiate repairs, under the supervision of a qualified biologist immediately as needed.</li> </ul> </li> </ul>

Mitigation Measure	Mitigation Measure Description *
<b>MM BIO-15: Salt Marsh Harvest Mouse Immediate Work Stoppage</b>	<p>If a salt marsh harvest mouse or an animal that could be a harvest mouse (e.g., a similar species of mouse), is observed within the work area during construction activities, work will stop immediately, and the qualified biologist will be immediately notified. The animal will be allowed to leave the area on its own and will not be handled.</p>
<b>MM BIO-16: Bat Habitat Suitability Assessment and Surveys</b>	<p>A qualified and CDFW-approved bat biologist will survey potentially suitable structures and vegetation during bat maternity season, prior to construction, to assess the potential for the structures and vegetation's use for bat roosting and bat maternity roosting, as maternity roosts are generally formed in spring. The qualified bat biologist will also perform preconstruction surveys or temporary exclusion within 2 weeks prior to construction, as bat roosts can change seasonally. These surveys will include a combination of structure inspections, exit counts, and acoustic surveys.</p> <p>If a roost is detected, a bat management plan will be prepared if it is determined that Project construction would result in direct impacts on roosting bats. The bat management plan will be submitted to California Department Fish and Wildlife (CDFW) prior to implementation and include appropriate avoidance and minimization efforts such as:</p> <ul style="list-style-type: none"> <li>• Temporary Exclusion. If recommended by the qualified bat biologist, to avoid indirect disturbance of roosting bats adjacent to construction activities, temporary bat eviction and exclusion devices will be installed under the supervision of a qualified and permitted bat biologist prior to the initiation of construction activities. Eviction and subsequent exclusion will be conducted during the fall (September or October) to avoid trapping flightless young bats inside during the summer months or hibernating/overwintering individuals during the winter. Such exclusion efforts are dependent on weather conditions, take a minimum of 2 weeks to implement, and must be continued to keep the structures free of bats until the completion of construction. All eviction and/or exclusion techniques will be coordinated between the qualified bat biologist and the appropriate resource agencies (e.g., CDFW) if the structure is occupied by bats. If deemed appropriate, the biologist may recommend installation of temporary bat panels during construction.</li> </ul> <p>If a roost is detected but would only be subject to indirect impacts:</p> <ul style="list-style-type: none"> <li>• Daytime Work Hours. All work conducted under the occupied roost will take place during the day. If this is not feasible, lighting and noise will be directed away from night roosting and foraging areas.</li> </ul>
<b>MM BIO-17: Compensate for the Loss of Sensitive Natural Communities</b>	<p>Prior to construction, CCJPA will ensure that permanent direct impacts on <b>sensitive natural communities, including California Sensitive Natural Communities, Critical Habitat, EFH, and jurisdictional aquatic resources (e.g. waters of the State or waters of the U.S.) such as riverine, freshwater emergent wetland, lacustrine, estuarine, and saline emergent wetland</b>, will be mitigated through the purchase of credits at a minimum ratio of 2:1 for native habitats and a minimum ratio of 1:1 for non-native habitats. This will be done through in-</p>

Mitigation Measure	Mitigation Measure Description *
	<p>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 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 <b>and permitting process</b> (e.g., CDFW, RWQCB, <b>USFWS, USACE</b>, NMFS). <b>Per expected permit conditions, CCJPA will provide written evidence to the resource agencies that compensation has been acquired prior to construction.</b> Alternatively, <b>as part of the permitting process</b>, CCJPA may provide a plan/proposal for <b>regulatory resource approval</b> to conduct on or offsite habitat creation/enhancement to compensate for the Project's direct impacts <b>to sensitive natural communities. All sensitive natural communities</b> 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 <b>process and be reviewed and approved by relevant agencies prior to implementation. If mitigation banks are not available at the time that mitigation will be implemented, coordination with agencies would occur to identify appropriate mitigation (i.e., permittee responsible mitigation).</b></p>
<b>MM BIO 18: Protected Trees Pre-construction Surveys</b>	<p>Prior to the start of construction activities, CCJPA will retain a qualified arborist, to conduct a pre-construction survey for protected trees (e.g., historic trees, mature native trees, or any mature trees) that may require removal, pruning or may otherwise be impacted by the proposed Project. The pre-construction survey will identify the types, location, sizes, health of protected trees and summarize survey findings in a tree protection report. The tree protection report will be submitted to the applicable city for review and concurrence. The report will include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• Recommended avoidance and impact minimization measures, replacement value, and feasibility of relocation for protected trees subject to removal.</li> <li>• Methods and measures for relocation of protected trees to appropriate suitable habitat.</li> <li>• Identification of which of the surveyed trees these measures apply to, and if any other tree permit requirements are necessary to comply with municipal policies and ordinances.</li> </ul>
<b>MM BIO-19: Fish Passage Analysis</b>	<p>To evaluate potential impacts to native fish species and fisheries resources, CCJPA will conduct a fish passage analysis during final Project design. The proposed Project will be designed and constructed so that it does not present a barrier to fish passage, <b>create predatory holding habitats</b>, or result in operational noise exceeding 150 dB. CCJPA will coordinate with the necessary regulatory agencies, including NMFS and CDFW prior to initiating the analysis, and will consult with NMFS and CDFW during development of conceptual through the final design plans. NMFS and CDFW will be engaged for coordination during design.</p>

Mitigation Measure	Mitigation Measure Description *
<b>MM BIO-20: Salt Marsh Harvest Mouse Habitat Replacement</b>	Prior to construction activities, CCJPA will coordinate with the USFWS to determine mitigation ratios for impacts on SMHM. Pending consultation with USFWS, mitigation may include on-site restoration, in-lieu fee payment, purchase of mitigation credits at a USFWS-approved mitigation bank, or as defined by USFWS as part of consultation.
<b>MM CUL-1: Temporary Construction Easement Review and Installation of a Horizontal and Vertical Environmentally Sensitive Area for P-01-011558, as appropriate</b>	At <b>or before the 90</b> percent rail design phase, the need for the Temporary Construction Easement (TCE) at the location of P-01-11558 will be reviewed and if no longer needed, the TCE will be removed from the construction plans. If the TCE is still needed in the vicinity of P-01-011558, a horizontal and vertical ESA will be established to exclude project construction activities from the vicinity of P-01-011558. The method of ESA installation will be determined during the design phase and will be indicated on <b>the construction documents</b> . The ESA will be monitored by a qualified archaeologist (meeting the minimum professional qualifications standards (PQS) set forth by the Secretary of the Interior (SOI) (codified in 36 CFR Part 61; 48 FR 44739) during any ground disturbing preconstruction or construction work in the boundaries of the TCE.
<b>MM CUL-2: Implement Archaeological Testing and Evaluation Plan</b>	<p><b>Once the Project footprint reaches a 30% percent level of rail design and prior to the start of construction, an Archaeological Testing and Evaluation Plan (ATEP) will be implemented by a qualified archaeologist in consultation with CCJPA to support the evaluation of the subsurface extent of cultural resources potentially impacted by the project.</b></p> <p>The ATEP should consist of a site-specific context, research design, and field methods to evaluate known resources, and identify resource types that may be encountered within areas of high sensitivity and deep ground disturbance. This plan should include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• background and anticipated resource types;</li> <li>• research questions that can be addressed by the collection of data from the defined resource types;</li> <li>• field methods and procedures including:</li> <li>• procedures to determine whether a buried component of a known site extends horizontally into the Project footprint;</li> <li>• geoarchaeological trenching or coring; and</li> <li>• cataloging and laboratory analysis.</li> </ul> <p>The ATEP will be submitted to CCJPA and the local consulting tribal representatives for review prior to implementation. The results of the ATEP will be summarized in a technical document that will determine whether further study is necessary. The technical document will also determine whether additional mitigation will be needed. The technical document will be provided to CCJPA for review and approval and submitted to the Northwest Information Center (NWIC).</p>
<b>MM CUL-3: Installation of a Horizontal and Vertical Environmentally Sensitive Area for previously recorded and newly identified</b>	<b>During the</b> design phase, the Project plans will be reviewed to determine if the refinements in the project design allow for avoidance of previously recorded and additional sites identified during the archaeological testing conducted for the project. If the sites can be avoided, a horizontal and vertical ESA will be established at designated locations to exclude project construction activities from the vicinity of

Mitigation Measure	Mitigation Measure Description *
<b>archaeological sites as appropriate</b>	these sites. The method of ESA installation will be determined during the design phase and will be indicated on all plans, specifications, and estimates. The ESA will be monitored by a qualified archaeologist during any ground disturbing preconstruction or construction work in the vicinity of the ESA.
<b>MM CUL-4: Draft and Implement Archaeological Monitoring, Avoidance, and Treatment Plan</b>	<p>Upon completion of the archaeological testing and evaluation, and prior to the start of construction, an AMATP will be developed by a registered professional archaeologist in consultation with CCJPA and local tribal representatives. Monitoring will be required at all recorded site locations, including those proposed to be avoided by project construction.</p> <p>The AMATP will include protocols that outline archaeological roles and monitoring best practices, anticipated resource types, and an Unanticipated Discovery Protocol. The Unanticipated Discovery Protocol will describe steps to follow if unanticipated archaeological discoveries are made during Project work and identify a chain of contact.</p> <p>The AMATP will be submitted to consulting tribal representatives and CCJPA for review prior to implementation. Following the completion of ground disturbance associated with Project construction, the results of the archeological monitoring and avoidance pursuant to the AMATP will be summarized in a technical document. The technical document will be provided to CCJPA for review and approval and submitted to the NWIC. <b>The final disposition of archaeological and historical resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.</b></p>
<b>MM CUL-5: Tribal Monitoring</b>	Tribal monitoring will be required during construction activities at all recorded precontact archaeological site locations, including those proposed to be avoided by project construction. Tribal monitors will be provided a minimum of one week’s advance notice prior to the commencement of ground disturbing or construction work.
<b>MM GEO-1: Paleontological Resources Mitigation Plan</b>	<p>A Paleontological Resource Mitigation Plan (PRMP) will be prepared by a qualified paleontologist following Society of Vertebrate Paleontologists (SVP) guidelines and implemented during the construction phase of the Project (SVP, 2010).</p> <p>The PRMP will include provisions for construction workers to attend a paleontological resource awareness training session. It will determine the extent to which paleontological mitigation is necessary and establishes the ground rules for the program. The PRMP will discuss fossil discovery, recovery, and subsequent handling.</p> <p>The extent of any monitoring recommended would be dictated by the design of the proposed Project and would be determined during design by a qualified principal paleontologist (who holds a Master of Science or Doctorate degree in paleontology or geology and is familiar with paleontological procedures and techniques). The principal paleontologist would review the construction plans with proposed excavation sites to determine which, if any, Project components would involve earthmoving activities at depths sufficient to warrant monitoring. The principal paleontologist would review the construction schedule to develop the required monitoring schedule. Paleontological resources should also be discussed at the pre-bid meeting.</p>

Mitigation Measure	Mitigation Measure Description *
	<p>A qualified principal paleontologist would be made aware of the excavation schedule and remain on call during the period of construction specified in the PRMP. If fossils are discovered during construction, the construction crew would immediately notify the resident engineer, who would stop work within 60 feet of the finding. The resident engineer would notify the qualified principal paleontologist who would evaluate the find as soon as possible. If the resource were determined to be potentially significant, CCJPA would be notified, and a recovery program would be initiated. <b>The final disposition of paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission. The State Lands Commission will be notified by the Project's principal paleontologist or Resident Engineer in the event of a significant find. The PRMP will outline steps to follow to resolve disposition of finds under State Lands Commission jurisdiction.</b></p>
<b>MM HYD-1: Balancing cut and fill and increasing flow and detention capacity</b>	<p>Impacts within an existing floodplain or floodway will be mitigated by balancing cut and fill of earthwork, installing equalizer pipes to perpetuate flood flows, or implementing underground storage or add detention basins to provide more flood flow storage.</p>
<b>MM HYD-2: Dewatering permit in case of contaminated groundwater</b>	<p>If the groundwater is found to be contaminated, a dewatering permit will be obtained from the <b>San Francisco</b> Regional Water Quality Control Board <b>and the Alameda County Water District</b>. An Active Treatment Systems may be specified by the permit conditions if the quality of the groundwater warrants their use.</p>
<b>MM NOI-1: Construction Noise Control Plan</b>	<p>CCJPA, in coordination with the Construction Contractor, and local jurisdiction(s), will prepare and implement a Construction Noise Control Plan to reduce the impact of temporary construction-related noise on nearby noise-sensitive receptors. The Construction Noise Control Plan will include, but <b>may</b> not be limited to, the following best practices:</p> <ul style="list-style-type: none"> <li>• Install temporary construction site sound barriers near noise sources.</li> <li>• Use moveable sound barriers at the source of the construction activity.</li> <li>• Avoid the use of impact pile drivers where possible near noise-sensitive areas or use quieter alternatives (e.g., drilled piles) where geological conditions permit.</li> <li>• Locate stationary construction equipment as far as possible from noise-sensitive sites.</li> <li>• Reroute construction-related truck traffic along roadways that will cause the least disturbance to residents.</li> <li>• Use low-noise emission equipment.</li> <li>• Implement noise-deadening measures for truck loading and operations.</li> <li>• Line or cover storage bins, conveyors, and chutes with sound-deadening material.</li> <li>• Use acoustic enclosures, shields, or shrouds for equipment and facilities.</li> </ul>

Mitigation Measure	Mitigation Measure Description *
	<ul style="list-style-type: none"> <li>• Use high-grade engine exhaust silencers and engine-casing sound insulation.</li> <li>• Minimize the use of generators to power equipment.</li> <li>• Limit use of public address systems.</li> <li>• Grade surface irregularities on construction sites.</li> <li>• Monitor and maintain equipment to meet noise limits.</li> <li>• Establish an active community liaison program to keep residents informed about construction and to provide a procedure for addressing noise complaints.</li> <li>• <b>A Construction Noise Control Plan will be developed and implemented to measure noise during construction, including the type of equipment and sensors to be used, a location plan for monitoring equipment, and the following additional requirements:</b> <ul style="list-style-type: none"> <li>▪ <b>Planned frequency of monitoring for all instruments.</b></li> <li>▪ <b>Noise thresholds will be identified, that if exceeded, could be potentially harmful to sensitive receptors.</b></li> <li>▪ <b>Corrective action plans will be identified prior to work start to be implemented should maximum noise threshold be reached or exceeded.</b></li> <li>▪ <b>To the extent possible, the construction team will be required to conduct the work in such a manner that noise does not exceed threshold limits.</b></li> <li>▪ <b>A Monitoring Exceedance Report for any exceedance occurrence will be completed by the construction team and submitted to CCJPA, which will describe:</b> <ul style="list-style-type: none"> <li>○ <b>what noise measurement values were recorded that exceeded the allowable limits,</b></li> <li>○ <b>where the impacted instruments are located,</b></li> <li>○ <b>when the exceedances occurred,</b></li> <li>○ <b>when work was stopped because of the exceedance(s),</b></li> <li>○ <b>what demolition and/or construction activities caused the exceedance(s),</b></li> <li>○ <b>what actions were taken to limit and reduce noise levels, and</b></li> <li>○ <b>when demolition and/or construction activities were resumed.</b></li> </ul> </li> </ul> </li> </ul>
<b>MM NOI-2: Creation of Noise Quiet Zones</b>	<p>Prior to the start of construction activities, <b>if establishment of a Quiet Zone is determined to be feasible by the local jurisdiction(s), CCJPA will be responsible for reasonable costs associated with construction of the necessary at-grade crossing improvements to qualify for establishing a Quiet Zone, while recognizing that Quiet Zone approval is ultimately outside the authority of CCJPA.</b> This phased program will include the development of engineering studies and coordination agreements to design, construct, and enforce potential quiet zones at the following grade crossings on the Coast Subdivision:</p> <ul style="list-style-type: none"> <li>• Jarvis Avenue (City of Newark);</li> <li>• Alvarado Boulevard (City of Union City);</li> </ul>



Mitigation Measure	Mitigation Measure Description *
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- Dyer Street (City of Union City);
- Union City Boulevard (City of Union City);
- Grant Avenue (unincorporated community of San Lorenzo); and
- Lewelling Boulevard (unincorporated community of San Leandro).

CCJPA will consider options for establishing quiet zones including, but not limited to, the following FRA pre-approved supplemental safety measures:

- Four-quadrant gate system. This measure involves the installation of at least one gate for each direction of traffic to fully block vehicles from entering the crossing.
- Gates with medians or channelization devices. This measure keeps traffic in the proper travel lanes as it approaches the crossing, thus denying the driver the option of circumventing the gates by travelling in the opposite lane.
- One-way street with gates. This measure consists of one-way streets with gates installed so that all approaching travel lanes are completely blocked. This option may not be feasible or acceptable to local jurisdictions at all locations.
- Road closure. This measure consists of closing the road to through travel at the at-grade crossing. This option may not be feasible or acceptable to local jurisdictions at all locations.

In addition to these pre-approved supplemental safety measures, the FRA also identifies a range of other measures that may be used to establish a quiet zone. These could be modified supplemental safety measures or non-engineering measures which might involve law enforcement or public awareness programs. Such alternative safety measures must be approved by the FRA based on the prerequisite that they provide an equivalent level of safety as the sounding of horns.

This phased program will also consider the use of wayside horns as part of a quiet zone. While not avoiding the sounding of a horn, wayside horns affect a smaller area than train-mounted horn. Wayside horns can be used when the other measures above are not adequate to avoid the use of a horn.

If quiet zones are not feasible **or unacceptable to the resident's community and/or jurisdiction, CCJPA will offer financial support for application of building sound insulation** at the impacted residences at the following locations:

- Coast Subdivision North Section: 3 residences located on the southwest side of the existing railroad ROW between Farallon Drive and Lewelling Boulevard.
- Coast Subdivision North Section: 1 residence located on the northeast side of the existing railroad ROW between Lewelling Boulevard and Grant Avenue.
- Coast Subdivision Central Section: 1 residence located on the northeast side of the existing railroad ROW between Grant Avenue and Skywest Golf Course.
- Coast Subdivision Central Section: 2 residences located on the northeast side of the existing railroad ROW between Union City Boulevard and Smith Street.

Mitigation Measure	Mitigation Measure Description *
	<ul style="list-style-type: none"> <li>• Coast Subdivision South Section: 9 residences located on the northeast side of the existing railroad ROW between Smith Street and Alameda Creek.</li> <li>• Coast Subdivision South Section: 4 residences located on the southwest side of the exiting railroad ROW between Jarvis Avenue and Cedar Boulevard Park.</li> <li>• Coast Subdivision South Section: 1 residence located on the northeast side of the existing railroad ROW between Cedar Boulevard Park and Clark Avenue.</li> </ul> <p>Building sound insulation improvements may include, but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• Application of an extra layer of glazing to the windows;</li> <li>• Sealing holes in exterior surfaces that act as sound leaks; and</li> <li>• Provision of forced ventilation and air-conditioning so that windows do not need to be opened.</li> </ul> <p>During final design of the Project, CCJPA will coordinate with individual residents identified as candidates for sound insulation. The coordination will include testing of existing outdoor to indoor noise reduction and specific measures required to meet the interior noise level criterion.</p>
<b>MM NOI-3: Construction Vibration Control Plan</b>	<p>CCJPA, in coordination with the Construction Contractor and local jurisdiction(s), will prepare and implement a construction Vibration Control Plan to reduce the impact of temporary construction-related vibration on nearby sensitive receptors. The VCP will include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• Avoid the use of impact pile drivers where possible near vibration-sensitive areas or use alternative construction methods (e.g., drilled piles) where geological conditions permit.</li> <li>• Avoid vibratory compacting/rolling in close proximity to structures.</li> <li>• Require vibration monitoring during vibration-intensive activities.</li> <li>• <b>A Vibration Monitoring Plan will be developed and implemented to measure vibration during construction, including the type of equipment and sensors to be used, a location plan for monitoring equipment, and the following additional requirements:</b></li> <li>• <b>Identify frequency of monitoring for all instruments,</b></li> <li>• <b>Vibration and deformation thresholds that if exceeded, could be potentially damaging to sensitive receptors and/or structures,</b></li> <li>• <b>Corrective action plans identified prior to work start to be implemented should maximum vibration be reached or exceeded,</b></li> <li>• <b>To the extent possible, the construction team will be required to conduct the work in such a manner that vibrations do not exceed threshold limits,</b></li> <li>• <b>A Monitoring Exceedance Report for exceedance occurrences will be completed by the construction team and submitted to CCJPA, which will describe:</b></li> </ul>

Mitigation Measure	Mitigation Measure Description *
	<ul style="list-style-type: none"> <li>○ <b>what vibration measurements values were recorded that exceeded the allowable limits,</b></li> <li>○ <b>where the impacted instruments are located,</b></li> <li>○ <b>when the exceedances occurred,</b></li> <li>○ <b>when work was stopped because of the exceedance(s),</b></li> <li>○ <b>what demolition and/or construction activities caused the exceedance(s),</b></li> <li>○ <b>what actions were taken to limit and reduce vibrations, and</b></li> <li>○ <b>when demolition and/or construction activities were resumed.</b></li> </ul>
<b>MM REC-1: Detour Plan for the Alameda Creek Regional Trail</b>	Two weeks prior to temporary trail closures, CCJPA in coordination with the EBRPD, <b>BCDC, and MTC</b> , as possible, will develop a detour plan for short-term closures of the Alameda Creek Regional Trail <b>and any affected bridges or waterways</b> . The detour plan will be available to the public on EBRPD and CCJPA's websites. To the extent feasible, short-term closures will be scheduled during off-peak trail use days or times.

\* Bold text in the table designates updates to Draft EIR text.

## 3 List of Commenters

This chapter lists agencies, organizations, and individuals who submitted written and/or verbal comments on the Draft EIR. A total of 310 comment letters and individual statements were received on the Draft EIR. Of this total, 159 were emails/letters sent to [info@southbayconnect.com](mailto:info@southbayconnect.com). Another 94 comment letters were received on the website. Finally, there was one letter received via FedEx. There were 56 verbal comments, of which 37 were virtual public meeting comments via Court Reporter, three were received via the Project hotline, and 16 were submitted at the CCJPA Board meeting.

Twenty-two written letters were received from agencies and other organizations, and 232 written letters were received from the public; the majority of the verbal comments were also received from the public. Finally, of the public written letters, 80 nearly identical comment letters were received and assigned to one of three Recurring Comment letter groups described in [Section 4.2](#). Altogether, more than 1,000 individual comments from all letters and public statements were identified and bracketed with comment numbers to differentiate between the individual comments. An example of a bracketed comment letter is provided in [Section 4.2](#).

Commenters with affiliations are organized by category first, and then alphabetically by organization. Individual commenters with no organization affiliations are sorted by last name, followed by first name.

### 3.1 Federal Agencies

None

### 3.2 State Agencies

California State Lands Commission

San Francisco Bay Conservation and Development Commission (2 letters)

San Francisco Bay Regional Water Quality Control Board

### 3.3 Regional/Local Agencies

Alameda County

Alameda County Water District

Bay Area Rapid Transit

Cities of Newark, San Leandro, and Union City (as represented by Redwood Public Law)

City of Fremont

City of Hayward

East Bay Dischargers Authority

East Bay Municipal Utility District

Hayward Area Shoreline Planning Agency

San Francisco Public Utilities Commission

### 3.4 Corporations, Attorneys and NGOs

Alameda Creek Alliance

Brower-Dellums Institute for Sustainable Policy Studies and Action

Citizens Committee to Complete the Refuge

Communities for a Better Environment

Eden Area United Democratic Campaign

Niles for Environmentally Safe Trains

Niles Main Street Association

Transbay Coalition

Tri-City Ecology Center

### 3.5 Non-Affiliated Individual Commenters

A total of 223 non-affiliated individuals submitted comments on the Draft EIR (some individuals submitted more than one), either in printed form or through individual statements.

Last Name	First Name	Last Name	First Name	Last Name	First Name
Adams	Jennifer	Chung	Sandy	Hall	Simone
Adams	Nancy	Cisneros	Cruz	Halliday	Barbara
Alip	David	Cone	David	Harbin	Kimberly
Ambalakkat	Sarath Mohan	Craig	Mary	Heibel	Greg
Anil	Subha	Culbertson	Brian	Henderson	Marie
Anonymous		Curcaneanu	Brindusa	Hinds	John
Arnold	Wendell	Dai	Sandra	Horan	Sean
Atmaram	Aparna	Darp	Radhika	Howard	Jacob
Badam	Srinivas	DeMartini	Ginny	Huang	Susie
Baker	Andy	Denzler	Joan	Immidi	Kiran Kumar
Bakthavatchalam	Madhavan	Desai	June	Inamdar	Shreekar
Barnbaum	Michael	Devan	Shashank	Jang	Rui
Bathini	Srihari	Devulapalli	Sharath	Johnson	Jeff
Bess	Piet	Dixit	Neeraj	Karamchandani	Sidhant
Bharadwaj	Sneha	Dixon	Tiffany	Keng	Teresa
Bhat	Akshatha	Dizon	Carmina	Khun	Charlene
Bohler	Erica	Drake	Carol	Khurana	Sandeep
Bonapart	Raymond	Dragoni	Tyler	King	Bruce
Boraas	Nancy	Dufty	Bevan	Knight	Liz
Brooks	Sylvia	Dupri	Alita	Kothari	Govind
Burns	Leah	Dutra	Madeline	Krishnan	Sridhar & Sujata
Carlisano	[no first name]	Easton	Martin	Kulkarni	Amol
Castren	Phyllis	Farooq	Hassan	Kumar	Arpit
Chan	Doris	Ferra	Don	Kumar	Neelmani
Chang	Candice	Florin	Mauricio	Lakkimsetti	Praveen
Charanghat	Joseph	Fountertaine	Jessica	LaVigne	Diana Rohini
Chen	Alvin	Fu	Simon	Lavin	Carter
Chen	Caroline	Godfrey	Jessie	Lee	Justin
Chen	Christina (Bei)	Gogineni	Vinaya	Lee	Miso

Capitol Corridor Joint Powers Authority  
South Bay Connect Project - Final Environmental Impact Report

Last Name	First Name	Last Name	First Name	Last Name	First Name
Chen	Emma	Gondi	Prasad	Li	Erica
Chin	David	Gopal	Senthilkumar	Li	Chianna
Chowdhury	Anula	Gragoni	Tyler	Li	Janice
Chu	Ken	Grass	Jonathan	Lim	Sheng
Chu	Sau	Greenlon	Allyson	Lin	Jing
Lincoln	Brishette	Pay	A	Thirumalai	Vidhya
Ling	Ling	Pedersen	Morgan	Thom	[no first name]
Liu	Jeff	Penmethsa	Chani	Tomar	Shivam
Liu	Wen	Pickrel	Kenneth	Ton	Benny
Liu	Xiaomin	Priyedarshi	Rahul	Tran	David
Lotz	Stephen	Powell	Michelle	Trieu	Kathy
Lu	Weiyang	Pullen	Joel	Tsang	Frank
Lucero	Arturo	Puthur Jayapalan	Amal	Turner	Steven
Ma	Jim	Puthur Jayapalan	Amalraj	Vemuri	Srinivas
Ma	Lina	Qian	[no first name]	Virendra	Mohit
Mace	Tyler	Qian	Jenny	Vitek	Bruce
Mahadevan	Mahesh	Raburn	Robert	Volponi	Dana
Mahoney	Patricia	Rasmussen	Paula	Wang	[no first name]
Makasana	Rohit	Ramachandran	Amruth	Wang	Caitlyn
Manda	Venkat	Ramachandran	Anil	Wang	Jianhan
Marda	Swati	Ramasamy	Latha	Waterman	Peyton
Mariano	Jenny	Rambhia	Romil	Webb	Connor
Marshall-Reyes	Kimberly	Richardson	James	West	Deborah
Maskai	Harshil	Rita	Juliana	Widener	Art
Mendoza	Tino	Robinson	Dave	Wijay	Amaran
Mohan	M.	Samantarai	Jagadish	Wilson	Steve
Moskowitz	Alan	Sangaraju	Dewakar	Winters	Chris
Mukherjee	Saumyo	Seth	Naveen	Wiongkitrungruang	Parinya
Nagboth	Naresh	Sheela	Divya	Wong	Jr
Nagboth	Pallavi	Singh	[no first name]	Woo	Kevin
Narasimhan	Krishnaswamy	Singh	Harry	Woo	Vency
Nguyen	Dalin	Smith	Randy	Wu	Elton
Nguyen	Luke	Smothers	Brenda	Wu	Fred
Nishimura	Ken	Su	Hengxin	Wu	Eric

Last Name	First Name	Last Name	First Name	Last Name	First Name
Novbakhtian	Nargesse	Tammana	Srinivas	Wu	Lanlan
Palaniappan	Murugappan	Taylor	Sherria	Wu	Zihan
Parado	Leo	Thanedar	Samir	Xie	Chen
Patel	Apurva	Thesayi	Venkatesh	Xie	Lihui
Patwardhan	Shivangi	Thirumalai	Mukundh	Xu	[no first name]
Xu	Bob	Zeng	James	[no last name]	Hasan
Yang	David	Zhang	Lauren	[no last name]	Iva
Yencharla	Nagesh	Zhang	Shuai	[no last name]	Jamie
Yencharla	Sushma	Zhang	Yonggang	[no last name]	Kevin
Yim	Brentley	Zhang	Yu	[no last name]	Piyush
Yip	Lana	Zhou	Jianyu		
Yu	Vincent	Zhu	Beibei		



## 4 Comments and Responses

The Office of Planning and Research (OPR) and the California Natural Resources Agency (CNRA) are responsible for making changes to the California Environmental Quality Act (CEQA) regulations. The Statutes and Guidelines book is published annually to present administrative regulations that govern implementation of CEQA. The document contains both the CEQA code (Public Resources Code [PRC] 21000-21189; (<http://leginfo.ca.gov>) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387; <http://ccr.oal.ca.gov>). The CEQA Statute and Guidelines frame the scope, focus, extent, and nature of responses by a lead agency to comments on a Draft EIR.

All comment letters are assigned a number and each individual comment within a letter is bracketed and assigned a comment reference number so that the format for a comment is: XX-YY, where XX= Comment Letter Number, and YY= Individual Comment Number. The numbering order of letters corresponds to the date a comment letter was received.

This Final EIR responds to those comment letters that address CCJPA's Draft EIR environmental impact analyses individually (referred to as CEQA Comment Letters) and acknowledges and responds jointly to Recurring Comment Letters and comment letters that are defined as non-environmental per CEQA Guidelines definitions and/or do not address the Draft EIR's accuracy or adequacy (referred to as Non-CEQA Comment Letters). The entirety of a comment letter remains together and has been categorized to a single group; where there is any one or more comments in a letter that address the adequacy or accuracy of the Draft EIR and/or potential physical environmental effects with substantial evidence, the entire letter is referenced in the CEQA Comment Letters section ([Section 4.1](#)).

Letters identified as CEQA Comment Letters are reproduced in their entirety in Appendix C. Section 4.1.1 presents a matrix of responses to each individual CEQA comment in this group. The letter-comment reference numbers are included in the matrix for ease of referencing back to letters, and where a response required revisions to the Draft EIR, the original text and the revised text are provided in the matrix. Where the same comment has been made a few times, a response may lead the reader to another numbered comment for the response. Section 4.1.2 includes tables and figures that have been updated in the FEIR.

Where many commenters have similar comments on a single topic, a reference in the "Response" column of the matrix will be to one or more of 13 Master Responses listed below and detailed in Section 4.1.3. Rather than repeating the same information in CCJPA's responses to these substantively similar comments, and in order to provide more detail and context around the response, a Master Response has been created. The matrix of CEQA Comment Letter responses provided in Section 4.1.1 references the following 13 Master Responses that are detailed in Section 4.1.3:

- Master Response 1: Opinions and Other General Comments (*this response is the same as the response to those letters that were identified as Non-CEQA Comment Letters [Section 4.3]*)
- Master Response 2: Public Review and Community Engagement
- Master Response 3: Economic and Social Impacts

- Master Response 4: Independent Utility of Project
- Master Response 5: Project Description and Design Alternatives
- Master Response 6: Proposed Ardenwood Station
- Master Response 7: Coast Subdivision Double Tracking
- Master Response 8: Freight Train Volume Assumptions
- Master Response 9: State Rail Plan and Track Electrification
- Master Response 10: Environmental Justice
- Master Response 11: Land Use – Potential Conflicts and Growth Inducement
- Master Response 12: Noise and Vibration
- Master Response 13: Cumulative Impacts Assessment

There are also three groups of Recurring Comment Letters received from public comment submissions. For each of these groups, Section 4.2 provides an example of the form letter from one commenter, a breakdown of the issues addressed in that letter, and a Master Response that replies to corresponding individual comment letters. At the beginning of each of the three Recurring Comment Letter groups is also a list of commenters that submitted letters included in that group. All Recurring Comment Letters are included in Appendix D (Recurring Comment Letter #1), Appendix E (Recurring Comment Letter #2), and Appendix F (Recurring Comment Letter #3) in order of letter number assignments.

Section 4.3 responds to those letters identified as Non-CEQA Comment letters. Commenters are listed in alphabetical order and a joint Master Response for all of these letters is provided. The reproduced comment letters that are addressed in this section are included in Appendix F. It is important to note that all verbal and written comments are included in this Final EIR for review and consideration by the CCJPA Board of Directors in preparation for making a determination on whether to approve the proposed Project to move forward.

## 4.1 CEQA Comment Letters

This section contains updates to Draft EIR language, figures, and tables resulting from some comments (Section 4.1.1 and 4.1.2), and Master Responses for common topics that were addressed by multiple commenters (Section 4.1.3). The first two columns in Table 3 in Section 4.1.1 (that is, Letter Number and Comment Number) can be used to cross-reference to the full CEQA Comment Letter copies that are included in Appendix C.

### 4.1.1 Responses to CEQA Comments and Updates to Draft EIR Text

Table 3 presents the changes to the Draft EIR text that were made in response to comments received. The original Draft EIR text and the updated text in the Final EIR are presented, along with the numbered comment that prompted the change. Modifications to the Final EIR made in response to comments on the Draft EIR are shown in bold text. Figure and table updates made to the FEIR are included after Table 3, in Section 4.1.2.

**Table 3. Matrix of Comment Responses and Changes Made to Draft EIR Text**

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
1	1	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? Thanks, Steven	Thank you for your comment. The direct mailer was sent out the week of May 27, 2024, and was sent to 560 regional stakeholders and over 15,900 property owners within 500 feet of the project corridor. Stakeholders included elected officials, environmental interest groups, and individuals and organizations who asked to be added to the stakeholder mailing list.	-	-
5	1	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.	Thank you for your input. The plans and policies you noted have been included in the Final EIR in Section 3.14.2.4, Local. The Alameda Specific Area Plan that applies to the project footprint is the Eden Area General Plan. This revision does not alter the Draft EIR's conclusion that compliance with existing relevant regulations and standards as well as implementation of proposed Project BMPs and mitigation measures would help alleviate impacts associated with noise and vibration resulting from implementation of the proposed Project would be less than significant. We are unable to answer your question on whether County residents have commented on this project. A review of the public comments received did not indicate that any of the commenters resided in Alameda County. It is possible that some of the commenters were County residents; however, supporting documentation is not available.	<b>Section 3.14.2.4 Local</b> The proposed Project traverses and is located in the jurisdictions of Alameda County and cities of Fremont, Newark, Union City, Hayward, San Leandro, and Oakland.  City of Fremont General Plan ... City of Hayward General Plan ... City of Newark General Plan ... City of Oakland General Plan ... City of San Leandro General Plan ... City of Union City General Plan ...	<b>Section 3.14.2.4 Local</b> The proposed Project traverses and is located in the jurisdictions of Alameda County and cities of Fremont, Newark, Union City, Hayward, San Leandro, and Oakland.  <b>Eden Area General Plan</b>  <b>The Eden Area General Plan Noise Element contains the following noise and vibration policies that are applicable to the proposed Project:</b> <b>Goal N-3: Control sources of excessive noise from transportation sources.</b> <b>Goal N-3 A4: Encourage BART and AC Transit to develop and apply noise-reduction technologies that reduce noise impacts associated with BART trains and bus traffic.</b>  City of Fremont General Plan ... City of Hayward General Plan ... City of Newark General Plan ... City of Oakland General Plan ... City of San Leandro General Plan ... City of Union City General Plan
5	2	Additional comments: 1) I live next to the tracks in Cherryland, and I can tell you that at freight engines and the commuter 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 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.	Thank you for your comment. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project. No changes to the Draft EIR are required.	-	-
5	3	2) Not all passenger trains are 4 car, the Starlights are 9 cars.	Thank you for your comment. Capitol Corridor trains are typically four to five cars with a locomotive; ACE are seven cars, and Amtrak Starlight are 10 cars. The existing trains were included in the measurements of existing noise (ACE, Amtrak, etc.). The Capitol Corridor trains were modeled based on the number of cars in the operating plan. For shorter passenger trains, the locomotive typically dominates the noise, and a difference of one or two cars would only make a small difference in the cumulative noise from a train pass by. No changes to the Draft EIR are required.	-	-
5	4	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 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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
7	1	Sea Level Rise: It appears as if your own reports mirror my own research in that this	Thank you for your comment. Your concern regarding cost efficiency is noted, however the cost efficiency is not relevant	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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 taxpayer 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)?</p> <p>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.</p>	<p>to determination of environmental impacts under CEQA. Please see Master Response 3: Economic and Social Impacts.</p> <p>In contrast to the No Project Alternative, Alternative E will improve resiliency of the Coast subdivision to SLR by implementing adaptation measures describe in Draft EIR Chapter 4. These measures as well as standard engineering practices, would minimize physical and operational issues related to SLR. Adaptation measures will be refined during future design in coordination with UPRR and BCDC, as well as other entities coordinating regional adaptation efforts (such as Bay Adapt, CHARG, and local municipalities). By coordinating adaptation with regional organizations and local agencies (Category 3 - Adaptation Measures), the project would support improving resiliency of the region and not just the Coast subdivision.</p> <p>By reducing travel time and shifting travelers from single-occupancy vehicles to trains, the proposed Project will reduce GHG emissions, one of the causes of SLR. As such, the proposed Project also contributes to meeting the goals of the 2017 Clean Air Plan (Draft EIR Chapter 3.4).</p>		
7	2	<p>Noise: 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.</p>	<p>Thank you for your comment. The project proposes to shift passenger trains to an existing rail corridor that currently provide freight rail service. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project.</p> <p>Further, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.</p>	-	-
11	1	0	No comment provided.	-	-
12	1	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	Thank you for your comment. Information on the project, including the proposed alternatives and any changes to the areas noted, can be found in the Draft EIR on the project website. A detailed description of the project alternatives can be found in Section 2.2 of the Draft EIR. Improvements at Niles Junction and Industrial Parkway were included in Alternatives A through D however these were rejected as described in Section 2.3. The proposed Project (Alternative E) does not propose any improvements at the Niles Junction or Industrial Parkway.	-	-
14	1	Will freight trains be confined to the Niles Subdivision, or will they also use the Coast Subdivision?	Thank you for your comment. The proposed Project does not propose changes to freight service. Please refer to Master Response 8: Freight Train Volume Assumptions, for information regarding the impact of the proposed Project on freight traffic. No changes to the Draft EIR are required.	-	-
15	1	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	Thank you for your comment. A single PDF file of the Draft EIR in its entirety can be found on the Resources page of the South Bay Connect website. Please scroll down the list of the individual Draft EIR sections to the link noted as "Full Draft Environmental Impact Report."	-	-
16	1	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 homeowners.	Thank you for your comments. The potential effects of a proposed Project on property values are socioeconomic effects that are not a physical impact on the environment; therefore, such effects are not required to be studied by CEQA (please refer to Master Response 3: Economic and Social Impacts). Please refer to Master Response 12: Noise and Vibration, regarding the evaluation of project noise impacts. Pollution and odor impacts related to train operations were analyzed in Chapter 3.4, Air Quality, and were determined to	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			be less than significant. The public outreach and engagement process for the Draft EIR exceeded the statutory requirements under CEQA - please refer to Master Response 2: Public Review and Community Engagement.		
22	1	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.	Thank you for your comment. The future use of the Hayward Station after discontinuation of Capitol Corridor service shall be decided by Union Pacific Railroad and the City of Hayward as the right-of-way owners of the train platform and station areas. Please note that the Fremont-Centerville Station will still be serviced by ACE and will remain an active train station.	-	-
24	1	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.	Thank you for your comment. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project. No changes to the Draft EIR are required.	-	-
25	1	Who is a contact person at Hayward city government re the realignment of CC service?	Thank you for your comment. CCJPA is the lead agency for the proposed Project. While the project team is working closely with several partner agencies and corridor jurisdictions in the planning and environmental review, it's outside the authority of the project team to advise the community on staff contacts. You may contact your elected officials with the City of Hayward, including the mayor and city council. You may also contact the City of Hayward Transportation Division and the Planning Division.	-	-
33	1	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!	Thank you for your comment. The intersection of Smith Street and Union City Boulevard in Union City is listed as one of the noise receptor locations projected to experience a severe noise impact during operation of the proposed Project, as discussed on page 3.14-38 of the Draft EIR. This intersection is included in the locations for proposed quiet zones. Please see Master Response 12: Noise and Vibration, Issue 3 for additional discussion about quiet zones. No changes to the Draft EIR are required.	-	-
36	1	<p>Questions/High level comments:</p> <ul style="list-style-type: none"> <li>- 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</li> <li>- It mentions potential vibration impacts near new crossovers/turnouts, but a more thorough vibration analysis for the entire corridor is warranted.</li> <li>- The proposal does not mention any plans for long-term monitoring of noise and vibration levels after project implementation.</li> <li>- Explain further the assumptions made for construction scenarios (equipment usage, schedule, simultaneous operations etc.)</li> <li>- Discuss the models or calculation methods used beyond just referencing FTA guidance.</li> <li>- Provide the specific noise level thresholds that constitute moderate and severe impacts per FTA criteria.</li> <li>- Explain if supplemental local noise criteria are being applied in addition to FTA criteria.</li> </ul>	<p>Thank you for your comment. The project followed the FTA methodology for vibration impact in corridors with existing train operations, as described on page 3.14-22 of the Draft EIR. Because of the existing vibration, there would be no changes in vibration level, except at locations where new or relocated crossovers or turnouts would be located. Please refer to Master Response 12 for further explanation of the Vibration Assessment Methodology.</p> <p>The construction methodology is detailed starting on Draft EIR page 3.14-17. The construction assessment uses a typical construction approach in the analysis. Please also reference Draft EIR, Section 2.2.3.8 Construction Equipment and Crews. Details regarding specifics of construction will be determined by the contractor. The operational assessment methodology is described starting on page 3.14-21. The specific model equations are contained in Section 4 of the FTA noise and vibration manual. The FTA moderate and severe impact thresholds are based on the existing conditions and vary depending on the existing noise levels. Figures 3.14-9 and 3.14-10 show the moderate and severe impact thresholds measured existing noise levels. FTA noise criteria are used in the assessment. Mitigation measures, such as the establishment of quiet zones, are intended to reduce long-term noise and vibration impacts. Long-term monitoring of noise and vibration impacts would not be required. No changes to the Draft EIR are required.</p>	-	-
36	2	<p>Additionally, please add the following strategies to reduce vibration and noise:</p> <ul style="list-style-type: none"> <li>- Install vibration isolation measures:</li> <li>- Use ballast mats or resilient rail fasteners or under-sleeper pads to</li> </ul>	Thank you for your comment. As stated in Chapter 3.14 of the Draft EIR, the only locations with vibration impact are at locations with new or relocated crossovers or turnouts. Low-impact frogs are the most effective means of mitigation for	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>absorb vibrations from the track structure.</p> <ul style="list-style-type: none"> <li>- Install sub-ballast mats or rubber shoes under the concrete ties.</li> <li>- 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</li> <li>- Implement rail dampers, which are devices attached to the rail that absorb vibration energy</li> <li>- Trench the track by constructing a concrete subway structure or soil trench to create a vibration path discontinuity.</li> </ul>	<p>these locations because they can reduce noise and vibration levels when trains pass over them and they create a smoother transition through the gap in the rails. A railroad frog is a device that helps the wheels rolling from one track to another. Ballast mats, resilient rail fasteners or slab track would not be as effective for controlling vibration from crossovers. The main source of noise is horns and locomotive noise, so rail dampers would not be effective at reducing noise. Trenches are not effective mitigation measures for vibration. For a discussion of mitigation measures to reduce noise impacts associated with operation of the proposed Project, please see Master Response 12: Noise and Vibration. No changes to the Draft EIR are required.</p>		
36	3	<p>Construct trenches or barriers:</p> <ul style="list-style-type: none"> <li>- Dig trenches parallel to the tracks and fill them with re-compressed soil or other damping material to block propagation of vibration waves.</li> <li>- Install underground vibration screening walls made of special absorbing materials.</li> <li>- Increase the sound wall height along the track alignment throughout the new route</li> <li>- Use noise barrier walls or earth berms along the rail corridor to block line-of-sight noise propagation</li> <li>- Install sound absorption materials like acoustical paneling on the barrier walls to reduce reflected noise.</li> </ul>	<p>Thank you for your comment. As stated in Chapter 3.14 of the Draft EIR, 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 as part of track design, operational impacts from vibration would be less than significant. Additional measures including trenches, underground vibration screening walls, sound walls, earth berms, and acoustical paneling would not be needed and would not be as effective at minimizing impacts related to vibration. For a discussion of mitigation measures to reduce noise impacts associated with operation of the proposed Project, please see Master Response 12: Noise and Vibration. No changes to the Draft EIR are required.</p>	-	-
36	4	<p>Maintenance and operational changes:</p> <ul style="list-style-type: none"> <li>- Maintain tracks regularly by grinding down defects and uneven rail surfaces that can increase vibration.</li> <li>- Enforce speed and horn restrictions for trains near residential areas including freight trains</li> <li>- Use newer rail vehicles with improved suspension systems that generate less vibration including freight trains.</li> <li>- Implement rail lubrication systems to reduce wheel-rail interaction noise.</li> <li>- Perform weekly to monthly track inspections and maintenance to address any issues that could lead to increased vibrations.</li> </ul>	<p>Thank you for your comment. The points regarding regular maintenance and inspections are noted and will be referred to CCJPA. As stated in Chapter 3.14 of the Draft EIR, 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 track design, operational impacts would be less than significant. For a discussion of mitigation measures to reduce noise impacts associated with operation of the proposed Project, please see Master Response 12: Noise and Vibration. No changes to the Draft EIR are required.</p>	-	-
36	5	<p>Homes</p> <ul style="list-style-type: none"> <li>- Compensate and provide the homeowners sound insulation upgrades to reduce interior noise levels including but not limited to windows, doors, wall insulation etc.</li> <li>- Provide an option to install vibration isolation systems for building foundations to prevent vibration transmission into the structure.</li> </ul>	<p>Thank you for your comment. On page 3.14-45 of the Draft EIR, mitigation measure MM NOI-2 states that, if the establishment of quiet zones is not feasible, CCJPA will consider the application of building sound insulation at residences identified in the Draft EIR. CCJPA will coordinate with individual residents during future design. Building sound insulation improvements include but are not limited to an application of an extra layer of glazing to windows, sealing holes in exterior surfaces that act as sound leaks, and the provision of forced ventilation and air-conditioning so that windows do not need to be opened. Per other comments, NOI-2 has been updated to include: CCJPA will be responsible for reasonable costs associated with construction of the necessary at-grade crossing improvements to qualify for establishing a Quiet Zone, while recognizing that Quiet Zone approval is ultimately outside the authority of CCJPA. No changes to the Draft EIR are required for this comment.</p>	-	-
41	1	<p>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.</p>	<p>Thank you for your comments. Draft EIR Chapter 3.14, Noise and Vibration, analyzes the potential noise impacts of the proposed Project. Draft EIR Chapter 3.18, Transportation, analyzes the traffic impacts. The comment on property acquisition is noted; however, this is a socioeconomic issue that is outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
41	2	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. 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	Thank you for your input. The comment is noted. Please see Master Response 1: Opinions and Other General Comments and Master Response 2: Public Review and Community Engagement for information on the public outreach that was conducted. Please also refer to Master Response 5: Project Description and Design Alternatives.	-	-
48	1	This would dramatically increase traffic in the Ardenwood area	Thank you for your comment. New rail riders would be able to connect to the proposed Ardenwood rail station via existing transit services. The existing park-and-ride is currently serviced by several bus lines and private shuttles. Users could use these transit connections to access the new station. Connecting bus/shuttle and rail transit could encourage further mode shift away from motor vehicles, reducing traffic congestion along SR 84 in the Ardenwood area. No changes to the Draft EIR are required.	-	-
48	2	and remove the transit that affords Centerville its TOD status.	Thank you for your input. Centerville's TOD status is not solely reliant on the Capitol Corridor but is also predicated on the ACE rail service at that station. State requirements that apply to Centerville would not change as the station would remain a "major transit stop" under state law due to continued ACE service. No changes to the Draft EIR are required.	-	-
48	3	We have justified projects in Centerville that reduced parking and increased density based on the availability and 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?	Thank you for your comment. As noted in the comment, ACE service will remain, and thus, the Centerville station will retain its designation as a major transit stop under Public Resources Code Section 21064.3. Connections to Fremont BART and Union City BART can be made from the Centerville area using AC Transit Line 99, which operates at 20-minute headways throughout the day. Orange Line BART service currently runs at 20-minute headways and provides a connection to Capitol Corridor at Richmond Station. The AC Transit and BART service 20-minute headways are smaller than the Capitol Corridor headways, which are 30 minutes or more throughout the day. No changes to the Draft EIR are required.	-	-
48	4	-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.	Thank you for your input. Please refer to Master Response 11: Land Use – Potential Plan Conflicts and Growth Inducement for a complete discussion of when a conflict with a land use plan qualifies as an impact under CEQA.	-	-
48	5	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	Please refer to Master Response 2: Public Review and Community Engagement regarding public outreach efforts taken place related to the project. Noise and vibration issues were analyzed in Chapter 3.14 of the Draft EIR. Please refer to Master Response 12: Noise and Vibration for more detailed discussion on the evaluation of noise and vibration impacts. The proposed Ardenwood station would not have significant growth-inducing impacts - please refer to Master Response 11: Land Use - Potential Conflicts and Growth Inducement. Freight train discussion regarding increased operations is described in Master Response 8: Freight Train Volume Assumptions.	-	-
67	1	Recall that the City of Fremont has adopted a resolution opposing the South Bay Connect Project on November 10, 2020 ( <a href="https://fremontcityca.iqm2.com/Citizens/Detail_Legifile.aspx?ID=4203">https://fremontcityca.iqm2.com/Citizens/Detail_Legifile.aspx?ID=4203</a> ) for the reasons below. The City Council voted to oppose the project at this time and expressed	Draft EIR Chapter 3.18, Transportation, discusses the relationship of the project to other transportation services and facilities. Regarding freight trains, please refer to Master Response 8: Freight Train Volume Assumptions. Cost-benefit analyses, and the potential influence of the COVID pandemic,	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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:</p> <ul style="list-style-type: none"> <li>* location of and service levels of freight trains in Fremont and how changes might affect the Fremont community</li> <li>* 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</li> <li>* 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.</li> </ul>	<p>are socioeconomic issues that do not address physical impacts, and therefore are not within the scope of CEQA (see Master Response 3: Economic and Social Impacts).</p> <p>It should be noted that Draft EIR Chapter 3.18, Transportation, did provide ridership and VMT analyses based on "pre-COVID" and "post-COVID" scenarios. Finally, the October 2020 communication referred to alternatives that were proposing to shift freight service from Coast to Niles subdivision, which would have required freight impact analyses due to the shift in service. These alternatives were subsequently rejected, as described in the Draft EIR Section 2.3. Alternatives Considered but Rejected.</p> <p>The proposed Project does not include a shift in freight rail service. The State Rail Plan provides information on the overall Northern California transportation planning process, including the SBC proposed Project.</p>		
67	2	<p>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 &amp; FY 2025-26 DRAFT ANNUAL BUSINESS PLAN – MAY 2024" Page 14:</p> <p>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.</p>	<p>Thank you for your comment. Please see Master Response 7: Coast Subdivision Double Tracking for a specific discussion on double tracking and rescoping of projects. For a complete discussion on why the EIR for SBC was prepared at this time please refer to Master Response 5: Project Description and Design Alternatives.</p>	-	-
67	3	<p>Moreover, the City of Fremont has participated in Southern Alameda County Integrated Rail Analysis (SoCo Rail) Study in 2023 (<a href="https://mtc.ca.gov/planning/transportation/regionaltransportation-studies/southern-alameda-county-integrated-rail-analysis-soco-rail-study">https://mtc.ca.gov/planning/transportation/regionaltransportation-studies/southern-alameda-county-integrated-rail-analysis-soco-rail-study</a>), which specifically assigns Union City BART as the East Bay Hub, instead of building a new Ardenwood railway station (a key component of SBC).</p>	<p>Thank you for your comment. South Bay Connect fits within the considerations of the SoCo Rail Study. Under "Findings" the SoCo Rail Study recognizes the importance of transbay buses across the Dumbarton Bridge, integration of these routes with ACE and Capitol Corridor and that they could service East Bay hub(s). The proposed Ardenwood Station could serve as one of these hubs and would help facilitate transit with enhanced transbay bus service. As the SoCo Rail Study explicitly recognizes the possibility of multiple hubs there is no conflict between SBC and the SoCo Rail Study.</p>	-	-
71	1	<p>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.</p>	<p>Thank you for your comments. The comments do not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Please refer to responses to comments 71-2 through 71-6 for additional details.</p>	-	-
71	2	<p>Access:</p> <ol style="list-style-type: none"> <li>1. Ridership Demand: There are no studies comparing ridership demand between the existing and proposed corridors. The claim of increased ridership is purely speculative.</li> <li>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.</li> </ol>	<p>1. The ridership forecasts for the project are based on detailed modeling and analysis, as presented in the EIR. These forecasts consider factors such as population growth, regional travel patterns, and the improved travel times offered by the new corridor. While future demand projections always involve some uncertainty, the analysis is grounded in established transportation modeling techniques and reflects a thorough</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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.</p> <p>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.</p>	<p>assessment of potential ridership.</p> <p>2. The project acknowledges the discontinuation of Capitol Corridor service at the Hayward and Fremont-Centerville stations, and the EIR addresses this by focusing on improving access and connectivity to the new Ardenwood station. While specific plans for reestablishing access from the abandoned stations are not detailed as they are not under the purview of CCJPA, the proposed Project includes enhancements to transportation infrastructure and services in the area to support commuters who would shift to the new Ardenwood station. This includes the planned integration with local transit options and improved connectivity.</p> <p>3. The EIR includes an analysis of traffic impacts related to the proposed Ardenwood station. The analysis covers potential traffic increases in the surrounding neighborhood, including Ardenwood Boulevard and SR 84. From the CEQA standpoint, this increase is considered less than significant. Moreover, the project incorporates BMP TR-1: Transportation Management Plan (TMP) designed to avoid and minimize traffic impacts and help make sure that the infrastructure can support the increased demand, including improvements to access points and traffic flow.</p> <p>An additional 200 parking spaces would be added via a new surface lot near the existing Ardenwood park-and-ride facility. Therefore, the existing Ardenwood park-and-ride would not be the sole parking area for the new Ardenwood station.</p> <p>4. The EIR and CCJPA acknowledges the importance of ensuring that the new rail station at Ardenwood is well-integrated with existing and future public transit services.</p> <p>While the EIR primarily focuses on the rail project, it does include provisions for coordinating with local transit agencies to enhance bus services that connect to the new station. These efforts are aimed at improving public transit options and ensuring that buses and shuttles serve the station effectively.</p> <p>Regarding shuttle services, while some may be privately operated, the project aims to work with these providers to align their services with the needs of commuters using the new station. This coordination is intended to help create a more seamless connection, though it is recognized that privately operated services may have limitations compared to public transit.</p> <p>CCJPA is committed to working with local transit authorities to address these concerns and help make sure that the station is accessible and convenient for all users. No changes to the Draft EIR are required.</p>		
71	3	<p>Economy:</p> <p>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.</p>	<p>Thank you for your input. The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please see Master Response 1: Opinions and Other General Comments. Also, the comment refers to socioeconomic issues that are outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.</p>	-	-
71	4	<p>Land Use:</p> <p>6. Residential Zones: The residential zones around the Ardenwood neighborhood are fully developed, negating the promoted benefits to the neighborhood.</p> <p>7. General Plan: The City of Fremont's General Plan designates the current land use as IndustrialTech, which is not Transit-oriented Development (TOD) or Mixed Use.</p>	<p>Thank you for your input. Regarding residential zones being developed, the intent of the proposed Project is not to develop residential zones, but to provide rail service to these surrounding communities that have limited local options for transportation. For other comments, please refer to Master Response 11: Land Use – Potential Plan Conflicts and Growth</p>	-	-

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		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.	Inducement for a complete discussion of when a conflict with a land use plan qualifies as an impact under CEQA.		
71	5	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.	EIR Chapter 3.5, Biological Resources, provides a description of and justification for the biology RSA. The Coyote Hills Regional Park is more than three-quarters mile west of the proposed Ardenwood station, and the proposed station is separated from the park by intervening industrial park development and roadways, specifically Ardenwood Boulevard and Paseo Padre Parkway. The Coast Subdivision in the area is separated from the park by intervening development. EIR Chapter 3.8, Geology, analyzed project impacts related to topographical and geological conditions within the geology RSA, including collapsible soils and lateral spreading. The conclusion reached was that the proposed Project would not have significant geological or soil impacts.	-	-
71	6	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.	Thank you for your comment. Please see Draft EIR page 3.14-22 for detailed information on the types of cars and locomotives in the proposed project. The rail type does not affect the noise and vibration assessment. Stations have been included in the assessment of noise and vibration. They typically have very little effect on overall noise and vibration. Operational noise and vibration are discussed and evaluated in detail in Section 3.14. No changes to the Draft EIR are required.	-	-
83	1	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.	Thank you for your comments. The comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
83	2	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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Changes to flight path redirection are not proposed by the SBC project. Please refer to Master Response 1: Opinions and Other General Comments. Please refer to Master Response 12: Noise and Vibration, which provides a discussion on the operational noise impacts associated with the proposed Project. Please also refer to Master Comment 6: Proposed Ardenwood Station, regarding details regarding development of the station.	-	-
83	3	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.	Thank you for your comment. The proposed Project includes seven trains in each direction, or 14 passenger trains roundtrip total on weekdays anticipated on the Coast Subdivision between 6 A.M. and 10 P.M. on weekdays. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project, as well as proposed mitigation measures. No changes to the Draft EIR are required.	-	-
83	4	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 increase in crime in our District.	Thank you for your comment. Please refer to Master Response 6: Proposed Ardenwood Station for a discussion regarding development of the station. Comments related to the unhoused are noted; however, they refer to socioeconomic issues that are outside the scope of CEQA analysis, please refer to Master Response 3: Economic and Social Impacts. No changes to the Draft EIR are required.	-	-

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83	5	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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
85	1	<p>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.</p> <p>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. 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:</p> <p>"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."</p> <p>The above reference source specifically addresses the crossing geometry and rail flangeway risk to bicyclist safety:</p> <p>"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."</p> <p>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. 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.</p> <p>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. The CPUC further suggests:</p> <p>"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."</p> <p>[[Citations included in comment letter]]</p>	<p>Thank you for your comment. Your recommendations have been noted and will be referred to the CCJPA SBC design team as a potential feature to consider during future project design.</p> <p>Grade-separated crossings have been identified at select locations and not others throughout along the alignment based on a variety of factors. Constructing grade separations to separate a rail alignment from roads can considerably widen a rail project's footprint. In addition, when grade-separating alignments, the infrastructure can extend far beyond an individual roadway crossing because rail operations require that railway slope changes must be gradual. Thus, where there are at-grade roads crossing a rail alignment in close proximity to each other, any grade separation that uses a change in the railway elevation will likely require the changed elevation (whether above or below roadways) to be maintained across all the nearby at-grade crossings. In other words, it may not be possible to construct only one grade separation in some areas, where close proximity of at-grade crossings means that constructing one grade separation would then require constructing multiple other grade separations. This can increase the cost of a grade-separated rail alignment. It can also increase the costs associated with right-of-way acquisitions, require additional infrastructure, and increase construction disruption. Additionally, the integration of grade separations with the local roadway network would require the reconstruction and modification of adjacent streets and intersections. Construction activities associated with the construction of grade separations would require temporary road closures and detours and would temporarily restrict access to many properties. For more information on proposed safety improvements at existing crossings, please see Draft EIR Section 2.2.3.2. At-Grade Crossing Improvements that also includes bike safety measures.</p> <p>No changes to the Draft EIR are required.</p>	-	-
87	1	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.	Thank you for your comments. The comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
87	2	The environment study report should have scientific data showing the noise and vibration levels comparing with current situation.	Thank you for your comment. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project.	-	-

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93	1	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.	Thank you for your comments. The comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
93	2	The environment study report should have scientific data showing the noise and vibration levels comparing with current situation.	Thank you for your comment. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project. No changes to the Draft EIR are required.	-	-
108	1	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.	Thank you for your comments. Draft EIR Chapter 4, Sea Level Rise, analyzes the potential impacts of sea level rise on the project. EIR Chapter 3.18, Transportation, contains ridership forecasts based on two scenarios - pre-COVID and post-COVID. Comments regarding project expense and future technology are noted; however, they do not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments and Master Response 3: Economic and Social Impacts for additional explanation. No changes to the Draft EIR are required.	-	-
108	2	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.	Thank you for your comment. For a discussion of noise and vibration impacts that would result from implementation of the proposed Project, please refer to Master Response 12: Noise and Vibration. CEQA does not require that an environmental document evaluate the effect of a project on property values, see Master Response 3: Economic and Social Impacts for additional explanation. No changes to the Draft EIR are required.	-	-
108	3	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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
111	1	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.	Thank you for your comments. The comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
111	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	Thank you for your comment. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project.	-	-
111	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.	Thank you for your comment. An additional 200 parking spaces would be added via a new surface lot near the existing Ardenwood park-and-ride. Also, the park-and-ride has existing bus and shuttle services that would provide further opportunities to access the proposed Ardenwood rail station. No changes to the Draft EIR are required.	-	-
111	4	The development of a new train station would bring in a larger number of outside people in this area, which will lead to 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	The comment is noted; however, it refers to socioeconomic issues that are outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts for additional discussion.	-	-

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111	5	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!!	Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms to provide information to the community as required by CEQA. Please see Chapter 6 of the EIR for information on public outreach throughout the environmental review process and Master Response 2: Public Review and Community Engagement for information on the notification and review process for the Draft EIR.	-	-
111	6	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.	Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms to provide information to the community as required by CEQA. Please see Chapter 6 of the EIR for information on public outreach throughout the environmental review process and Master Response 2: Public Review and Community Engagement for information on the notification and review process for the Draft EIR.	-	-
111	7	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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
113	1	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?	Thank you for your comment. A single PDF file of the Draft EIR in its entirety can be found on the Resources page of the South Bay Connect website. Please scroll down the list of the individual Draft EIR sections to the link noted as "Full Draft Environmental Impact Report."	-	-
118	1	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. 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.	Thank you for your comments. The comment does not address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments and Master Response 3: Economic and Social Impacts for additional explanation. No changes to the Draft EIR are required.	-	-
118	2	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. 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.	Thank you for your comment. The proposed Project includes the addition of seven roundtrip Capitol Corridor trains, or 14 passenger trains passing a single location on weekdays on the Coast Subdivision between 6 A.M. and 10 P.M. Existing noise levels are provided in Table 3.14-8, Existing Noise Level Measurements in the RSA, starting on page 3.14-32 of the Draft EIR. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project, as well as mitigation measures. No changes to the Draft EIR are required.	-	-
118	3	Furthermore, the project's purported benefits are dubious. The existing BART service already adequately serves the Oakland to San Jose segment, making 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	Please refer to Master Response 2: Public Review and Community Engagement regarding public outreach that took place throughout the Draft EIR process. The other comments are noted; however, they do not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments and Master Response 3: Economic and Social Impacts for additional explanation. No changes to the Draft EIR are required.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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. 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.			
119	1	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	Thank you for your comment. Overall traffic congestion is not expected to increase as a result of the proposed Project. Conservatively, rail ridership would increase by approximately 500 riders/day (2025) and approximately 1,000 riders/day (2040) under the proposed project (Table 3.18-2). Up to 70% of this mode shift would be from new users served by the proposed Ardenwood Station (i.e. not regional commuters). The increase in rail riders would decrease traffic congestion by removing an equivalent number of motor vehicles from Bay Area roadways. In 2025, VMT is forecasted to drop 38,000 VMT with a 40,000 VMT drop by 2040. Based on CEQA Guidelines, transportation project that reduce VMT should be presumed to have a less than significant transportation impact.  While an informational traffic operations analysis was completed (see Appendix H), the effects of the proposed Project on traffic congestion are considered less-than-significant under Senate Bill 743. No changes to the Draft EIR are required.	-	-
119	2	2) It may have a negative impact on property values	The comment is noted; however, it refers to a socioeconomic issue that is outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.	-	-
119	3	3) There is no credible environmental impact analysis. The Draft Environmental Impact Report is too vague and has little detailed information	Thank you for your comment. CCJPA has conducted sufficient analysis in the Final EIR to meet the requirements of CEQA. The potential for environmental impacts has been disclosed and mitigation measures included, as necessary. For additional information regarding the CEQA process, please refer to Master Response 1: Opinions and Other General Comments.	-	-
119	4	4) It may introduce safety hazards into this area Please vote NO to the Fremont South Bay Connect Project.	Thank you for your comment. Your opposition to the project is noted. Your general concern regarding safety hazards is noted. The project is not expected to introduce safety hazards as it would be designed to comply with all relevant engineering standards. The proposed Project also includes the following measures to avoid safety issues: BMP GEO-1: Geotechnical Investigations BMP GEO-2: Expansive Soil BMP HAZ-1: Prepare a Construction Hazardous Material Management Plan (HMMP) BMP HAZ-2: Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments BMP HAZ-3: Prepare a General Construction Soil Management Plan BMP HAZ-4: Prepare Parcel-Specific Soil Management Plans and Health and Safety Plans (HASP) BMP HAZ-5: Leaking Underground Storage Tank (LUST) Sites and Coordination with DTSC BMP HAZ-6: Halt Construction Work if Potentially Hazardous Materials/ Abandoned Oil Wells are Encountered BMP HAZ-7: Pre-Demolition Investigation BMP TR-1: Transportation Management Plan (TMP) BMP UT-1: Utility Verification and Coordination with Utility Providers and California Public Utilities Commission (CPUC) BMP WF-1: Prepare Fire Prevention Plan BMP WF-2: Use Drought-Tolerant and Fire-Resistant Native	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			Plants Full text of the BMPs is included in Table 2.2-3. No changes to the Draft EIR are required.		
120	1	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. 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.	Thank you for your comments. Comments opposing the project are noted; however, they do not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Comments regarding the financial aspects of the project are likewise noted, but they are socioeconomic issues that are not physical impacts, and therefore not part of CEQA analysis, please refer to Master Response 3: Economic and Social Impacts. The public outreach process for the Draft EIR exceeded the statutory requirements under CEQA, please refer to Master Response 2: Public Review and Community Engagement.	-	-
120	2	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),	Thank you for your comment. The petition states the concern that residents near the Coastal Subdivision will be "hearing horns and feeling vibration all day long". The proposed Project includes seven roundtrip trains, or 14 passenger trains in a single direction on weekdays on the Coast Subdivision between 6 A.M. and 10 P.M. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project. No changes to the Draft EIR are required.	-	-
120	3	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.	The Draft EIR, Section 3.18 Transportation includes an analysis of traffic impacts related to the Ardenwood station. The analysis covers potential traffic increases in the surrounding neighborhood, including Ardenwood Boulevard and SR 84. From the CEQA standpoint, this increase is considered less than significant. Moreover, the project incorporates BMP TR-1: Transportation Management Plan (TMP) designed to avoid and minimize traffic impacts and help make sure that the infrastructure can support the increased demand, including improvements to access points and traffic flow. Please see Master Response 6: Proposed Ardenwood Station for additional information regarding impacts near Ardenwood Park and Ride.  In terms of property values, please refer to Master Response 3: Economic and Social Impacts for additional explanation. No changes to the Draft EIR are required.  As for the disruption of services at the Hayward and Fremont Centerville stations, the project team understands the concerns about changes to existing transportation services. The EIR acknowledges these impacts and includes plans to provide alternative transit options and improve connectivity to the new Ardenwood station.	-	-
120	4	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	Thank you for your comment. Draft EIR Section 3.4, Air Quality, discusses emissions from diesel locomotives. It is assumed that there would be no appreciable change in freight locomotive emissions as a result of the proposed Project. Regulations have been passed by the EPA in 2008 and CARB in 2023 to reduce emissions from diesel-powered locomotives and move towards zero-emissions, gradually phasing out diesel locomotives beginning in 2030. This section also analyzes diesel particulate matter output and determined that the proposed Project would not exceed the adopted BAAQMD thresholds. SamTrans owns Dumbarton Rail corridor and is currently	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			studying it for rail service. If advanced, this would be an independent project from SBC.		
120	5	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. Thank you for your time and consideration.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments and Master Response 3: Economic and Social Impacts for additional explanation. No changes to the Draft EIR are required.	-	-
121	1	As a resident of the Ardenwood area, I strongly oppose the SBC Project and am very disappointed with the Draft Environmental Impact Report (EIR). I attended all the SBC public meetings in 2020 and 2024, and the public comments were overwhelmingly against the project.	Thank you for your comments. The comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
121	2	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.	Thank you for your comment. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project. No changes to the Draft EIR are required.	-	-
121	3	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.....	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
121	4	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.	The comment asserts that the mitigation measures in the Draft EIR were inadequate, but it does not provide specific examples to justify this statement. Therefore, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
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.	Thank you for your input, the comment is noted. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms to provide information to the community as required by CEQA. Please see Chapter 6 of the EIR for information on public outreach throughout the environmental review process, Master Response 1: Opinions and Other General Comments, and Master Response 2: Public Review and Community Engagement for information on the notification and review process for the Draft EIR.	-	-
123	1	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. 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	Thank you for your comment. Please see Master Response 7: Coast Subdivision Double Tracking and Master Response 2: Public Review and Community Engagement for additional information.	-	-
123	2	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: 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).	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
125	1	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.	Thank you for your comment. The public outreach and engagement process for the draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Please see Master Response 2: Public Review and Community Engagement.	-	-
129	1	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	Please refer to Master Response 6: Proposed Ardenwood Station regarding impacts related to development of the station. The other comments, while noted, refer to socioeconomic issues that are outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.	-	-
129	2	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.	Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA.  In accordance with State CEQA Guidelines (Section 15082[a], 15103, 15375), a Notice of Preparation (NOP) was initially published on June 30th, 2020, and was available for comment until August 13th, 2020. The NOP was circulated to the public; to local, state, and federal agencies; and to other interested parties. A direct mailer was sent to all the properties within 500 feet from the project alignment which was approximately 15,000 properties. Direct mailers were also sent to approximately 2,000 other stakeholders which included known HOAs. CCJPA held an online public meeting during the 2020 public scoping period and a telephone town hall on July 15, 2020.  Please see Chapter 6 of the EIR for information on public outreach throughout the environmental review process, specifically during the 2024 Draft EIR process, and Master Response 2: Public Review and Community Engagement.	-	-
129	3	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.	Thank you for providing pictures of the unhoused encampments. Please refer to Master Response 6: Proposed Ardenwood Station regarding impacts related to development of the station. Socioeconomic issues are outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.	-	-
134	1	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	Chapter 3.18 Transportation (Draft EIR) provides a detailed analysis of how ridership will affect traffic (in the form of vehicle miles travelled). Section 3.18.3.2 describes how ridership and vehicle miles travelled were determined. The other comments, while noted, do not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments and	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	Master Response 3: Economic and Social Impacts for additional explanation. No changes to the Draft EIR are required.		
134	2	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.	Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight train traffic, which notes that decisions on freight traffic would occur independent of the proposed Project.	-	-
134	3	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.	Thank you for your comment. As the Draft EIR is the culmination of a process started with the NOP in 2020, the vehicle miles traveled (VMT) modeling was conducted based on the construction and operations schedule introduced in the NOP in 2020. Since the modeling was generally used for comparative purposes between scenarios, the modeling was not redone for the 2024 documentation as the output for a later start date would be expected to be similar in terms of the scenario's relativity to each other. As such, the Draft EIR continues to reference 2025 as the operational start date in discussions related to VMT modeling, which occur in the following sections: Transportation (Section 3.18), Greenhouse Gases (Section 3.9), and Energy (Section 3.7) analyses. Currently, operations for the proposed Project are anticipated to begin in mid- to late-2029, consistent with the proposed construction end date of July 2029 as presented in Section 2.2.3.6, Proposed Schedule. Notes have been added to Sections 3.7, 3.9, and 3.18 to clarify reason for use of the 2020 year.	<p><b>Section 3.18.3.2 Data Sources, Ridership Forecasts Regional and VMT Analysis</b> To evaluate regional impacts using VMT, a 2025 and 2040 model was developed (Fehr and Peers, 2023) to estimate the increase in ridership associated with the Project improvements. The model estimated future passenger rail ridership within the regional RSA through a forecasting analysis that used data from the following three travel demand models (TDM)</p> <p><b>Section 3.9.3.2 Operations, Displaced Vehicle Miles Traveled</b> Operation of the proposed Project would improve Capitol Corridor passenger rail service between Oakland and San Jose. The resulting reduction in automobile vehicle usage is quantified by year and scenario as part of this analysis. The VMT data were estimated using a regional travel demand model that covers the geographic extent of the Bay Area region.5 Data have been provided for 2025 and 2040, and for two scenarios (No Project Alternative and Proposed Project). The VMT was separated into 5-mph speed groupings, or "speed bins." The GHG emissions reductions achieved by displaced VMT were estimated using emission factors from EMFAC2021. In 2025, the proposed Project would reduce VMT by approximately 24,000 miles per day relative to the No Project Alternative, and, in 2040, the VMT reduced would be approximately 33,000 miles per day. Appendix B contains additional details regarding the calculations for quantifying emissions from displaced VMT.</p> <p><b>Section 3.7.3.2 Data Sources</b> Energy consumption related to the change in rail ridership was quantitatively estimated using the VMT model outputs for 2025 and 2040 (Fehr and Peers 2023). This model estimated the increased ridership associated with the proposed Project's improvements using data from three travel demand models. Forecasted VMT was used as an input in the California Air Resources Board (CARB) Emission Factor 2021 model to calculate fuel consumption under both the No Project Alternative and the Proposed Project. Fuel (gallons of gasoline, gallons of diesel fuel, and kilowatt hours [kWh] [electric vehicles]) was converted to energy equivalents to estimate energy consumption for both 2025 and 2040.</p>	<p><b>Section 3.18.3.2 Data Sources, Ridership Forecasts Regional and VMT Analysis</b> To evaluate regional impacts using VMT, a 2025 and 2040 model was developed (Fehr and Peers, 2023) to estimate the increase in ridership associated with the Project improvements. <b>The VMT model was run in 2020 and used 2025 as the operational start date. Since this data was generally used to compare between model scenarios, the model was not updated to show the 2029 start date as is currently assumed (Section 2.2.3.6 Proposed Schedule) because the output would be expected to be similar in terms of a scenario's findings relative to others.</b> The model estimated future passenger rail ridership within the regional RSA through a forecasting analysis that used data from the following three travel demand models (TDM).</p> <p><b>Section 3.9.3.2 Operations, Displaced Vehicle Miles Traveled</b> Operation of the proposed Project would improve Capitol Corridor passenger rail service between Oakland and San Jose. The resulting reduction in automobile vehicle usage is quantified by year and scenario as part of this analysis. <b>The VMT data were estimated using a regional travel demand model that covers the geographic extent of the Bay Area region. The VMT model was run in 2020 and used 2025 as the operational start date. Since this data was generally used to compare between model scenarios, the model was not updated to show the 2029 start date as is currently assumed (Section 2.2.3.6 Proposed Schedule) because the output would be expected to be similar in terms of a scenario's findings relative to others.</b> Data have been provided for 2025 and 2040, and for two scenarios (No Project Alternative and Proposed Project). The VMT was separated into 5-mph speed groupings, or "speed bins." The GHG emissions reductions achieved by displaced VMT were estimated using emission factors from EMFAC2021. In 2025, the proposed Project would reduce VMT by approximately 24,000 miles per day relative to the No Project Alternative, and, in 2040, the VMT reduced would be approximately 33,000 miles per day. Appendix B contains additional details regarding the calculations for quantifying emissions from displaced VMT.</p> <p><b>Section 3.7.3.2 Data Sources</b> Energy consumption related to the change in rail ridership was quantitatively estimated using the VMT model outputs for 2025 and 2040 (Fehr and Peers 2023). <b>The VMT model was run in 2020 and used 2025 as the operational start date. Since this data was generally used to compare between model scenarios, the model was not updated to show the 2029 start</b></p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
					<b>date as is currently assumed (Section 2.2.3.6 Proposed Schedule) because the output would be expected to be similar in terms of a scenario's findings relative to others.</b> This model estimated the increased ridership associated with the proposed Project's improvements using data from three travel demand models. Forecasted VMT was used as an input in the California Air Resources Board (CARB) Emission Factor 2021 model to calculate fuel consumption under both the No Project Alternative and the Proposed Project. Fuel (gallons of gasoline, gallons of diesel fuel, and kilowatt hours [kWh] [electric vehicles]) was converted to energy equivalents to estimate energy consumption for both 2025 and 2040.
134	4	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. 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.	Draft EIR Chapter 3.14, Noise, analyzed the potential noise and vibration impacts of the proposed Project and identified mitigation measures to reduce potentially significant impacts. Please refer to Master Response 12: Noise and Vibration for further discussion. The comment on the need for additional fire/police service increases is noted; however, provision of such services is not considered a CEQA issue unless it is tied to a physical impact such as the need for new or expanded facilities (please refer to Master Response 3: Economic and Social Impacts). Draft EIR Chapter 3.16, Public Services, analyzed project impacts related to public service and concluded that no new or expanded facilities would be required.	-	-
139	1	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.	Thank you for your comment. Although Environmental Justice information was included in the EIR, it is not a required topic under CEQA. Please refer to Master Response 10: Environmental Justice for an additional explanation.	-	-
139	2	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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
139	3	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	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
139	4	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 Wes 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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
139	5	In considering the future of the Hayward Amtrak, ask this: Do we want to be yet another story of public transit lost 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 story 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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Please also refer to Master Response 10: Environmental Justice for discussion on this topic.	-	-
141	1	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 CalTrain just recently employed! It greatly	Thank you for your comment. Please see Master Response 9: State Rail Plan and Track Electrification for a discussion of electric upgrades to rail infrastructure.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.			
142	1	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 just 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.	Thank you for your comment. Please see Master Response 9: State Rail Plan and Track Electrification for a discussion of electric upgrades to rail infrastructure.	-	-
143	1	The Capitol Corridor is in real need of catenary electrification higher service frequency.	Thank you for your comment. Please see Master Response 9: State Rail Plan and Track Electrification for a discussion of electric upgrades to rail infrastructure.	-	-
149	3	<p>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." 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:</p> <ul style="list-style-type: none"> <li>• "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 half hourly express service from San Jose to the Salesforce Transit Center.</li> <li>• 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.)</li> </ul> <p>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.</p> <p>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.</p>	Thank you for your comment. Draft EIR Section 3.18.2.2 notes that the proposed Project is consistent with the California State Rail Plan and its goal of improving passenger rail services throughout the state. The proposed Project does not preclude the other improvements noted in the State Rail Plan, including those noted in the comment. Further, please see Master Response 9: State Rail Plan and Track Electrification for a discussion of how the proposed Project aligns with a goal of the State Rail Plan.	-	-
149	4	<p>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.</p> <p>While CER understands that electrification may constitute a separate and distinct project we urge CCJPA to reflect two items in future SBC environmental documents:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. A commitment to future proofing the design of the Preferred</li> </ol>	Thank you for your comment. While the proposed Project supports the State Rail Plan it is not solely responsible for fulfilling each of its goals. Please refer to Master Response 5: Project Description and Design Alternatives and Master Response 9: State Rail and Track Electrification regarding rail infrastructure and its relationship to the State Rail Plan. No revisions to the Draft EIR are required.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		Alternative to allow for electrification of the SBC project area on a medium to long-term basis consistent with the Adopted State Rail Plan.			
149	5	We thank you for your consideration and look forward to working with you on the transition to proven zero emission rail technology.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
149	1 & 2	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  "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). 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."	Thank you for your comment. We appreciate your support of the proposed Project and look forward to your continued support as CCJPA moves the South Bay Connect Project forward through CEQA certification and into further design and permitting efforts. No changes to the Draft EIR are required.	-	-
155	1	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.	Thank you for your comment. We also received drawings and maps showing SFPUC utilities in 2021. As part of BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC (Final EIR Table 1), CCJPA and the contractor will coordinate with SFPUC to determine what, if any, protection measures are needed for BDPL 1, 2, and 5 and NSLPL. No changes to the Draft EIR are required.	-	-
155	2	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	Thank you for your comment. We also received drawings and maps showing SFPUC utilities in 2021. As part of BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC (Final EIR Table 1), CCJPA and the contractor will coordinate with SFPUC to determine what, if any, protection measures are needed for BDPL 1, 2, and 5 and NSLPL. No changes to the Draft EIR are required.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
155	3	<p>Comments Regarding the Draft EIR</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>If the proposed project or associated elements (ie: 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.</p> <p>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.</p>	<p>The Final EIR includes text stating the SFPUC would be a responsible agency under CEQA for the project, see revision to Table 1.1. The CCJPA will coordinate project activities with the appropriate agencies as necessary, including the SFPUC should any of its lands be affected. The necessary permits and other approvals will be identified during the future design phase for the proposed Project and will be obtained prior to start of project construction. Should any SFPUC lands be affected by the proposed Project, the future design will take into consideration SFPUC land use policies. It is expected that the project would incorporate such policies as part of the conditions for permits issued by SFPUC.</p>	<p>Table 1.1 Environmental Permits and Approval Considerations</p>	<p>Added San Francisco Public Utilities Commission to Table 1.1 under Regional and Local (see Section 4.1.2, Final EIR Updated Tables and Figures, for revisions to Table 1.1, Environmental Permits and Approval Conditions)</p> <p><b>Required approvals would be encroachment permits. Relevance/Trigger would be "Aligned with permits and consultations for encroachment and construction activities."</b></p> <p>The following text has also been added as an introduction: <b>Responsible and/or Trustee Agencies under CEQA include California Department of Fish and Wildlife, Caltrans, California Public Utilities Commission, and California State Lands Commission.</b></p>
155	4	<p>SFPUC Project Review Process</p> <p>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</p>	<p>Please refer to the response to Comment 155-3 above.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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 (sfpucc.gov). Please submit the completed application to projectreview@sfpuc.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@sfpuc.org</p>			
156	1 & 2	<p>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 our community meeting showing us a presentation of EIR project and how it will impact our communities.</p> <p>I will forward your response to our community.</p>	<p>Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Additionally, all members of the public were invited to participate in the two virtual public meetings or the CCJPA Board of Directors meeting to learn about the project and provide public comments. Please see Master Response 2: Public Review and Community Engagement.</p>	-	-
157	1	<p>Are you considering a time extension? Given people are on vacation and the holiday -this is not an opportune time to get comments. Hope you can consider a 2 week extension?</p>	<p>Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Please see Master Response 2: Public Review and Community Engagement.</p>	-	-
157	2	<p>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.</p>	<p>Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA statute. Please see Master Response 2: Public Review and Community Engagement.</p>	-	-
158	1	<p>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</p>	<p>Thank you for your comment. The comment provides a summary of the proposed Project and comments provided by the San Francisco Bay Regional Water Quality Control Board. Responses to specific comments from the letter are provided in responses 158-2 through 158-9. No changes to the Draft EIR are necessary.</p>	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		provide an adequate discussion of potential mitigation measures for Project impacts to waters of the State.			
158	2	<p>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.</p> <p>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 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>This comment provides an overview of the review process for obtaining a CWA Section 401 Water Quality Certification and the requirements for compensatory mitigation for impacts to waters of the State and encourages the Project proponent to consider alternatives to 11 trestles that would be replaced by culverts.</p> <p>As project design is in its early stages, the proposed Project evaluated conservative worst case scenario impacts to waters of the U.S. and State. As the Project advances, design considerations will avoid or minimize impacts to jurisdictional waters to the maximum extent practicable and would comply with avoidance, minimization, and mitigation requirements for Waters of the State based on the refined design at the time of permitting. Advanced design would be used to obtain future permits and authorizations from federal and state regulatory agencies. Please also see BMP HYD-1 through 9, BIO MM-1, BIO MM-17 for more information on how CCJPA will avoid, minimize, and mitigate direct and indirect impacts to waters of the U.S. and State. No changes to the Draft EIR are required from this comment. See revisions to MM BIO-17, which clarifies that the proposed Project will provide mitigation for all impacts to waters of the State, in Response to Comment 158-3.</p>	-	-
158	3	<p>Comment 2. The DEIR does not describe acceptable mitigation for the Project's proposed placement of fill in waters of the State. 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</p>	<p>Thank you for your comment. This comment states that the proposed Project will need to provide mitigation for all impacts to waters of the State, including wetlands and other waters. Although the aquatic RSA is highly urbanized and disturbed in nature, direct impacts on state and federally protected wetlands and waters could occur during construction of the proposed Project. This would occur at several locations, including Alameda Creek, and other stream crossings located</p>	<p><b>MM BIO-17 Compensate for the Loss of Riparian Habitat.</b> Prior to construction, CCJPA will make sure 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 or funding</p>	<p><b>MM BIO-17 Compensate for the Loss of Riparian Habitat.</b> Prior to construction, CCJPA will make sure that permanent direct impacts on sensitive natural communities, including California Sensitive Natural Communities, Critical Habitat, EFH, and jurisdictional aquatic resources (e.g. waters of the State or waters of the U.S.) such as riverine, freshwater emergent wetland, lacustrine, estuarine, and saline emergent wetland will be mitigated through the purchase of credits at a</p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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."</p> <p>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.</p>	<p>within the biological RSA. The proposed Project would implement BMP HYD-1 through BMP HYD-5, which would minimize water quality impacts during construction.</p> <p>The Draft EIR identifies implementation of MM BIO-17, Compensate for the Loss of Riparian Habitat. During future design, the proposed Project will apply for required permits and include a compensatory mitigation plan, that may include mitigation banks, in-lieu fee programs, permittee responsible mitigation, etc., to satisfy agency approval requirements. MM BIO-17 has been revised as demonstrated in the Final EIR Updated Text column to include other sensitive natural communities. As stated on page 3.5-24 of the Draft EIR, sensitive natural communities in the biological RSA consist of California Sensitive Natural Communities, Critical Habitat, EFH, and jurisdictional aquatic resources such as riverine, freshwater emergent wetland, lacustrine, estuarine, and saline emergent wetland.</p> <p>MM BIO-1 identifies additional measures to be implemented prior to, and during construction, including installation of Environmental Sensitive Area fencing. Section 3.5.6.3 under the subheading "Proposed Project" on page 3.5-55 has been updated as demonstrated in Final EIR Updated Text column.</p> <p>These revisions do not alter the conclusions of the Draft EIR.</p>	<p>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 CDFW Section 1600 Land and Streambed Alteration Agreement (LSAA) process, CCJPA may provide a plan/proposal for CDFW approval to conduct on or off-site riparian habitat creation/enhancement to compensate for the proposed 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</p> <p><b>Section 3.5.6.3, Proposed Project, Page 3.5-55</b></p> <p>...</p> <p>Therefore, the proposed Project could result in permanent and temporary impacts on aquatic resources and WOUS. The proposed Project includes BMP HYD-1 (Protect Water Quality and Minimize Sedimentation Runoff During Construction), which protects water quality during construction. However, with the implementation of MM HYD-1 Stormwater Management and Treatment Plan, which avoids impacts on aquatic resources and MM BIO-17 Compensate for the Loss of Riparian Habitat, which mitigates for the loss of aquatic resources, impacts on aquatic resources would be reduced to a less than significant level. Anticipated required permits are discussed below.</p>	<p>minimum ratio of 2:1 for native habitats and a minimum ratio of 1:1 for non-native habitats. This will be done through in-lieu fee payment to an appropriate mitigation bank for enhancement, restoration and/or creation of habitat within approved watersheds or funding of a minimum 1:1 ratio of 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 and permitting process (e.g., CDFW, RWQCB, USFWS, USACE, NMFS). <b>Per expected permit conditions, CCJPA will provide written evidence to the resource agencies that compensation has been acquired prior to construction. Alternatively, as part of the permitting process, CCJPA may provide a plan/proposal for regulatory resource approval to conduct on or off-site habitat creation/enhancement to compensate for the proposed Project's direct impacts to sensitive natural communities. All sensitive natural communities 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 relevant agencies prior to implementation. If mitigation banks are not available, coordination with agencies would occur to identify appropriate mitigation</b></p> <p><b>Section 3.5.6.3, Proposed Project, Page 3.5-55</b></p> <p>...</p> <p>Therefore, the proposed Project could result in permanent and temporary impacts on aquatic resources and WOUS. The proposed Project includes BMP HYD-1 (Protect Water Quality and Minimize Sedimentation Runoff During Construction), which protects water quality during construction. <b>MM BIO-1 (Implement Biological Resource Protection Measures During Construction) would be applied to the project which identifies additional measures to be implemented prior to, and during, construction, including installation of Environmental Sensitive Area fencing.</b> However, with the implementation of MM HYD-1 Stormwater Management and Treatment Plan, which avoids impacts on aquatic resources and MM BIO-17 Compensate for the Loss of Riparian Habitat, which mitigates for the loss of aquatic resources, impacts on aquatic resources would be reduced to a less than significant level. Anticipated required permits are discussed below.</p>
158	4	<p>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</p>	<p>Thank you for your comment and guidance. This comment encourages the consideration of free span bridges as an alternative to reduce the placement of fill in waters of the State. As stated in Chapter 2, Alternatives, of the Draft EIR, existing timber structures would be replaced with bridges or culverts or be removed. The implementation of bridges or culverts over aquatic resources will be determined during future design, and both are included in the analysis conducted in the Draft EIR.</p> <p>The comment also encourages coordination with the Water Board to work on feasible mitigation projects for unavoidable impacts to waters of the State, which is the intention of CCJPA. To that effect, the Draft EIR includes MM BIO-1 (Implement Biological Resource Protection Measures during Construction) and MM BIO-17 (Compensate for Loss of Sensitive Natural Communities [such as waters of the State]). As design is advanced and effects are more fully understood, and as the permitting process is initiated, consultation with</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	resource agencies to identify additional ways to avoid and minimize any effects and incorporate best management practices will occur. No changes to the Draft EIR are required.		
158	5	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.	Thank you again for your comment and future permitting guidance. Please refer to response to comment 158-3, which expands MM BIO-17 to compensate for the loss of sensitive natural communities rather than just riparian habitat, and to coordinate with agencies to identify appropriate mitigation (i.e., permittee responsible mitigation) if mitigation banks are not available.	-	-
158	6	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. 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.	Thank you for your comment. The Draft EIR includes 20 mitigation measures that would be implemented under the proposed Project in Section 3.5.7, Mitigation Measures. Please refer to response to comment 158-3, which expands MM BIO-17 to compensate for the loss of sensitive natural communities rather than just riparian habitat, and to coordinate with agencies to identify appropriate mitigation (i.e., permittee responsible mitigation) if mitigation banks are not available.	-	-
158	7	Comment 3. The delineation of aquatic resource was conducted too late in the dry season. Text in Section 3.5.3.2, Data Sources, states that the Project biologists conducted a delineation of aquatic resources on	Thank you for your comment. The delineation of aquatic resources was conducted on September 7, 8, and 10, 2021. The delineation was conducted using the routine onsite	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	<p>determination described in the 1987 USACE Wetlands Delineation Manual (Environmental Laboratory 1987) and the supplemental procedures and wetland indicators provided in the Arid West Supplement (Environmental Laboratory 2008). The Arid West supplement acknowledges this region is characterized by extended dry seasons in most years and by extreme temporal and spatial variability in rainfall, even in "normal" years. Many wetlands in the region are dry for much of the year and, at those times, may lack hydrology indicators entirely. However, USACE guidance does not prohibit delineations during dry periods of the year and even includes guidance for problematic indicators for delineations during the dry seasons.</p> <p>The OWHM was delineated using methods and indicators described in A Field Guide to the Identification of the OHWM in the Arid West Region of the Western United States (Lichvar and McColley 2008).</p> <p>A preliminary Jurisdictional Delineation will be submitted later as the Project advances toward future design. At that time, USACE will have an opportunity to review and provide feedback on the preliminary Jurisdictional Delineation. The Project will comply with any requests for additional information from the USACE or the Water Board.</p> <p>No changes to the Draft EIR are required.</p>		
158	8	<p>Comment 4. The delineation of aquatic resource appears to have only included waters of the United States.</p> <p>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.</p> <p>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.</p>	<p>Thank you for your comment. The Draft EIR includes SWRCB's definition of wetlands and waters of the State on Draft EIR page 3.5-6 under the section "State Water Resources Control Board's 2019 State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State". Additionally, SWRCB's jurisdiction over waters of the State is acknowledged in the Draft EIR on page 3.5-6 under the Porter-Cologne Water Quality Control Act of 1966, and on page 3.5-4 under the "Clean Water Act of 1972", and Section 3.5.3.2, Data Sources, describes delineation methods consistent with USACE and SWRCB requirements. Finally, page 3.5-37 of the Draft EIR identifies potential jurisdiction features that could be subject under Sections 404 or 401 of the Clean Water Act of 1972, as well as the Porter-Cologne Act. To clarify that waters of the State were included in the delineation described in Section 3.5, Biological Resources, the fourth paragraph on page 3.5-55 has been revised as demonstrated in the Final EIR Updated Text.</p> <p>Future refinements of Waters of the State and Waters of the US will be determined through permitting efforts with USACE and RWQCB. This revision does not alter the analysis or the conclusions of the Draft EIR.</p>	<p><b>Section 3.5.6.3 Proposed Project</b></p> <p>...</p> <p>Therefore, the proposed Project could result in permanent and temporary impacts on aquatic resources and WOUS. The proposed Project includes BMP HYD-1 (Protect Water Quality and Minimize Sedimentation Runoff During Construction), which protects water quality during construction. However, with the implementation of MM HYD-1 Stormwater Management and Treatment Plan, which avoids impacts on aquatic resources and MM BIO-17 Compensate for the Loss of Riparian Habitat, which mitigates for the loss of aquatic resources, impacts on aquatic resources would be reduced to a less than significant level. Anticipated required permits are discussed below.</p>	<p><b>Section 3.5.6.3 Proposed Project</b></p> <p>...</p> <p>Therefore, the proposed Project could result in permanent and temporary impacts on aquatic resources, <b>including WOS and WOUS</b>. The proposed Project includes BMP HYD-1 (Temporary Erosion and Sediment Controls) BMP HYD-2 (Construction Management Practices), BMP HYD-3 (Creek Diversion to Address In-Creek Construction), BMP HYD-4 (Delineate Environmentally Sensitive Areas [ESAs] Near Construction Areas), and BMP HYD-5 (Permanent Erosion Control) which protects water quality during construction. However, with the implementation of MM HYD-1 Stormwater Management and Treatment Plan, which avoids impacts on aquatic resources and MM BIO-17 <b>Compensate for Loss of Sensitive Natural Communities</b>, which mitigates for the loss of aquatic resources, impacts on aquatic resources would be reduced to a less than significant level. Anticipated required permits are discussed below.</p>
158	9	<p>Conclusion</p> <p>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</p>	<p>Thank you for your comment. This comment summarizes earlier comments provided above. Please refer to responses to comments 158-2 through 158-8. It is understood that the noted actions must occur prior to receiving permits from the resource agencies, and additional design is required prior to submittal of permit applications. No changes to the Draft EIR are required.</p>		

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		proposal(s). In addition, before the Water Board issues a 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. If you have any questions, please contact me at (510) 622-5680, or via e-mail at brian.wines@waterboards.ca.gov.			
160	1	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.	Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Please see Master Response 2: Public Review and Community Engagement.	-	-
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	Thank you for your information. The comment does not directly address consideration of the accuracy or adequacy of the EIR. No further response is necessary.	-	-
165	2	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. 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.	Thank you for providing information on EBMUD's existing water distribution pipelines and general guidelines with respect to scheduling. Your recommendations have been noted and will be referred to the CCJPA SBC design team for use in future project design. CCJPA will continue to coordinate with EBMUD to verify the location of utilities, and any required protection measures, to coordinate relocation or replacement if needed, and to coordinate funding. No changes to the Draft EIR are required.	-	-
165	3	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	CCJPA will comply with EBMUD policies regarding contaminated soil and groundwater. Phase 1 and Phase 2 site assessments will be done prior to construction (BMP HAZ-2: Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments, Final EIR Table 1).	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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. CCJP A 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.</p> <p>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 CCJP A is insufficient, EBMUD may require CCJP A to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation. Alternatively, EB MUD may perform such sampling and analysis at the CCJP A'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.</p>	<p>The project also includes the following BMPs related to removal, treatment, and disposal of contaminated soil and groundwater (see Final EIR Table 1 for full text):</p> <p>BMP HAZ-3: Prepare a General Construction Soil Management Plan</p> <p>BMP HAZ-4: Prepare Parcel-Specific Soil Management Plans and Health and Safety Plans (HASP)</p> <p>CCJPA will provide EBMUD with available information on soil and groundwater quality near EBMUD facilities as part of utility coordination with EBMUD during future design and construction. No changes to the EIR are required.</p>		
165	4	<p>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 CCJP A 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.</p>	<p>Thank you for your comment. CCJPA will coordinate with EBMUD to confirm locations of existing water distribution pipelines and valves. CCJPA will work with EBMUD to verify adequate protection, and access is provided to EBMUD facilities. No changes to the Draft EIR are required.</p>	-	-
165	5	<p>Attached are EBMUD guidelines for requesting pipeline as-builts that include pipeline vertical data (see Attachment B - EBMUD Map &amp; 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. 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": <a href="https://www.ebmud.com/customers/new-meter-installation">https://www.ebmud.com/customers/new-meter-installation</a></p> <p>PIPELINE VALVE COVER ADJUSTMENTS:</p> <p>For utility conflicts between the Project and existing EBMUD pipeline valve covers, CCJP A must share with EB MUD conflict locations, and existing and final pavement grade elevations. EBMUD will support paving street improvement projects as follows:</p> <ul style="list-style-type: none"> <li>• 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 &amp; 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. CCJP A 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).</li> </ul>	<p>Thank you for providing EBMUD guidelines for requesting pipeline as-builts.</p> <p>CCJPA will review EBMUD's Design Standards and Specifications for Mains 20-inches or Smaller.</p> <p>CCJPA will share with EBMUD any conflicts between the Project and existing EBMUD pipeline valve covers, and existing and final pavement grade elevations. CCJPA will protect and maintain access to valve covers. If upgrades to pipeline valve covers are needed, CCJPA will enter into a Valve Box Agreement and comply with EBMUD union notification requirements.</p> <p>If water meter relocations or adjustments are needed, CCJPA will coordinate with EBMUD so that EBMUD can relocate water meters and CCJPA can relocate private water service lines.</p> <p>CCJPA will coordinate with EBMUD to identify any locations where proposed curb ramps and sidewalks do not meet the required distance from EBMUD fire hydrants. If a hydrant relocation is required, CCJPA will submit a Hydrant Relocation Application.</p> <p>Your recommendations have been noted and will be referred to the CCJPA SBC design team for use in future project design. No changes to the Draft EIR are required.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>• 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 pipeline 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 &amp; Highways Code Section 680, which states that EBMUD may not be required to relocate its facilities for a temporary purpose. CCJP A 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).</p> <p>• 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 CCJP A 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 CCJP A's contractor.</p> <p>WATER METER RELOCATIONS AND ADJUSTMENTS</p> <p>When a public agency like CCJP A 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 CCJP A 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).</p> <p>HYDRANT RELOCATIONS OR ADJUSTMENTS (SET-BACKS/SETFORWARDS)</p> <p>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 CCJP A to submit Hydrant Relocation Application with EBMUD's New Business Office (510-287- 1010) or via EBMUD's online water service application at <a href="https://wsa.ebmud.com">https://wsa.ebmud.com</a>.</p>			
165	6	<p>RIGHT OF WAY</p> <p>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 EB MUD 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.</p>	<p>Thank you for your comment. CCJPA will coordinate with EBMUD regarding their distribution pipelines to verify location, required protection measures, and to coordinate relocation or replacement if needed (BMP UT-1: Utility Verification and Coordination with Utility Providers and California Public Utilities Commission, Final EIR Table 1). CCJPA will also coordinate with EBMUD regarding any construction activity within EBMUD rights-of-way. No changes to the Draft EIR are required.</p>	-	-
165	7	<p>WATER RECYCLING</p> <p>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</p>	<p>Thank you for your comment. The proposed Project includes BMP UT-2: Minimize Potable Water Use (Final EIR Table 1) which requires the contractor to maximize use of recycled water and minimize use of potable water. The contractor will truck recycled water from the Main Wastewater Treatment</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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, CCJP A 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.	Plant for construction use within EBMUD's service area. CCJPA will coordinate with the Office of Water Recycling with regards to construction use of recycled water. No changes to the Draft EIR are required.		
165	8	<p>PRE-CONSTRUCTION MEETING</p> <p>The CCJP A 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 preconstruction meetings.</p> <p>If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.</p>	<p>Thank you for your input. The names included in your comment have been added to the project mailing list. CCJPA will coordinate with EBMUD as part of design, preconstruction, and construction as required by BMP UT-1: Utility Verification and Coordination with Utility Providers and California Public Utilities Commission (Final EIR Table 1). The South Area Service Center Superintendent and Assistant Superintendent will be invited to all preconstruction meetings.</p> <p>The comment does not directly address consideration of the accuracy or adequacy of the EIR and therefore no revisions to the Draft EIR are required.</p>	-	-
167	1	<p>Hi Lisa Marie,</p> <p>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!</p>	<p>Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Please see Master Response 2: Public Review and Community Engagement. As such, the comment period was not extended.</p>	-	-
169	1	<p>We appreciate the opportunity to comment on the South Bay Connect Draft EIR. 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.</p> <p>Please feel to reach out to me with any questions.</p>	<p>Thank you for your comments. The Final EIR has corrected references in Section 3.20.2.4 Local to the Hayward General Plan.</p>	<p><b>Section 3.20.2.4 Local, City of Hayward 2040 General Plan</b> The City of Hayward's General Plan (2014) includes the following goals and policies related to water conservation, solid waste reduction, utilities, and communications:</p> <ul style="list-style-type: none"> <li>• Goal NR-6 ...</li> <li>o Policy NR-6.9...</li> <li>o Policy NR-6.10 ...</li> <li>o Policy NR-6.11 ...</li> <li>o Policy NR-6.13 ...</li> <li>o Policy NR-6.14 ...</li> <li>o Policy NR-6.16 ...</li> <li>• Goal PFS-3 ...</li> <li>o Policy PFS-3.2: The City shall maintain and implement the UWMP, including water conservation strategies and programs, as required by the Water Management Planning Act.</li> <li>o Policy PFS-3.13 ...</li> <li>o Policy PFS-3.14: The City shall comply with provisions of the State's 20x2020 Water Conservation Plan.</li> <li>o Policy PFS-3.15 ...</li> <li>o Policy PFS-3.16 ...</li> <li>o Policy PFS-3.17 ...</li> </ul>	<p><b>Section 3.20.2.4 Local, City of Hayward 2040 General Plan</b> The City of Hayward's General Plan (2014) includes the following goals and policies related to water conservation, solid waste reduction, utilities, and communications:</p> <ul style="list-style-type: none"> <li>• Goal NR-6 ...</li> <li>o Policy NR-6.9...</li> <li>o Policy NR-6.10 ...</li> <li>o Policy NR-6.14 ...</li> <li>o Policy NR-6.16 ...</li> <li>• Goal PFS-3 ...</li> <li>o Policy PFS-3.2: The City shall maintain and implement the UWMP, including water conservation strategies and programs, as required by the <b>Urban</b> Water Management Planning Act.</li> <li>o Policy PFS-3.13 ...</li> <li>o Policy PFS-3.14: The City shall comply with provisions of the State's 20x2020 Water Conservation Plan (<b>modified by AB 1668 and SB 606</b>).</li> <li>o Policy PFS-3.15 ...</li> <li>o Policy PFS-3.16 ...</li> <li>o Policy PFS-3.17 ...</li> </ul>
169	2	<p>On behalf o 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.</p> <ul style="list-style-type: none"> <li>• 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</li> </ul>	<p>Draft EIR Section 5.6 discussion of environmental justice issues associated with the project was included for information purposes only. This discussion was conducted in accordance with federal law; however, environmental justice is not required to be analyzed under CEQA and therefore findings of significance are not appropriate. Please refer to Master Response 10: Environmental Justice for further discussion.</p> <p>Regarding discussion that includes the Hayward station, please refer to Master Response 4: Independent Utility of Project, which notes that decisions on station operations are</p>	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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.</p> <ul style="list-style-type: none"> <li>•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.</li> <li>•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 changes, 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 incorporated.</li> <li>•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.</li> </ul> <p>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.</p> <p>if you have any questions or require additional information, please contact Hugh Louch, Deputy Director of Public Works - Transportation at <a href="mailto:hugh.louch@hayward-ca.gov">hugh.louch@hayward-ca.gov</a> or at (510) 583-4781.</p>	<p>the responsibility of UPRR and station area owner (in Hayward Station's case, that would be City of Hayward).</p> <p>EIR Chapter 4, which analyzed the potential effects of sea level rise on the project, included a vulnerability assessment, along with a description of the methodology used to conduct the assessment. Since sea level rise is considered an effect of the environment on the project, and not an effect of the project on the environment, it is not considered as an impact under CEQA. Please see response to comment 169-26 regarding why the more extreme H++ scenario is not appropriate to use in this analysis.</p> <p>Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight trains.</p> <p>Finally, please see list of updated Mitigation Measures in Final EIR, Chapter 2. As multiple commenters made statements requesting clarity on specific measures, and, as appropriate, those updates were made. Since commenter provided no details regarding which measures are being referenced here, no additional changes were made to the Final EIR based on this comment.</p>		
169	3	<p>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?</p>	<p>Thank you for your question. Please refer to Section 2.2.3.8 of the Draft EIR , Construction Equipment and Crews, for a list of the segments where the project would require construction and for a description of how construction could be staggered to reduce the overall construction period. As stated, multiple activities could occur concurrently within a segment, although they would likely stagger in location across the segment. While multiple segments could be under construction at the same time, it is unlikely that all 9 would occur at the same time. Assumed improvements and construction methods by segment are described in the preceding sections of Section 2.2.3. Proposed Project (Alternative E).</p>	-	-
169	4	<p>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.</p>	<p>Thank you for your comment. Please refer to Master Response 8: Freight Train Volume Assumptions for a discussion of freight rail, the proposed Project's unanticipated impact on freight, and CCJPA's decision making authority over freight rail operations.</p> <p>As noted in Master Response 8, the benefit to freight rail service is through proposed double tracking on Coast Subdivision to allow for less passenger/freight rail interactions during service; no changes are proposed by the Project at the Niles Subdivision to allow for increased freight rail service, as it is not under authority of CCJPA to do so, nor would it benefit Capitol Corridor passenger rail services.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
169	5	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.	Thank you for your comment. The level of design needed to support the environmental document includes the project's alignment and early design of its substantial elements. More specific project elements are refined during the project's design phase. To determine CEQA significance findings based on this level of detail, measures were included that commit CCJPA to the development of several plans that will require environmental impacts to be mitigated to a less than significant level, as well as performance measures that define the standards with which to measure success of proposed mitigation. As a result of the public comments, mitigation measures have been updated and are included in Section 2.4, Mitigation Measures, of the Final EIR. Please see response to comment 233-6 with respect to revisions to mitigation measures. Given this comment does not provide references to specific measures, no changes to Mitigation Measures resulted from this comment.	-	-
169	6	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?	Thank you for your comment. As discussed in Section 3.5.6.5 of the Draft EIR, protected trees covered under local jurisdiction ordinances could be impacted through removal and would require relocation or replacement. With implementation of MM BIO-1 (Implement Biological Resource Protection Measures during Construction), MM BIO-2 (Rare Plant Pre-construction Surveys), MM BIO-17 (Compensate for Loss of Sensitive Natural Communities), and MM BIO-18 (Protected Trees Pre-construction Surveys), proposed Project-related construction impacts would be considered less than significant. No changes to the Draft EIR are required.	-	-
169	7	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.	Thank you for your comment. The proposed project does not include demolition of the existing Hayward Station. Rail service would be relocated from the Niles to the Coast Subdivision, discontinuing service at the Hayward Station. Future work at that location, including its demolition, would need to be analyzed separately to assess potential environmental impacts. CCJPA does not have decision making power to establish the future of the current Hayward Station as the station is located on UPRR Right of Way. Please see Master Response 4: Independent Utility of Project, for a complete discussion.	-	-
169	8	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.	Thank you for your input. Please refer to Master Response 11: Land Use – Potential Plan Conflicts and Growth Inducement for a complete discussion of when a conflict with a land use plan qualifies as an impact under CEQA. Please refer to Master Response 11: Land Use – Potential Plan Conflicts and Growth Inducement for a complete discussion of when a conflict with a land use plan qualifies as an impact under CEQA.	-	-
169	9	Was a Health Risk Assessment prepared that anticipated the potential increase of freight traffic due to the expanded rail capacity?	Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight train traffic. No Health Risk Assessment for increased freight traffic was prepared, as no such increase is expected from the improvements proposed and is therefore speculative.	-	-
169	10	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.	Thank you for your comment. As discussed in Draft EIR Section 3.9, Greenhouse Gas Emissions, the City of Hayward Climate Action Plan was considered during the preparation of this analysis and was reviewed to assess whether the proposed Project would be consistent. The City of Hayward Climate Action Plan calls for reductions in GHG emissions below current levels and actions to reduce VMT and associated transportation emissions. Improving transit service, a primary goal of the proposed Project, is a key strategy in reducing local GHG emissions. Operation of the proposed Project would result in a net reduction in GHG emissions	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			relative to the No Project Alternative, which would be consistent with the adopted goal of local GHG reduction.		
169	11	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.	Please refer to Master Response 11: Land Use - Potential Conflicts and Growth Inducement. The consistency of land parcels with local land use regulations related to lot sizes and setbacks is an issue that is outside the scope of CEQA analysis, as such policies were not explicitly established for the purpose of avoiding or mitigating environmental effects.	-	-
169	12	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.	Thank you for your comment. Operational noise and vibration are discussed and evaluated in detail in Draft EIR Section 3.14. Mitigation has been proposed for operational impacts in MM NOI-2 on page 3.14-44 of the Draft EIR. The second track was taken into account in the operational noise analysis. For further information regarding methodology, impacts, and mitigation for noise and vibration, please refer to Master Response 12: Noise and Vibration. No changes to the Draft EIR are required.	-	-
169	13	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	<p>Thank you for your comment. Per Draft EIR Section 2.2.3, no freight operational changes have been identified as a result of the proposed Project. Please see Master Response 8: Freight Train Volume Assumptions. CCJPA is not proposing to increase the number of passenger trains beyond existing conditions. Under the proposed Project, train frequency would decrease on the Niles and Oakland subdivisions because passenger rail service would be moved to the Coast subdivision (Draft EIR Section 3.18.6.4). This would result in reduced emergency response times on the Niles and Oakland subdivisions due to decreased closure times at rail crossings.</p> <p>Project goals and objectives are specified in Draft EIR Section 1.2 and do not include separation of freight and passenger rail. The proposed Project includes physical improvements along the Coast subdivision, such as dual tracking, that would reduce conflicts between freight and passenger rail operations on the Coast Subdivision. With these improvements, the increased rail frequency from passenger rail trains would result in only slight (and not significant) increases in emergency response times (Draft EIR Section 3.18.6.4). No changes to the Draft EIR are required.</p>	-	-
169	14	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.	<p>Thank you for your comment. The analysis in Section 3.18.6.2 of the Draft EIR considered local VMT impacts associated with removal of the Hayward and Centerville stations from the initial model runs. The analysis assumes that the Hayward and Centerville ridership fully converts to automobile trips based on the long-distance No Project CCJPA Origin-Destination pattern. It is unlikely that all of the Hayward and Centerville ridership will convert to automobile driving due to connectivity from other transit in the area. The analysis therefore included the most conservative assumption regarding VMT impacts from the discontinuation of Capitol Corridor service at the Hayward Station.</p> <p>Connections to Fremont BART and Union City BART can be made from the Centerville area using AC Transit Line 99, which operates at 20-minute headways throughout the day. Orange Line BART service currently runs at 20-minute headways and provides a connection to Capitol Corridor at Richmond station. The AC Transit and BART service 20-minute headways are smaller than the Capitol Corridor headways, which are 30 minutes or more throughout the day.</p> <p>It is noted that the Hayward Capitol Corridor station is located about one mile away (driving distance) from the Hayward BART station. Headways at the Hayward BART station follow</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			a pattern similar to that of Fremont BART and Union City BART. No changes to the Draft EIR are required.		
169	15	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?	Thank you for your comment. Please refer to response to comment 169-25. No changes to the Draft EIR are required.	-	-
169	16	Include the City of Hayward Bicycle and Pedestrian Master Plan and reference throughout the report where appropriate.	Thank you for your comment. The plans and policies you noted have been added to Final EIR - Section 3.18.2.4, Local Plans.	<p><b>Section 3.18.2.4 Local</b>            City of Oakland General Plan            ...            City of Oakland Bicycle Plan            ...            City of San Leandro General Plan            ...            City of San Leandro Bicycle and Pedestrian Master Plan            ...            City of Hayward 2040 General Plan            ...            City of Hayward Transportation Impact Analysis Guidelines            ...            City of Union City General Plan            ...            City of Union City Bicycle and Pedestrian Master Plan            ...            City of Fremont General Plan 2030 Mobility Element            ...            City of Fremont Bicycle Master Plan            ...            City of Fremont Pedestrian Master Plan            ...            City of Fremont Transportation Impact Analysis Handbook            ...            City of Newark General Plan            ...            City of Newark Pedestrian and Bicycle Master Plan            ...</p>	<p><b>Section 3.18.2.4 Local</b>            City of Oakland General Plan            ...            City of Oakland Bicycle Plan            ...            City of San Leandro General Plan            ...            City of San Leandro Bicycle and Pedestrian Master Plan            ...            City of Hayward 2040 General Plan            ...            City of Hayward Transportation Impact Analysis Guidelines            ...  <b>City of Hayward Bicycle and Pedestrian Master Plan</b>  <b>The 2020 Hayward Bicycle and Pedestrian Master Plan is an update of the plan originally adopted in 2007. It establishes the City's vision and comprehensive approach to improving biking and walking in Hayward. It consists of four broad goals, Safety, Complete Streets, Access and Mobility, and Funding and Implementation. None of these goals specifically address rail transit or mobility and as such do not apply to the proposed Project.</b>            ...            City of Union City General Plan            ...            City of Union City Bicycle and Pedestrian Master Plan            ...            City of Fremont General Plan 2030 Mobility Element            ...            City of Fremont Bicycle Master Plan            ...            City of Fremont Pedestrian Master Plan            ...            City of Fremont Transportation Impact Analysis Handbook            ...            City of Newark General Plan            ...            City of Newark Pedestrian and Bicycle Master Plan            ...</p>
169	17	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.	Thank you for your comment. Your revisions to subgoals Natural Resources - Goal 6 Hydrology, Water Quality, and Conservation, and Public Services and Facilities - Goal 3 Water Distribution have been noted and incorporated into the Final EIR, in Section 3.20.2.4 Local under the City of Hayward 2040 General Plan (2014). The other edits proposed in Section 3.20.4.1 Environmental Setting have also been noted and incorporated into the Final EIR. These edits do not affect the significance determinations in Section 3.20.6 Environmental Impacts.	<p><b>Section 3.20.2.4 Local, City of Hayward 2040 General Plan</b>            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 ...            o Policy NR-6.9...            o Policy NR-6.10 ...            o Policy NR-6.11 ...            o Policy NR-6.13 ...            o Policy NR-6.14 ...            o Policy NR-6.16 ...            • Goal PFS-3 ...            o Policy PFS-3.2: The City shall maintain and implement the UWMP, including water conservation strategies and programs, as required by the Water Management Planning Act.            o Policy PFS-3.13 ...            o Policy PFS-3.14: The City shall comply with provisions of the State's 20x2020 Water Conservation Plan.            o Policy PFS-3.15 ...</p>	<p><b>Section 3.20.2.4 Local, City of Hayward 2040 General Plan</b>            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 ...            o Policy NR-6.9...            o Policy NR-6.10 ...            • Goal PFS-3 ...o Policy PFS-3.2: The City shall maintain <b>Urban</b>            o Policy PFS-3.13 ...            o Policy PFS-3.14: The City shall comply with provisions of the State's 20x2020 Water Conservation Plan (<b>modified</b>)            o Policy PFS-3.16 ...o Policy PFS-3.17 ...</p> <p><b>City of Hayward Municipal Code Chapter 11, Article 6, Recycled Water Use</b>            ...  <b>City of Hayward Municipal Code Chapter 11, Article 2, Section 11-2.47 Prohibition of Wasteful Water Practices</b></p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
				<p>o Policy PFS-3.16 ... o Policy PFS-3.17 ...</p> <p><b>City of Hayward Municipal Code Section 11-2.47 Prohibition of Wasteful Water Practices</b> The City of Hayward Municipal Code Section 11-2.47 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.</p> <p><b>Water Efficient Landscaping</b> The cities of Oakland (Ordinance 1295), Hayward (Municipal Code 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.</p> <p><b>Section 3.20.4.1 Environmental Setting...</b> <b>Hayward Water System</b> HWS serves approximately 95 percent of the City of Hayward, including nearly all commercial and institutional development. All of HWS's water supplies come from the San Francisco Public Utilities Commission (SFPUC) Regional Water System. The water is delivered through the Hetch Hetchy aqueducts, but also includes treated water produced by the SFPUC from its local watershed and facilities in Alameda County. The City receives water through two aqueducts along Mission Boulevard and Hesperian Boulevard. In addition, five water wells, for short duration emergency use only, are located within the city limits.</p> <p>City of Hayward has recently constructed Phase 1 of a recycled water system that includes a one-million-gallon storage tank and pump station at the City's Water Pollution Control Facility and approximately eight miles of distribution pipelines and customer connections. Starting in 2021, the recycled water system would deliver an estimated 260,000 gallons per day of recycled water to 31 customers for irrigation and industrial uses at parks, schools, businesses, and industrial parks within a three-mile radius of the Water Pollution Control Facility (City of Hayward 2021c). The City's 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 system pipelines cross the proposed Project alignment on the Coast subdivision at Depot Road.</p> <p>The City of Hayward would 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 HWS currently does not offer recycled water for use by construction, the City is planning on developing a Recycled Water Master Plan, which would evaluate the possibility of supplying recycled water 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 HWS during proposed Project construction (between 2027 and 2029).</p> <p>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</p>	<p>The City of Hayward Municipal Code Section 11-2.47 (<b>Ordinance 17-07</b>) 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.</p> <p>...</p> <p><b>Water Efficient Landscaping</b> The cities of Oakland (Ordinance 1295), Hayward (Municipal Code <b>Chapter 10</b>, 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.</p> <p>...</p> <p><b>Hayward Water System</b> The <b>majority of the</b> City of Hayward is served by the HWS, including nearly all commercial and institutional development. All of the City's potable water supplies come from the San Francisco Public Utilities Commission's (SFPUC) Regional Water System. The water <b>supply is predominately snowmelt from the Sierra Nevada</b>, 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 <b>connections</b> along Mission Boulevard and Hesperian Boulevard. In addition, <b>the City maintains</b> five water wells <b>within the City</b>, for short duration emergency use only.</p> <p>Phase 1 of <b>the City's</b> Recycled Water Project includes a one-million-gallon storage tank, <b>a 1.6 million-gallons-per day (mgd) pump station, and a 0.5 mgd membrane treatment facility</b> at the City's Water <b>Resource and Recovery Facility (WRRF)</b>. <b>Additionally</b>, approximately eight <b>and a half</b> miles of distribution pipelines <b>were constructed capable of delivering</b> an estimated 260,000 gallons- per day of recycled water to <b>approximately 30</b> customers for irrigation uses at parks, schools, businesses, and industrial parks within a three-mile radius of the <b>WRRF</b> (City of Hayward 2021c). The City's WRRF is located on Enterprise Avenue, approximately 0.5 mile from the Project Footprint (City of Hayward 2019). The Phase 1 <b>Recycled Water</b> Project pipelines cross the proposed Project alignment on the Coast subdivision at Depot Road.</p> <p>The City of Hayward <b>will</b> be evaluating the feasibility of expanding the use of recycled water to serve additional users within the next years. Although <b>the City</b> does not <b>currently</b> offer recycled water for construction <b>use</b>, the City <b>will be</b> planning on developing a Recycled Water <b>System</b> Master Plan, which <b>will</b> evaluate the possibility of supplying recycled water <b>for a variety of uses that may include</b> construction. 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 <b>the City</b> during proposed Project construction (between 2027 and 2029).</p> <p>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 had stated that it intended to implement the Bay-Delta Plan Amendment on the Tuolumne River by the year 2022, assuming all required approvals <b>were</b> obtained by that time. However, implementation of the Bay-Delta Plan Amendment is not self-implementing, and is pending lawsuits,</p>

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				<p>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 stated that it intends to implement the Bay-Delta Plan Amendment on the Tuolumne River by the year 2022, assuming all required approvals 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 is likely to go into effect. Without a Bay-Delta Plan Amendment, the SFPUC 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 lawsuit which would limit implementation of the Plan. The SFPUC has initiated an Alternative Water Supply Planning Program to ensure that it can meet 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 early planning stages and is intended to meet future water supply challenges through 2045. To plan conservatively, 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 Hayward's forecasted demands during drought years (City of Hayward 2020).</p> <p>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 Hayward's WSCP, 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 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 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. Hayward also has five emergency groundwater supply wells with 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.</p>	<p>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 go into effect. Without a Bay-Delta Plan Amendment, SFPUC has indicated that it expects to 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 <b>assist in</b> 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 planning stages and is intended to <b>help</b> meet future water supply challenges through 2045.</p> <p>To plan conservatively, <b>the City of Hayward's</b> 2020 UWMP water service reliability assessment assumed 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 <b>the City</b> forecasted demands during drought years (City of Hayward 2020).</p> <p>...</p> <p>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 <b>the City of Hayward's</b> WSCP, 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 <b>up to a</b> 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 <b>up to a</b> 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. <b>The City of Hayward</b> also has five emergency groundwater supply wells with <b>a potential yield of</b> 14 MGD, however wells are only permitted for short-term emergency (five day) use (City of Hayward 2020).</p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
169	18	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).	Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight trains. The Draft EIR analyzes impacts of the proposed Project and identifies mitigation measures that are feasible to implement. Measures affecting UPRR operations cannot be imposed by CCJPA; such measures would require the consent of UPRR, which cannot be assumed or compelled. It would be speculative to "guess" at potential increases or decreases to freight service on Niles Subdivision, because if it changed, it would be driven by unknown changes in customer demand.	-	-
169	19	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.	Thank you for your comment. The First Mile Horizontal Levee Project, part of Hayward's Shoreline Adaptation Plan, is discussed in Section 4.4.2.2 of the Draft EIR. Adaptation measures will be refined during future design in coordination with UPRR and BCDC, as well as other entities addressing regional adaptation efforts, such as the City of Hayward. Additionally, <b>The First Mile Horizontal Levee Project has been added to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Project Map. For supplemental cumulative analysis regarding projects added to the Cumulative Projects List, please refer to Appendix I.</b>  Your request to include SLR accommodations into the project description is noted. Because SLR is an effect of the environment on the project, it is not considered to be an impact under CEQA (Ballona Wetlands Land Trust v. City of Los Angeles). The EIR is therefore not required to include commitments to minimize effects of the SLR on the project. Your recommendations have been noted and will be referred to the CCJPA SBC design team as a potential feature to consider during future project design phases. No changes to the Draft EIR are required.	-	Added the First Mile Horizontal Levee Project to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map (see Section 4.1.2, Final EIR Updated Tables and Figures, for revisions to Table 3-1 and Figure 3-1)
169	20	The sentence starting "For RSA Locations 1 through where the projected service life of improvements is...", there is a number missing after "through".	Thank you for your comment. This comment has been noted and the second paragraph on page 4-18 has been revised as noted in Final EIR Updated Text column.  This revision does not alter the analysis or the conclusions of the Draft EIR.	<b>Section 4.3.5.3. Potential SLR Inundations at Project Site</b> Two mapping tools (CoSMoS model and ART model) were employed to evaluate inundations at all RSAs using the SLR values from Table 4-4. The SLR projection years of 2040 and 2050 were evaluated at all locations. For RSA Locations 1 through where the projected service life of improvements is year 2130, inundation maps for an increase of 10 feet were unavailable for both mapping tools. The highest available SLR projection scenario was used for the purpose of presenting a visual aid. This included the projection year 2100 for the CoSMoS model and 2090 for the ART model. Maps for all scenarios run for the seven SLR RSAs are included in Appendix J.	<b>Section 4.3.5.3. Potential SLR Inundations at Project Site</b> Two mapping tools (CoSMoS model and ART model) were employed to evaluate inundations at all RSAs using the SLR values from Table 4-4. The SLR projection years of 2040 and 2050 were evaluated at all locations. <b>For RSA Locations 1 through 6 where the projected service life of improvements is year 2130, inundation maps for an increase of 10 feet were unavailable for both mapping tools.</b> The highest available SLR projection scenario was used for the purpose of presenting a visual aid. This included the projection year 2100 for the CoSMoS model and 2090 for the ART model. Maps for all scenarios run for the seven SLR RSAs are included in Appendix J.
169	21	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 (still water levels) 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.	The SkyWest Golf Course is adjacent to RSA Location 4. Location 4 is analyzed in Chapter 4 and Appendix J. Your request for further SLR impact analysis is noted. CEQA does not require analysis of SLR. The purpose of an EIR is to identify the potential significant physical effects of a project on the environment, not the effects of the environment on the project (Ballona Wetlands Land Trust v. City of Los Angeles). Because SLR is an effect of the environment on the project, SLR is not considered as an impact under CEQA. The EIR is therefore not required to include commitments to minimize or mitigate effects of the SLR on the project. The SLR chapter of the Draft EIR was included in the document for multiple reasons:  1. To complete the analysis to understand and be transparent as to the environmental setting of the project;  2. As a good faith effort to present findings to the public;	<b>Chapter 4. Sea Level Rise</b> The Federal Coastal Zone Management Act is administered by the California Coastal Commission in most areas within California; in the Bay Area, the CZMA is administered by BCDC, as established by the McAteer-Petris Act (Section 4.1 includes more detail). As such, BCDC regulates nearly all work within 100 feet from the shoreline of the San Francisco Bay; its jurisdiction also extends to the mean high tide line in areas that do not contain tidal marsh and up to 5 feet above mean sea level in areas of tidal marsh.  The proposed Project footprint was provided to BCDC for evaluation to determine which proposed Project improvements would be under BCDC's jurisdiction. The information contained in this chapter is summarized from the South Bay Connect Project Sea Level Rise Technical Memorandum, Appendix J.	<b>Chapter 4. Sea Level Rise</b> The Federal Coastal Zone Management Act is administered by the California Coastal Commission in most areas within California; in the Bay Area, the CZMA is administered by BCDC, as established by the McAteer-Petris Act (Section 4.1 includes more detail). As such, BCDC regulates nearly all work within 100 feet from the shoreline of the San Francisco Bay; its jurisdiction also extends to the mean high tide line in areas that do not contain tidal marsh and up to 5 feet above mean sea level in areas of tidal marsh. <b>SLR is the average rise in mean sea level, which may be due to a number of different causes, such as the thermal expansion of sea water and the addition of water to the oceans from the melting of glaciers, ice caps, and ice sheets. This Chapter analyzes the risk for SLR-related flooding in areas that are potentially within BCDC jurisdiction. This Chapter also describes potential adaptation measures that could be implemented to improve resiliency.</b>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>3. To provide the CCJPA Board Members with the maximum information possible to inform their decision as to whether to certify the Project EIR and approve the proposed Project to proceed to the next phase; and</p> <p>4. To support acquisition of a San Francisco Bay Conservation and Development Commission (BCDC) permit.</p> <p>Since SLR is not subject to CEQA, this chapter does not include significance determinations or mitigation measures. Potential adaptation measures are discussed, however CEQA does not require the proposed Project to adopt commitments or mitigation measures to address SLR. Adaptation measures will be refined and selected during future design. For clarity, the Final EIR Updated Text column <b>includes additional text to the first and second paragraphs on Page 4-1 of the Draft EIR.</b></p>		<p>The proposed Project footprint was provided to BCDC for evaluation to determine which proposed Project improvements would be under BCDC's jurisdiction. The information contained in this chapter is summarized from the South Bay Connect Project Sea Level Rise Technical Memorandum, Appendix J. <b>The RSA was limited to areas identified by BCDC as potentially within their jurisdiction. Consideration of SLR and adaptation measures is required to obtain a BCDC permit. Since SLR is not subject to CEQA, the EIR is not required to include an analysis of SLR on the full extent of the project and therefore areas outside of BCDC jurisdiction are not evaluated in the EIR.</b></p>
169	22	<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"> <li>• Category 1                             <ul style="list-style-type: none"> <li>o "Raise the elevation of the railroad tracks"</li> <li>o "Raise electrical and signal equipment to address rising sea levels"</li> <li>o "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.</li> </ul> </li> <li>• Category 2                             <ul style="list-style-type: none"> <li>o 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</li> </ul> </li> <li>• Category 3                             <ul style="list-style-type: none"> <li>o "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. 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.</li> </ul> </li> </ul>	<p>Thank you for your comment. Your request for the additional costs of Category 1 adaptation measures is noted. The cost of adaptation measures will be refined as the project proceeds through future design. The cost of SLR adaptation measures at this stage of design is speculative. Project costs are not relevant to assessment of physical environmental impacts under CEQA. Please see Master Response 4 Economic and Social Impacts.</p> <p>With respect to seasonal responses to SLR flooding, these can include temporary bus bridges as a form of temporary retreat from limited sections of the Coast subdivision during the rainy season. As noted in Category 2, in Draft EIR Section 4.4.2.2, Feasibility of Adaptation Measures, CCJPA will evaluate adaptation measures, which could be done as part of an Operational Plan. The second sentence regarding seasonal retreat was incomplete in the original letter and therefore cannot be addressed.</p> <p>Your request to add to the Draft EIR an explanation of what actions CCJPA will take to make sure continuous service given expected levels of sea level rise is noted. CEQA does not require that measures to address SLR be included in the project. The purpose of an EIR is to identify the potential significant physical effects of a project on the environment, not the effects of the environment on the project (Ballona Wetlands Land Trust v. City of Los Angeles). Because SLR is an effect of the environment on the project, SLR is not considered as an impact under CEQA. The EIR is therefore not required to include commitments to minimize or mitigate effects of the SLR on the project. The SLR section of the Draft EIR was included in the document for multiple reasons:</p> <ol style="list-style-type: none"> <li>1. To complete the analysis to understand and be transparent as to the environmental setting of the project and potential for effects;</li> <li>2. As a good faith effort to present findings to the public;</li> <li>3. To provide the CCJPA Board Members with the maximum information possible to inform their decision as to whether to approve and certify the proposed Project; and</li> <li>4. To support acquisition of a San Francisco Bay Conservation and Development Commission (BCDC) permit.</li> </ol> <p>The project will improve the resiliency of the Coast subdivision to SLR by implementing adaptation measures. The adaptation measures described in Chapter 4 will be refined during future</p>	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			design in coordination with UPRR and BCDC, as well as other entities coordinating regional adaptation efforts (such as Bay Adapt, CHARG, and local municipalities). SLR is a regional problem that needs to be addressed through regional solutions. As such, this project will propose adaptation measures that can be implemented in concert with other projects in the region. These measures, as well as standard engineering practices, would address physical and operational issues related to SLR and will minimize the potential for service interruptions and track damage. With the implementation of local, operational, and/or regional adaptation measures as well as standard engineering practices, Alternative E will meet the project's goals and objectives. No changes to the Draft EIR are required.		
169	23	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.	Thank you for your comment. Although included in the EIR, Environmental Justice is not a required topic under CEQA. Please refer to Master Response 10: Environmental Justice for additional information.	-	-
169	24	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.	Your input is appreciated. Please refer to the Chapter 2 of the Draft EIR, Section 2.2.3.2. At-Grade Crossing Improvements for a complete listing of expected at grade crossings and improvements associated with the proposed Project. Also, please note that the proposed Project would be held to FTA/FRA/ADA/California Title 24 Regulations, as stated in Draft EIR Section 2.2.3.2. At-Grade Crossing Improvements and in Master Response 6: Proposed Ardenwood Station.	-	-
169	25	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?  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.  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)." 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 BE 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.	Thank you for your comment. The VISSIM and SimTraffic models were calibrated to field observed conditions and counts. Signal timings were requested from local agencies. Traffic counts were based on available pre-pandemic data and turning movement count information from the StreetLight Data traffic count database.  Because the VISSIM and SimTraffic models include the effects of gate downtime and preemption on the signals, the addition of trains can modify the operating conditions of the signals. Thus, the delay values at congested signals can decrease. This is not a new outcome for grade crossing analyses – this situation also occurred on other Bay Area projects such as the Caltrain Electrification EIR.  As noted in the comment, there is 1 freight train with 240 seconds of gate down time in the No Project condition. The comment also notes a scenario where there are 2 passenger trains with 60 seconds of gate down time plus 1 freight train with 240 seconds of gate down time. Thus, the average gate down time per train event in the noted scenario is lower than	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	the No Project condition. The commenter is correct that overall total gate down time increases over the course of the peak hour versus No Project conditions with the addition of passenger trains to the Coast. CCJPA is not able to estimate changes in freight movements on the Niles subdivision as that is wholly in Union Pacific's control and UP can modify train schedules and service patterns without approval from CCJPA. No changes to the Draft EIR are required.		
169	26	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>Thank you for your comment. Following the circulation of the DEIR on May 29, 2024, the updated State of California Sea Level Rise Guidance 2024 Science and Policy Update (2024 Guidance) was adopted on June 4, 2024. According to the 2024 Guidance, "the key lines of evidence that resulted in the extreme sea level rise scenario (i.e. H++) from Rising Seas 2017 have been updated and are now reflected in the Intermediate-High and High Scenarios." The 2024 State Guidance also states that the future sea level rise described by H++, is not physically plausible. The 2024 projections for the high emissions scenario are lower than the State of California Sea Level Rise Guidance 2018 Update high emissions scenario. By using the 2018 high emissions scenario, the project assumes a more conservative SLR assumption than the most current guidance.</p> <p>The bolded language (shown in the Final EIR Updated Text column) has been added to the end of the introductory paragraph of Section 4.1.</p> <p>Additionally, Table 4-1, Comparison of SLR between 2018 and 2024 Guidance for the San Francisco Tide Gauge, has been added following the introductory paragraph of Section 4-1.</p> <p>This revision does not alter the analysis or the conclusions of the Draft EIR.</p>	<p><b>Chapter 4. Sea Level Rise</b> The Federal Coastal Zone Management Act is administered by the California Coastal Commission in most areas within California; in the Bay Area, the CZMA is administered by BCDC, as established by the McAteer-Petris Act (Section 4.1 includes more detail). As such, BCDC regulates nearly all work within 100 feet from the shoreline of the San Francisco Bay; its jurisdiction also extends to the mean high tide line in areas that do not contain tidal marsh and up to 5 feet above mean sea level in areas of tidal marsh.</p>	<p><b>Chapter 4. Sea Level Rise</b> The Federal Coastal Zone Management Act is administered by the California Coastal Commission in most areas within California; in the Bay Area, the CZMA is administered by BCDC, as established by the McAteer-Petris Act (Section 4.1 includes more detail). As such, BCDC regulates nearly all work within 100 feet from the shoreline of the San Francisco Bay; its jurisdiction also extends to the mean high tide line in areas that do not contain tidal marsh and up to 5 feet above mean sea level in areas of tidal marsh. <b>Following the circulation of the DEIR on May 29, 2024, the State of California adopted updated SLR guidance on June 4, 2024. The 2024 projections for the high emissions scenario are lower than the 2018 high emissions/medium-high risk aversion scenario. According to the 2024 Guidance, "the key lines of evidence that resulted in the extreme sea level rise scenario (i.e. H++) from Rising Seas 2017 have been updated and are now reflected in the Intermediate-High and High Scenarios. The 2024 State SLR Guidance also states that the future sea level rise described by H++, is not physically plausible. By using the 2018 high emissions scenario, the project assumes a more conservative SLR assumption than the most current guidance.</b></p> <p>Added Table 4-1, Comparison of SLR between 2018 and 2024 Guidance for the San Francisco Tide Gauge, after the second introductory paragraph of Chapter 4, Sea Level Rise (see Section 4.1.2, Final EIR Updated Tables and Figures, for Table 4-1)</p>
171	1	<p>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.</p> <p>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.</p> <p>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).</p>	Thank you for your comments. The Final EIR corrects the location of the proposed Grant Avenue at-grade improvement to San Lorenzo. Coordination with East Bay Regional Parks will occur during future design and permitting.	<p><b>Table ES-2, Proposed Improvements to At-Grade Crossings along the Coast Subdivision</b></p> <p>Grant 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/San Leandro</p>	<p>Revised Table ES-2, Proposed Improvements to At-Grade Crossings along the Coast Subdivision, to state that the Grant Avenue at-grade crossing improvements are located in San Leandro (see Section 4.1.2, Final EIR Updated Tables and Figures, for Table 4-1)</p> <p><b>Table ES-2, Proposed Improvements to At-Grade Crossings along the Coast Subdivision</b></p> <p>Grant 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/<b>San Lorenzo</b></p> <p>Note that Table 2.2-1 of the Draft EIR is a repeat of table ES-2, as such the same modification presented here and in the updated table in response to comment 171-1 applies to Table 2.2-1.</p>
171	2	3.7 Energy. It is unclear that the mentioned 2008 GHG study is for the unincorporated communities of the county and the county government	Thank you for your comment. The comment has been noted and the last paragraph on page 3.7-6 has been revised as	<b>Section 3.7.4.1, Environmental Setting, Local Setting, Alameda County</b>	<b>Section 3.7.4.1, Environmental Setting, Local Setting, Alameda County</b>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	shown in bold in the Final EIR Updated Text column.  The reference included in the Draft EIR highlights the prevalence of auto transportation in energy consumption and GHG emissions. Upon comparison of the 2008 and 2019 studies, GHG emissions from the transportation sector increased from approximately 46 percent to approximately 66 percent. Given the result is an increase, the inclusion of the 2019 study would not change the conclusions of the Draft EIR. Therefore, no further revisions are necessary.	Data on yearly energy consumption is not available for Alameda County. However, a Greenhouse Gas Emissions Analysis performed by Alameda County in 2008 (Alameda County 2008) considered greenhouse gas emissions by end-use sector (Table 3.7-3). The transportation sector represented nearly half of total emissions (46 percent). While this information is dated, this suggests that the dominance of the transportation sector statewide likely applies at the county level.	Data on yearly energy consumption is not available for Alameda County. However, a Greenhouse Gas Emissions Analysis performed by Alameda County in 2008 (Alameda County 2008) considered greenhouse gas emissions by end-use sector <b>for unincorporated communities and county government operations</b> (Table 3.7-3). The transportation sector represented nearly half of total emissions (46 percent). While this information is dated, this suggests that the dominance of the transportation sector statewide likely applies at the county level.
171	3	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 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.	Thank you for your comment. <b>The Eden Area General Plan has been added to the Final EIR.</b> This revision does not alter the Draft EIR's conclusion that compliance with existing relevant regulations and standards as well as implementation of proposed Project BMPs and mitigation measures would make sure that impacts associated with Geology and Soils resulting from implementation of the proposed Project would be less than significant.	<b>Section 3.8.2.3 Local, General Plans required by the California Government Code</b> Alameda County: Castro Valley and San Lorenzo are unincorporated communities in Alameda County. The Alameda County plans listed below were reviewed. No provisions were found pertaining to paleontological resources: - Countywide plan (Alameda County 1994) - Castro Valley General Plan (Alameda County 2012) - San Lorenzo Specific Plan (Alameda County 2004)	<b>Section 3.8.2.3 Local, General Plans required by the California Government Code</b> Alameda County: Castro Valley and San Lorenzo are unincorporated communities in Alameda County. The Alameda County plans listed below were reviewed. No provisions were found pertaining to paleontological resources: - Countywide plan (Alameda County 1994) - Castro Valley General Plan (Alameda County 2012) - <b>Eden Area General Plan (Alameda County 2010)</b> - San Lorenzo Specific Plan (Alameda County 2004)
171	4	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.  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.  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.  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.	Thank you for your comment. This comment has been noted and Section 3.14.2.4, Local, on page 3.14-10 is hereby amended as shown in bold in Final EIR Updated Text column.  The proposed Project does not include closure of Grant Avenue. Proposed improvements to the existing crossing are included in Section 2.2.3.2. At-Grade Crossing Improvements in the Draft EIR.  MM NOI-2 has been revised to identify Lewelling Boulevard as within the City of San Leandro.  This revision does not alter the analysis or the conclusions of the Draft EIR.	<b>3.14.2.4 Local</b> The proposed Project traverses and is located in the jurisdictions of Alameda County and cities of Fremont, Newark, Union City, Hayward, San Leandro, and Oakland. City of Fremont General Plan.  City of Fremont General Plan ... City of Hayward General Plan ... City of Newark General Plan ... City of Oakland General Plan ... City of San Leandro General Plan ... City of Union City General Plan ...	<b>3.14.2.4 Local</b> The proposed Project traverses and is located in the jurisdictions of Alameda County and cities of Fremont, Newark, Union City, Hayward, San Leandro, and Oakland. City of Fremont General Plan.  City of Fremont General Plan ... City of Hayward General Plan ... City of Newark General Plan ... City of Oakland General Plan ... City of San Leandro General Plan ... City of Union City General Plan ... <b>Eden Area General Plan Chapter 7: Noise Element.</b> <b>The Noise Element of the Eden Area General Plan follows noise standards set by the State of California and Alameda County.</b> <b>It includes the following goals:</b> <ul style="list-style-type: none"> <li>• <b>Goal N-3: Control sources of excessive noise from transportation sources.</b></li> <li>• <b>Goal N-3 A4: Encourage BART and AC Transit to develop and apply noise-reduction technologies that reduce noise impacts associated with BART trains and bus traffic.</b></li> </ul> MM NOI-2 has been revised to identify Lewelling Boulevard as within the City of San Leandro as shown in Section 2.4. The change is shown in bold below.  <ul style="list-style-type: none"> <li>• Grant Avenue (unincorporated community of San Lorenzo); and</li> <li>• Lewelling Boulevard (unincorporated community of San <b>Leandro</b>).</li> </ul> CCJPA will consider options for establishing quiet zones including, but not limited to, the following FRA pre-approved supplemental safety measures
176	1 & 2	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.	Thank you for your comments. The Draft EIR acknowledges that the State Lands Commission is an agency from whom the project may require approvals. The Final EIR acknowledges that the State Lands Commission is both a trustee agency and	-	Revised Table ES-1, Environmental Permits and Approval Considerations, to include additional language in the introductory paragraph (see Section 4.1.2, Final EIR Updated Tables and Figures)

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	a responsible agency under CEQA by adding the following sentence: Responsible and/or Trustee Agencies under CEQA include California Department of Fish and Wildlife, Caltrans, California Public Utilities Commission, and California State Lands Commission.		<b>Responsible and/or Trustee Agencies under CEQA include California Department of Fish and Wildlife, Caltrans, California Public Utilities Commission, and California State Lands Commission.</b>
176	3	<p><b>Commission Jurisdiction and Public Trust Lands</b></p> <p>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.</p> <p>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.</p> <p>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.</p>	Thank you for the information. The comment does not directly address consideration of the accuracy or adequacy of the EIR. The Draft EIR acknowledges that approvals from the State Lands Commissions would be required for the project, and future coordination will take place.	-	-
176	4	<p><b>Project Description</b></p> <p>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.</p> <p>The EIR identifies the proposed Project as the Environmentally Superior Alternative.</p>	This comment repeats information provided in the Draft EIR. It does not directly address consideration of the accuracy or adequacy of the EIR. No further response is necessary.	-	-
176	5	<p><b>Environmental Review</b></p> <p>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.</p>	Please refer to responses to the comments 176-6 through 176-11.	-	-
176	6	<p><b>General Comments</b></p> <p>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.</p>	<p>Thank you for your comment.</p> <p>The column "Permit/Approval/Clearance" for the California State Lands Commission entry is amended to read "Lease" rather than "Easement".</p> <p>CCJPA will reach out to the State Lands Commission during permitting and later in design to identify lease areas.</p>	-	Revised Table ES-1, Environmental Permits and Approval Considerations, to rename the "Permit/Approval/Clearance" column for the California State Lands Commission entry to read "Lease or Permit" rather than easement (see Section 4.1.2, Final EIR Updated Tables and Figures)

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
176	7	2. Project Description: 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.	Thank you for your input. Your comment has been noted. For more detailed information pertaining to project footprint please consult the mapbook presented in Appendix A: Alternative E (Proposed Project). No change has been made to the Draft EIR in response to this comment.	-	-
176	8	3. Best Management Practices (BMPs) and Mitigation Measures (MMs): 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.	Under CEQA, the identified BMPs cannot be included in a Mitigation Monitoring and Reporting Program, as BMPs are not CEQA mitigation measures but are part of the project. However, both the BMPs and the mitigation measures can be included in a BMP and MM Commitments document that can provide a list of all the actions to which the project would be committed.	-	-
176	9	<p>Cultural and Tribal Cultural Resources</p> <p>4. Submerged Resources: 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.</p> <p>5. Title to Resources Within Commission Jurisdiction: 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."</p> <p>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.</p>	<p>4. An inquiry to the Commission's was submitted via email on 8/28/24 with no response as of 9/26/24 date. The project intersects with the State's tidal and submerged lands in various locations including where creek and culvert impacts are anticipated. All creek crossings considered as part of the project appear to be heavily modified through channelization, relocation, or diverted into culverts. All but one of the creeks (San Leandro) in our project area are no longer in their historic locations. These factors suggest a very low likelihood of encountering shipwrecks. Unintended discoveries, including shipwrecks, would be treated as described in BMP CUL-2 and comply with MM CUL-2, MM CUL-3, and MM CUL-4, as applicable.</p> <p>5. The project will comply with PRC 6313 and will consult with the CSLC if any discoveries are made within state lands jurisdiction. In response to the requested additional measures- the bolded text shown in the Final EIR Updated Text column was added to Mitigation Measure (MM) CUL-4.</p> <p>6. MM CUL-5 was reviewed and approved by consulting tribal parties. CCJPA has determined the measure is sufficient as written. It is noted that tribal consultation will be an ongoing process throughout the design and construction phases of the project. No change to the MM was made.</p> <p>These revisions do not alter the conclusions of the Draft EIR.</p>	<p><b>MM CUL-4: Draft and Implement Archaeological Monitoring, Avoidance, and Treatment Plan.</b> Upon completion of the archaeological testing and evaluation, and prior to the start of construction, an AMATP will be developed by a registered professional archaeologist in consultation with CCJPA and local tribal representatives. Monitoring will be required at all recorded site locations, including those proposed to be avoided by Project construction. The AMATP will include protocols that outline archaeological roles and monitoring best practices, anticipated resource types and an Unanticipated Discovery Protocol. The Unanticipated Discovery Protocol will describe steps to follow if unanticipated archaeological discoveries are made during Project work and identify a chain of contact. The AMATP will be submitted to consulting tribal representatives and CCJPA for review prior to implementation. Following the completion of ground disturbance associated with Project construction, the results of the archeological monitoring and avoidance pursuant to the AMATP will be summarized in a technical document. The technical document will be provided to CCJPA for review and approval and submitted to the NWIC.</p> <p><b>MM GEO-1: Paleontological Resources Mitigation Plan</b> A Paleontological Resource Mitigation Plan (PRMP) will be prepared by a qualified paleontologist following Society of Vertebrate Paleontologists (SVP) guidelines and implemented during the construction phase of the Project (SVP, 2010). The PRMP will include provisions for construction workers to attend a paleontological resource awareness training session. It will determine the extent to which paleontological mitigation is necessary and establishes the ground rules for the program. The PRMP will discuss fossil discovery, recovery, and subsequent handling. The extent of any monitoring recommended would be dictated by the design of the proposed Project and would be determined during design by a qualified principal paleontologist (who holds a Master of Science or Doctorate degree in paleontology or geology and is familiar with paleontological procedures and techniques). The principal paleontologist would review the construction plans with proposed excavation sites to determine which, if any, Project components would involve earthmoving activities at depths sufficient to warrant monitoring. The principal paleontologist would review the construction schedule to develop the required monitoring schedule.</p>	<p><b>MM CUL-4: Draft and Implement Archaeological Monitoring, Avoidance, and Treatment Plan.</b> Upon completion of the archaeological testing and evaluation, and prior to the start of construction, an AMATP will be developed by a registered professional archaeologist in consultation with CCJPA and local tribal representatives. Monitoring will be required at all recorded site locations, including those proposed to be avoided by Project construction. The AMATP will include protocols that outline archaeological roles and monitoring best practices, anticipated resource types and an Unanticipated Discovery Protocol. The Unanticipated Discovery Protocol will describe steps to follow if unanticipated archaeological discoveries are made during Project work and identify a chain of contact. The AMATP will be submitted to consulting tribal representatives and CCJPA for review prior to implementation. Following the completion of ground disturbance associated with Project construction, the results of the archeological monitoring and avoidance pursuant to the AMATP will be summarized in a technical document. The technical document will be provided to CCJPA for review and approval and submitted to the NWIC. <b>The final disposition of archaeological and historical resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission.</b></p> <p><b>MM GEO-1: Paleontological Resources Mitigation Plan</b> A Paleontological Resource Mitigation Plan (PRMP) will be prepared by a qualified paleontologist following Society of Vertebrate Paleontologists (SVP) guidelines and implemented during the construction phase of the Project (SVP, 2010). The PRMP will include provisions for construction workers to attend a paleontological resource awareness training session. It will determine the extent to which paleontological mitigation is necessary and establishes the ground rules for the program. The PRMP will discuss fossil discovery, recovery, and subsequent handling. The extent of any monitoring recommended would be dictated by the design of the proposed Project and would be determined during design by a qualified principal paleontologist (who holds a Master of Science or Doctorate degree in paleontology or geology and is familiar with paleontological procedures and techniques). The principal paleontologist would review the construction plans with proposed excavation sites to determine</p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
				<p>Paleontological resources should also be discussed at the pre-bid meeting. A qualified principal paleontologist would be made aware of the excavation schedule and remain on call during the period of construction specified in the PRMP. If fossils are discovered during construction, the construction crew would immediately notify the resident engineer, who would stop work within 60 feet of the finding. The resident engineer would notify the qualified principal paleontologist who would evaluate the find as soon as possible. If the resource were determined to be potentially significant, CCJPA would be notified, and a recovery program would be initiated.</p> <p><b>Section 3.6.2.2 State</b> California Environmental Quality Act Public Resources Code Section 21082.2 and CEQA Guidelines... California Register of Historical Resources (PRC Section 5024.1)... Unique Archaeological Resources... Discovery of Human Remains... California Native American Graves Protection and Repatriation Act (California Health and Safety Code Section 8010 et seq.)...</p>	<p>which, if any, Project components would involve earthmoving activities at depths sufficient to warrant monitoring. The principal paleontologist would review the construction schedule to develop the required monitoring schedule. Paleontological resources should also be discussed at the pre-bid meeting. A qualified principal paleontologist would be made aware of the excavation schedule and remain on call during the period of construction specified in the PRMP. If fossils are discovered during construction, the construction crew would immediately notify the resident engineer, who would stop work within 60 feet of the finding. The resident engineer would notify the qualified principal paleontologist who would evaluate the find as soon as possible. If the resource were determined to be potentially significant, CCJPA would be notified, and a recovery program would be initiated. <b>The final disposition of paleontological resources recovered on State lands under the jurisdiction of the California State Lands Commission must be approved by the Commission. The State Lands Commission will be notified by the project's principal paleontologist or Resident Engineer in the event of a significant find. The PRMP will outline steps to follow to resolve disposition of finds under State Lands Commission jurisdiction.</b></p> <p><b>Section 3.6.2.2 State</b> California Environmental Quality Act Public Resources Code Section 21082.2 and CEQA Guidelines... California Register of Historical Resources (PRC Section 5024.1)... Unique Archaeological Resources... Discovery of Human Remains... California Native American Graves Protection and Repatriation Act (California Health and Safety Code Section 8010 et seq.)... <b>State Lands Commission Guidelines</b></p>
176	10	<p>Recreation 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.</p>	<p>This comment has been noted and MM REC-1 on page ES-69 is hereby amended as bolded in the Final EIR Updated Text column. This revision does not alter the analysis or the conclusions of the Draft EIR.</p>	<p><b>MM REC-1: Detour Plan for the Alameda Creek Regional Trail</b> Two weeks prior to temporary trail closures, CCJPA in coordination with the EBRPD, as possible, will develop a detour plan for short-term closures of the Alameda Creek Regional Trail. The detour plan will be available to the public on EBRPD and CCJPA's websites. To the extent feasible, short-term closures will be scheduled during off-peak trail use days or times.</p>	<p><b>MM REC-1: Detour Plan for the Alameda Creek Regional Trail</b> Two weeks prior to temporary trail closures, CCJPA in coordination with the EBRPD, <b>BCDC, and MTC</b>, as possible, will develop a detour plan for short-term closures of the Alameda Creek Regional Trail <b>and any affected bridges or waterways</b>. The detour plan will be available to the public on EBRPD and CCJPA's websites. To the extent feasible, short-term closures will be scheduled during off-peak trail use days or times.</p>
176	11	<p>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. 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</p>	<p>The comment identifies the State Lands Commission as a responsible and trustee agency under CEQA, and also describes applicable laws and procedures regarding contact with the Commission. The contact list for the project will be updated, if necessary, with the contact information provided in the comment. The Final EIR acknowledges that the State Lands Commission is both a trustee agency and a responsible agency under CEQA by adding the following sentence to the introduction of the table: Responsible and/or Trustee Agencies under CEQA include California Department of Fish and Wildlife, Caltrans, California Public Utilities Commission, and California State Lands Commission.</p>	-	<p>Revised Table ES-1, Environmental Permits and Approval Considerations, to include the following State Lands Commission text as an introduction (see Section 4.1.2, Final EIR Updated Tables and Figures)</p> <p><b>Responsible and/or Trustee Agencies under CEQA include California Department of Fish and Wildlife, Caltrans, California Public Utilities Commission, and California State Lands Commission.</b></p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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. 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.	CCJPA concurs that California State law prohibits State agencies from publishing on their websites content that does not comply with accessibility requirements. (Gov. Code, § 115467.) As such, it is CCJPA's intention to meet these standards for accessibility on their website.		
178	1 & 2	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.  Re: City of Fremont Comments on the South Bay Connect Draft EIR 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.	Thank you for your comments. Please refer to response to Comment 178-3.	-	-
178	3	City Council Resolution 2020-51 Considerations requiring response: • 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.	Thank you for your comment. Potential impacts to local communities, including those in Fremont, are evaluated throughout the EIR. As a result of the proposed Project, the frequency of Capitol Corridor passenger trains would increase in the Coast Subdivision and would decrease in the Niles Subdivision, and the frequency of the freight trains would not change as a result of the proposed project (Draft EIR Section 1.1.4). Passenger train service would be relocated from the Niles to the Coast Subdivision, but the number of trains would remain unchanged. Fremont would lose Capitol Corridor Service at its Centerville Station but gain new service at the proposed Ardenwood Station in Fremont.  The Draft EIR considered rail and transit services in Alameda County (Section 3.18.4.1). The proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including roadway, transit, bicycle, or pedestrian facilities (Section 3.18.6.1). A primary objective of the project is to diversify and enhance rail network integration by differentiating Capitol Corridor's intercity rail service from other transit service (including BART) (Section 1.2). No further or additional analysis is needed for the purposes of CEQA sufficiency.  CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives that would feasibly attain most of the project objectives but would avoid or substantially lessen any of the significant impacts of the project. Further, this CEQA section requires an "environmentally superior" alternative be selected among the alternatives that are evaluated in the EIR. As the proposed Project is the only action alternative considered, it has been identified as the "environmentally superior" alternative.  A cost/benefit analysis does not need to be conducted or considered under CEQA. It is for the lead agency (CCJPA) to	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			determine if the project is reasonable in cost. No changes to the Draft EIR are required.		
178	4	Draft Environmental Impact Report Comments: Introduction: • 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.	Thank you for your comment. The Decoto Complete Streets, I-880/Decoto Interchange Modernization, and Dumbarton to Quarry Lakes Trail Projects have been added to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Project Map. For supplemental cumulative analysis regarding projects added to the Cumulative Projects List, please refer to Appendix I. These revisions do not alter the conclusions of the Draft EIR.	-	Added the Decoto Complete Streets Project, I-880/Decoto Interchange Modernization Project, and Dumbarton to Quarry Lakes Trail Projects to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map (see Section 4.1.2, Final EIR Updated Tables and Figures, for revisions to Table 3-1 and Figure 3-1)
178	5	Air Quality: • 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.	Thank you for your comment. Draft EIR Section 3.4, Air Quality, discusses emissions from diesel locomotives. It is assumed that there would be no appreciable change in freight locomotive emissions as a result of the proposed Project. Regulations have been passed by the EPA in 2008 and CARB in 2023 to reduce emissions from diesel-powered locomotives and move towards zero-emissions, gradually phasing out diesel locomotives beginning in 2030. This section also analyzes diesel particulate matter output as a result of the proposed Project and determines that it would not exceed the adopted BAAQMD thresholds.  Draft EIR Section 2.2.3.9, Proposed Operations and Maintenance, outlines that maintenance would not significantly change. Maintenance of all railroad subdivisions would continue to follow the standards and guidelines currently in place and implemented by UPRR; no changes to the maintenance requirements would result from implementation of the proposed Project. Operations and maintenance at the proposed new Ardenwood Station would be consistent with procedures and guidelines implemented at existing Capitol Corridor rail stations.  An operational HRA was conducted as part of the air quality analysis at the Ardenwood Station area to evaluate impacts of TAC emissions generated by operations of the proposed Project for the nearby sensitive receptors that are located downwind from the proposed Project. The methodology, modeling inputs, and results for the operational HRA are described in greater detail in Appendix B of the EIR. No changes are made to the Draft EIR as a result of this comment.	-	-
178	6	• 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.	Thank you for your comment. No current plans exist for the rerouting of freight train activity. According to CEQA Guidelines 15145 and 15126.6 (3), speculative impacts are not required to be analyzed. For additional information, please refer to Master Response 8: Freight Train Volume Assumptions, regarding freight train traffic. No changes to the Draft EIR are required.	-	-
178	7	• 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?	Thank you for your careful review. The cumulative impact after mitigation for the second and third criteria is not cumulatively considerable, as described in Section 3.4.8 Cumulative Impact Analysis. As a result of this comment, revisions have been made to Table 3.4-16 and are reflected in the Final EIR.	-	Revised Table 3.4-16 to state the correct impact conclusions (see Section 4.1.2, Final EIR Updated Tables and Figures)
178	8	Energy: • 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. Hazards and Hazardous Materials: • Section 3.10 Hazards and Hazardous Materials: It has been Fremont's	The word "between" has been removed from Page 3.7-8 as requested by the comment.  Thank you for your comment. CCJPA is aware that material from rail corridors (such as railroad ties and ballast) may not be able to be reused due the presence of hazardous	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	substances. Known critical and high-risk contamination sites are included in Draft EIR Table 3.10-1. As required by BMP HAZ-2: Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments, additional testing will be done to determine the extent of contamination (including due to arsenic, lead, herbicides, VOCs, fuel, and oil) prior to construction. BMP HAZ-4: Prepare Parcel-Specific Soil Management Plans and Health and Safety Plans (HASP) will also be prepared which will contain protocols governing the discovery of unknown contaminants. The information included in Draft EIR Chapter 3.10 Hazards and Hazardous Materials is sufficient to assess the potential for the project to have significant environmental impacts with respect to hazards and hazardous materials. All findings were disclosed and discussed in Section 3.10.6. The project includes BMPs to comply with applicable regulations and to avoid any significant impacts due to hazardous materials during construction and operation. BMPs included in the project can be found in Section 2.3 of the Final EIR. CEQA does not require them to be completed prior to approval of the environmental document. No additional site assessments are required at this stage to comply with CEQA.		
178	9	<p>Land Use Planning:</p> <ul style="list-style-type: none"> <li>• 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.                             <ul style="list-style-type: none"> <li>◦ 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.</li> <li>◦ 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.</li> </ul> </li> </ul>	Thank you for your input. Your concerns cannot be addressed at this point because design is at the conceptual level and additional details will be refined in the future design development process. Additional studies will be performed as necessary to more effectively streamline the proposed Project plan as it approaches future design. Please refer to Master Response 11: Land Use – Potential Plan Conflicts and Growth Inducement for a complete discussion of when a conflict with a land use plan qualifies as an impact under CEQA.	-	-
178	10	<ul style="list-style-type: none"> <li>◦ 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 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</li> </ul>	Thank you for your input. Please refer to Master Response 11: Land Use – Potential Plan Conflicts and Growth Inducement for a complete discussion of when a conflict with a land use plan or a growth inducing impact qualifies as an impact under CEQA. Please note that the Ardenwood Park & Ride already qualifies as a Major Transit Stop and as such would not potentially induce growth beyond what is already possible at the location.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		potential for increased growth and intensification of development in the Ardenwood area resulting from the proposed project?			
178	11	<p>Hydrology and Water Quality</p> <ul style="list-style-type: none"> <li>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).</li> </ul>	Thank you for your comment. The need to construct a stormwater conveyance and treatment system is not anticipated based on current UPRR track design and operation. Additionally, Draft EIR page 3.11-6, MS4 General Permit states that any discharges from UPRR into a City, County, BART, or Caltrans right-of-way, should they occur, will adhere to the relevant permit requirements or agency order. Therefore, no changes to the Draft EIR are required.	-	-
178	12	<p>Noise and Vibration:</p> <ul style="list-style-type: none"> <li>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.</li> </ul>	Thank you for your comment. CCJPA concurs that FMC 18.160.010 Municipal Code regulations will be required to be followed during construction unless a waiver is approved by the City. Compliance with municipal code is a requirement for permitting.	-	-
178	13	<ul style="list-style-type: none"> <li>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.</li> </ul>	Thank you for your comment. The comment is correct in identifying that the proposed Project would double the number of passenger train trip events on the Coast Subdivision per day. However, this does not alter the analysis or conclusions of the Draft EIR. As explained on page 128 of the Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual states, "Approximately doubling the number of events [not individual trips] is required for a significant increase [in vibration impacts]." Due to the significant difference in length, passenger train passings and freight train passings are not considered equivalent events. The FTA guidance explains that passenger train operations (rapid transit, commuter rail, and intercity passenger railroad) create vibration events that last approximately 10 seconds or less while a typical line-haul freight train event lasts approximately 2 minutes. While the proposed Project would result in 14 additional daily passenger train events (and no additional freight train events) on the Coast Subdivision, this would not be equivalent to doubling the vibration caused by 2 daily freight train events and 2 daily Amtrak passenger train events under the existing conditions. Therefore, the statement "there would not be a significant increase (according to FTA vibration criteria) in the number of events per day" on page 3.14-22 of the Draft EIR remains correct.	-	-
178	14	<ul style="list-style-type: none"> <li>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</li> </ul>	Thank you for your comment. The comment recommends BMPs to reduce noise and vibration during construction, such as limits on back-up beepers, the type of mufflers used on	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		noise and vibration during construction, such as limits on back-up beepers, the type mufflers used on equipment, etc.	equipment, etc. A Construction Noise Control Plan is required by MM NOI-1. A Construction Vibration Control Plan is required by MM NOI-3. The mitigation measure lists practices that it will include, but it is not limited to those practices. Your recommendations have been noted and will be referred to CCJPA for inclusion in the Construction Noise and Vibration Control Plans. No changes to the Draft EIR are required.		
178	15	<ul style="list-style-type: none"> <li>• Page 3.14-38 regarding noise during operation: <ul style="list-style-type: none"> <li>◦ 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?</li> <li>◦ 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?</li> <li>◦ 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?</li> </ul> </li> </ul>	<p>Thank you for your comment. The noise assessment looks at all the factors in the proposed project, including track location. As stated on page 3.14-11 of the Draft EIR, noise measurements were conducted at the approximate set back of the building or buildings relative to the proposed Project alignment, which determines the thresholds for noise impacts.</p> <p>Regarding an increase in the number of daily train trips in relation to noise levels, there are two factors considered when determining the noise impact associated with a project: the existing noise and the project-generated noise. To determine the noise impact, the project-generated noise is added to the existing noise level. It is possible that the level of project-generated noise by itself would be lower than the existing noise level, but the overall impact is determined by adding the project-generated noise to the existing noise level. The following explanation for the determination of moderate versus severe noise impacts is provided on page 3.14-39 of the Draft EIR: Areas identified as experiencing a moderate noise impact would be areas where the level of Project noise projected would be lower than existing noise level, but the existing noise levels are higher than the FTA criteria for moderate impacts. Areas identified as experiencing severe noise impacts would be areas where the level of proposed Project noise would be higher than existing noise levels and exceed the FTA noise level threshold assigned.</p> <p>For areas where a severe noise impact is identified, mitigation is proposed. The comment correctly states that moderate impacts do not require mitigation, per FTA guidance. For further information regarding noise and vibration, please refer to Master Response 12: Noise and Vibration. No changes to the Draft EIR are required.</p>	-	-
178	16	<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<p>Thank you for your comment. MM NOI-1 has been expanded upon to provide additional detail regarding the practices that would be used and how monitoring would occur in order to stay at or below regulated noise levels during construction. Additions have been made to MM NOI-1 to better describe the required contents of the Construction Noise Control Plan.</p> <p>These revisions clarify information provided in the Draft EIR and do not alter the conclusions of the Draft EIR.</p> <p>For further information regarding noise and vibration, please refer to Master Response 12: Noise and Vibration.</p>	<p><b>MM NOI-1: Construction Noise Control Plan</b> CCJPA, in coordination with the Construction Contractor, and local jurisdiction(s), will prepare and implement a Construction Noise Control Plan to reduce the impact of temporary construction-related noise on nearby noise-sensitive receptors. The Construction Noise Control Plan will include but not be limited to the following best practices:</p> <ul style="list-style-type: none"> <li>- Install temporary construction site sound barriers near noise sources.</li> <li>- Use moveable sound barriers at the source of the construction activity.</li> <li>- Avoid the use of impact pile drivers where possible near noise-sensitive areas or use quieter alternatives (e.g., drilled piles) where geological conditions permit.</li> <li>- Locate stationary construction equipment as far as possible from noise-sensitive sites.</li> <li>- Reroute construction-related truck traffic along roadways that will cause the least disturbance to residents.</li> <li>- Use low-noise emission equipment.</li> <li>- Implement noise-deadening measures for truck loading and operations.</li> <li>- Line or cover storage bins, conveyors, and chutes with sound-deadening material.</li> <li>- Use acoustic enclosures, shields, or shrouds for equipment and facilities.</li> <li>- Use high-grade engine exhaust silencers and engine-casing</li> </ul>	<p><b>MM NOI-1: Construction Noise Control Plan</b> CCJPA, in coordination with the Construction Contractor, and local jurisdiction(s), will prepare and implement a Construction Noise Control Plan to reduce the impact of temporary construction-related noise on nearby noise-sensitive receptors. The Construction Noise Control Plan will include but not be limited to the following best practices:</p> <ul style="list-style-type: none"> <li>- Install temporary construction site sound barriers near noise sources.</li> <li>- Use moveable sound barriers at the source of the construction activity.</li> <li>- Avoid the use of impact pile drivers where possible near noise-sensitive areas or use quieter alternatives (e.g., drilled piles) where geological conditions permit.</li> <li>- Locate stationary construction equipment as far as possible from noise-sensitive sites.</li> <li>- Reroute construction-related truck traffic along roadways that will cause the least disturbance to residents.</li> <li>- Use low-noise emission equipment.</li> <li>- Implement noise-deadening measures for truck loading and operations.</li> <li>- Line or cover storage bins, conveyors, and chutes with sound-deadening material.</li> <li>- Use acoustic enclosures, shields, or shrouds for equipment and facilities.</li> </ul>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
				<p>sound insulation.</p> <ul style="list-style-type: none"> <li>- Minimize the use of generators to power equipment.</li> <li>- Limit use of public address systems.</li> <li>- Grade surface irregularities on construction sites.</li> <li>- Monitor and maintain equipment to meet noise limits.</li> <li>- Establish an active community liaison program to keep residents informed about construction and to provide a procedure for addressing noise complaints.</li> </ul>	<ul style="list-style-type: none"> <li>- Use high-grade engine exhaust silencers and engine-casing sound insulation.</li> <li>- Minimize the use of generators to power equipment.</li> <li>- Limit use of public address systems.</li> <li>- Grade surface irregularities on construction sites.</li> <li>- Monitor and maintain equipment to meet noise limits.</li> <li>- Establish an active community liaison program to keep residents informed about construction and to provide a procedure for addressing noise complaints.</li> <li>- <b>A noise monitoring plan will be developed and implemented to measure noise during construction, including the type of equipment and sensors to be used, a location plan for monitoring equipment, and the following additional requirements:</b> <ul style="list-style-type: none"> <li>= Planned frequency of monitoring for all instruments</li> <li>= Noise thresholds will be identified, that if exceeded, could be potentially harmful to sensitive receptors</li> <li>= Corrective action plans will be identified prior to work start to be implemented should maximum noise threshold be reached or exceeded</li> <li>= To the extent possible, the construction team will be required to conduct the work in such a manner that noise does not exceed threshold limits.</li> <li>= A Monitoring Exceedance Report for any exceedance occurrence will be completed by the construction team and submitted to CCJPA, which will describe: <ul style="list-style-type: none"> <li>- What noise measurement values were recorded that exceeded the allowable limits</li> <li>- Where the impacted instruments are located,</li> <li>- When the exceedances occurred,</li> <li>- When work was stopped because of the exceedance(s)</li> <li>- What demolition and/or construction activities caused the exceedance(s)</li> <li>- What actions were taken to limit and reduce noise levels, and</li> <li>- When demolition and/or construction activities were resumed.</li> </ul> </li> </ul> </li> </ul>
178	17	<ul style="list-style-type: none"> <li>• 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?</li> </ul>	<p>Thank you for your comment. As stated on page 3.14-44 of the Draft EIR, the phased program will include the development of engineering studies and coordination agreements to design, construct, and enforce potential quiet zones at the specific grade crossings on the Coast Subdivision (MM NOI-2). The Quiet zones process would start prior to the Capital Corridor trains being rerouted to the Coast Subdivision and is anticipated to occur in phases. Quiet zones are referred to as “potential” because, if a quiet zone is not feasible at an identified location, CCJPA will consider the application of building sound insulation at impacted residences identified on page 3.14-45 of the Draft EIR. No changes to the Draft EIR are required.</p>	-	-
178	18	<ul style="list-style-type: none"> <li>• 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 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.</li> </ul>	<p>Thank you for your comment. MM NOI-3 has been expanded upon to provide additional detail regarding the practices that would be used and how monitoring would occur in order to stay at or below regulated vibration levels during construction. Additions have been made to MM NOI-3 to better describe the required contents of the Construction Vibration Control Plan.</p> <p>These revisions clarify information provided in the Draft EIR and do not alter the conclusions of the Draft EIR.</p> <p>For further information regarding noise and vibration, please refer to Master Response 12: Noise and Vibration.</p>	<p><b>MM NOI-3: Construction Vibration Control Plan</b> CCJPA, in coordination with the Construction Contractor and local jurisdiction(s), will prepare and implement a Construction Vibration Control Plan (VCP) to reduce the impact of temporary construction-related vibration on nearby sensitive receptors. The VCP will include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>- Avoid the use of impact pile drivers where possible near vibration-sensitive areas or use alternative construction methods (e.g., drilled piles) where geological conditions permit.</li> <li>- Avoid vibratory compacting/rolling in close proximity to structures.</li> <li>- Require vibration monitoring during vibration-intensive activities.</li> </ul>	<p><b>MM NOI-3: Construction Vibration Control Plan</b> CCJPA, in coordination with the Construction Contractor and local jurisdiction(s), will prepare and implement a Construction Vibration Control Plan (VCP) to reduce the impact of temporary construction-related vibration on nearby sensitive receptors. The VCP will include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>- Avoid the use of impact pile drivers where possible near vibration-sensitive areas or use alternative construction methods (e.g., drilled piles) where geological conditions permit.</li> <li>- Avoid vibratory compacting/rolling in close proximity to structures.</li> <li>- Require vibration monitoring during vibration-intensive activities.</li> <li>- <b>A Vibration Control Plan will be developed and implemented to measure vibration during construction, including the type of equipment and sensors to be used, a</b></li> </ul>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
					<p>location plan for monitoring equipment, and the following additional requirements:</p> <ul style="list-style-type: none"> <li>= Identify frequency of monitoring for all instruments</li> <li>= Vibration and deformation thresholds that if exceeded, could be potentially damaging to sensitive receptors and/or structures</li> <li>= Corrective action plans identified prior to work start to be implemented should maximum vibration be reached or exceeded</li> <li>= To the extent possible, the construction team will be required to conduct the work in such a manner that vibrations do not exceed threshold limits</li> <li>= A Monitoring Exceedance Report for any exceedance occurrences will be completed by the construction team and submitted to CCJPA, which will describe: <ul style="list-style-type: none"> <li>- What vibration measurements values were recorded that exceeded the allowable limits</li> <li>- Where the impacted instruments are located</li> <li>- When the exceedances occurred</li> <li>- When work was stopped because of the exceedance(s)</li> <li>- What demolition and/or construction activities caused the exceedance(s)</li> <li>- What actions were taken to limit and reduce vibrations, and</li> <li>- When demolition and/or construction activities were resumed.</li> </ul> </li> </ul>
178	19	<ul style="list-style-type: none"> <li>• Page 3.14-41, Vibration during Operation: <ul style="list-style-type: none"> <li>◦ This section states "Existing conditions in the rail corridor include vibration generated by the current volume of passenger &amp; 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.</li> <li>◦ 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.</li> </ul> </li> </ul>	<p>Thank you for your comment. The additional vibration generated by crossovers or turnouts is due to the gap in the rail at the frog to allow the wheel to pass through the crossover. The low-impact rail frogs eliminate that gap by various methods, eliminating the additional vibration. As project design advances, the appropriate low-impact rail frog will be selected in accordance with track design. No changes to the Draft EIR are required.</p>	-	-
178	20	<ul style="list-style-type: none"> <li>• 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</li> </ul>	<p>Thank you for your comment. Twenty-one locations that are anticipated to experience severe noise impacts were identified in the Draft EIR. The establishment of quiet zones or the implementation of sound insulation would be used to mitigate noise impacts at those locations. Please see Master Response 12: Noise and Vibration, Issue 3, for additional discussion about quiet zones. As explained in the Draft EIR and Master Response 12, locations along the subdivision experiencing moderate impacts, mitigation is not required per FTA guidance. No changes to the Draft EIR are required.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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	21	• Table 3.14-12 provides Noise Impacts Summary. Why isn't there a similar table for Vibration Impacts?	Thank you for your comment. Table 3.14-12 summarizes the CEQA significance findings from the analysis done in Draft EIR Section 3.14.6, Environmental Impacts. The title of Table 3.14-12 has been revised to state "Noise <u>and Vibration</u> Impacts Summary".	-	Revised Table 3.14-12, Noise Impacts Summary, to be titled "Noise and Vibration Impacts Summary" (see Section 4.1.2, Final EIR Updated Tables and Figures)
178	22	• 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?	Thank you for your comment. There is the potential for new trackwork to result in lower noise or vibration levels. However, to be conservative, this is not identified in the Draft EIR in the assessment as a beneficial impact. No changes to the Draft EIR are required.	-	-
178	23	Public Services: • 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.	Thank you for your comment. Police service is currently provided throughout the project study area. A new rail station would increase users in the vicinity of the existing park-and-ride and could potentially add police (and fire) service requests at this location. However, emergency services are dynamic and reflect changes in their communities. A similar expectation would be valid for most development projects. For example, a new housing project or commercial development could be expected to generate more calls for emergency services, as well. Other portions of the project study area could see decreased requests for emergency services. Residents of Fremont would directly benefit by having access to a new rail station at the Ardenwood park-and-ride. This would provide its residents an alternative mode of transportation to driving. Mode shift of an estimated 1,000 systemwide riders per day by 2040 would help reduce traffic congestion. Reduced traffic congestion could contribute to reduced accidents, thereby reducing emergency service requests along roadways in the City of Fremont. As noted in Draft EIR Section 3.18.6.4, response times are not expected to differ significantly under the proposed Project (<30 seconds). The original conclusion that the proposed Project would not affect the police department's ability to maintain acceptable service rations, response times, and other performance objectives remain valid. No changes to the Draft EIR are required.	-	-
178	24	Recreation: • 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.	Thank you for your comment. The Dumbarton to Quarry Lakes Trail has been added to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map. For supplemental cumulative analysis regarding projects added to the Cumulative Projects List, please refer to Appendix I. This revision does not alter the analysis or the conclusions of the Draft EIR.	-	Added the Dumbarton to Quarry Lakes Trail to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map (see Section 4.1.2, Final EIR Updated Tables and Figures, for revisions to Table 3-1 and Figure 3-1)
178	25	Transportation: • 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.	Thank you for your comment. The bullet point titled "Amtrak" under "Passenger Rail Service" on page 3.18-20 has been revised as follows:  Amtrak operates intercity and interstate passenger rail service on the Coast Subdivision via the Coast Starlight (Up to 2 trains daily).  Revisions to the text do not change the analysis or conclusion presented in Section 3.18, Transportation, of the Draft EIR.	<b>Section 3.18.4.1 Environmental Setting, Local Setting, Passenger Rail Service</b>  • Amtrak. Amtrak operates intercity and interstate passenger rail service on the Capitol Corridor and Coast Starlight. 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).	<b>Section 3.18.4.1 Environmental Setting, Local Setting, Passenger Rail Service</b>  • Amtrak. Amtrak operates intercity and interstate passenger rail service on <b>the Coast Subdivision</b> via the Coast Starlight ( <b>Up to 2 trains daily</b> ).

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
178	26	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 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.	<p>Thank you for your comment. Construction related impacts on traffic were evaluated for the entire project area and are discussed in Section 3.18.6.1. The proposed Project was found to have a less than significant impact with implementation of BMP TR-1. That measure would require a Transportation Management Plan (TMP) be developed during future design in coordination with local jurisdictions (including the city of Fremont) and first responders to maintain emergency, transit, roadway, bicycle, and pedestrian access. This would avoid or reduce impacts to traffic circulation and minimize delays. The TMP would address how construction-related activities would be carried out to help make sure that access to businesses, residences, schools, hospitals, and public services would be maintained, and delay would be minimized to the extent feasible for multimodal travel and construction. The TMP would provide advance notice to the public for road detours with appropriate signage to avoid and minimize impacts to circulation and to maintain access to adjacent properties.</p> <p>The Draft EIR acknowledges travelers may temporarily experience delays and increases in VMT and travel time when traveling through construction zones with detours or temporary lane closures (Section 3.18.6.2). However, the VMT generated during construction would be temporary and ultimately offset by the reduction to VMT during operations and result in no impact.</p> <p>The TMP is a best management practice, not a mitigation measure, and therefore does not represent deferred mitigation. The EIR did not identify any significant impacts to transportation. Because of this, no mitigation was required to offset project impacts. As noted above, the TMP would maintain access for buses, bicyclists, and pedestrians.</p> <p>The TMP would also apply to proposed work on the Alameda Creek Bridge. Based on this, no significant impacts to traffic are anticipated during construction. Furthermore, impacts to traffic congestion are less-than-significant due to Senate Bill 743 (2013).</p> <p>Table 3.18-1 will be revised to reflect the proposed update in your comments. As noted in Draft EIR Sections 5.7 and 5.8 of the Fehr &amp; Peers Transportation Assessment for the proposed Project (Appendix H), the Centerville Line will see a removal of Capitol Corridor service, which will reduce the number of grade crossing gate down events along Fremont Boulevard near the Centerville Station and the Thornton Avenue intersection. Ardenwood Boulevard in the vicinity of the proposed Ardenwood Station was analyzed as part of the Station Area Mobility analysis in the Fehr &amp; Peers Transportation Assessment. It is noted that congestion related effects are considered less-than-significant as a result of Senate Bill 743 (2013).</p>	-	Revised Table 3.18-1, Principal Arterials Within the RSA, to include Fremont Boulevard, Thornton Avenue, and Ardenwood Boulevard as arterial streets in the City of Fremont (see Section 4.1.2, Final EIR Updated Tables and Figures)
178	27	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?	<p>Thank you for your comment. The need for additional protection measures (such as where the trackway is widened for a second track) will be evaluated during future design. CCJPA and the contractor will coordinate with utility providers (BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC, Final EIR Table 1) to verify the location, any required protection measures, and to coordinate relocation or replacement if needed. No changes to the Draft EIR are required.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
178	28	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.	Thank you for your comment. This comment has been noted and the first paragraph on page 3.20-27 and Table 3.20-15 Utilities and Service Systems resources Impacts Summary has been revised. This revision does not alter the analysis or the conclusions of the Draft EIR.	<b>Section 3.20.3.4, CEQA Thresholds</b> 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.	<b>Section 3.20.3.4, CEQA Thresholds</b> 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. <b>Not</b> have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; c. <b>Not</b> 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. <b>Not</b> comply with federal, state, and local management and reduction statutes and regulations related to solid waste.
178	29	Page 3.20-50, Section 3.20.6.4, Project Construction: o 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. o 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.	Thank you for your comment. Your concern regarding the volume of material within UPRR corridor that can be reused is noted. CCJPA is aware that material from UPRR may not be able to be reused due the presence of hazardous substances. As described in Draft EIR Section 3.20.6.4, disposal facilities have adequate capacity for disposing hazardous solid waste. Therefore, if material from the UPRR ROW cannot be reused as fill, the impact determinations in Draft EIR Section 3.20.6.4 would not change.  With respect to Phase 1 site assessments, CEQA does not require them to be completed prior to approval of the environmental document. The information included in Draft EIR Chapter 3.10 Hazards and Hazardous Materials is sufficient to assess the potential for the project to have significant environmental impacts with respect to hazards and hazardous materials. No additional site assessments are required at this stage to comply with CEQA. Costs and schedule impacts associated with the discovery of hazardous materials will be refined during future design based on information from the site assessments. No changes to the Draft EIR are required.	-	-
178	30	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.	Thank you for the information. CCJPA and the contractor will coordinate with utility companies (as part of BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC, Final EIR Table 1) to verify the location, any required protection measures, and to coordinate relocation or replacement if needed. No changes to the Draft EIR are required.	-	-
178	31	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?	Once more detailed design information is available on the height of track elevation, the extent of track elevation, and the extent of grading on either side of the track, CCJPA will comply with CEQA by completing the required environmental documentation to address any changes in impacts. Analysis of these impacts at this stage is speculative. Draft EIR Chapters 3 and 5 analyze all reasonably foreseeable direct and indirect impacts of the project. Other adaptation measures listed in Draft EIR Section 4.4.2.1 SLR Adaptation Measure Categories, can be considered in addition to raising the trackway elevation during the design phase.	-	-
205	1	The South Bay Connect 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.	Thank you for your comments. The comment is noted; however, the comment does not directly address consideration	-	-



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			of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.		
205	2	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.	Please refer to response to Comment 205-1.	-	-
205	3	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 South Bay Connect project. Continuing to run Capitol trains south of the Coliseum station is a waste of public dollars.	Please refer to response to Comment 205-1.	-	-
205	4	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 with the mailed flyers. Which is correct?	Thank you for your comment. Modifications to the Niles and Oakland subdivisions near Niles Junction that would have affected freight traffic were limited to Alternatives A-D, which were rejected as described in Section 2.3. For additional information regarding Alternatives, please see Master Response 5: Project Description and Design Alternatives. For additional information regarding evolution of project design, please see Master Response 7: Coast Subdivision Double Tracking. For additional information regarding freight activities, please see Master Response 8: Freight Train Volume Assumptions. For additional information regarding previous public outreach efforts, please see Master Response 2: Public Review and Community Engagement.	-	-
205	5	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?	Thank you for your comment. The DEIR provides the most up to date Project Description. Please refer to response 205-4 for clarification on freight traffic within Alternatives A-D. For additional information regarding Project Alternatives, please see Master Response 5.	-	-
205	6	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 of that plan and stated, "Well, we've changed our minds. We're not going to pursue that plan any longer." It's a little late for that.	Please refer to response to Comment 205-1.	-	-
205	7	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.	Please refer to response to Comment 205-1.	-	-
207	1	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.	Thank you for your comments. The Draft EIR Section 1.2 sets forth the goals and objectives of the project.	-	-
207	2	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.	Please refer to Master Response 8: Freight Train Volume Assumptions, regarding freight traffic.	-	-
207	3	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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Please also refer to Master Response 8: Freight Train Volume Assumptions	-	-
207	4 & 5	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.	Please refer to Master Response 8: Freight Train Volume Assumptions.	-	-

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		I would want to see this addressed going forward; specifically what the options are for the UPRR track going thru Nile's Canyon.			
208	1	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.	Thank you for your comments. EIR Chapter 2.0 analyzed all reasonable alternatives to the project. EIR Chapter 3.4 analyzed project air quality impacts, and EIR Chapter 3.9 analyzed GHG impacts.	-	-
208	2	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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Please also refer to Master Response 5: Project Description and Design Alternatives.	-	-
208	3	Specific areas of concern center mostly on noise and lack of noise mitigations	Draft EIR Chapter 3.14, Noise and Vibration analyzed the noise impacts of the project. Please refer to Master Response 12: Noise and Vibration, for more detail on how the noise analysis was conducted.	-	-
208	4	<b>Air Quality (3.4)</b> 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.	Draft EIR Chapter 3.4, Air Quality, analyzed the air quality impacts of the project on potentially sensitive areas and identified mitigation measures when necessary. Please refer to Master Response 10: Environmental Justice regarding environmental justice issues.	-	-
208	5	<b>Noise and Vibration (3.14)</b> 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.	Thank you for your comment. Draft EIR Figure 3.14-7 only shows impact locations, and not the entire corridor. Twenty-one locations that are anticipated to experience severe noise impacts were identified in the Draft EIR. Locations with no impacts were not included in Figure 3.14-7. Regarding the use of train horns at railroad bridges, where appropriate, additional noise from elevated structures was included in the impact assessment. However, intermittent horn sounding is not included in the assessment, including for safety issues because intermittent horn sounding for safety issues cannot be estimated. The assessment only reflects standard operations. No changes to the Draft EIR are required.	-	-

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208	6	<p>Population and Housing (3.15)</p> <p>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.</p> <p>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.</p>	<p>The comment is noted; however, the comment refers to socioeconomic issues that are outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts. Please also refer to Master Response 12: Noise and Vibration</p>	-	-
208	7	<p>Transportation (3.18)</p> <p>There are several concerns related to traffic flows both for cars and bicycles during construction and during operation:</p> <ul style="list-style-type: none"> <li>· 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.</li> <li>· 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.</li> <li>· 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?</li> <li>· 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.</li> <li>o 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.</li> <li>o 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.</li> <li>· 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.</li> </ul>	<p>Thank you for your comment. Motorists would access the proposed Ardenwood Station by entering the existing park-and-ride along Ardenwood Boulevard or the proposed surface lot connected to Ardentech Court. It is acknowledged that the new surface lot would increase drivers using Kaiser Drive and Dumbarton Circle. However, the proposed surface lot would be limited to 200 spaces. This would limit the number of new station users arriving via driving, thereby limiting traffic congestion. Traffic congestion along these roadways is expected to be less than significant.</p> <p>As noted above, traffic congestion is not expected to increase due, in part, to the limited number of additional parking spaces created for the proposed rail station. Additionally, the existing Ardenwood park-and-ride is served by bus lines and private shuttles that travel along the SR 84 corridor. These services would also be expected to bring riders to the proposed rail station.</p> <p>Existing bicycle infrastructure (Draft EIR Figure 3.18-4) was assessed as well as bicycle master plans for the cities of Fremont and Newark (Draft EIR Section 3.18). The proposed Project was consistent with these local plans. The referenced bike lanes would connect bicyclists to the existing park-and-ride and therefore the proposed rail station. SBC would not preclude separate projects by the cities of Fremont or Newark in the future to upgrade bicycle infrastructure needs along local roadways.</p> <p>Existing pedestrian and bicyclist access to Dumbarton Express service would not be impacted by the proposed Project. However, bicyclists would need to use the proposed overcrossings to access the new rail platform.</p> <p>During construction, BMP TR-1 would require a Transportation Management Plan (TMP) with input from local cities, Caltrans, and emergency services. The TMP would consider closures/detours for all modes of transportation, including bicyclist, pedestrians, and public transit. This would help make sure that multimodal access is maintained to existing services provided at the park-and-ride.</p> <p>Bus stops within the existing Ardenwood park-and-ride would not be relocated under the proposed Project and a new bus station on SR 84 is not part of the SBC project. There is an independent project led by CCJPA and Caltrans (SR 84 Intermodal Bus Facility Project) that is evaluating relocation of bus stops to the median of SR 84. That project's website is <a href="https://sr84busfacility.com/">https://sr84busfacility.com/</a>.</p> <p>Existing pedestrian and bicyclist access to Dumbarton Express service would not be impacted by the proposed project. As mentioned above, the existing bus stops in the Ardenwood park-and-ride would not be relocated by the proposed Project. The traffic impact was determined to be less than significant, so no mitigation is required.</p>	<p><b>Section 3.18.4.1 Environmental Setting, Local Setting, Bus Transit</b> The AC Transit is the third-largest public bus system in California, serving 13 cities and adjacent unincorporated areas in Alameda and Contra Costa counties. AC Transit operates a network of bus lines that provide connections within these counties, to and from the BART stations, and to adjacent cities. AC Transit has 58 local lines, 47 school lines that operate on school days only and are suspended during summer. There are three early bird, six all-nighter, and 15 Transbay lines that serve Alameda County and the Cities of Oakland, San Leandro, Hayward, Fremont, Newark, and Union City. The following bus transit services are within the transportation RSA by city:</p> <ul style="list-style-type: none"> <li>• Oakland – AC Transit, East Bay Paratransit</li> <li>• San Leandro – AC Transit, Links Free Shuttle, Flex Shuttle – East Bay Paratransit Service</li> <li>• Hayward – AC Transit, Greyhound, East Bay Paratransit</li> <li>• Fremont – AC Transit, Santa Clara Valley Transportation, City of Fremont Paratransit, East Bay Paratransit</li> <li>• Newark – AC Transit, Dumbarton Express, East Bay Paratransit</li> <li>• Union City – AC Transit, Union City Transit, Union City Paratransit, Dumbarton Express, East Bay Paratransit</li> </ul>	<p><b>Section 3.18.4.1 Environmental Setting, Local Setting, Bus Transit</b> The AC Transit is the third-largest public bus system in California, serving 13 cities and adjacent unincorporated areas in Alameda and Contra Costa counties. AC Transit operates a network of bus lines that provide connections within these counties, to and from the BART stations, and to adjacent cities. AC Transit has 58 local lines, 47 school lines that operate on school days only and are suspended during summer. There are three early bird, six all-nighter, and 15 Transbay lines that serve Alameda County and the Cities of Oakland, San Leandro, Hayward, Fremont, Newark, and Union City. The following bus transit services are within the transportation RSA by city:</p> <ul style="list-style-type: none"> <li>• Oakland – AC Transit, East Bay Paratransit</li> <li>• San Leandro – AC Transit, Links Free Shuttle, Flex Shuttle – East Bay Paratransit Service</li> <li>• Hayward – AC Transit, Greyhound, East Bay Paratransit</li> <li>• Fremont – AC Transit, Santa Clara Valley Transportation, City of Fremont Paratransit, East Bay Paratransit, <b>Dumbarton Express</b></li> <li>• Newark – AC Transit, Dumbarton Express, East Bay Paratransit</li> <li>• Union City – AC Transit, Union City Transit, Union City Paratransit, Dumbarton Express, East Bay Paratransit</li> </ul>

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			Section 3.18.4.1 Bus Transit will be updated to reference Dumbarton Express service being provided in Fremont.  This revision does not alter the conclusions of the Draft EIR.		
213	1	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.	Repeat of Comment Letter 208. Refer to responses to that letter.	-	-
213	2	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.	Repeat of Comment Letter 208. Refer to responses to that letter.	-	-
213	3	Specific areas of concern center mostly on noise and lack of noise mitigations	Repeat of Comment Letter 208. Refer to responses to that letter.	-	-
213	4	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.	Repeat of Comment Letter 208. Refer to responses to that letter.	-	-
213	5	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.	Repeat of Comment Letter 208. Refer to responses to that letter.	-	-

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213	6	<p>Population and Housing (3.15)</p> <p>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.</p> <p>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.</p>	Repeat of Comment Letter 208. Refer to responses to that letter.	-	-
213	7	<p>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.</p> <p>Transportation (3.18)</p> <p>There are several concerns related to traffic flows both for cars and bicycles during construction and during operation:</p> <ul style="list-style-type: none"> <li>· 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.</li> <li>· 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.</li> <li>· 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?</li> <li>· 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.</li> <li>o 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.</li> <li>o 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.</li> <li>· 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.</li> </ul>	Repeat of Comment Letter 208. Refer to responses to that letter.	-	-
214	1	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 institution of a structural impediment to deny public comment to those who have difficulties with Captcha.	<p>Thank you for your comment.</p> <p>In addition to the public being able to submit comments via CCJPA's website, information on how to submit comments via email, postal service, and the project hotline was made available on the project website and other notification materials. Two virtual public meetings were also held to inform</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>the public of the primary features of the proposed Project and accept and record comments on the draft EIR. These meetings occurred during the public comment period, one on June 12, 2024, and one on June 20, 2024. The public was also invited to comment verbally at a CCJPA Board of Directors meeting on June 26, 2024, where an option for teleconference was provided.</p> <p>Please see Master Response 2: Public Review and Community Engagement.</p>		
216	1	<p>I oppose the Capitol Corridor South Bay Connect project.</p> <p>UPRR (the owner of the track) still reserves the right to run freight trains when there is no passenger train.</p> <p>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.</p> <p>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.</p>	<p>Thank you for your comments. Please refer to Master Response 8: Freight Train Volume Assumptions, regarding freight train traffic. Comments opposing the project are noted; however, they do not address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.</p>	-	-
217	1	<p>I live in Fremont, and oppose the Capitol Corridor South Bay Connect Project ("Project").</p> <p>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]</p>	<p>Thank you for your comments. Draft EIR Chapter 3.18, Transportation, conducted an analysis of impacts based on ridership studies that looked at two scenarios related to COVID. A "pre-COVID" scenario assumed that future travel behavior returns to a state that mimics pre-COVID conditions (model based on April 2019 ridership data). A "post-COVID" scenario assumed that post-pandemic effects carry forward into the future (model based on April 2023 ridership data). The results of the model runs indicate that the project would lead to a decrease in VMT, which is the metric used to determine the environmental impacts of a project related to transportation. Comments opposing the project are noted; however, they do not address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Likewise, comments expressing concern about project costs are noted, but costs are socioeconomic impacts that are not physical impacts, and therefore are not part of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.</p>	-	-
217	2	<p>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.</p>	<p>Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight train traffic, which notes that decisions on freight traffic would occur independent of the proposed Project.</p>	-	-
217	3	<p>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.</p>	<p>Comments expressing concern about project costs are noted, but costs are socioeconomic impacts that are not physical impacts, and therefore are not part of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
217	4	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.	<p>Thank you for your comment. As the Draft EIR is the culmination of a process started with the NOP in 2020, the vehicle miles traveled (VMT) modeling was conducted based on the construction and operations schedule introduced in the NOP in 2020. Since the modeling was generally used for comparing between scenarios, the modeling was not updated for the 2024 documentation because the output would be expected to be similar in terms of the scenario's findings relative to other scenarios. As such, the Draft EIR continues to reference 2025 as the operational start date in discussions related to VMT modeling, which occur in the following sections: Transportation (Draft EIR Section 3.18), Greenhouse Gases (Draft EIR Section 3.9), and Energy (Draft EIR Section 3.7) analyses. Currently, operations for the proposed Project are anticipated to begin in mid- to late-2029, consistent with the proposed construction end date of July 2029 as presented in Draft EIR Section 2.2.3.6 Proposed Schedule. <b>Notes will be added to first use in each resource section to clarify reason for use of 2020.</b></p> <p>Regarding ridership, budget, and schedule, as a discretionary action the proposed Project is required to adhere to CEQA, however the decision to pursue the project is not. As such these considerations may refer to Master Response 1: Opinions and Other General Comments.</p>	<p><b>Section 3.18.3.2 Data Sources, Ridership Forecasts Regional and VMT Analysis</b> To evaluate regional impacts using VMT, a 2025 and 2040 model was developed (Fehr and Peers, 2023) to estimate the increase in ridership associated with the Project improvements. The model estimated future passenger rail ridership within the regional RSA through a forecasting analysis that used data from the following three travel demand models (TDM).</p> <p><b>Section 3.9.3.2 Operations, Displaced Vehicle Miles Traveled</b> Operation of the proposed Project would improve Capitol Corridor passenger rail service between Oakland and San Jose. The resulting reduction in automobile vehicle usage is quantified by year and scenario as part of this analysis. The VMT data were estimated using a regional travel demand model that covers the geographic extent of the Bay Area region. Data have been provided for 2025 and 2040, and for two scenarios (No Project Alternative and Proposed Project). The VMT was separated into 5-mph speed groupings, or "speed bins." The GHG emissions reductions achieved by displaced VMT were estimated using emission factors from EMFAC2021. In 2025, the proposed Project would reduce VMT by approximately 24,000 miles per day relative to the No Project Alternative, and, in 2040, the VMT reduced would be approximately 33,000 miles per day. Appendix B contains additional details regarding the calculations for quantifying emissions from displaced VMT.</p> <p><b>Section 3.7.3.2 Data Sources</b> Energy consumption related to the change in rail ridership was quantitatively estimated using the VMT model outputs for 2025 and 2040 (Fehr and Peers 2023). This model estimated the increased ridership associated with the proposed Project's improvements using data from three travel demand models. Forecasted VMT was used as an input in the California Air Resources Board (CARB) Emission Factor 2021 model to calculate fuel consumption under both the No Project Alternative and the Proposed Project. Fuel (gallons of gasoline, gallons of diesel fuel, and kilowatt hours [kWh] [electric vehicles]) was converted to energy equivalents to estimate energy consumption for both 2025 and 2040.</p>	<p><b>Section 3.18.3.2 Data Sources, Ridership Forecasts Regional and VMT Analysis</b> To evaluate regional impacts using VMT, a 2025 and 2040 model was developed (Fehr and Peers, 2023) to estimate the increase in ridership associated with the Project improvements. <b>The VMT model was run in 2020 and used 2025 as the operational start date. Since this data was generally used to compare between model scenarios, the model was not updated to show the 2029 start date as is currently assumed (Section 2.2.3.6 Proposed Schedule) because the output would be expected to be similar in terms of a scenario's findings relative to others.</b> The model estimated future passenger rail ridership within the regional RSA through a forecasting analysis that used data from the following three travel demand models (TDM).</p> <p><b>Section 3.9.3.2 Operations, Displaced Vehicle Miles Traveled</b> Operation of the proposed Project would improve Capitol Corridor passenger rail service between Oakland and San Jose. The resulting reduction in automobile vehicle usage is quantified by year and scenario as part of this analysis. The VMT data were estimated using a regional travel demand model that covers the geographic extent of the Bay Area region. <b>The VMT model was run in 2020 and used 2025 as the operational start date. Since this data was generally used to compare between model scenarios, the model was not updated to show the 2029 start date as is currently assumed (Section 2.2.3.6 Proposed Schedule) because the output would be expected to be similar in terms of a scenario's findings relative to others.</b> Data have been provided for 2025 and 2040, and for two scenarios (No Project Alternative and Proposed Project). The VMT was separated into 5-mph speed groupings, or "speed bins." The GHG emissions reductions achieved by displaced VMT were estimated using emission factors from EMFAC2021. In 2025, the proposed Project would reduce VMT by approximately 24,000 miles per day relative to the No Project Alternative, and, in 2040, the VMT reduced would be approximately 33,000 miles per day. Appendix B contains additional details regarding the calculations for quantifying emissions from displaced VMT.</p> <p><b>Section 3.7.3.2 Data Sources</b> Energy consumption related to the change in rail ridership was quantitatively estimated using the VMT model outputs for 2025 and 2040 (Fehr and Peers 2023). <b>The VMT model was run in 2020 and used 2025 as the operational start date. Since this data was generally used to compare between model scenarios, the model was not updated to show the 2029 start date as is currently assumed (Section 2.2.3.6 Proposed Schedule) because the output would be expected to be similar in terms of a scenario's findings relative to others.</b> This model estimated the increased ridership associated with the proposed Project's improvements using data from three travel demand models. Forecasted VMT was used as an input in the California Air Resources Board (CARB) Emission Factor 2021 model to calculate fuel consumption under both the No Project Alternative and the Proposed Project. Fuel (gallons of gasoline, gallons of diesel fuel, and kilowatt hours [kWh] [electric vehicles]) was converted to energy equivalents to estimate energy consumption for both 2025 and 2040.</p>
217	5	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.	Thank you for your comment. While discontinuation of Capitol Corridor service at the Hayward Station might require some riders to travel further to access the new Ardenwood station, the project is designed to improve regional accessibility overall by providing ADA-compliant access, upgraded signals and gates, and a connection to the broader transportation network (Draft EIR Section 3.18.4.a, "Conflict with a Program, Plan,	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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%.</p> <p>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.</p>	<p>Ordinance, or Policy Addressing the Circulation System"). Section 3.18.6.2 of the Draft EIR provides analysis regarding the impact of the proposed Project along the Capitol Corridor Route. Draft EIR Table 3.18-2, Ridership Forecast Overview, demonstrates the anticipated increase in ridership along the Capitol Corridor that would result of implementing the proposed Project. No changes to the Draft EIR are required. For further discussion of impacts relating to freight traffic please refer to Master Response 8: Freight Train Volume Assumptions.</p>		
217	6	<p>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. 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:</p> <p>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.</p>	<p>Draft EIR Chapter 3.14 analyzes noise and vibration impacts of project operations. While the comment indicates this analysis is deficient, no supporting evidence is provided to support this assertion. The studies cited in the comment describe potential adverse effects of noise and vibration, but they do not directly address the analysis conducted in the EIR or its adequacy. Therefore, the noise comments do not address consideration of the accuracy or adequacy of the EIR (please refer to Master Response 1: Opinions and Other General Comments). Please also refer to Master Response 12: Noise and Vibration for additional information regarding noise and vibration.</p> <p>The comment on the need for additional fire/police service at the Ardenwood station is noted; however, provision of such services is not considered a CEQA issue unless it is tied to a physical impact such as the need for new or expanded facilities (please refer to Master Response 3: Economic and Social Impacts). Draft EIR Chapter 3.16, Public Services, analyzed project impacts related to public service and concluded that no new or expanded facilities would be required. Please also refer to Master Response 6: Proposed Ardenwood Station for further discussion of the Ardenwood station and its impacts.</p> <p>Draft EIR Chapter 4 discusses the potential effects of sea level rise on the project, including a vulnerability assessment and potential adaptation measures. With respect to the design life of project features, the project looked at more than just the 2050 SLR projections. Section 4.3.5 explains that CCJPA considered SLR for the years 2040, 2050, 2080, and 2130 which is shown in Table 4-5. Projected 100-year SLR SWLs for RSA Locations. As described in 4.3.5.3, CCJPA mapped 2040 and 2050 SLR, as well as 2100 for the CoSMoS model and 2090 for the ART model. As described in Section 4.4.2, CCJPA is considering three categories of adaptation measures to address SLR flooding. These measures can be implemented to address any year of projected SLR flooding, including 2050 or 2100.</p> <p>Draft EIR Chapter 3.5, Biological Resources, provides a description of and justification for the Biology RSA, which defines the area of the impact analysis. Project impacts on the regional parks, shoreline, and wildlife refuges located near the Coast subdivision are analyzed in Chapter 3.17 of the Draft EIR.</p> <p>All aspects of the project, including double tracking and bridge upgrades, were analyzed in the EIR. Double tracking and bridge impacts were identified where appropriate. Please also refer to Master Response 7: Coast Subdivision Double Tracking regarding double tracking.</p> <p>Mitigation measures that would require implementation by construction companies would be incorporated within project</p>	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			construction contracts, with monitoring for compliance to be done by CCJPA.		
217	7	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 both BART stations.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Further, comments expressing concern about project costs are noted, but costs are socioeconomic impacts that are not physical impacts, and therefore are not part of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.	-	-
217	8	<p>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.</p> <p>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.</p>	<p>Thank you for your comment. Your opposition is noted. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA statute.</p> <p>Please see Chapter 6 of the EIR for information on public outreach throughout the environmental review process, including Scoping, and Master Response 2: Public Review and Community Engagement. Please refer to Master Response 3: Economic and Social Impacts regarding concerns over project budget. In addition, please refer to Master Response 5: Project Description and Design Alternatives for information on project alternatives.</p>	-	-
218	1&2	<p>Please see the attached PDF for ACWD's Comments on the Draft Environmental Impact Report for the Capitol Corridor South Bay Connect Project.</p> <p>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). 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.</p> <p>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.</p>	Thank you for your comments. The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
218	3	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: a. Pollution Prevention: ACWD appreciates the inclusion of BMP's HYD-1 through 10 and would like to emphasize the importance of selecting	Thank you for your comment. This comment states ACWDs interest in ensuring high water quality in Alameda Creek, and requests to be included on a list of first responder agencies for railroad accidents causing, or having the potential to cause, contamination of waters in the Alameda Creek Watershed. ACWD's request to be added to the list of first responder agencies has been noted. The recommendation to establish a 24-hour rapid notification system has also been noted by CCJPA. No changes to the Draft EIR are required.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.			
218	4	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 ( <i>Oncorhynchus mykiss</i> ), 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. 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. 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.	Thank you for your comment. This comment requests mitigation to avoid the creation of predatory holding habitats. MM BIO-19 Fish Passage and Noise Analysis, has been revised as demonstrated in the Final EIR Updated Text column. These revisions do not alter the conclusions of the Draft EIR.  The comment letter also requests that ACWD be informed of discussions and decisions regarding fish passage as it pertains to CCC steelhead and other anadromous fish. ACWD's request has been noted, and future coordination will take place with ACWD as project design advances and agency coordination continues.  Regarding the inclusion of Central California Coast Steelhead, the font error in Appendix C, Attachment 1, Table A-1 has been corrected as demonstrated in the Final EIR, Section 4.1.2. These revisions do not change the impact determinations or conclusions in the Draft EIR.	<b>MM BIO-19: Fish Passage and Noise Analysis.</b> To evaluate potential impacts to native fish species and fisheries resources, CCJPA will conduct a fish passage analysis during final proposed Project design. The proposed Project will be designed and constructed so that it does not present a barrier to fish passage or result in operational noise exceeding 150 dB. CCJPA will coordinate with the necessary regulatory agencies, including NMFS and CDFW prior to initiating the analysis, and will consult with NMFS and CDFW during development of conceptual through the final design plans. NMFS and CDFW will be engaged for coordination during design.	<b>MM BIO-19: Fish Passage and Noise Analysis.</b> To evaluate potential impacts to native fish species and fisheries resources, CCJPA will conduct a fish passage analysis during final proposed Project design. The proposed Project will be designed and constructed so that it does not present a barrier to fish passage, <b>create predatory holding habitats</b> , or result in operational noise exceeding 150 dB. CCJPA will coordinate with the necessary regulatory agencies, including NMFS and CDFW prior to initiating the analysis, and will consult with NMFS and CDFW during development of conceptual through the final design plans. NMFS and CDFW will be engaged for coordination during design.  Regarding the inclusion of Central California Coast Steelhead, the font error in Appendix C, Attachment 1, Table A-1 has been corrected.
218	5	3) ACWD's Groundwater Management and Protection: ACWD requests that the following potentially significant impacts to the protection of groundwater be addressed by the EIR: a. Sustainable Groundwater Management Act (SGMA): 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.	Thank you for your comment. This comment requests that the Draft EIR acknowledge that ACWD is the Groundwater Sustainability Agency for the Niles Cone Subbasin and has an approved Alternative to a Groundwater Sustainability Plan. Subsection Alameda County Water District Groundwater Management Policy under Section 3.11.2.3, Regional, of the Draft EIR has been revised as noted in the Final EIR Updated Text column.	<b>Section 3.11.2.3, Regional, Groundwater, Alameda County Water District Groundwater Management Policy</b> It is the policy of the ACWD to efficiently protect and manage the Niles Cone Groundwater Basin to ensure a reliable supply of high-quality water that satisfies present and future municipal, industrial, recreational, and agricultural water needs in the ACWD service area.	<b>Section 3.11.2.3, Regional, Groundwater, Alameda County Water District Groundwater Management Policy</b> It is the policy of the ACWD to efficiently protect and manage the Niles Cone Groundwater Basin to ensure a reliable supply of high-quality water that satisfies present and future municipal, industrial, recreational, and agricultural water needs in the ACWD service area. <b>ACWD is identified by statute to manage groundwater and is 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.</b>
218	6	b. Groundwater Well Protection/Destruction: 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	Thank you for your comment. The comment requests coordination with ACWD in order to protect monitoring wells during construction activity. As part of BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC, the project will coordinate with ACWD during future design and	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		EIR that Project proponents will coordinate with ACWD and the monitoring wells will be protected during construction activities. 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.	construction to identify location, conflicts, and protection measures for ACWD facilities including monitoring wells. Full text of the BMP is included in Table 1 of the Final EIR. The comment is noted and has been provided to project engineers for further coordination as the project design advances. This comment does not address the adequacy of the environmental document, and therefore, no changes to the Draft EIR are required.		
218	7	<p>c. Hazards and Hazardous Material Contamination:</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>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)[references footnote 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 IDT0600101358). 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.</p> <p>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.</p> <p>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.</p>	<p>i. Thank you for your comment. The plans and policies you noted have been added to the Final EIR.</p> <p>ii. Thank you for the information on additional sites within the RSA. Both EnviroStor and GeoTracker databases were searched for sites within the RSA in 2021 and sites may have been added since then. Database searches will be redone as part of a Phase 1 Site Assessment required by BMP HAZ-2: Property Acquisition Phase 1 and Phase 2 Environmental (see Final EIR Table 1 for full text of the BMP). However, the three GeoTracker sites mentioned in the comment were found to be within one-eighth mile of a railroad line that comes off the Coast Subdivision and crosses San Francisco Bay parallel to the Dumbarton Bridge. This line is not part of the SBC project, and the sites are not within the Contamination RSA established for the project. All sites within the Contamination RSA were accounted for in Appendix E of the Draft EIR.</p> <p>iii. MM HYD-2 has been revised as requested.</p> <p>iv. BMP HAZ-1 has been revised as requested.</p> <p>v. BMP HAZ-2 has been revised as requested.</p> <p>This revision does not alter the Draft EIR's conclusion that compliance with existing relevant regulations and standards as well as implementation of proposed Project BMPs would make sure that impacts associated with Hazards and Hazardous Materials resulting from implementation of the proposed Project would be less than significant.</p>	<p><b>MM-HYD-2 Dewatering permit in case of contaminated groundwater.</b>                      If the groundwater is found to be contaminated, a dewatering permit will be obtained from the Regional Water Quality Control Board directly, or through an application with the local Sewer company. An Active Treatment Systems may be specified by the permit conditions if the quality of the groundwater warrants their use.</p> <p><b>BMP HAZ-1: Prepare a Construction Hazardous Material Management Plan (HMMP)</b>                      Prior to construction, CCJPA will ensure that 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, including the proper locations for disposal. The HMMP will be prepared to address construction activity within the Project footprint and include, but not be limited to, the following: ...</p> <p><b>BMP HAZ-2: Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments</b>                      Prior to or during the ROW acquisition phase, CCJPA will ensure that Phase 1 Environmental Site Assessments are conducted in accordance with standard ASTM methodologies to characterize each high-risk parcel prior to acquisition within the Project footprint. The determination of parcels that require a Phase 2 Environmental Site Assessments (for example, soil, groundwater, soil vapor subsurface investigations) would be informed by a Phase 1 Environmental Site Assessments and may require coordination with state and local agency officials. Major work areas requiring substantial ground disturbance and excavation outside of acquired properties will also be subject to Phase 2 investigations.</p>	<p><b>MM-HYD-2 Dewatering permit in case of contaminated groundwater.</b>                      If the groundwater is found to be contaminated, CCJPA will coordinate and receive approval for a dewatering permit from the <b>San Francisco</b> Regional Water Quality Control Board <b>and the ACWD</b>. An Active Treatment Systems may be specified by the permit conditions if the quality of the groundwater warrants their use.</p> <p><b>BMP HAZ-1: Prepare a Construction Hazardous Material Management Plan (HMMP)</b>                      Prior to construction, CCJPA will ensure that 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, <b>and contaminated groundwater used or exposed during construction, including the proper locations for disposal</b>. The HMMP will be prepared to address construction activity within the Project footprint and include, but not be limited to, the following: ...</p> <p><b>BMP HAZ-2: Property Acquisition Phase 1 and Phase 2 Environmental Site Assessments</b>                      Prior to or during the ROW acquisition phase, CCJPA will ensure that Phase 1 Environmental Site Assessments are conducted in accordance with standard ASTM methodologies to characterize each high-risk parcel prior to acquisition within the Project footprint. The determination of parcels that require a Phase 2 Environmental Site Assessments (for example, soil, groundwater, soil vapor subsurface investigations) would be informed by a Phase 1 Environmental Site Assessments and may require coordination with state and local agency officials. Major work areas requiring substantial ground disturbance and excavation outside of acquired properties will also be subject to Phase 2 investigations. <b>Drilling permits would be acquired from ACWD prior to the start of any subsurface drilling activities for Phase 2 assessments within the cities of Fremont, Newark, and Union City.</b></p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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. Footnote 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."			
218	8	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. 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 Creekbridge 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 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.	Thank you for your comment. The comment states that the Draft EIR does not discuss potential pile/pier depths, and that Project proponents should coordinate with ACWD on the design features to ensure protection of groundwater resources. As part of BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC, the CCJPA will coordinate with ACWD during future design and construction to identify location, conflicts, and protection measures for ACWD facilities including aquifers and other groundwater resources. Potential pile and pier depths will be determined in a later phase of Project design. Your comment has been provided to project engineers for further coordination as project design advances. No changes to the Draft EIR are required.	-	-
218	9	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 verify 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.	Thank you for your comment. Geotechnical investigations will be conducted during future stages of design of the proposed Project and will be made available to agencies during the permitting and design coordination project phase.	-	-
218	10	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. 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	Thank you for your comment. The comment states that the Draft EIR should estimate the amount of water that may be extracted by dewatering. The amount of dewatering required by the proposed Project will be determined by a later phase of design, and details regarding the amount of dewatering will be addressed in the permitting process. As part of BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC, the project will coordinate with ACWD during future design and construction regarding water sources for the project. The project also includes BMP UT-2: Minimize Potable Water Use, BMP UT-3: Water Efficient Landscaping, and BMP UT-5: Coordinate with the HWS and ACWD in Dry Construction Years to minimize impacts to groundwater supplies including local drinking water supplies. With these BMPs, CCJPA determined that the project would have a less than significant impact on water supplies (Section 3.20.6.2). Since the impact is not significant, mitigation is not required.	<b>Section 3.11.2.3 Regional, Groundwater, Dewatering Activities</b> Within the jurisdiction of the San Francisco Bay RWQCB, dewatering activities are often regulated under one of the following general NPDES waste discharge requirement permits:  • Discharge or Reuse of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by Volatile Organic Compounds (VOC), Fuel Leaks and Other Related Wastes (VOC and Fuel General Permit), Order No. R2-2017-0048, NPDES No. CAG912002. • Discharge or Reuse of Extracted Brackish Groundwater, Reverse Osmosis Concentrate Resulting from Treated Brackish Groundwater, and Extracted Groundwater from Structural Dewatering Requiring Treatment (Groundwater General Permit), Order No, R2-2018-0026, NPDES No. CAG912004.	<b>Section 3.11.2.3 Regional, Groundwater, Dewatering Activities</b> Within the jurisdiction of the San Francisco Bay RWQCB, dewatering activities are often regulated under one of the following general NPDES waste discharge requirement permits:  • Discharge or Reuse of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by Volatile Organic Compounds (VOC), Fuel Leaks and Other Related Wastes (VOC and Fuel General Permit), Order No. R2-2017-0048, NPDES No. CAG912002. • Discharge or Reuse of Extracted Brackish Groundwater, Reverse Osmosis Concentrate Resulting from Treated Brackish Groundwater, and Extracted Groundwater from Structural Dewatering Requiring Treatment (Groundwater General Permit), Order No, R2-2018-0026, NPDES No. CAG912004.

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	<p>The comment also suggests that the ACWD Replenishment Assessment Act should be added as a regional regulation relevant to the proposed Project. Section 3.11.2.3, Regional, has been updated to include the ACWD Replenishment Assessment Act under the Groundwater subheading.</p> <p>Finally, the clarification that ACWD requires a permit for installation and destruction of dewatering wells rather than a dewatering permit is noted for the project record. The following sentence on page 3.11-61 has been revised in the Final EIR: <b>"If required, a dewatering permit would be obtained from ACWD during construction." to "If the project requires installation and/or destruction of a dewatering well, a permit would be acquired from ACWD."</b> This revision does not alter the conclusions of the Draft EIR.</p>	<p>The VOC and fuel general permit are used for the treatment and discharge of groundwater contaminated with VOCs and petroleum hydrocarbons at construction or remediation sites. The Groundwater General Permit is typically used for long-term structural dewatering of more than 10,000 gallons per day or aquifer reclamation activities requiring reverse osmosis.</p> <p>Temporary dewatering activities within creeks would comply with the most current version of the Stormwater Best Management Handbook: Construction (CASQA, 2023), applicable city and Alameda County standards, and ACWD requirements (BMP HYD-2 Creek diversion to address in-creek construction). The Project would also prepare a dewatering plan and comply with relevant groundwater permits (BMP HYD-7) and, if contaminated groundwater is found, prepare a dewatering permit specific to contaminated groundwater (MM HYD-2). If required, a dewatering permit would be obtained from ACWD during construction. Groundwater extracted from temporary dewatering activities would be managed based on the groundwater quality within the Project footprint. Clean groundwater could be used for dust control, collected on-site using desilting basins and/or tanks prior to discharging to receiving waters, and/or transported to a publicly owned treatment works. If the Project footprint contains contaminated groundwater or groundwater that may release contaminated plumes when disturbed, a dewatering permit in compliance with the VOC and Fuel General Permit and Groundwater General Permit would be obtained prior to construction. An active treatment system may also be necessary to treat contaminated groundwater exposed during excavation activities. Since the proposed Project is adhering to the Construction General Permit, all temporary BMPs implemented during construction would follow standard plans and specifications. Therefore, with Hydrology and Water Quality BMPs and implementation of MM HYD-2, impacts on groundwater during construction would be less than significant with mitigation incorporated.</p>	<p>The VOC and fuel general permit are used for the treatment and discharge of groundwater contaminated with VOCs and petroleum hydrocarbons at construction or remediation sites. The Groundwater General Permit is typically used for long-term structural dewatering of more than 10,000 gallons per day or aquifer reclamation activities requiring reverse osmosis.</p> <p><b>ACWD Replenishment Assessment Act</b> <b>Under the authority of the Replenishment Assessment Act of the Alameda County Water District, ACWD charges operators of water production facilities an assessment based on the quantity of groundwater produced. Replenishment assessment revenue helps pay for ACWD's work to replenish and maintain the Niles Cone Groundwater Basin. Replenishment assessment fees apply only to water producing facilities in the ACWD-managed Niles Cone Groundwater Basin. Water wells, dewatering wells, and chemical investigation extraction wells are considered water production facilities.</b></p> <p>Temporary dewatering activities within creeks would comply with the most current version of the Stormwater Best Management Handbook: Construction (CASQA, 2023), applicable city and Alameda County standards, and ACWD requirements (BMP HYD-2 Creek diversion to address in-creek construction). The Project would also prepare a dewatering plan and comply with relevant groundwater permits (BMP HYD-7) and, if contaminated groundwater is found, prepare a dewatering permit specific to contaminated groundwater (MM HYD-2). <b>If the project requires installation and/or destruction of a dewatering well, a permit would be acquired from ACWD.</b> Groundwater extracted from temporary dewatering activities would be managed based on the groundwater quality within the Project footprint. Clean groundwater could be used for dust control, collected on-site using desilting basins and/or tanks prior to discharging to receiving waters, and/or transported to a publicly owned treatment works. If the Project footprint contains contaminated groundwater or groundwater that may release contaminated plumes when disturbed, a dewatering permit in compliance with the VOC and Fuel General Permit and Groundwater General Permit would be obtained prior to construction. An active treatment system may also be necessary to treat contaminated groundwater exposed during excavation activities. Since the proposed Project is adhering to the Construction General Permit, all temporary BMPs implemented during construction would follow standard plans and specifications. Therefore, with Hydrology and Water Quality BMPs and implementation of MM HYD-2, impacts on groundwater during construction would be less than significant with mitigation incorporated.</p>
218	11	g. Drilling Permit Requirements: 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 <a href="http://www.acwd.org">http://www.acwd.org</a> . 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. 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.	<p>Thank you for your comment. The plans and policies you noted have been included in the Final EIR Hydrology and Water Quality Regulatory section (Section 3.11.2.3). Please see the Final EIR Updated Text column for details of this addition to the section describing ACWD policies.</p> <p>This revision does not alter the Draft EIR's conclusion that compliance with existing relevant regulations and standards as well as implementation of proposed Project BMPs, such as BMP UT-1, and mitigation measures would make sure that impacts associated with drilling required for implementation of the proposed Project would be less than significant.</p>	-	<b>Section 3.11.2.3 Regional ACWD Ordinance no. 2010-01</b> <b>The purpose of this ordinance is to protect the health, safety, and general welfare of the people of the Cities of Fremont, Newark, and Union City, by ensuring that the groundwater within the area of the Cities will not be degraded, polluted or contaminated by improper construction, use, maintenance, repair, improvement, decommissioning, or destruction of wells, exploratory holes, other excavations, and appurtenances. This ordinance is adopted pursuant to the Alameda County Water District Groundwater Protection Act (Division 12, Part 5, Chapter 1, Article 9.3, commencing with Section 31142.20 of the California Water Code).</b>
218	12	4) Section 5.2 Significant Irreversible Environmental Changes and Irretrievable Commitments of Resources: This section of the DEIR	Thank you for your comment. Revisions have been made to the Draft EIR in response. The recommendation to coordinate	<b>Section 5.2 Significant Irreversible Environmental Changes and Irretrievable Commitments of Resources</b>	<b>Section 5.2 Significant Irreversible Environmental Changes and Irretrievable Commitments of Resources</b>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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.</p> <p>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 to 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.</p> <p>ACWD also recommends Project proponents coordinate any use of recycled water with other utilities in Alameda County, to ensure prevention of potential impacts to water quality.</p>	<p>any use of recycled water with other utilities in Alameda County has been noted and will be done as part of BMP UT-1 and BMP UT-5. These revisions do not alter the conclusions of the Draft EIR.</p>	<p>...</p> <p>Finally, 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.</p> <p><b>Section 3.11.6.2 Proposed Project, Groundwater, Construction</b></p> <p>...</p> <p>Clean groundwater could be used for dust control, collected on-site using desilting basins and/or tanks prior to discharging to receiving waters, and/or transported to a publicly owned treatment works. If the Project footprint contains contaminated groundwater or groundwater that may release contaminated plumes when disturbed, a dewatering permit in compliance with the VOC and Fuel General Permit and Groundwater General Permit would be obtained prior to construction. An active treatment system may also be necessary to treat contaminated groundwater exposed during excavation activities. Since the proposed Project is adhering to the Construction General Permit, all temporary BMPs implemented during construction would follow standard plans and specifications. Therefore, with Hydrology and Water Quality BMPs and implementation of MM HYD-2, impacts on groundwater during construction would be less than significant with mitigation incorporated.</p>	<p>...</p> <p>Finally, the proposed Project would require approximately 7.4 million gallons of water during construction, but coordination with EBMUD, and HWS, and ACWD would allow for most of the water required to come from recycled sources, sparing potable water. <b>Although recycled water may not be available from ACWD, coordination would be required to use recycled water from outside sources within the ACWD service area.</b></p> <p>Table 3.20-3 has been revised to include the following footer: <b>Recycled water is not currently available within the ACWD service area, and the use of recycled or other water originating outside ACWD's service area must be coordinated in advance with ACWD.</b></p> <p><b>Section 3.11.6.2 Proposed Project, Groundwater, Construction</b></p> <p>...</p> <p>Clean groundwater could be used for dust control, collected on-site using desilting basins and/or tanks prior to discharging to receiving waters, and/or transported to a publicly owned treatment works. <b>ACWD does not consider extracted groundwater from dewatering operations to be a "recycled source", but a direct use of groundwater. Groundwater extracted during dewatering and used for dust control in ACWD's jurisdiction is subject to the Replenishment Assessment Act fee.</b> If the Project footprint contains contaminated groundwater or groundwater that may release contaminated plumes when disturbed, a dewatering permit in compliance with the VOC and Fuel General Permit and Groundwater General Permit would be obtained prior to construction. An active treatment system may also be necessary to treat contaminated groundwater exposed during excavation activities. Since the proposed Project is adhering to the Construction General Permit, all temporary BMPs implemented during construction would follow standard plans and specifications. Therefore, with Hydrology and Water Quality BMPs and implementation of MM HYD-2, impacts on groundwater during construction would be less than significant with mitigation incorporated.</p>
218	13	<p>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:</p> <p>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.</p> <p>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.</p> <p>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 ACWD200-scale base map drawings and record drawings along the Project alignment via Public Records Request using the ACWD Next Request PRA portal. <a href="https://alamedacountywaterdistrict.nextrequest.com/requests/new">https://alamedacountywaterdistrict.nextrequest.com/requests/new</a></p> <p>d. ACWD has no plans to relocate existing facilities or infrastructure for</p>	<p>a. The CCJPA has identified ACWD facilities that may be affected by the proposed Project. The proposed Project also includes BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC (see Final EIR Table 1 for full text). As required by this BMP, CCJPA and the contractor will coordinate with ACWD to verify the location, any required protection measures, and to coordinate relocation or replacement if needed. The existing locations and disposition of these facilities (protection or relocation) will be included in the final project plans. As described in Draft EIR Section 3.20.6, the project (including BMPs) would result in a less than significant impact with respect to utilities and service systems. Since the impact is not significant, no mitigation is required by CEQA.</p> <p>b. The proposed Project would not require relocation of or ROW acquisition from the Desalination Facility. Any necessary protection or relocation of associated utility lines will be coordinated with ACWD.</p> <p>c. Thank you for the information regarding how to acquire record drawings. Your recommendations have been noted and will be referred to the CCJPA SBC design team for use in future project design.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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.</p> <p>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. Here the original comment includes a table detailing locations where existing ACWD pipelines cross UPRR ROW. For the full table please see the original comment letter.</p>	<p>d. CCJPA will coordinate any protection, relocation, or mitigation of ACWD facilities with ACWD. The proposed Project would not have significant impacts with respect to utilities (as described in Draft EIR Section 3.20.6) because coordination with utility providers (BMP UT-1: Utility Verification and Coordination with Utility Providers and California Public Utilities Commission,) including ACWD, during future design and through construction would avoid significant impacts. Since the impact is not significant, mitigation is not required by CEQA.</p> <p>e. Thank you for providing information on your existing facilities in your comment letter. CCJPA and the contractor will reach out to ACWD regarding potential conflicts to identify protection measures and to coordinate relocations if needed.</p>		
218	14	<p>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:</p> <p>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.</p> <p>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.</p> <p>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 water line replacement component of a larger improvement project. It is expected that construction will be complete in 2026.</p> <p>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.</p> <p>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.</p>	<p>Thank you for your comment. The Alvarado Niles Pipeline Seismic Improvement Project (Smith Street), Newark Old Town Streetscape Improvement Project (Thornton Avenue), Main Renewal – Central Newark (Central Avenue), and Central Avenue Grade Separation Improvements have been added to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map. For supplemental cumulative analysis regarding projects added to the Cumulative Projects List, please refer to Appendix I. These revisions do not alter the conclusions of the Draft EIR.</p> <p>Upon review of current ACWD project, CEQA Net, and other sources, publicly available information on the Main Renewal - Whipple (Whipple Road) project could not be located. Therefore, the project has not been added to the Cumulative Projects List.</p>	-	<p>Added the Alvarado Niles Pipeline Seismic Improvement, Newark Old Town Streetscape Improvement, Main Renewal – Central Newark, and Central Avenue Grade Separation Projects to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map (see Section 4.1.2, Final EIR Updated Tables and Figures, for revisions to Table 3-1 and Figure 3-1)</p>
218	15	<p>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. As stated in Comment 3e above, ACWD requests that Project proponents submit all geotechnical data for the Project site to ACWD for</p>	<p>Thank you for your comment. The Lower Alameda Creek Fish Passage Restoration project has been added to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map. ACWD’s request for coordination on piles, piers, and geotechnical data has been noted and will be referred to CCJPA. Further coordination can be conducted when the proposed Project has reached a more advanced phase of design and there are more specific details to review. For supplemental cumulative analysis regarding projects added to the Cumulative Projects List, please refer to Appendix I. These revisions to the Draft EIR revisions do not alter the conclusions of the Draft EIR.</p>	<p>Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map.</p>	<p>Added the Lower Alameda Creek Fish Passage Project to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map (see Section 4.1.2, Final EIR Updated Tables and Figures, for revisions to Table 3-1 and Figure 3-1)</p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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	16	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.	Section 6.4 of the Draft EIR included interested parties that had attended past meetings, so no change to that section. CCJPA will include ACWD in future coordination opportunities as project design advances and agency coordination continues.	-	-
219	1	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.	Thank you for your comments. The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
219	2	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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
219	3	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.	Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight train traffic. The comments assert that the Draft EIR does not include sufficient train safety measures; however, this comment is unsupported. Therefore, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Please also reference Master Response 4: Independent Utility for discussion of the independent utility of the SBC proposed Project.	-	-
220	1	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.	Thank you for your comment. A response was provided by email on June 19, 2024.	-	-
220	2	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.	We value your feedback in this process. Due to the nature of the CEQA public review process, CCJPA's intent was to make sure that any feedback or questions provided during the public review period was received as formal comments so that they could be captured for response in the Final EIR.  CCJPA encourages further engagement with the community through ongoing project development.  The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Please see Master Response 2: Public Review and Community Engagement.	-	-
220	3	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	Thank you for your comment. Please refer to Master Response 4: Independent Utility of Project for a complete discussion regarding segmentation and piecemealing. Regarding freight rail changes, please refer to Master Response 8: Freight Train Volume Assumptions regarding freight train traffic.  CCJPA agrees with the commenter's quote from the 2014/2016 CCJPA Vision Implementation Plan. The 2018 California State Rail Plan is not a CCJPA-authored plan, nor is	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		operating under. The project standing alone in connotes segmentation and piecemealing to avoid full analyses of total impacts.  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." 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."	the CA Transportation Plan 2040; as such, actions proposed in these long-term planning documents are not all under jurisdiction of CCJPA, and therefore, the quotation regarding the 2018 California State Rail Plan does not have a direct link with the South Bay Connect project, nor would it be carried out by CCJPA, as they have no jurisdiction over freight rail service. Please see Master Response 9: State Rail Plan and Track Electrification.		
220	4	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 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?	Thank you for your comment. Implementation of the proposed Project would minimize delays to passenger train service that could result from crossing with freight service by incorporating the double track design along the Capitol Corridor. The proposed Project allows for trains along the Capitol Corridor to meet or pass, which is not currently possible with the existing rail configuration. Given the low traffic levels on the Coast Subdivision overall (including the Capitol Corridor service), it is not anticipated that there would be two trains traveling at same speeds and reaching end of the double tracking at the same time, so each would be able to flow back into the single track at different times. This would be controlled by future service schedules. No changes to the Draft EIR are required.	-	-
220	5	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?	Thank you for your comment. Please consider the CEQA Guidelines example thresholds for Land Us as presented in Appendix G: "Would the project: (a) Physically divide an established community? (b) Cause 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?" For further discussion of when a conflict with a Land Use Plan constitutes an impact under CEQA, please see Master Response 11: Land Use - Potential Plan Conflicts and Growth Inducement. As it does not qualify as an impact under CEQA, please refer to Master Response 1: Opinions and Other General Comments for more general discussion.	-	-
220	6	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	Thank you for your comment. The South Bay Connect Project does not propose construction of the SR 84 Intermodal Bus Facility as claimed by the comment. The quote is found on Draft EIR page 3.11-89 within Section 3.11.8 Cumulative Impact Analysis and describes cumulative project T-10: State Route 84 Intermodal Bus Facility, not the proposed Project. The quote omits the immediately preceding text "T-10: State Route 84 Intermodal Bus Facility."  The description of cumulative project T-10 on Draft EIR page 3.11-89 was based on Table 3-1 Cumulative Projects List, page 3-16 where a list of cumulative projects is included. State Route 84 Intermodal Bus Facility states: "Construction of 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."	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		analysis of its impacts. This project should be studied as part of the SBC project as a whole.	<p>Improvements include construction of westbound and eastbound bus stop platforms on SR-84." This is the definition of the SR 84 project under the cumulative discussion, not part of the proposed Project's description.</p> <p>CCJPA also notes that the comment omits a sentence in the middle of the quote: "The SR-84 project would be adjacent to and potentially impact a ACFCD channel within the Newark Slough watershed."</p> <p>The quote also omits the reference to BMP UT-1: Utility Verification and Coordination with Utility Providers and CPUC, which will avoid cumulative utility impacts between the two projects.</p> <p>Your request to combine the SR 84 Intermodal Bus Facility Project with the South Bay Connect Project is noted. The SR 84 Intermodal Bus Facility is of independent utility and is undertaking its own environmental analysis; it does not rely on SBC, nor is its functionality contingent on the completion of SBC. Similarly, South Bay Connect is also a project of independent utility, does not rely on the SR 84 Intermodal Bus Facility Project, nor is it functionally contingent on completion of the SR 84 Intermodal Bus Facility Project. Please refer to Master Response 4: Independent Utility of Project for further discussion.</p>		
220	7	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 abovementioned segmented projects should be examined along with the South Bay Connect project as a programmatic whole.	Relocation of freight to another ROW is beyond the scope of the proposed Project. As noted in the discussion of the 2016 Capitol Corridor Vision Plan, such relocation would require Capitol Corridor to acquire exclusive use of one of the alignments mentioned in that discussion. As those ROWs are currently owned and operated by UPRR, such an undertaking would require the purchase or lease of an existing ROW or the construction of a new alignment to serve UPRR freight traffic. None of these actions are part of the proposed Project. For additional discussion of freight traffic and ownership of the ROW please refer to Master Response 8: Freight Train Volume Assumptions. Regarding programmatic consideration of the entirety of the 2026 Capitol Corridor Vision Implementation Plan, please refer to Master Response 4: Independent Utility of project for a more complete discussion.	-	-
220	8	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." 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.	<p>Thank you for your comment. Overall VMT is not expected to increase due to the discontinuation of Capitol Corridor service at Hayward and Fremont-Centerville. While some commuters may opt to transfer to the new Ardenwood Station, existing rail service at the Hayward and Centerville stations would remain for riders traveling to Oakland (via BART in Hayward) or San Jose (via ACE in Centerville). If commuters wish to travel further in the megaregion via Capitol Corridor, BART has an available transfer at its Coliseum Station. Similarly, Centerville station users could use ACE to transfer to Capitol Corridor Service in San Jose at its Great America Station. Additionally, existing bus services within these communities would remain to provide other alternatives to driving.</p> <p>The analysis in Section 3.18.6.2 considered local VMT impacts associated with removal of the Hayward and Centerville stations from the initial model runs. The analysis assumes that the Hayward and Centerville ridership fully converts to automobile trips based on the long-distance No Project CCJPA Origin-Destination pattern. It is unlikely that all of the Hayward and Centerville ridership will convert to automobile driving due to connectivity from other transit in the area. The analysis therefore included the most conservative assumption regarding VMT impacts from the closure of the Hayward</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>Station. No updates to the VMT analysis are proposed.</p> <p>VMT would decrease as a result of the proposed project (Draft EIR Section 3.18.6.2). As noted above, there are alternative modes of transportation to driving that area available to commuters. Further, congestion effects are considered less-than-significant for CEQA purposes due to Senate Bill 743 (2013).</p> <p>Section 3.9 details the anticipated reductions in GHG. As noted above, there are alternative modes of transportation to driving available to commuters. No updates to the GHG analysis are proposed. No changes to the Draft EIR are required.</p>		
220	9	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>Thank you for your comment. As the Draft EIR is the culmination of a process started with the NOP in 2020, the vehicle miles traveled (VMT) modeling was conducted based on the construction and operations schedule introduced in the NOP in 2020. Since the modeling was generally used for comparative purposes between scenarios, the modeling was not redone for the 2024 documentation as the output for a later start date would be expected to be similar in terms of the scenario's relativity to each other. No changes to the Draft EIR are required.</p>	-	-
220	10	<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> <p>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.</p> <p>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.</p> <p>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?</p>	<p>Thank you for your comment.</p> <p>A. Increased traffic is not expected to be significant in the vicinity of the proposed Ardenwood Station. New rail riders would be able to connect to the proposed Ardenwood rail station via existing transit services. The existing park-and-ride is currently serviced by several bus lines and private shuttles. New users could use these transit connections to access the proposed station without driving. The existing park-and-ride is also accessible via existing bike and pedestrian infrastructure. Additionally, new parking would be limited to 200 spaces. This would limit the number of potential commuters accessing the proposed rail station via driving, thereby limiting increased traffic congestion.</p> <p>B. As the Draft EIR is the culmination of a process started with the NOP in 2020, the vehicle miles traveled (VMT) modeling was conducted based on the construction and operations schedule introduced in the NOP in 2020. Since the modeling was generally used for comparative purposes between scenarios, the modeling was not redone for the 2024 documentation as the output for a later start date would be expected to be similar in terms of the scenario's relativity to each other. Additionally, a cost/benefit analysis does not need to be conducted or considered under CEQA. It is for the lead agency (CCJPA) to determine if the project is reasonable in cost. See Master Response 3: Economic and Social Impacts for more information regarding how such impacts should be addressed in CEQA documents.</p> <p>C. Changes in fare pricing were not evaluated in the EIR. CCJPA will continue to set pricing based on its operational needs.</p> <p>No changes to the Draft EIR are required.</p>	-	-
220	11	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	<p>Thank you for your comment. The referenced objective of the project is as follows: "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." The objective as written does not require all (or</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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>even the majority) of riders to travel between Oakland and San Jose. The ridership generated at the Ardenwood Station would meet this objective for several reasons. Riders boarding at this station would have faster travel times to their destinations to the north. The new station would increase rail ridership, but also facilitate transfers to transit services provided at the existing Ardenwood park-and-ride. Finally, riders using this station would ease congestion on Bay Area roadways by using transit rather than driving.</p> <p>As responded to in Comment 220-6, the EIR does not claim that the SR 84 Intermodal Bus Facility Project is related to the success of SBC. The SR 84 Intermodal Bus Facility project would create bus stop platforms in the median of SR 84, allowing transit services to pick up/drop off riders without having to leave the highway to reach the existing Ardenwood park-and-ride. That project has independent utility and logical termini and is being advanced separately from South Bay Connect and will have its own environmental document and clearance. This separate project should not be confused with the intermodal station proposed by South Bay Connect. South Bay Connect would connect rail riders to the existing Ardenwood park-and-ride and its existing associated bus/shuttle services. Should the SR 84 Intermodal Bus Facility Project not advance, SBC would still connect to the existing Ardenwood park-and-ride facility, allowing rail riders to transfer to other transit services (and vice versa).</p> <p>The EIR already assesses the interaction between South Bay Connect and the transit services offered at the existing Ardenwood park-and-ride. While it is acknowledged that the separate SR 84 Intermodal Bus Facility Project could increase regional bus ridership along the SR 84 corridor (and potentially bring more uses to/from SBC's proposed Ardenwood Station), no updates to the EIR are proposed to evaluate this separate project. No changes to the Draft EIR are required.</p>		
220	12	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.	<p>Thank you for your comment. See Response 220-11. Should the SR 84 Intermodal Bus Facility Project not advance, South Bay Connect would still connect to the existing Ardenwood park-and-ride facility, allowing rail riders to transfer to other transit services (and vice versa). Please refer to Master Response 4: Independent Utility of Project, for a discussion of the relationship between the proposed Project and the SR-84 Intermodal Bus Facility.</p> <p>The comment includes a quote from Section 3.11.8 Cumulative Analysis, which describes the SR 84 project, not South Bay Connect. As requested by the comment, the SR 84 project was included as part of the cumulative impact analysis for South Bay Connect in the Draft EIR. Please refer to Table 3-1 Cumulative Projects List for projects that were included in the cumulative impact analysis in the Draft EIR.</p> <p>No changes to the Draft EIR are required.</p>	-	-
220	13	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?	<p>Thank you for your input. future design of the Ardenwood station would be completed after approval of the Final EIR and include collaboration with public, responsible, and trustee agencies. Please refer to Master Response 5: Project Description and Design Alternatives, Issue 1: Project Description for a discussion of when CEQA usually occurs in the design process.</p>	-	-
220	14	14. Will the design of the State Route 84 Intermodal Bus Facility be released to the public for comment? Will there be a corresponding DEIR? As noted, this project should have been analyzed as part of the SBC project.	<p>Thank you for your comment. As the SR-84 Intermodal Bus Facility is a separate project, it will go through a separate environmental analysis. More information regarding this project can be found at [<a href="https://sr84busfacility.com/">https://sr84busfacility.com/</a>]. As noted above,</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			regarding your assertion that the two separate projects should be combined, please refer to Master Response 4: Independent Utility of Project which discusses concerns relating to programmatic consideration and segmentation.		
220	15	15. Environmental Justice: In Section 5.3, the table notes "Analysis has been carried forward for comparison to determine if the discontinuation of rail service at the Hayward and Fremont-Centerville stations would disproportionately affect or be predominantly borne by impact communities with EJ concerns." The FEIR should include the findings.	Thank you for your comment. Although included in the DEIR, Environmental Justice is not a required topic under CEQA. Draft EIR Section 5.6.3 provides the findings of the EJ analysis included in the Draft EIR. Please refer to Master Response 10: Environmental Justice for additional information.	-	-
220	16	16. Proposed Ardenwood Station: The proposed project's description of Ardenwood Station notes no restroom or drinking fountain facilities, so no sewer capacity need be studied. But it further notes there may be water lines installed for landscaping and station cleaning and maintenance. If there are no drains connected to sewers in the station, how will wash water be disposed of? Is there a plan to haul that wastewater away? Why would a proposed station touted as a regional hub allowing riders to switch to other modes of transportation not have restroom facilities and drinking fountains for their access, especially when the project believes many new passengers will be those transferring to Transbay commute options?	Thank you for your comment. As noted in Draft EIR Section 3.20.6.2, some of the water used at the proposed Ardenwood Station would be used for irrigation. Drainage of irrigation water would be provided by permeable soils which would prevent runoff. Given the limited amount of wash water expected, the availability of landscaping and permanent BMPs (see BMP HYD-6 Addressing Additional Impervious Surface Impacts, Table 2.2-3), combined with existing storm sewer infrastructure within the Ardenwood neighborhood, drainage is expected to be sufficient to address wash water. Regarding whether the proposed station would be designed to include restrooms, as noted in the Draft EIR, no restrooms are currently proposed. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
220	17	17. SBC's October 2021 Fact Sheet states: "A Draft Environmental Impact Report (EIR) is currently being developed. The Draft EIR will contain updated information surrounding the development of Ardenwood Station including station design, updated ridership forecasting, access and circulation, parking, and more. Stay connected and watch for alerts related to the release of the Draft EIR and its public comment period, which is slated for Spring 2022." All of the mentioned items are still in conceptual form. They should be in a more final form, and impacts should have been analyzed as a whole with the project.	Thank you for your comment. future design of the Ardenwood station would be completed after approval of the Final EIR, along with permitting activities. future design will include collaboration with public, responsible, and trustee agencies. Please refer to Issue one of Master Response 5: Project Description and Design Alternatives for a discussion of when CEQA compliance is performed in relation to level of project design and impact analysis.	-	-
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). <ul style="list-style-type: none"> <li>• Necessity of the project;</li> <li>• the inter-relationship between the project and the potential increase of freight;</li> <li>• connections and alternatives (BART, the South Bay and Peninsula commutes);</li> <li>• the removal of passenger rail through Union City, Fremont and Hayward; and</li> <li>• Alameda Creek and fish-passage projects</li> </ul>	Thank you for your comments. The public review period for the EIR exceeded the minimum requirement under CEQA (30 days public review) - please refer to Master Response 2: Public Review and Community Engagement.  Each of the bulleted items in this comment is addressed by the following five responses to comments (221-2 through 221-6).	-	-
221	2	1. Necessity of Project 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	Thank you for your comment. The Silicon Valley Phase II Extension Project (Phase II Project) has not been added to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map due to the project being located over 20 miles outside of the cumulative study area. Cost-benefit analyses are socioeconomic issues that do not address physical impacts, and therefore are not within the scope of CEQA (see Master Response 3: Economic and Social Impacts).  Regarding the redundancy of the proposed Project, VTA's BART Silicon Valley Phase II Extension (Phase II Project) is a six-mile, four-station extension of BART from Berryessa/North San José Station (opened 2020) through downtown San José	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>both transportation systems due to competing ridership? 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).</p>	<p>to the City of Santa Clara, south of the proposed Project. Section 1.2 of the Draft EIR (Project Goals and Objectives) states that an objective of the proposed Project is to "diversify and enhance rail network integration by reducing duplicative capital investments and differentiating Capitol Corridor's intercity rail service from commuter rail and other transit services, including BART's extension to San Jose." The proposed Project is not expected to decrease ridership on both CCJPA and BART systems. As stated on page 3.18-32 of the Draft EIR, the ridership analysis indicates that between 60 percent and 70 percent of the anticipated ridership increase resulting from implementation of the proposed Project is due to the new local and Transbay travel market served at the proposed Ardenwood Station. Therefore, the proposed Project has independent utility as it reduces travel time for different riders than other systems such as BART, and the proposed improvements stand on their own merit to decrease travel time on the Capitol Corridor line.</p> <p>The comment correctly states that the California State Rail Plan projects growth in intermodal traffic and rail carload traffic in the 2018 California State Rail Plan, and that per the Draft EIR, this forecasted projected growth would occur with or without implementation of the proposed Project. The proposed Project is part of the future vision of the State Rail Plan; however, the proposed Project is one of many projects that are included in the future State Rail Plan vision but is not in and of itself required for all other State Rail Plan projects to be implemented.</p>		
221	3	<p>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.</p>	<p>Thank you for your comment. This comment correctly states that future freight rail operations are outside of the scope of the proposed Project and freight operations are not regulated or under jurisdiction of CCJPA. As such, it is not required that the Draft EIR evaluate the risks associated with an increase in the frequency of freight trains on the Coast, Oakland, and Niles Subdivisions, as those are not part of or direct impacts of the proposed Project. No changes to the Draft EIR are required.</p>	-	-
221	4	<p>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. 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,</p>	<p>Thank you for your comment. As there are many jurisdictions that would be responsible for other projects that may be proposed in the future for Northern California connections, it would be speculative for the SBC proposed Project to speculate as to which jurisdictions would ultimately be involved, which multi-modal services would be in final regional planning and where routes would service, as there are many scenarios through which the peninsula and South Bay connections could be achieved. Please refer to Master Response 4: Independent Utility of Project, for clarification on the extent of analysis required in the Draft EIR. No changes in the Draft EIR are required.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.			
221	5	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?	Thank you for your comment. While the discontinuation of Capitol Corridor service at the Hayward Station might require some riders to travel further to access the new Ardenwood station, the project is designed to improve regional accessibility overall by providing ADA-compliant access, upgraded signals and gates, and a connection to the broader transportation network (Draft EIR Section 3.18.4.a, "Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System"). Section 3.18.6.2 of the Draft EIR provides analysis regarding the impact of the proposed Project along the Capitol Corridor Route. Table 3.18-2, Ridership Forecast Overview, demonstrates the anticipated increase in ridership along the Capitol Corridor that is anticipated as a result of statistical modeling for outcome of implementing the proposed Project. No changes to the Draft EIR are required.	-	-
221	6	5. Alameda Creek and Fish-Passage Projects 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.	<p>Thank you for your comment. Significance determinations for impacts to steelhead and green sturgeon with mitigation incorporated are included in the Draft EIR. The comment claims that the project would jeopardize the creek restoration, without consideration of the mitigation described in Draft EIR Sections 3.5.6 and 3.5.7. Direct impacts to the species' findings discussed on Draft EIR page 3.5-51 (question (e)) of Appendix G CEQA Guidance includes following discussion: "Special-Status Fish Central California Coast Steelhead (FT – Federally Threatened) and Green Sturgeon – southern DPS (FT – Federally Threatened/SSC – Species of Special Concern) Operational noise and vibration impacts from trains crossing the new railroad bridge over Alameda Creek could result in substrate vibrations and sounds that could potentially startle juvenile and adult steelhead, thus increasing the risk of predation for juveniles and adults. To reduce impacts from noise to a less than significant level for green sturgeon and steelhead, MM BIO-19 Fish Passage and Noise Analysis would be required. This measure requires a noise study be conducted to determine current dB levels of Alameda Creek and the anticipated noise levels of operation activities, as well as proposed methods of reducing noise levels should they be found to exceed 150 dB. The additional noise study analysis would be done in coordination with NMFS and CDFW during future design and will establish the approved construction work window for steelhead and green sturgeon, which is required to be observed per MM BIO-8 Steelhead and Green Sturgeon Work Window.</p> <p>In addition, additional permanent piers in the Alameda Creek could create upstream and downstream migration impediments (e.g., narrowing the passage corridor, debris accumulation, scour, and creating predatory fish and bird habitat) potentially inhibiting feeding and rearing of steelhead and green sturgeon. Construction of an additional bridge may affect steelhead and green sturgeon through increased shading of Alameda Creek. However, implementation of MM BIO-10 Steelhead and Green Sturgeon Habitat Replacement, MM BIO-17 Compensate for the Loss of <b>Sensitive Natural Communities</b>, and MM BIO-19 Fish Passage and Noise Analysis would mitigate impacts on the abundance, productivity, spatial structure, or diversity of Central California DPS steelhead and green sturgeon to a less than significant level."</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>In regards to DPS green sturgeon critical habitat impacts, page 3.5-53 of the Draft EIR states: "The biological RSA contains designated critical habitat for southern distinct population segment green sturgeon and snowy plover, as shown on Figure 3.5-1; however, the critical habitat for sturgeon occurs outside of the proposed Project footprint. The proposed Project includes implementation of BMP HYD-1 Stormwater Management and Treatment Plan, which would minimize water quality impacts. To avoid potential direct or indirect effects on critical habitat for green sturgeon (southern DPS), MM BIO-1 Implement Biological Resource Protection Measures during Construction, MM BIO-7 Steelhead and Green Sturgeon Work Window, and MM BIO-8 Dewatering and Aquatic Species Relocation Plan would be implemented. Implementation of the mitigation measures would reduce construction related impacts on green sturgeon (Southern DPS) critical habitat to a less than significant level."</p> <p>Finally, further discussion of potential impacts under Appendix G Biological Resources question (d), located on page 3.5-56 of the Draft EIR states: "Construction of in-channel bridge piers has potential to affect fish and wildlife passage during construction. If dewatering is needed as part of the pier construction in Alameda Creek, western pond turtle and other native fish and wildlife species may be deterred from passing upstream or downstream. However, the deterrence would be a temporary impact. The installation of these new piers would not have a permanent impact on the movement of native fish and wildlife species through Alameda Creek. The proposed Project includes implementation of BMP HYD-1 Stormwater Management and Treatment Plan, which would minimize water quality impacts during construction. During construction, dewatering of the work area would be required. This would require the temporary installation of a cofferdam and may involve temporary work pads in the stream channel. With implementation of MM BIO-1 Implement Biological Resource Protection Measures during Construction, MM BIO-8 Steelhead and Green Sturgeon Work Window, MM BIO-9 Dewatering and Aquatic Species Relocation Plan, MM BIO-10 Steelhead and Green Sturgeon Habitat Replacement, and MM BIO-17 Compensate for the Loss of Sensitive Natural Communities, construction related impacts to wildlife movement would be considered less than significant."</p> <p>With implementation of BMPs and mitigation measures (Section 2.3 and 2.4 of the Final EIR), the proposed Project would not jeopardize the progress of Alameda Creek restoration. No changes to the Draft EIR are required.</p>		
221	7	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. Please address the above comments in any follow-up communication or documents.	Please refer to Master Response 2: Public Review and Community Engagement, which describes how public outreach was conducted.	-	-
222	1	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.	Thank you for your comment. Your request for a meeting has been noted. The public outreach and engagement process for the draft EIR has exceeded the statutory requirements under CEQA. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA statute. Please see Master Response 2: Public Review and Community Engagement.	-	-
222	2	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,	Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA. CCJPA has made information available on multiple platforms, to provide	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	information to the community as required by CEQA statute. Please see Master Response 2: Public Review and Community Engagement.  Please see Master Response 3: Economic and Social Impacts with respect to property values and Master Response 8: Freight Train Volume Assumptions regarding freight patterns.		
222	3	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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Also, please refer to Master Response 2: Public Review and Community Engagement regarding public outreach.	-	-
222	4	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.	Thank you for your comment. Your request for a meeting has been noted. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Please see Master Response 2: Public Review and Community Engagement.	-	-
224	1	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:	Thank you for your comment. This comment describes the Hayward Area Shoreline Planning Agency (HASPA) and summarizes features of the proposed Project and does not question adequacy or accuracy of Draft EIR. No changes to the Draft EIR are required.	-	-
224	2	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.	Thank you for your comment. A reference to the HASPA Master Plan has been added to 3.17.2, Regulatory Settings, and 4.1.3, Local Plans, Policies, and Regulations. These revisions do not alter the conclusions of the Draft EIR. Section 4.4.2.2, Feasibility of Adaptation Measures, of the Draft EIR discusses the First Mile Horizontal Levee Project as a Category 3: Regional Coordination Efforts Project. Upon review of the Hayward Shoreline Adaptation Master Plan, the First Mile Horizontal Levee Project was identified as an opportunity for UPRR to participate in a potential integration of railroad track embankment into a larger sea level rise embankment/levee structure that consolidates flood defense with an access corridor. Coordination with HASPA will continue as design of the Proposed Project advances.	<b>Section 3.17.2.4 Local</b> City of Oakland General Plan... City of San Leandro General Plan... HARD Parks Master Plan... City of Hayward General Plan... Union City General Plan... City of Fremont General Plan... City of Fremont Park and Recreation Master Plan... City of Newark General Plan... City of Newark Citywide Parks Master Plan... San Francisco Bay Trail Plan...  <b>Section 4.1.3. Local Plans, Policies, and Regulations</b> 4.1.3.1. McAteer-Petris Act (Gov. Code § 66600 et seq.) ... 4.1.3.2. San Francisco Bay Plan Climate Change Policy	<b>Section 3.17.2.4 Local</b> City of Oakland General Plan... City of San Leandro General Plan... HARD Parks Master Plan... City of Hayward General Plan... <b>HASPA Master Plan</b> <b>The Hayward Area Shoreline Planning Agency (HASPA) is a joint powers agency, established in 1970, and is constituted by representatives from the City of Hayward, East Bay Regional Park District, Hayward Recreation Area and Park District, and Alameda County Mosquito Abatement District.</b>  <b>The Master Plan started when it was commissioned by HASPA in 2019. This document is intended to develop multi-benefit strategies for the shoreline, surrounding natural</b>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
				Guidance... 4.1.3.3. CCJPA SLR Vulnerability Assessment...	<p>habitat, and infrastructure currently in the area to Sea Level Rise and climate change. The existing infrastructure incorporates necessary urban facilities like a wastewater treatment plant.</p> <p>Union City General Plan... City of Fremont General Plan... City of Fremont Park and Recreation Master Plan... City of Newark General Plan... City of Newark Citywide Parks Master Plan... San Francisco Bay Trail Plan...</p> <p><b>Section 4.1.3.4. HASPA Master Plan</b> <b>HASPA Master Plan</b> The Hayward Area Shoreline Planning Agency (HASPA) is a joint powers agency, established in 1970, and is constituted by representatives from the City of Hayward, East Bay Regional Park District, Hayward Recreation Area and Park District, and Alameda County Mosquito Abatement District.</p> <p>The Master Plan started when it was commissioned by HASPA in 2019. This document is intended to develop multi-benefit strategies for the shoreline, surrounding natural habitat, and infrastructure currently in the area to Sea Level Rise and climate change. The existing infrastructure incorporates necessary urban facilities like a wastewater treatment plant.</p>
224	3	<p>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:</p> <p>(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)</p> <p>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.</p>	<p>Thank you for your comment. Hayward Regional Shoreline, which includes the Oro Loma Marsh, is included in Table 3.17-1, Recreation Facilities within RSA, in the Draft EIR. The first paragraph of page 3.17-21 of the Draft EIR has been revised as demonstrated in the Final EIR Updated Text column.</p> <p>Future design details will determine the final amount of square footage of additional right-of-way required. At that time, it will be more possible to accurately evaluate the extent of impacts in the referenced area and determine where a potential for avoidance could occur in those specific areas of concern. Coordination will take place with appropriate agencies, including ACFCD, for permits and approvals. As shown in Figure 3.5-1 of the Draft EIR, the RSA for biological resources encompasses the area directly and indirectly affected by the construction and operation of the proposed Project, which is defined as the proposed Project footprint plus a 500-foot buffer to account for potential indirect impacts on sensitive communities and special-status botanical and wildlife species. In addition, a separate RSA for aquatic biological resources was developed as part of this analysis and is defined as the proposed Project footprint plus a 50-foot buffer to account for potential impacts on jurisdictional features. Therefore, the biological resources RSA includes the potential right-of-way acquisitions described in the revision to the Draft EIR.</p> <p>If a right-of-way acquisition from the Hayward Regional Shoreline is required, biological BMPs and mitigation measures listed in Table 1 and 2 of the Final EIR would minimize and/or mitigate potential biological impacts.</p>	<p><b>Section 3.17.6.2 Proposed Project, Construction</b> However, none of the proposed permanent improvements (Chapter 2 Project Alternatives) would alter any recreational features within the San Lorenzo Community Center Park, Hayward Regional Shoreline, Alden E. Oliver Sports Park, Accinelli Park, or Ardenwood Historic Farm. 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.</p>	<p><b>Section 3.17.6.2 Proposed Project, Construction</b> However, none of the proposed permanent improvements (Chapter 2 Project Alternatives) would alter any recreational features within the San Lorenzo Community Center Park, Hayward Regional Shoreline, Alden E. Oliver Sports Park, Accinelli Park, or Ardenwood Historic Farm. <b>Right-of-way would potentially be acquired from the Hayward Regional Shoreline as shown in Appendix A, Alternative E (Proposed Project) and Project Alternatives.</b> 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.</p>
224	4	<p>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).</p>	<p>Thank you for your comment. The Alviso Wetland Railroad Adaptation Alternatives Study was not included as a cumulative project because only a preliminary alternatives study has been conducted thus far. With respect to future projects, CEQA specifies that "reasonably foreseeable probable future projects" be analyzed as part of the cumulative impact analysis (CEQA Guidelines Section 15355). Typically, a project is considered foreseeable when it has begun the environmental review process. CCJPA determined reasonably</p>	-	<p>Added the First Mile Horizontal Levee Project to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map (see Section 4.1.2, Final EIR Updated Tables and Figures, for revisions to Table 3-1 and Figure 3-1)</p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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.</p> <p>Because of this potential design conflict in the Oro Loma Marsh segments of the Project, HASPA requests:</p> <ul style="list-style-type: none"> <li>• 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"</li> <li>• 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.</li> </ul>	<p>foreseeable probable future projects at the time of the NOP. Additionally, the preliminary study considers adaptation strategies from Newark to Santa Clara, which is separate from the portion of the Coast Subdivision included in the proposed Project. No changes to the Draft EIR are required. Please see Master Response 13: Cumulative Impacts Assessment.</p> <p>The First Mile Horizontal Levee Project is discussed in Draft EIR Section 4.4.2.2, Feasibility of Mitigation Measures, as a Category 3: Regional Coordination Effort project. Page 4-27 of the Draft EIR states, ""The First Mile Horizontal Levee Project would provide 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." Discussions regarding permitting and mitigation challenges can begin once further design is completed and there is sufficient detail to review. Additionally, coordination between agencies, including HASPA and EBDA, can be initiated as suggested.</p> <p>While the First Mile Horizontal Levee project was discussed as a project for regional coordination efforts, it was not included in Table 3.1, Cumulative Projects List. Table 3.1 has been revised to include the First Mile Horizontal Levee project with the status "Preliminary Design", and Figure 3-1, Cumulative Projects Map has been revised to include the First Mile Horizontal Levee Project."</p>		
224	5	<p>Because of this potential design conflict in the Oro Loma Marsh segments of the Project, HASPA requests:</p> <ul style="list-style-type: none"> <li>o 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"</li> <li>o 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.</li> </ul>	Thank you for your comment. Please see the response to comment 224-4.	-	-
224	6	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.	Thank you for your input. The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please see Master Response 1: Opinions and Other General Comments.	-	-
225	1	<p>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. 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 future</p>	Thank you for your comment. This introductory comment describes the East Bay Dischargers Authority (EBDA) and the First Mile Project and no comments on document adequacy or accuracy are included. No changes to the Draft EIR are required. CCJPA looks forward to ongoing coordination with EBDA.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.			
225	2	Regulatory agencies, including the Regional Water Quality Control Board and the U.S. Army 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. 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.	Thank you for your comment. Regulatory permitting and mitigation challenges will be discussed with EBDA once further design is completed so that there is sufficient detail to review. Coordination with EBDA will occur during permitting. No changes to the Draft EIR are required.	-	-
225	3	Additionally, EBDA requests that the First Mile Horizontal Levee be added to the Table 3.1 Cumulative Projects List with the status "Preliminary Design." 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 <a href="mailto:jzipkin@ebda.org">jzipkin@ebda.org</a> .	As noted, the First Mile Horizontal Levee Project has been added to Table 3-1 and Figure 3-1 in the Final EIR. In addition, the East Bay Dischargers Authority will be added to the interested parties list for this project, if it is not already on the list. For supplemental cumulative analysis regarding projects added to the Cumulative Projects List, please refer to Appendix I. No changes to the Draft EIR are required.	-	Added the First Mile Horizontal Levee Project to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map (see Section 4.1.2, Final EIR Updated Tables and Figures, for revisions to Table 3-1 and Figure 3-1)
227	1	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.	Please refer to Master Response 9: State Rail Plan and Track Electrification projects. The other comments are noted; however, they do not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
227	2	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.	Thank you for your comment. For a discussion of track electrification, please refer to Master Response 9: State Rail Plan and Track Electrification. No changes to the Draft EIR are required.	-	-
227	3	Stations: Whereas the current route on the Niles subdivision duplicates BART service, the Coast Subdivision provides an opportunity to expand	Thank you for your comment and future outlook. The comment is noted; however, the comment does not directly address	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	consideration of the accuracy or adequacy of the EIR. Please see Master Response 1: Opinions on Project and Other General Comments. No further response is necessary.		
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.	Thank you for your comment. Please refer to Master Response 6: Proposed Ardenwood Station for discussion of safety and design guidance that the project will be held to during future design, including FRA, FTA, Caltrans, and Amtrak guidance.	-	-
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.	Please refer to Master Response 7: Coast Subdivision Double Tracking regarding key project components. The other projects cited in the comment are not part of the proposed Project and would require CEQA compliance be done separately. Please refer to Master Response 4: Independent Utility of Project.	-	-
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.	The CCJPA has no authority to compel changes to freight service. Please refer to Master Response 8: Freight Train Volume Assumptions.	-	-
228	1	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.	Thank you for your comments. The comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
228	2	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	Thank you for your comment, please refer to Master Response 5: Project Description and Design Alternatives, Issue 1 Project Description for a discussion of at what level of design CEQA is usually performed.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.			
228	3	<p>CBE urges the CCJP to adopt the following principles for clean transportation investments:</p> <ul style="list-style-type: none"> <li>• Prioritize zero-emission technologies</li> <li>• Prioritize technologies that have the highest criteria, toxic and greenhouse gas reduction outcomes</li> <li>• Avoid creating new burdens</li> <li>• Prioritize community-led transportation solutions</li> <li>• Help increase clean transportation access and affordability and reduce barriers to adoption and use.</li> <li>• 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)</li> <li>• Investments must address and seek to correct existing economic inequities in communities and among workers</li> </ul>	<p>The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. These recommendations have been forwarded to the design team for consideration during next stages of design.</p>	-	-
228	4	<p>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. 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:</p> <ul style="list-style-type: none"> <li>•"The proposed Project also recommends a new intermodal station..." (ES-8)</li> <li>•"The UPRR Coast Subdivision includes improvements...which may include" track and civil improvements. (ES-9)</li> <li>•"The following existing at-grade crossing...may require modifications due to the installation of new rail infrastructure, potentially including new or modified" devices.</li> <li>•"some crossings may require pier protection...and modification" (ES-11)</li> <li>•"Existing railroad bridges would be replaced or modified..." (ES-13)</li> <li>•"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)</li> <li>•"construction would generally consist of the following" (ES-15)</li> <li>•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)</li> <li>•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)</li> <li>•"Sidewalk ADA improvements, replace existing crossing equipment, as needed, potential roadway surfacing, stripping, and signage" (2-17)</li> <li>•98th Avenue Oakland: "ADA improvements, replace existing crossing equipment as needed, potential roadway surfacing, stripping, and signage" (2-17)</li> <li>•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)</li> <li>•Edes Avenue Oakland: Addition of one track, potential road re-profiling</li> </ul>	<p>Thank you for your input. All features mentioned in the project description, including recommended, as needed, or otherwise described as potentially implemented, have been analyzed for environmental impacts and where those impacts are significant, mitigation has been applied. As CEQA does not require that all features described in the project description must be constructed, CCJPA has included all features in the project description that may be constructed in order to disclose the maximum potential impacts of the project. As referenced in CEQA Guidelines 15004. Time of Preparation, "With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into a project conceptualization, design, and planning." For more discussion on the level of detail present at project design under CEQA please refer to Master Response 5: Project Description and Design Alternatives.</p> <p>No revisions to the Draft EIR are needed to address this comment. The EIR has specified the significance of the project description items listed as recommended, disclosed which features are proposed as part of the project, and analyzed their environmental impacts, as required in accordance with CEQA.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>near crossing, sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, striping, and signage</p> <ul style="list-style-type: none"> <li>•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.</li> </ul> <p>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.</p>			
228	5	<p>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.</p> <p>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 already burdened by environmental stressors. Based on the DEIR, the Project includes the following components in the city of Oakland:</p> <ul style="list-style-type: none"> <li>• 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)</li> <li>• Proposed Roadway Improvements in a large portion of 98th Ave including an unidentified cross street (Appendix A- Alternative E, Page 4)</li> <li>• Grade Crossing Improvements on a large portion of 98th Ave (Appendix A- Alternative E, Page 4)</li> <li>• Proposed Roadway Improvements in a large portion of Edes Ave. and Cary Ave. (Appendix A- Alternative E, Page 5)</li> <li>• New Rail and Station Disturbance Area- Permanent in an unidentified area parallel to Edes Ave. (Appendix A- Alternative E, Page 5)</li> <li>• Proposed Roadway Improvements in a large portion of Knight St, Nattress Way, Douglass Ave, Kerwin Ave, (Appendix A- Alternative E, Page 7)</li> </ul>	<p>Please refer to Master Response 5: Project Description and Design Alternatives regarding the project description and its contents. The project does not propose to construct a new service route; rather, it proposes to improve and use an existing rail service line and ROW to make improvements to accommodate the additional passenger rail service (Capitol Corridor, 7 roundtrips). More details regarding project features and construction can be found in Section 2.2.3.7 of the Draft EIR. In addition, Please refer to Master Response 10: Environmental Justice.</p>	-	-
228	6	<p>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:</p> <ul style="list-style-type: none"> <li>• Replacement of existing rail and ties on the existing track for the entire Coast Subdivision railroad corridor within the Project footprint.</li> <li>• The addition of several inches of ballast to help level the existing main track and siding tracks.</li> <li>• Installation of new wayside and grade crossing signal technology and associated equipment.</li> <li>• Modifications to discourage trespassing, which could include fencing and signage improvements.</li> <li>• Upgrades and slight shifts of existing tracks to allow higher train speeds.</li> <li>• Existing bridges would be either upgraded or replaced and new bridges to accommodate</li> </ul>	<p>The comment repeats contents in the Draft EIR. The comment does not directly address consideration of the accuracy or adequacy of the EIR. No further response is necessary.</p>	-	-
228	7	<p>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 will determine whether they will take place at all. In addition to</p>	<p>Thank you for your comment. The location of proposed features is described in Draft EIR Chapter 2 and shown in mapping in Figures 2-2 through 2-10 as well as in Appendix A. When these improvements will be constructed is described in Section 2.2.3.6. Proposed Schedule. Please refer to Master</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	Response 5: Project Description and Design Alternatives for the level of design at which CEQA compliance is performed. Please also see response to comment 228-4.		
228	8	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.	Thank you for your comment. Additional information and more detailed mapping will be provided to the City of Oakland as necessary to support permitting. Permits will be requested once the Proposed Project has reached a more advanced level of design. Details required for permitting will be available at that later stage of design after approval of the Final EIR. The project description is available in Section 2.2.3, Proposed Project (Alternative E) of the Draft EIR. No changes to the Draft EIR are required. Please also see Appendix A of the Draft EIR for a more detail maps of proposed Project features.	-	-
228	9	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. 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 • Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people	Thank you for your comment. The EIR includes analysis of all features included in the Project Description in Section 2.2 of the Draft EIR. The analysis for Air Quality, found in Section 3.4 of the Draft EIR, discusses in detail potential impacts due to construction and operation of the proposed Project. Evaluation for all four potential environmental impacts to air quality listed in this comment, including for both construction and operation, can be found in section 3.4.6 of the Draft EIR. Further supporting information can also be found in Appendix B, Air Quality.  The analysis of greenhouse gas emission impacts from the proposed Project is included in Chapter 3.9.  The analysis of land use impacts from the proposed Project is included in Chapter 3.12.  The analysis of transportation impacts from the proposed Project is included in Chapter 3.18.  Please refer to Master Response 5: Project Description and Design Alternatives for the level of design at which CEQA compliance is performed.	-	-
228	10	Greenhouse Gas Emissions • Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment • Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases	The comment repeats contents in the Draft EIR. The comment does not directly address consideration of the accuracy or adequacy of the EIR. No further response is necessary.	-	-
228	11	Land Use and Planning • Physically divide an established community • Cause 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	The comment repeats contents in the Draft EIR. The comment does not directly address consideration of the accuracy or adequacy of the EIR. No further response is necessary.	-	-
228	12	Transportation • Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities • Conflict 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)	The comment repeats contents in the Draft EIR. The comment does not directly address consideration of the accuracy or adequacy of the EIR. No further response is necessary.	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
228	13	Noise and Vibration <ul style="list-style-type: none"> <li>• 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 agencies</li> <li>• Result in the generation of excessive ground-borne vibration or ground-borne noise levels</li> <li>• For 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</li> </ul>	The comment repeats contents in the Draft EIR. The comment does not directly address consideration of the accuracy or adequacy of the EIR. No further response is necessary.	-	-
228	14	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 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 DEIR 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.	Project impacts on Air Quality and GHG Emissions were analyzed in Draft EIR Chapter 3.4, Air Quality, and Chapter 3.9, Greenhouse Gas Emissions. The analysis included emissions associated with project construction and their potential impacts, along with a description of applicable plans, policies, and regulations. The comment states that the air quality and GHG analyses lack specificity but does not provide examples to support this assertion. The comment expressed concern about the use of renewable diesel, as proposed in BMP GHG-1, stating that this fuel has significant air quality and GHG impacts. However, no evidence is provided to support this assertion. Moreover, any renewable diesel fuel that is used must be approved by the California Air Resources Board, which has found that renewable diesel has lower pollutant and GHG emissions than conventional diesel. Regarding the suggested electrification of rail lines, please refer to Master Response 9: State Rail Plan and Track Electrification, which states that while electrification of rail is desirable, it is not one of the goals of this project. Please refer to Master Response 2: Public Review and Community Outreach regarding public notification related to the proposed Project.	-	-
228	15	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. 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.	Thank you for your comment. The location of proposed features, including in East Oakland, is described in Draft EIR Chapter 2 and shown in mapping in Figures 2-2 through 2-10 as well as in Appendix A. Project features in East Oakland were evaluated for environmental impacts in Chapter 3 of the Draft EIR. Please note that EJ is not required under CEQA; however, for a more complete discussion please reference Master Response 10: Environmental Justice. Please also see Master Response 2: Public Review and Community Engagement and Chapter 6 with respect to the engagement done with potentially affected communities.	-	-
228	16	Conclusion 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, CCJPA 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.	The Draft EIR was prepared in accordance with CEQA and the CEQA Guidelines. The comment asserts that the Draft EIR analysis was inadequate but has not provided support for this assertion. Please see responses to Comments 228-1 through 228-16	-	-
229	1	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).	Thank you for your comment. The public outreach and engagement process for the draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			by CEQA statute. Please see Master Response 2: Public Review and Community Engagement.		
229	2	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.	Thank you for your comment. The public outreach and engagement process for the draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA statute. Please see Master Response 2: Public Review and Community Engagement.	-	-
229	3	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.	Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA statute. Please see Master Response 2: Public Review and Community Engagement.	-	-
230	1	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.	Thank you for your comments. The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments and Master Response 3: Economic and Social Impacts.	-	-
230	2	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, 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.	Regarding transit-oriented development (TOD), the continued service of ACE to the station mandates certain ongoing densities as expressed by AB 2011 and MTC Reg. 4350. Conditions being as they are the TOD is not defunct, in fact its continued existence is mandated by the State of California and Bay Area governments. Notably as an area within a half-mile of an existing rail transit station served by a rail transit service (see definition of a "Major transit stop" CA Pub Res Code Section 21064.3) the 50.1 maximum dwelling units per acre provided in Fremont's TOD overlay does not meet state mandates.  For a more complete discussion of when a conflict with a land use plan qualifies as an impact under CEQA please refer to Master Response 11: Land Use – Potential Plan Conflicts and Growth Inducement. As Fremont General Plan Implementation 3-5.4.C has not been adopted for the specific purpose of avoiding or mitigating an environmental impact it is not a plan element which qualifies as an impact under CEQA when a project is in conflict.	-	-
230	3	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	As stated above in response to comment 230-2, neither 3-5.4.C nor 3-5.4 more generally qualify as an impact under CEQA as they were not adopted for purpose of avoidance or mitigation of an environmental impact. Please refer to Master Response 11: Land Use – Potential Plan Conflicts and Growth Inducement for a complete discussion of when a conflict with a land use plan qualifies as an impact under CEQA.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		drive to Ardenwood for transit services formerly available in their areas?  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.			
230	4	4. Ridership - Capitol Corridor's assertion that "the combined ridership at Hayward and Fremont Stations accounts 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?	Thank you for your comment. Hayward and Fremont-Centerville stations ridership constituted a combined total of 4 percent of Capitol Corridor ridership in 2023. These stations are ranked 13 and 14, respectively, out of 18 Capitol Corridor stations in terms of total ridership by station in 2023. When comparing ridership, it is important to consider the Service Level (Daily Trains) at each station. For service south of Oakland (12 daily weekday trains in 2023), the more popular stations would be San Jose (ranked 7) and Santa Clara-Great America (ranked 9) as compared to Hayward and Fremont-Centerville, which also have a Service Level of 12 daily trains.  Overall, project budget is not an environmental consideration under CEQA, and the EIR is not required to justify the expense of the project. No changes to the Draft EIR are required.	-	-
230	5	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?	Thank you for your comment. For a discussion of the relationship between the proposed Project and the SR-84 Intermodal Bus Facility, please refer to Master Response 4: Independent Utility of Project. No changes to the Draft EIR are required. As noted in previous responses, the proposed State Route 84 Intermodal Bus Facility is never mentioned in the Draft EIR as being required for implementation before, during, or following the proposed Project. Please refer to Master Response 5: Project Description and Design Alternatives.	-	-
230	6	6. Pre-existing bus access - Ardenwood as a 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?  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.	Thank you for your comments. The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
230	7	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?  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?	Thank you for your comment. SamTrans owns Dumbarton Rail corridor and is currently studying it for rail service. If advanced, this would be an independent project from SBC.  New rail riders would be able to connect to the proposed Ardenwood rail station via existing transit services. The existing park-and-ride is currently serviced by several bus lines and private shuttles. New users could use these transit connections to access the proposed station without driving. In addition, new parking would be limited to 200 spaces. This would limit the number of potential commuters accessing the proposed rail station via driving, thereby limiting increased traffic congestion.  The proposed project would remove duplicative rail services within some communities. ACE service would continue at the exiting Fremont Station. BART service would still be available to Hayward and Fremont riders. All these stations can be accessed via existing bus lines.  Based on this, the VMT assessment included in the EIR does not require revision.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			The proposed project would not diminish access to transit services in communities along the Niles Subdivision. A new Capitol Corridor Station at Ardenwood would be created even though Capitol Corridor service would be closed at the existing Fremont Station. As noted above, the project would remove some duplicative rail service within the East Bay to increase intercity connectivity. No changes to the Draft EIR are required.		
230	8	<p>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.</p> <p>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?</p> <p>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?</p> <p>CCSBC Draft Environmental Impact Report &gt; 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.</p>	Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight train traffic.	-	-
230	9	<p>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 "future design" phase. Without a future 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?</p> <p>CCSBC Draft Environmental Impact Report &gt; 3.2.7: MM AES-7 Aesthetic Plan for Ardenwood Station structures, Pedestrian Overcrossings, Grade Separated Structures, Retaining Walls, and Bridges: During future design, CCJPA will develop an aesthetic plan for new structures with high visibility from SR 84 and Alameda Creek Regional Trail</p>	Please refer to Master Response 6: Proposed Ardenwood Station. The parameters of the proposed station are adequate to provide an analysis of environmental impacts. It is not anticipated that the future design of the station would substantially change from the description provided in the Draft EIR. Should the station design change such that new potentials for impacts could be generated, or that impacts described in the Draft EIR could become significantly increased, then additional CEQA analysis would be required. For additional information, please refer to Master Response 5: Project Description and Design Alternatives.	-	-
230	10	<p>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</p>	Thank you for your comment. Please see response to Comment 221-6. Please also refer to Master Response 1: Opinions and Other General Comments. CCJPA will coordinate with the necessary regulatory agencies, including NMFS and CDFW prior to initiating the analysis, and will consult with these agencies during development of future design plans. No changes to the Draft EIR are required.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>of Alameda Creek or piers in the active creek channel need to be designed so as to not impede fish passage.</p> <p>CCSBC Draft Environmental Impact Report &gt; 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.</p>			
230	11	<p>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.</p> <p>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.</p>	<p>Thank you for your comment. The Alviso Wetland Railroad Adaptation Alternatives Study was not included as a cumulative project because only a feasibility study has been conducted thus far. With respect to future projects, CEQA specifies that "reasonably foreseeable probable future projects" be analyzed as part of the cumulative impact analysis (CEQA Guidelines Section 15355). Typically, a project is considered foreseeable when it has begun the environmental review process. CCJPA determined reasonably foreseeable probable future projects at the time of the NOP. Additionally, the preliminary study considers adaptation strategies from Newark to Santa Clara, which is separate from the portion of the Coast Subdivision included in the proposed Project. Adaptation measures identified in the feasibility study will be considered as the proposed Project reaches later stages of design. For a discussion of piecemealing, including the Intermodal Bus Facility, please reference Master Response 4: Independent Utility of Project. Please see Master Response 13: Cumulative Impacts Assessment with respect to consideration of cumulative impacts. No changes to the Draft EIR are required.</p>	-	-
231	1	<p>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 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.</p> <p>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."</p> <p>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</p>	<p>Thank you for your comments. Please refer to Master Response 10: Environmental Justice. As has been noted, Draft EIR Section 5.6 analyzed the potential impacts of the project as they relate to environmental justice: the RSA for this analysis included the three neighborhoods mentioned in the comment. However, the analysis was conducted in accordance with federal law; environmental justice is not an issue required to be analyzed or mitigated under CEQA. It is acknowledged that there is concern among members of the public regarding traffic impacts as they relate to railroad crossings, as expressed in the petition cited in the comment. Draft EIR Chapter 3.17, Transportation, analyzed project impacts related to transportation safety issues. It noted that the project would be designed according to applicable passenger and freight rail criteria, city, safety, and ADA standards, codes, and guidelines to maximize safety for both motorized and non-motorized forms of transportation. This includes improvements to at-grade crossings. Draft EIR Chapter 3.14, Noise, analyzed the noise and vibration impacts of the project and identified mitigation measures as necessary (see Master Response 12: Noise and Vibration, for more details). Health impacts of the project are analyzed throughout the Draft EIR - Chapter 3.4, Air Quality; Chapter 3.10, Hazards and Hazardous Materials; and Chapter 3.14, Noise. The comment regarding vehicles being left on the tracks is noted; however, this is a legal issue that is beyond the scope of CEQA to address.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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	2	<p>Specifically, we note the DEIR inadequacy in the following specific resource area analyses:</p> <ul style="list-style-type: none"> <li>• 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.<sup>1</sup> 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.</li> </ul>	<p>Thank you for your comment. The "above mentioned plans" referenced by the comment refer to the San Leandro Creek Trail (also known as the San Leandro/Lisjan Creek Greenway). Per the project proponent's website, there is an assertion that UPRR has expressed resistance to approve a trail crossing within UPRR right-of-way under the railroad bridge. As noted previously, CCJPA does not have jurisdiction over UPRR Right of Way and has no decision-making authority over changes at track crossings.</p> <p>Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Project Map, have been revised to include the San Leandro Creek Trail. For supplemental cumulative analysis regarding projects added to the Cumulative Projects List, please refer to Appendix I.</p> <p>Please also see Master Response 13: Cumulative Impacts Assessment.</p>	-	Added the San Leandro Creek Trail Project to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map (see Section 4.1.2, Final EIR Updated Tables and Figures, for revisions to Table 3-1 and Figure 3-1)
231	3	<ul style="list-style-type: none"> <li>• 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. 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.</li> </ul>	<p>Thank you for your comment. Improvements at the existing Edes Avenue at-grade crossing would include upgrades to crossing equipment (gates, arms, and signal cabins), pavement striping, and signage (Draft EIR Chapter 2, Table 2.2-1). These updates would be designed to the necessary safety standards. Warning signals would consider the faster speed of travel for passenger trains. Based on this, the proposed Project is not expected to create a less safe rail crossing and no overcrossing/undercrossing is proposed. The proposed Project would not preclude future work by others to construction a future overcrossing (or undercrossing).</p> <p>The comment regarding the resident request is noted but outside of the scope of the project. Grade-separated crossings have been identified at select locations and not others throughout along the alignment based on a variety of factors. Constructing grade separations to separate a rail alignment from roads can considerably widen a rail project's footprint. In addition, when grade-separating alignments, the infrastructure can extend far beyond an individual roadway crossing because rail operations require that railway slope changes must be gradual. Thus, where there are at-grade roads crossing a rail alignment in close proximity to each other, any grade separation that uses a change in the railway elevation will likely require the changed elevation (whether above or below roadways) to be maintained across all the nearby at-grade crossings. In other words, it may not be possible to construct only one grade separation in some areas, where close proximity of at-grade crossings means that constructing one grade separation would then require constructing multiple other grade separations. This can increase the cost of a grade-separated rail alignment. It can also increase the costs associated with right-of-way acquisitions, require additional infrastructure, and increase construction disruption.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>Additionally, the integration of grade separations with the local roadway network would require the reconstruction and modification of adjacent streets and intersections. Construction activities associated with the construction of grade separations would require temporary road closures and detours and would temporarily restrict access to many properties. Thus, grade-separated crossings are only identified in select locations for the proposed Project. Mitigation for noise impacts associated with the proposed Project include the establishment of quiet zones in locations identified on page 3.14-44 of the Draft EIR.</p> <p>The community near the existing Edes Avenue rail crossing would not experience added locomotive traffic. This community is located near the split between the Niles and Coast Subdivision. CCJPA service currently runs on the Niles Subdivision, meaning there would be no increase in train frequency at the Niles/Coast split. Therefore, the proposed project would not increase overall train frequency near this specific community (i.e., the build and no-build alternatives would have the same number of trains/day). As noted, the proposed Project would increase rail ridership and decrease benefiting the entire megaregion. No changes to the Draft EIR are required.</p>		
231	4	<ul style="list-style-type: none"> <li>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.</li> </ul>	Thank you for your comment. Please refer to the response to comment 231-2.	-	-
231	5	<ul style="list-style-type: none"> <li>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.</li> </ul>	Thank you for your comment. Twenty-one locations that are anticipated to experience severe noise impacts were identified in the Draft EIR. The establishment of quiet zones or the implementation of sound insulation would be used to mitigate noise impacts at those locations. For locations along the subdivision experiencing moderate impacts, mitigation is not required per FTA guidance. Please see Master Response 12: Noise and Vibration, Issue 3, regarding quiet zones. A discussion on the operational noise and vibration impacts associated with the proposed Project is included in the remainder of Master Response 12. No changes to the Draft EIR are required.	-	-
231	6	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>Diesel, CO, and PM emissions in relation to sensitive receptors are analyzed in Section 3.4.6.3 of the Draft EIR. The effect of the Project on these, and all required regulated air quality pollutants, were modeled and the modeling inputs, calculations, and results can be found in Appendix B of the DEIR.</p> <p>Increase to CO concentrations was evaluated in accordance with the BAAQMD's quantitative screening criteria to evaluate CO hot spots. In the proposed Project area, traffic volumes at all intersections would be below the vehicle per hour threshold. As a result, the additional vehicle trips associated with the proposed Project would not result in a localized violation of the CAAQS for CO.</p>	-	-
231	7	<ul style="list-style-type: none"> <li>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</li> </ul>	Thank you for your comment. Although included in the EIR, Environmental Justice is not a required topic under CEQA, although federal law requires its discussion in federal	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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. 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 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.</p>	<p>environmental documents.</p> <p>Section 5.6 explains the methodology used in evaluating environmental justice issues, which is a standard methodology used in evaluating impacts of federal projects. This discussion also incorporated MTC thresholds regarding what constitutes an environmental justice community.</p> <p>Please refer to Section 3.1 of the Draft EIR for a discussion of cumulative impact analysis for the project. Please also refer to Appendix I of the Final EIR for a full list of projects considered in the analysis.</p> <p>Finally, please refer to Master Response 10: Environmental Justice for additional information.</p>		
231	8	<p>● 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.</p>	<p>Thank you for your comment. As stated in Section 6.1.4, NOP Scoping Comments, of the Draft EIR, seven postal letters were received during the 45-day public comment period following the release of the NOP. Comments provided by the Brower-Dellums Institute for Sustainable Policy Studies and Action (ISPSA) were considered in preparation of the Draft EIR, but CEQA does not require a response to each comment received during the NOP scoping process. The list of Areas of Known Controversies has been updated in the Final EIR. No changes to the Draft EIR are required.</p>	-	-
231	9	<p>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.</p>	<p>Please refer to response to Comment 231-1. Also, please refer to Master Response 10: Environmental Justice.</p>	-	-
233	1 & 2	<p>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”).</p>	<p>Thank you for your letter.</p>	-	-
233	3	<p>“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.)</p> <p>“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.)</p> <p>Unfortunately, the DEIR does not meet CEQA’s exacting standards. As</p>	<p>Thank you for your comment. Your concerns regarding the extent of environmental protection, disclosure of information to the public and government agencies, sufficiency of detail, adequacy of information regarding alternatives is noted. Please refer to Master Response 5: Project Description and Design Alternatives for additional information regarding disclosure of sufficiently detailed information regarding alternatives and environmental protection. Please also see Master Response 2: Public Review and Community Engagement, as well as Master Response 7: Coast Subdivision Double Tracking for additional information regarding public information requirements and regarding double tracking.</p>	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		set forth herein, the DEIR requires substantial revisions in order to come into compliance with CEQA's requirements.			
233	4	<p><b>Mitigation Measure NOI-2 Does Not Feasibly Mitigate the Project's Impacts</b></p> <p>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.)</p> <p>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.</p> <p>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."</p>	<p>Thank you for your comment. We would like to clarify the language in the DEIR to make sure there is no misunderstanding.</p> <p>Commenter quote: The DEIR proposes to mitigate these impacts through" considering the potential establishment of quiet zones along the corridor." (DEIR, 3.14-44 (emphasis added).)</p> <p>Actual text from Draft EIR, page 3.14-44: "CCJPA will consider options for establishing quiet zones including, but not limited to, the following FRA pre-approved supplemental safety measures: ..." (Draft EIR, page 3.14-44 (emphasis added)). Since CCJPA does not have jurisdiction over the establishment of Quiet Zones, it will be up to the cities and communities to select from the various FRA pre-approved measures to include in their Quiet Zone agreements. The text does not infer that the Quiet Zones are "optional" for implementation by CCJPA, rather, what measures are selected by the communities are "optional" and include those examples listed in DEIR, but are not limited to them, as the text states.</p> <p>Please also see Master Response 12: Noise and Vibration, Issue 3 regarding quiet zones.</p> <p>Commenter quote:</p> <p>MM 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.)</p> <p>Actual text from Draft EIR, pages 3.14-44 to 3.14-45: "In addition to these pre-approved supplemental safety measures, FRA also identifies a range of other measures that may be used to establish a quiet zone. These could be modified by supplemental safety measures or non-engineering measures, which might involve law enforcement or public awareness programs. FRA must approve alternative safety measures based on the prerequisite that they provide an equivalent level of safety as the sounding of horns.</p> <p>This phased program will also consider the use of wayside horns as part of a quiet zone. While not avoiding the sounding of a horn, wayside horns affect a smaller area than a train-mounted horn. Wayside horns can be used when the other measures above are not adequate to avoid the use of a horn." Similar to the previous commenter quote, the intent of the text is not correct, as this is referring to the FRA-approved measures that are available to a jurisdiction and community to include in a Quiet Zone agreement; the decision for which measures to include is not under the jurisdiction of CCJPA.</p> <p>Commenter quote: If "quiet zones are not feasible" Capitol Corridor will also "consider" building sound insulation at impacted private residences. (Draft EIR, page 3.14-45.)</p> <p>Text from Draft EIR, page 3.14-45: In this case, the quotation is mostly correct (except it would be CCJPA implementing MM NOI-2, not the Capitol Corridor trains) and CCJPA concurs with updating the text to read: "If quiet zones are not feasible or unacceptable to the resident's community and/or jurisdiction, CCJPA will offer financial support for application of building sound insulation at the impacted residences at the following locations:..." (list of 21 residences follows). CCJPA</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>can only propose an offer to accept the insulation as a form of mitigation to an owner of a residence. Which type of sound insulation improvement that will be most effective for a given residence will be determined during coordination between CCJPA and the owners of the property, as described in the last paragraph of MM NOI-2 at 3.14-45 in the Draft EIR): "During future design of the project, CCJPA will coordinate with individual residents identified as candidates for sound insulation. The coordination will include testing of existing outdoor to indoor noise reduction and specific measures required to meet the interior noise level criterion."</p> <p>The additional text noted above does not change the EIR findings and the potential for significant impact remains less than significant with mitigation.</p> <p>A discussion on the operational noise and vibration impacts associated with the proposed Project is included in the remainder of Master Response 5.</p> <p>Commenter quote: "This mitigation measure and the conclusion of a resulting less than significant impact violate CEQA. First, MM NOI-2 does not commit Capitol Corridor to doing anything about the Project's noise impacts."</p> <p>Actual text from Draft EIR, 3.14-44 to 3.14-45: "Prior to the start of construction activities, CCJPA, in coordination with the appropriate local jurisdiction(s) and stakeholders, will implement a phased program considering the potential establishment of quiet zones..." Further, the text goes on to state: "This phased program will include the development of engineering studies and coordination agreements to design, construct, and enforce potential quiet zones..." In both sentences, the word "will" commit CCJPA to mitigation by coordinating with the "appropriate local jurisdiction(s) and stakeholders"; the term "considering" is used, again, because CCJPA cannot require a jurisdiction to agree to a Quiet Zone, and therefore, if the jurisdiction is not amenable to a Quiet Zone, the backup mitigation for the owners is sound insulation.</p> <p>In response to the last paragraph in the comment, CCJPA has committed to mitigation to address the severe noise impacts anticipated at the 21 residents listed in the Draft EIR; the first step is to provide support to the community and jurisdiction by offering support in implementing a Quiet Zone. As the commenter states, CCJPA cannot require that a Quiet Zone be implemented. The 2nd option is to provide sound insulation, as is committed to by CCJPA and discussed in previous responses to this comment. Further, the commenter states: "...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. Because of this, the commenter suggests that this invalidates the mitigation as acceptance of the insulation is out of CCJPA control. As stated above 21 noise receptor locations, which are all residential properties, are projected to experience a severe noise impact during operation of the proposed Project. The owners of those buildings will decide if they want to make modifications and CCPA will coordinate accordingly. No schools were identified as being impacted by a severe noise impact; therefore, no modifications are suggested. Mitigation that will result in insulation improvements for the 21 residences is already included in the Draft EIR, as an alternative to the Quiet Zones designation at crossings, to lower the severe impacts to less than significant in compliance with CEQA requirements. Therefore, there are no changes to the findings and no changes are made to the mitigation measures other than what is in bold text of this response.</p>		

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
233	5	<p>Traffic, Pedestrian, and Cyclist Safety Impacts</p> <p>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 &amp; 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 'suggestion.'" (Save Cuyama Valley v. Cnty of Santa Barbara (2013) 213 Cal.App.4th 1059, 1068.)</p> <p>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.</p> <p>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.</p>	<p>The comment claims that the Draft EIR 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. As stated in Section 3.18.6.3 of the Draft EIR, "The proposed Project would be designed according to applicable passenger and freight rail criteria, city, safety, and ADA standards, codes and guidelines to maximize safety for both motorized and non-motorized forms of transportation. "Compliance with engineering and planning codes related to safety would preclude the project from introducing safety hazards. Furthermore, "Pedestrian improvements include signal-protected pedestrian movements, channelization, barriers to protect and route pedestrians where needed at-grade crossings, ADA-compliant curb ramps, along with warning signs to provide for convenient and safe access to boarding areas." Implementation of pedestrian improvements would result in the project having a net safety benefit.</p> <p>With respect to the safety improvements listed in Table 2.2-1 of the Draft EIR, CEQA does not require that all features described in the project description must be constructed. CCJPA will coordinate with local jurisdictions to refine and confirm what improvements listed in Table 2.2-1 will be constructed. The proposed schedule for the project, including construction, is provided in Section 2.2.3.6.</p> <p>The comment incorrectly states that the project would introduce high-speed passenger service. 49 U.S.C. § 26106 defines the term "high-speed rail" as intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour. Capital Corridor's top speed is 79 miles per hour. The project does not propose to increase train speeds above 110 miles per hour.</p> <p>The comment requests that more detail be included in the project description regarding safety improvements. CEQA Guidelines Section 15124 states that the project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." The project description includes sufficient detail regarding safety improvements for evaluation of environmental impacts.</p> <p>CEQA Guidelines Section 15128 states that for effects not found to be significant, that "An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." Section 3.18.6.3 provides sufficient justification why the project would not substantially increase hazards due to a geometric design feature or incompatible uses.</p> <p>The Final EIR analyzes improvements that CCJPA plans to construct. The Final EIR provides mitigation for all significant impacts. No revisions to the Draft EIR are necessary to comply with CEQA.</p>	-	-
233	6	<p>Improperly Deferred Mitigation Measures</p> <p>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</p>	<p>The proposed Mitigation Measures (MM) identified in the following bullet list are not "deferred mitigation."</p> <p>Regarding the Aesthetic MM's, the level of design needed to support the environmental document includes the project's alignment and early design of its substantial elements (bridges, retaining walls, etc.). The more specific project elements, such as exact location/design of new lighting, the exact number and location of all tree removal, and proposed plant species in landscaping plans are all refined during the</p>	-	Updated Mitigation Measures Table can be found in Final EIR, Section 2.4

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>that performance standard and that will 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:</p> <ul style="list-style-type: none"> <li>•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;</li> <li>•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;</li> <li>• 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;</li> <li>• 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;</li> <li>•AES-5 – lack of information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;</li> <li>• AES-6 – lack of information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;</li> <li>• AES-7 – lack of information regarding how it will be determined that the plan adequately mitigates impact and who will make that determination;</li> <li>• 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;</li> <li>•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;</li> <li>•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;</li> <li>• 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;</li> <li>• 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.</li> </ul> <p>The mitigation measures should be corrected to comply with CEQA’s standards for appropriate mitigation.</p>	<p>proposed Project’s design phase. To determine CEQA significance findings based on this level of detail, mitigation measures were included that commit CCJPA to the development of several plans that will require visual impacts to be mitigated to a less than significant level. CCJPA would develop these plans during future design phases to support and inform the final project design, while meeting expectations set in the EIR for aesthetics impacts. Specific elements of each plan are outlined and include standards that must be followed.</p> <p>MM AES – 1 will address temporary visual impacts associated with project construction. There are no industry-specific performance standards regarding screening of visual impacts during construction. To address how the “visual resource construction plan” will adequately mitigate impacts, this MM has been modified to include: ...and will be distributed to relevant municipalities for their input to ensure areas that require screening are adequately identified. This input will be solicited during the project’s design phase so it can be incorporated by CCJPA and its contractor during preparation of the “visual resource construction plan”. Providing this opportunity for stakeholder input will confirm the plan adequately addresses areas of local concern and meets the intent of reducing visual impacts to a less than significant level.</p> <p>Similarly, MM AES-2 proposes development of a “construction lighting plan” to offset temporary visual impacts from light/glare during construction. While there are no industry-specific performance standards regarding temporary light/glare impacts, this MM has been updated to include: The construction lighting plan will be developed during the project design phase. Prior to being finalized, the plan will be reviewed with relevant municipalities to verify that those areas that could be affected by construction activities have been identified. This input would be solicited during the project’s design phase so it can be evaluated by CCJPA and its contractor during preparation of the “construction lighting plan”. This independent input would confirm the plan adequately addresses areas of concern and meets the intent of reducing visual impacts to a less than significant level.</p> <p>MM AES-3 requires the project to develop a “vegetation impact, protection, and replacement plan”. The measure already includes performance-related standards. For example, a certified Arborist would conduct tree pruning. This would minimize the potential to kill trees from incorrect pruning. Plantings would be selected from local jurisdiction plant lists (where available) and placed in accordance with “Crime Prevention Through Environmental Design” principles. Both requirements would ensure plantings make sense in their proposed local environments. To address how the “vegetation impact, protection, and replacement plan” would adequately mitigate visual impacts, the MM has been updated to state: The vegetation impact, protection, and replacement plan will be developed during the design phase. Prior to being finalized, the plan will be reviewed with relevant municipalities to verify that those areas outside of the UPRR right of way that could be affected by construction activities have been identified. This independent input would confirm the plan adequately addresses areas of concern and meets the intent of reducing visual impacts to a less than significant level.</p> <p>MM AES-4 requires a “landscape plan” for the proposed Ardenwood Station. The MM states the plan will be developed in coordination with the City of Fremont using the city’s landscape development requirements. Both will confirm the landscape plan adequately addresses visual impacts</p>		

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>associated with the new station, as required by the City of Fremont. As a result, no revisions are proposed to this MM.</p> <p>MM AES-5 requires an "aesthetics plan" that would be developed for proposed bridges. The MM states that the new structures would "match the height and aesthetic treatments of the existing bridge structures." Meeting this requirement would confirm visual change at each proposed bridge is minimal and existing conditions are matched to the extent feasible. CCJPA believes their commitment to match existing conditions to the extent feasible is sufficient to achieve this outcome. Based on this, no revisions are proposed to this MM.</p> <p>MM AES-6 specifies an "aesthetics plan" for proposed structural features (fencing, railings, etc.). By committing to the referenced standards in this MM (CCJPA, UPRR and U.S. Department of the Interior), CCJPA would confirm visual impacts from proposed structural features are mitigated to a less significant level (see Section 3.2.6). No revisions are proposed to this MM.</p> <p>MM AES-7 specifies an "aesthetic plan" for new structures along SR 84 and Alameda Creek Regional Trail. This MM has been updated to state: Prior to being finalized, the plan will be reviewed with relevant municipalities to verify that final design plans are consistent with existing general plan policies and local regulatory requirements. This independent input will confirm the plan adequately mitigates visual impacts.</p> <p>MM AES-8 requires CCJPA develop a "lighting plan". There are several referenced standards that the MM would comply with (Engineering Society, International Dark-Key Association). Not all MM elements have related performance standards, but rather there are best management practices. This MM has been updated to state: Prior to being finalized, the plan will be reviewed with relevant municipalities to verify that final design plans are consistent with existing general plan policies and local regulatory requirements.</p> <p>MM BIO-18 – At this time, there is not a sufficient level of design completed to determine which trees would possibly be impacted by implementation of the project. the exact footprint, while it will not be larger than what is identified in the Draft EIR, may move within that footprint, so knowing identifying exact trees to be marked for removal would be premature at this time. Further, trees grow into and out of footprints, so the surveys would be required to repeat closer to start of construction for accurate assessment of potential impacts. As such, the proposed pre-construction surveys with a qualified arborist, and submittal of report to the city for review and concurrence, is sufficient for this MM.</p> <p>MM CUL-2 – Section 3.6 Table 3.6.5 in the Draft EIR presented an analysis of identified impacts to know cultural resources. The Cultural resources impact analysis summarized in Section 3.6 was made on best available information and thus the Draft EIR has not deferred impact analysis. MM CUL-2 requires the project to refine the impact assessment through archaeological testing once more detailed 30% design plans are available. It would not be appropriate to conduct archaeological testing with the current level of design or without an approved environmental document as archaeological resources are non-renewable, and testing can itself be considered an impact. The measure includes performance standards (completion of the report and specific components required) and discloses who will determine compliance (CCJPA and local consulting tribal representatives). The measure will be modified in the Final EIR to further clarify the analytical link between the mitigation</p>		

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>measure and its stated purpose as follows: Once the Project footprint reaches a 30% percent level of rail design and prior to the start of construction, an Archaeological Testing and Evaluation Plan (ATEP) will be implemented by a qualified archaeologist in consultation with CCJPA to support the evaluation of the subsurface extent of cultural resources potentially impacted by the project.</p> <p>MM NOI-3 – This MM will be updated to include the following additional requirements for the CVCP: A Vibration Monitoring Plan to measure vibration during construction, including the type of equipment and sensors to be used, a location plan for monitoring equipment, and the following additional requirements: Frequency of monitoring for all instruments,</p> <p>Vibration and deformation thresholds that if exceeded, could be potentially damaging to sensitive receptors and/or structures,</p> <p>Corrective action plans identified prior to work start to be implemented should maximum vibration be reached or exceeded</p> <p>To the extent possible, the construction team will be required to conduct the work in such a manner that vibrations do not exceed threshold limits.</p> <p>A Monitoring Exceedance Report for any exceedance occurrence will be completed by the construction team and submitted to CCJPA, which will describe:</p> <p>what vibration measurements values were recorded that exceeded the allowable limits;</p> <p>where the impacted instruments are located;</p> <p>when the exceedances occurred;</p> <p>when work was stopped because of the exceedance(s);</p> <p>what demolition and/or construction activities caused the exceedance(s);</p> <p>what actions were taken to limit and reduce vibrations;</p> <p>when demolition and/or construction activities were resumed.</p> <p>MM REC-1 – In this case, the performance standard is that the detour plan will be submitted to EBRPD two weeks prior to any closures and will be posted for the public on CCJPA and EBRPD websites. For a construction schedule that lasts 2+ years, it is not feasible to guarantee closure times. Further, there are also weather conditions and the potential for effects to biological resources that require consideration, which may not allow for construction to occur in specific areas during seasonal periods. As such, given the performance standards noted above, CCJPA considers this an appropriate MM and is not "deferring" mitigation as it meets criteria of standard MM's.</p>		
233	7	<p>Alternatives Analysis "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.</p>	<p>Please refer to Master Response 5: Project Description and Design Alternatives for additional information on this issue</p> <p>CEQA Guidelines Section 15120 (a) states: "Environmental Impact Reports shall contain the information outlined in this article, but the format of the document may be varied. Each element must be covered, and when these elements are not</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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.</p> <p>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).</p> <p>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.</p> <p>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 NO1-2 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.</p>	<p>separated into distinct sections, the document shall state where in the document each element is discussed." Section 15122 also states that "an EIR shall contain at least a table of contents or an index to assist readers in finding the analysis of different subjects and issues." As such, there is no requirement by CEQA as to how a section is formatted as long as the document contains the required information. The DEIR provides a detailed table of contents at the beginning of the document that clearly identifies where the description of the proposed Project can be found.</p> <p>Thank you for your comment. Please refer to Master Response 5: Project Description and Design Alternatives for additional information on this issue.</p> <p>CEQA Guidance including CEQA Section 15126.6(e)(2), does not state that the proposed Project is not an "alternative". The proposed Project is, in fact, the alternative that must be compared to the "No Project Alternative." Likewise, there is no language in the CEQA Guidelines that precludes the proposed Project for consideration as the Environmentally Superior Alternative. The commentator does not specify why the proposed project cannot be the Environmentally Superior Alternative.</p> <p>The potential for safety impacts to pedestrians and cyclists is an existing condition, and the upgrades to at-grade crossings in the proposed Project will only improve safety conditions with gate upgrades and other improvements. Safety improvements at at-grade crossings are identified as a priority in CCJPA's Vision Plan.</p> <p>CCJPA has considered the comments provided during the EIR public review period. As found in the Draft EIR's technical studies and analyses, which included Alternatives B-D, no significant and unavoidable impacts would result from implementation of the proposed Project. As such, no further alternatives are necessary. Please see Master Response 5: Project Description and Design Alternatives for additional detail.</p>		
233	8	<p>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:</p> <ul style="list-style-type: none"> <li>• Jarvis Avenue: Addition of one track, potential road re-profiling near crossing, sidewalk</li> <li>• Americans with Disabilities Act (ADA) improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, striping, and signage.</li> <li>• 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.</li> <li>• Mayhews Landing Road: Addition of one track, potential road re-profiling near crossing,</li> </ul>	<p>Thank you for your comment. The comment states that "the Hayward Station would be closed entirely," which is not accurate. While Capitol Corridor service is proposed to be discontinued at the Hayward Station as part of the Project, other regional rail and transit access will remain within the corridor, including BART. Transbay bus and shuttle connections at the proposed Ardenwood Station will provide much-needed intermodal transit access between the East Bay and the Peninsula. The future use of the Hayward train station after discontinuation of Capitol Corridor service would be decided by the City of Hayward regarding the station and parking and Union Pacific Railroad because they own the track and platform.</p> <p>A conceptual design for the Ardenwood Station was used to assess potential environmental impacts (Draft EIR Section 2.2.3.4). For CEQA purposes, the conceptual design was sufficient to adequately analyze the proposed Project for potential impacts on the surrounding physical environment. Key elements of the proposed Ardenwood Station are known (for example, grade separated access would be provided to the boarding platform), primarily due to the physical location being determined during feasibility study and conceptual design, as well as those features controlled by agency</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, striping, and signage.</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Sycamore Street: Sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, potential road re-profiling near crossing, striping, and signage.</li> <li>Cherry Street: Sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, potential road re-profiling near crossing, striping, and signage.</li> </ul> <p>The following grade separated crossing improvement is proposed within the City of Newark:</p> <ul style="list-style-type: none"> <li>State Route (SR) 84, City of Fremont/City of Newark: Abutment modification.</li> </ul> <p>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.</p> <p>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.</p>	standards and requirements. The conceptual design will continue to progress to 100% in the future design phases.		
233	9	<p>Global Comment</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>Existing Conditions, Environmental Impacts, and Mitigation Measures</p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p>CEQA Guidelines Section 15120 (a) states: "Environmental Impact Reports shall contain the information outlined in this article, but the format of the document may be varied. Each element must be covered, and when these elements are not separated into distinct sections, the document shall state where in the document each element is discussed." Section 15122 also states that "an EIR shall contain at least a table of contents or an index to assist readers in finding the analysis of different subjects and issues." As such, there is no requirement by CEQA as to how a section is formatted or contents are grouped together. The EIR includes a detailed table of contents at the beginning of the document that clearly identifies where the description of the proposed Project can be found.</p> <p>"Existing Conditions," "Environmental Impacts," and "Mitigation Measures" are all CEQA terminology. NEPA generally uses the term "Environmental Consequences" and focuses on the context and intensity of effects that may significantly affect the quality of the human and natural environment, which is a different evaluation than what is included in the DEIR.</p>	-	-
233	10	<p>Air Quality</p> <p>The Draft EIR concludes that project operations would result in less than</p>	An increase in passenger rail service in and of itself is not an impact under CEQA and is statutorily exempt from CEQA	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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.</p> <ul style="list-style-type: none"> <li>• 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 PM2.5 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.</li> </ul>	<p>compliance under CA PRC Section 21080 (b) 11, which states: "A project for the institution or increase of passenger or commuter service..." is exempt from CEQA. Since the proposed Project would be adding passenger rail along a rail subdivision with existing passenger rail service (PRC Section 21080 (b)11), what is triggering the CEQA higher level of review is the extent of CCJPA's proposed improvements along the Coast Subdivision. CCJPA prepared the HRA with a focus on the potential for health-related impacts that could result from the improvements proposed as part of streamlining Capitol Corridor operations by relocating their passenger rail service to the Coast Subdivision.</p>		
233	11	<p><b>Land Use</b> 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 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.</p>	<p>Thank you for your comment, updates have been made in the Final EIR to reflect your input. Table 3.12-3, Consistency with Applicable Plans, Policies and Regulations, has been revised to state that the No Project Alternative is consistent with Policy LU-1.4. Additionally, the Project and No Project Alternatives are now evaluated in Table 3.12-3 for consistency with City of Newark General Plan Transportation Policies T-3.1, T-3.2, T-3.9, T-6.1, T-6.4, T-6.5, and T-6.6. There are no changes to the impact findings corresponding with these revisions</p>	-	Updated Table 3.12-3 can be reviewed in the Final EIR, Section 4.1.2.
233	12	<p>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.</p>	<p>Thank you for your comment. Reference to the correct document, the 2023-2031 General Plan Housing Element, has been updated in the Final EIR. However, there are no changes to the impact findings corresponding to this addition.</p>	<p><b>Section 3.15.2.4 Local</b> ... • City of Newark General Plan (2013)</p>	<p><b>Section 3.15.2.4 Local</b> ... • City of Newark General Plan <b>Housing Element (2023)</b></p>
233	13	<p><b>Noise and Vibration</b> Below are impacts that may have an effect on Newark residents. • 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.</p>	<p>Per the Subject Matter Expert that conducted the proposed Project's noise analysis using FTA guidance, it is common practice to find that only severe noise impacts, as defined by FTA standards, require mitigation measures be applied to reduce the potential for a project's noise impacts. As such, only FTA-defined "severe noise impacts" are considered to constitute a significant impact under CEQA. Further, per CEQA Guidelines, only those impacts identified as "significant" (in that they do not meet the CEQA thresholds identified for the project), require that mitigation measures be applied to reduce the potential for impacts.</p> <p>While standard procedures include mitigation being considered for some types of moderate noise impacts, mitigation is typically only applied as a result of specific details of a proposed Project and/or of the affected properties themselves. At the conclusion of the proposed Project noise analysis, the SME found that no details were identified that justified the need for implementation of mitigation for residences subject to moderate noise impacts.</p>	-	-
233	14	<p>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</p>	<p>For a response to concerns regarding the feasibility of MM NOI-2, please refer to response 233-4, which clarifies misconceptions regarding MMNOI-2 that were stated earlier in the letter. For additional clarification on methodology, potential for operational noise and vibration, and mitigation, please refer to Master Response 12: Noise and Vibration.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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	15	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 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.	The comment is correct in stating that severe noise impacts would affect APN 92A-506-38. However, in the course of preparing a list of locations at which to implement MM NOI-2, it was discovered that Mayhews Landing Road is already included in the City of Newark Quiet Zone Feasibility Study. The study was prepared in 2022, and it is anticipated that implementation of Quiet Zones will begin in 2025. Thus, it was not necessary to include this location as a candidate for a Quiet Zone under this proposed Project. In the event that implementation of a Quiet Zone at Mayhews Landing Road does not occur, CCJPA will coordinate with the City of Newark to implement a Quiet Zone at that location.	-	-
233	16	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.	The severe noise impact is represented as a single impact because this building is a multi-family building with four dwelling units. Therefore, the building on the figure represents all impacts in this location. Coordination with the building owner would take place to address this potential impact as part of the phased implementation of MM NOI-2 prior to the start of construction. No changes to mapping are required.	-	-
233	17	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.	The only locations where there would be the potential for vibration impacts would be locations within 200 feet of new crossovers or turnouts associated with sidings proposed as a part of the Project. This is discussed further in Section 3.14.6.2 of the Draft EIR. Additionally, vibration is not additive for two events that occur at the same time. The total number of events and the increase in the number of events over time are the factors that are considered. Therefore, two trains passing at the same location at a single moment do not result in greater vibration impacts than a single train passing that same location.	-	-
233	18	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.	The figures cited in the comment show the locations of vibration impacts which were determined in the analysis. There are no vibration impacts south of SR 84, and thus, there was no need to include the project footprint south of SR 84 in these figures.	-	-
233	19	Population and Housing and Growth Inducement Below are impacts that may have an effect on Newark residents. • 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.	Thank you for providing background information. Please see Master Response 11: Land Use – Potential Conflicts and Growth Inducement for more information on this issue.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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	20	Public Services Below are impacts that may have an effect on Newark residents. • 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.	Congestion based impacts such as those described by Level of Service are not considered to be significant under CEQA per Senate Bill 743 (2013). Therefore, no mitigation measures are required; however, CCJPA is committed to being a partner with agencies along the corridor to implement improvement measures.	-	-
233	21	Transportation Below are impacts that may have an effect on Newark residents. • 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.	Thank you for your comment. Table 3.18-1 has been updated to reflect these updated functional classifications for the streets noted. These revisions do not alter the conclusions of the Draft EIR.	-	Table 3.18-1 has been updated to include Jarvis Avenue, Central Avenue, and Cedar Boulevard as principal and major arterials in the City of Newark and can be reviewed in Final EIR, Section 4.1.2.
233	22	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.	Congestion based impacts such as those described by Level of Service are not considered to be significant under CEQA per Senate Bill 743 (2013). Therefore, no mitigation measures are required; however, CCJPA is committed to being a partner with agencies along the corridor to implement improvement measures that have a nexus to Capitol Corridor Service.	-	-
233	23	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.	Thank you for this clarification. This figure from the DEIR have been updated to reflect your feedback in the Final EIR.	-	The updated Figure 3.18-4 can be reviewed in the Final EIR, Section 4.1.2 which follows this Table 3.
233	24	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	Users of the proposed Ardenwood Station could arrive there via driving, riding bus/private shuttle services, biking, walking, or rideshare. There are existing bike lanes and sidewalks along Ardenwood Boulevard/Newark Boulevard for bicyclists and pedestrians to access the existing Ardenwood Park & Ride, as well as the proposed Ardenwood Station.  The City of Newark's Pedestrian and Bicycle Master Plan was	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	<p>assessed in the Draft EIR (Section 3.18.2.4). Bicycle and pedestrian improvements within the SR 84 interchange are not necessary to meet the proposed Project's goals and objectives. The proposed Project would connect to existing infrastructure as discussed above. The proposed Project would also not preclude future infrastructure improvements identified by the City of Newark to further expand connectivity to the proposed Ardenwood Station.</p> <p>The Draft EIR sufficiently evaluated the potential for multimodal connectivity associated with the proposed rail station. It assessed bus services (Section 3.18.4.1), in addition to existing pedestrian and bicycle infrastructure. Bicycle and pedestrian improvements beyond what was analyzed in the EIR are not necessary to meet the proposed Project's goals and objective.</p>		
233	25	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.	<p>The Draft EIR evaluated bicycle and pedestrian plans, including the City of Newark's Pedestrian and Bicycle Master Plan (Section 3.18.2.4). The proposed Project was found to be consistent with all local bicycle and pedestrian plans.</p> <p>The proposed Ardenwood Station would be constructed adjacent to the existing Ardenwood Park &amp; Ride facility. Bike lanes along Ardenwood Boulevard/Newark Boulevard in Newark (and Fremont) connect the neighboring community to the existing facility (Figure 3.18-4). Sidewalks along these same local roadways connect to this facility, as well. Therefore, sufficient existing infrastructure is in place to provide pedestrians and bicyclists access to the proposed rail station.</p> <p>A new pathway is also included in the proposed Project and is discussed in the Draft EIR on page 3.2-36 of the Draft EIR under MM AES-4, Landscape Plan for Ardenwood Station. This proposed connection to Overlake Place would facilitate access to adjacent business complexes, allowing workers and patrons direct access to the proposed Ardenwood Station. Bicycle and pedestrian improvements beyond what is included in the proposed Project are not necessary to meet the proposed Project's goals and objectives. Further, the proposed Project would not preclude future infrastructure improvements by the City of Newark from connecting to the proposed Ardenwood Station infrastructure.</p>	-	-
233	26	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.	<p>Schools are identified and considered throughout the EIR but are assessed in detail in Hazards and Hazardous Waste (Section 3.0.6.3) and Public Services (Section 3.16) sections. The proposed Project would not be adding rail crossings along routes currently used by students traveling to school. Students would be able to continue to cross at existing crossings.</p> <p>Under the proposed Project, existing rail crossing equipment (gates, arms, and signal cabins) would also be upgraded for the following at-grade crossings in Newark (Draft EIR Table 2.2-1): Jarvis Avenue, Haley Street, Mayhews Landing Road, Thornton Avenue, Carter Avenue, Sycamore Street, and Cherry Street. Pavement striping and signage would also be replaced. These changes would update existing crossings to revised safety standards. Warning signals would be updated to meet safety standards related to the potential for faster passenger train speeds on the subdivision. As such, the proposed Project will retain existing locations of and improve safety conditions at the rail crossings for students already using these crossings to get to schools.</p> <p>Based on this, the proposed Project does not conflict with</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			SRTS plans as pertains to these existing crossings and no updates to the Draft EIR are required.		
233	27	<p>City of San Leandro Specific Comments</p> <p>The following comments are submitted specifically on behalf of the City of San Leandro:</p> <p>Priority Development Areas. 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.</p>	<p>One of the project objectives is to "diversify and enhance rail network integration by reducing duplicative capital investments and differentiating Capitol Corridor's intercity rail service from commuter rail and other transit services, including BART's extension to San Jose." The existing BART Orange/Green Lines and Niles Subdivision parallel each other. By moving Capitol Corridor Service to the Coast Subdivision, more direct intercity rail service can be provided while reducing duplication in rail services in the East Bay. Another relevant project objective is to "improve service between megaregional markets by enhancing connections between high demand destinations, overcoming existing geographic service gaps between job centers and affordable housing projects on the San Francisco Peninsula and along the Capitol Corridor route." Shifting of the Capitol Corridor service onto the Coast Subdivision and the construction of a new station in Fremont (Ardenwood) realizes this objective by facilitating convenient intermodal transfers between Capitol Corridor passenger rail service and existing transbay bus and shuttle services that serve the East Bay and the San Francisco Peninsula.</p> <p>The City of San Leandro does not currently have direct access to Capitol Corridor service, so its residents must make connections to reach this service. After accessing BART service at either of the city's BART stations (San Leandro and Bayfair), residents could transfer to Capitol Corridor trains at Oakland Coliseum, located only 1-2 stations along the BART line to the north. Bus services in the City of San Leandro could also be used to reach Oakland Coliseum by residents or by current users of the Capitol Corridor service. Further, the City of San Leandro's Priority Development Areas would continue to have access to existing transit services which are not affected by the proposed Project. Based on these conditions, relocating Capitol Corridor service away from the Niles Subdivision would not be expected to result in changes to land use or TOD designations.</p> <p>The only proposed new station along the Coast Subdivision is in Fremont (Ardenwood Station). Also, as noted previously, current Capitol Corridor service is not directly available in San Leandro. Finally, under the proposed Project, transportation options would still be available via existing transit connections (BART, bus, etc.) at the nearby Coliseum Station. Based on this, the proposed Project is not misaligned with existing transportation patterns.</p> <p>The proposed Project would also not conflict with planned development patterns and is consistent with Plan Bay Area. The proposed Project would support implementation of Plan Bay Area 2050 by reducing regional VMT. Further, modeling for the CEQA analysis, showed that the proposed Project would increase transit ridership, resulting in eased congestion on roadways (Draft EIR Table 3.12-3). It would also improve connectivity between high-demand destinations.</p> <p>Consistency with state, regional, and local plans was evaluated in the Draft EIR, Section 3.18.2.5. This included consistency with the City of San Leandro's General Plan (Table 3-12-3). No additional analysis is required for the Final EIR.</p> <p>Further discussion of Land Use topics, including General Plan consistency and the assessment of growth inducement is provided in Master Response 11: Land Use - Potential Conflicts and Growth Inducement.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
233	28	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?	Please see Master Response 8: Freight Train Volume Assumptions for more information on this issue.	-	-
233	29	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.	The Draft EIR, Section 1.2 states that an objective of the proposed Project is to "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." As there is no anticipated change in freight operations (see Master Response 8: Freight Train Volume Assumptions), changes in emergency evacuation needs of the area that would be related to freight operations are not expected as a result of the proposed Project. Proposed improvements along the Coast Subdivision, such as the proposed double tracking, are designed to eliminate conflicts between passenger trains and freight trains which could reduce the potential for emergency responses being required. Please see Master Response 8: Freight Train Volume Assumptions for additional information on this issue.  The EIR assesses impacts associated with changes in train frequency (i.e., more frequent trains on the Coast Subdivision and less frequent trains along the Niles Subdivision). This change in service is not anticipated to affect emergency services (Draft EIR Section 3.18.6.4), nor is it expected to affect truck routes or traffic congestion.	-	-
233	30	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, valued, disclosed, and mitigated, if necessary, in order to satisfy the requirements of CEQA.	Please see Master Response 8: Freight Train Volume Assumptions for additional information on this issue.	-	-
233	31	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 a reasonably foreseeable impact of the Project and the environmental effects of this realignment should be examined in the DEIR.	Please see Master Response 8: Freight Train Volume Assumptions for additional information on this issue.	-	-
233	32	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.	Thank you for this clarification. The associated text from the Draft EIR has been updated in the Final EIR to reflect this feedback.	<b>MM NOI-2: Creation of Noise Quiet Zones</b> Prior to the start of construction activities, CCJPA, in coordination with the appropriate local jurisdiction(s) and stakeholders, will implement a phased program considering the potential establishment of quiet zones along the corridor at all locations where train noise is predicted to exceed FTA severe impact thresholds. This phased program will include the development of engineering studies and coordination agreements to design, construct, and enforce potential quiet zones at the following grade crossings on the Coast Subdivision: ◆ Jarvis Avenue (City of Newark); ◆ Alvarado Boulevard (City of Union City); ◆ Dyer Street (City of Union City); ◆ Union City Boulevard (City of Union City); ◆ Grant Avenue (unincorporated community of San Lorenzo); and	<b>MM NOI-2: Creation of Noise Quiet Zones</b> Prior to the start of construction activities, CCJPA, in coordination with the appropriate local jurisdiction(s) and stakeholders, will implement a phased program considering the potential establishment of quiet zones along the corridor at all locations where train noise is predicted to exceed FTA severe impact thresholds. This phased program will include the development of engineering studies and coordination agreements to design, construct, and enforce potential quiet zones at the following grade crossings on the Coast Subdivision: ◆ Jarvis Avenue (City of Newark); ◆ Alvarado Boulevard (City of Union City); ◆ Dyer Street (City of Union City); ◆ Union City Boulevard (City of Union City); ◆ Grant Avenue (unincorporated community of San Lorenzo); and

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
				◆ Lewelling Boulevard (unincorporated community of San Lorenzo).	◆ Lewelling Boulevard (unincorporated community 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.	CCJPA concurs with the comment and text shown in Updated Text column has been added to MM NOI-2.  This revision does not alter the analysis or the conclusions of the Draft EIR.	<b>MM NOI-2: Creation of Noise Quiet Zones</b> Prior to the start of construction activities, CCJPA, in coordination with the appropriate local jurisdiction(s) and stakeholders, will implement a phased program considering the potential establishment of quiet zones along the corridor at all locations where train noise is predicted to exceed FTA severe impact thresholds. This phased program will include the development of engineering studies and coordination agreements to design, construct, and enforce potential quiet zones at the following grade crossings on the Coast Subdivision:	<b>MM NOI-2: Creation of Noise Quiet Zones</b> Prior to the start of construction activities, CCJPA, in coordination with the appropriate local jurisdiction(s) and stakeholders, will implement a phased program considering the potential establishment of quiet zones along the corridor at all locations where train noise is predicted to exceed FTA severe impact thresholds. <b>If establishment of a Quiet Zone is determined to be feasible by the local jurisdiction(s), CCJPA will be responsible for reasonable costs associated with construction of the necessary at-grade crossing improvements to qualify for establishing a Quiet Zone, while recognizing that Quiet Zone approval is ultimately outside the authority of CCJPA.</b> This phased program will include the development of engineering studies and coordination agreements to design, construct, and enforce potential quiet zones at the following grade crossings on the Coast Subdivision:
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?	Yes, the second track modifications included in the proposed Project and noted by commenter were included in the noise modeling assumptions, analysis, and final findings presented in the Draft EIR.	-	-
233	35	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.	Only severe impacts are considered significant impacts under CEQA, and mitigation has been recommended at those specific locations. Please refer to Master Response 12: Noise and Vibration for more discussion.	-	-
233	36	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.	The proposed Project noise level is included in the "No Impact" category for this location. There may be an increase in noise at this location, but it does not exceed the threshold for a significant impact as defined by FTA Guidelines. Please refer to Master Response 12: Noise and Vibration for more discussion.	-	-
233	37	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.	As stated in Section 3.14.6.1 of the Draft EIR, some jurisdictions allow for a variance to conduct construction work at night. In the case that a variance is obtained to conduct nightwork, the contractor will be required to meet the conditions and limitations in accordance with the conditions of the variance with confirmation from the jurisdiction. Mitigation measure NOI-1 requires a Construction Noise Control Plan be in place prior to start of construction. This plan will include noise monitoring and maintenance of construction equipment to meet noise thresholds that will be defined and included in the control plan. Therefore, the Construction Noise Control Plan will require monitoring noise levels during any jurisdictionally approved nighttime construction work in accordance with the conditions of the variance that is granted.	-	-
233	38	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.	Thank you for the input, a modification has been added to MM NOI-3 which provides additional details on what will be included in the Construction Vibration Control Plan (CVCP). Measures added to the CVCP include the following:  - A vibration monitoring plan will be developed and implemented to measure vibration during construction, including the type of equipment and sensors to be used, a location plan for monitoring equipment, and the following additional requirements: - Identify frequency of monitoring for all instruments, - Vibration and deformation thresholds that if exceeded, could	-	Please see response to Comment 178-18 for details and final Mitigation Measures are included in the Final EIR, Section 2.4.

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>be potentially damaging to sensitive receptors and/or structures,                      - Corrective action plans identified prior to work start to be implemented should maximum vibration be reached or exceeded,                      - To the extent possible, the construction team will be required to conduct the work in such a manner that vibrations do not exceed threshold limits,                      - A Monitoring Exceedance Report for any exceedance occurrence will be completed by the construction team and submitted to CCJPA, which will describe:                      --What vibration measurements values were recorded that exceeded the allowable limits,                      --Where the impacted instruments are located,                      --When the exceedances occurred,                      --When work was stopped because of the exceedance(s),                      --What demolition and/or construction activities caused the exceedance(s),                      --What actions were taken to limit and reduce vibrations, and                      --When demolition and/or construction activities were resumed.</p> <p>The amended mitigation measure further details the minimum items the construction team will be required to include in the plan, such as, a pre-construction survey at the location of sensitive noise receptors within the distances identified in the plan. If a vibration issue arises during construction, it will be assessed in terms of construction vibration as compared to baseline survey levels, timing of impact, and recorded monitoring values associated with that time and location to determine if construction activities related to the proposed Project caused the issue. Similar types of monitoring and recording requirements were also added to the Noise Construction Management Plan requirements discussed under MM NOI-2.</p>		
233	39	<p>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.</p>	<p>New or relocated crossovers or turnouts can generate higher vibration levels at new locations close to the crossovers. Because there are existing trains in the corridor which generate vibration impacts that would be consistent with potential new passenger trains, the introduction of the Capitol Corridor passenger trains to the Coast Subdivision would not generate new vibration impacts. Assumptions used in the modeling to assess the potential for vibration impacts resulting from implementing the proposed Project included the slight shift in track that would occur as a result of the addition of a 2nd track. Please refer to Master Response 12: Noise and Vibration, for further explanation of the Vibration Assessment Methodology.</p>	-	-
233	40	<p>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.</p>	<p>Construction activities associated with the proposed project would result in temporary impacts to circulation due to temporary lane closures, road detours, and access restrictions. Because these impacts are temporary in nature, no formal traffic analysis is required. The project included measures, such as a Traffic Management Plan (TMP) described in the next paragraph, to reduce potential impacts during construction.</p> <p>During the design phase, a TMP would be developed to identify temporary traffic control measures, detours, and signage that CCJPA would incorporate into the proposed project. As part of the TMP, CCJPA would coordinate with local agencies to incorporate their input including methods for reducing traffic congestion. Early coordination with emergency services and transit providers would also verify impacts to those operations are minimized.</p>	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			CCJPA has conducted an extensive public outreach program for this project dating back to 2014. CCJPA's future public outreach will be provided in a number of formats including updates to their website and the use of other tools, such as social media postings and public signage to inform the public. By using such tools, as the project moves into construction, the public will be made aware of upcoming construction activities in a timely manner (including detours). Please see Master Response 2: Public Review and Community Engagement.		
233	41	<p><b>Air Quality</b> 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 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.</p>	Please refer to Master Response 8: Freight Train Volume Assumptions.	-	-
233	42	<p><b>City of Union City Specific Comments</b> The following comments are submitted specifically on behalf of the City of Union City: <b>Land Use and Planning</b> 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 Project's 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.</p>	Thank you for your comment. Analysis of consistency with land use plans in the Draft EIR is focused on the possibility of the project causing a significant environmental impact. Please refer to Master Response 11: Land Use – Potential Plan Conflicts and Growth Inducement for a complete discussion of when a conflict with a land use plan qualifies as an impact under CEQA.	-	-
233	43	<p><b>Transportation and Safety</b> 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, Ilong-Vera Cruz Middle School, Adventure Montessori Academy and the Safari Kid Preschool are all within ½ mile of the tracks.</p>	<p>The specific upgrades at each rail crossing will be determined during the proposed Project's design phase. A more detailed design is necessary to fully determine what safety upgrades would be required at each crossing. However, FRA and CCJPA safety specifications will be followed.</p> <p>The physical improvements at each existing rail crossing are not anticipated to affect traffic patterns within Union City. The EIR did assess impacts associated with changed train frequency (i.e., more frequent trains on the Coast Subdivision and less frequent trains along the Niles Subdivision). This change in service is not anticipated to affect emergency services (Section 3.18.6.4) nor is it expected to affect traffic congestion.</p> <p>Schools are identified and considered throughout the Draft EIR, and detailed discussions are included in relation to Hazards and Hazardous Waste in Section 3.0.6.3 and Public Services in Section 3.16. The proposed Project would not be adding new rail crossings along routes currently used by students traveling to school (or other pedestrians or bicyclists).</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			Users would be able to continue to cross at the same crossings as are currently present in their commute.		
233	44	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.	Please refer to Master Response 12: Noise and Vibration.	-	-
233	45	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.	Thank you – responses to all comments and appropriate corrections corresponding to the comments in your letter have been made in the Final EIR, as necessary.	-	-
234	1&2	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.	Thank you for your comment. The public outreach and engagement process for the draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Please see Master Response 2: Public Review and Community Engagement for additional details.  Please also see Master Response 1: Opinions and Other General Comments and Master Response 7: Coast Subdivision Double Tracking.	-	-
234	3	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 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. 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	EIR Chapter 2, Project Alternatives, describes the alternatives that were analyzed in the EIR. The chapter discusses the alternatives selected and those considered but rejected for further analysis, along with an explanation for the rejection. Please refer to Master Response 5: Project Description and Design Alternatives for further details. EIR Chapter 4, Sea Level Rise, evaluated the potential impacts of sea level rise on the proposed project, using projections based on the latest BCDC guidance as of July 2021. The analysis included an evaluation of potential adaptation measures and their feasibility.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.			
234	4	<p>Long Range Planning Issues</p> <p>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.</p> <p>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) <a href="https://permanent.fdlp.gov/gpo51796/index.htm">https://permanent.fdlp.gov/gpo51796/index.htm</a> Comprehensive Conservation Plan?</p> <p>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.</p> <p>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.</p>	<p>The comment regarding the Bipartisan Infrastructure Law is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR (please refer to Master Response 1: Opinions and Other General Comments). SB 272 requires all local governments in the coastal zone or BCDC jurisdiction to address sea level rise planning and adaptation through a Local Coastal Program or Regional Shoreline Plan by 2034. Since no SB 272 plans have yet been prepared by local governments affected by the project, the consistency of the project with these plans cannot be determined. The project is outside the boundaries established in the Don Edwards Comprehensive Conservation Plan, including boundaries of potential additions. The comment asserts that a "piecemeal" approach is being taken with the EIR, but it is not made clear how the EIR is taking such an approach. Refer to Master Response 4: Independent Utility of Project, in which it is made clear that project analysis is not improper piecemealing. Chapter 2, Project Alternatives, describes the analysis of alternatives and why the project was considered the environmentally superior alternative (refer also to Master Response 5: Project Description and Design Alternatives). The comment asserts that the No Project alternative meets the goals and objectives of the proposed Project. However, the No Project alternative would not meet the objective of reduced travel time between Oakland and San Jose that would encourage increased ridership. It also would not meet the objectives of enhancing rail movement and reducing conflicts between freight rail operations and passenger rail service.</p>	-	-
234	5	<p>Environmental Issues</p> <p>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.                      *Letter includes visual*</p> <p>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:                      Improve 25 existing at-grade crossings, including improved striping and signage, as well as replace existing equipment (gates, arms, signal cabinets).</p>	<p>Thank you for your comment. The Proposed Project includes moving CCJPA passenger rail to the Coast Subdivision and upgrades to the Coast Subdivision to support the added passenger rail service. Grade-separated crossings have been identified at select locations and not others throughout along the alignment based on a variety of factors. Constructing grade separations to separate a rail alignment from roads can considerably widen a rail project's footprint. In addition, when grade-separating alignments, the infrastructure can extend far beyond an individual roadway crossing because rail operations require that railway slope changes must be gradual. Thus, where there are at-grade roads crossing a rail alignment in close proximity to each other, any grade separation that uses a change in the railway elevation will likely require the changed elevation (whether above or below roadways) to be maintained across all the nearby at-grade crossings. In other words, it may not be possible to construct only one grade separation in some areas, where close proximity of at-grade crossings means that constructing one grade separation would then require constructing multiple other grade separations. This can increase the cost of a grade-separated rail alignment. It can also increase the costs associated with right-of-way</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			acquisitions, require additional infrastructure, and increase construction disruption. Additionally, the integration of grade separations with the local roadway network would require the reconstruction and modification of adjacent streets and intersections. Construction activities associated with the construction of grade separations would require temporary road closures and detours and would temporarily restrict access to many properties. Thus, grade-separated crossings are only identified in select locations for the proposed Project. No changes to the Draft EIR are required.		
234	6	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.	<p>Thank you for your comment. As described in Section 3.5.3.1, Resource Study Area, of the Draft EIR, the RSA for biological resources encompasses the area directly and indirectly affected by the construction and operation of the proposed Project, which is defined as the proposed Project footprint plus a 500-foot buffer to account for potential indirect impacts on sensitive communities and special-status botanical and wildlife species. In addition, a separate RSA for aquatic biological resources was developed as part of this analysis and is defined as the proposed Project footprint plus a 50-foot buffer to account for potential impacts on jurisdictional features. Given the linear nature of the proposed Project, its restrictions to the ROW, and the urban setting, a 50-foot buffer was deemed sufficient to capture all direct and indirect impacts on waters from the proposed Project. The data source queries described in Section 3.5.3.2 of the Draft EIR encompassed the biological resources RSA.</p> <p>Regarding freight volume assumptions, please refer to Master Response 8: Freight Train Volume Assumptions, which addresses concerns related to an increase in freight service on the Coast Subdivision. Regarding passenger service, as discussed in Chapter 1 of the Draft EIR, CCJPA is not proposing to increase the number of Capitol Corridor trains or change the frequency of Capitol Corridor services from existing conditions. No changes to the Draft EIR are required.</p>	-	-
234	7	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: 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. <a href="https://www.capitolcorridor.org/wp-content/uploads/2016/12/CCVIP-Final-Report-Appendices-v2.pdf">https://www.capitolcorridor.org/wp-content/uploads/2016/12/CCVIP-Final-Report-Appendices-v2.pdf</a> ii. Freight trains are increasing in length to increase efficiencies, but this strategy creates trains that are heavier and harder to control, linked to	<p>Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight trains and how the EIR addressed the issue. Please refer to Master Response 13: Cumulative Impacts Assessment regarding impacts and the projects included in the analysis. EIR Chapter 4, Sea Level Rise, addressed the potential effects of sea level rise on the proposed Project and described potential adaptation measures.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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. <a href="https://thebossmagazine.com/freight-trains-are-longer-than-you-think/">https://thebossmagazine.com/freight-trains-are-longer-than-you-think/</a> <a href="https://www.gao.gov/products/gao-23-105420">https://www.gao.gov/products/gao-23-105420</a> <a href="https://www.gao.gov/blog/freight-rail-safety-potential-impacts-longer-trains">https://www.gao.gov/blog/freight-rail-safety-potential-impacts-longer-trains</a></p> <p>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.</p> <p>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.</p>			
234	8	<p>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. 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.</p>	<p>Thank you for your comments.</p> <p>Alternative E, in contrast to the No Build Alternative, will improve resiliency of the Coast subdivision to sea level rise (SLR) by implementing adaptation measures. The adaptation measures described in Chapter 4, as well as standard engineering practices, would minimize the potential for service interruptions and track damage due to SLR. Adaptation measures will be refined during future design in coordination with UPRR and BCDC, as well as other entities coordinating regional adaptation efforts (such as Bay Adapt, CHARG, and municipalities). SLR is a regional problem that needs to be addressed through regional solutions. As such, the proposed Project will propose adaptation measures that can be implemented in concert with other projects in the region.</p> <p>Your request for "SLR alternatives" is noted; however, since there are no proposed alternatives, it is unclear what is meant by "SLR alternatives." As described in Draft EIR Section 2.1, CEQA does not require that every alternative be analyzed in an environmental document.</p> <p>The No Build Alternative does not meet all the project's goals and objectives, as described in Draft EIR Section 2.2.2. As described in Draft EIR Section 2.1.1, Alternative E is the only alternative that meets all of project's goals and objectives (provided in Draft EIR Section 1.2). No changes to the Draft EIR are required.</p>	-	-
235	1	<p>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</p>	<p>Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Please see Chapter 6 of the EIR for information on public outreach activities that occurred throughout the environmental review process and Master Response 2: Public Review and Community Engagement.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.			
235	2	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 CCCR Comments SBC DEIR July 15, 2024 Page 2 of 13 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.	Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Please see Master Response 2: Public Review and Community Engagement.	-	-
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: <ul style="list-style-type: none"> <li>• Piecemealing/Segmentation of the Project and Need for a Programmatic EIR</li> <li>• Aesthetics/ Vegetation Impact, Protection, and Replacement Plan</li> <li>• Biological Resources/Proposed Mitigation <ul style="list-style-type: none"> <li>o Inadequate Identification of Impacts to Waters of the U.S./Waters of the State</li> <li>o Inadequacy of Proposed Mitigation Measures</li> <li>o Deferral of Mitigation</li> </ul> </li> <li>• Inadequacy of Sea Level Rise Adaptation Measures</li> <li>• Lack of Cumulative Impact Analysis of Rail Projects on the Coast Subdivision</li> <li>• Freight Rail Concerns</li> </ul>	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Issues raised in the comment are addressed in responses 235-8 and 235-30.	-	-
235	4	Improper Segmentation of the Project/Need for a Programmatic EIR: 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	Thank you for your comment. Regarding the Alviso Wetlands Study, the Alviso Wetland Railroad Adaptation Alternatives Study was not included as a cumulative project because only a feasibility study has been conducted thus far. Typically, a project is considered foreseeable when it has begun the environmental review process. Adaptation measures identified in the feasibility study will be considered as the proposed Project reaches later stages of design. Additionally, the preliminary study considers adaptation strategies from Newark to Santa Clara, which is separate from the portion of the Coast Subdivision included in the proposed Project. For a discussion of piecemealing, please reference Master Response 4: Independent Utility of Project. Please see Master Response 13: Cumulative Impacts Assessment with respect to analysis of cumulative impacts. No changes to the Draft EIR are required.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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]</p> <p>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.</p> <p>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]</p> <p>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]</p> <p>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 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</p>			

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.	Thank you for your comment. Please refer to the response to comment 235-4. No changes to the Draft EIR are required.	-	-
235	6	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."	Thank you for your comment. The Alviso Wetland Railroad Adaptation Alternatives Study was not included as a cumulative project because only a feasibility study has been conducted thus far. With respect to future projects, CEQA specifies that "reasonably foreseeable probable future projects" be analyzed as part of the cumulative impact analysis (CEQA Guidelines Section 15355). Typically, a project is considered foreseeable when it has begun the environmental review process. CCJPA determined reasonably foreseeable probable future projects at the time of the NOP. Additionally, the preliminary study considers adaptation strategies from Newark to Santa Clara, which is separate from the portion of the Coast Subdivision included in the proposed Project. Adaptation measures identified in the feasibility study will be considered as the proposed Project reaches later stages of design. The Newark-Albrae Siding Connection Project has been added to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map. These revisions to the Draft EIR do not alter the conclusions of the Draft EIR.  Please see Master Response 13: Cumulative Impacts Assessment with respect to analysis of cumulative impacts.	-	Added the Newark-Albrae Siding Connection Project to Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map (see Section 4.1.2, Final EIR Updated Tables and Figures, for revisions to Table 3-1 and Figure 3-1). Cumulative effects analysis for this project can be found in Appendix I.
235	7	• 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.	Thank you for your comment. Please refer to the response to comment 235-4. No changes to the Draft EIR are required.	-	-
235	8	• 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.	Please refer to Master Response 4: Independent Utility of Project which explains that how the project is phased. Master Response 13: Cumulative Impacts Assessment provides a description of projects that were included in the cumulative analysis in the Draft EIR. All projects included in the cumulative analysis have independent utility and do not require the completion of other projects to be operative. Therefore, CCJPA would have the authority to choose to publish a Program EIR, if they wanted to group projects by type or geography but is at their discretion to decide to do so since there is independent utility of the proposed Project.	-	See changed Table and Figure after this Table 3 in Section 4.1.2..  Table 3-1, Cumulative Projects List, and Figure 3-1, Cumulative Projects Map is updated. Appendix I contains the Supplemental Cumulative Analysis.



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>(b) Advantages. Use of a program EIR can provide the following advantages. The program EIR can:</p> <p>(1) Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,</p> <p>(2) Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,</p> <p>(3) Avoid duplicative reconsideration of basic policy considerations,</p> <p>(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,</p> <p>(5) Allow reduction in paperwork.</p> <p>(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.</p> <p>... (3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into later activities in the program.</p> <p>(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.</p> <p>(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.</p> <p>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.</p>			
235	9	<p>3.2 Aesthetics</p> <p>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.</p> <p>The DEIR should acknowledge the presence of Sudden Oak Death (<i>Phytophthora ramorum</i>) 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).</p> <p>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: <a href="http://www.suddenoakdeath.org/wp-content/uploads/2016/04/PWG-regulator-white-paper-updated_09.19.17.pdf">http://www.suddenoakdeath.org/wp-content/uploads/2016/04/PWG-regulator-white-paper-updated_09.19.17.pdf</a></p> <p>Working Group for Phytophthoras in Native Habitats. 2016. Guidelines to</p>	<p>Thank you for your comment and information. The species and habitat will be taken into consideration as discussions take place with agencies for permits and approvals on the proposed Project. MM AES-3, Vegetation Impact, Protection, and Replacement Plan has been updated to include the following as the final bullet point:</p> <p>Minimizing the introduction and spread of Phytophthora species during construction and habitat restoration activities.</p> <p>Additionally, the text of Section 3.5.6.5 under the "Proposed Project" subheading has been revised to include MM AES-3 as a mitigation measure that will be implemented to mitigate proposed Project-related construction impacts:</p> <p>The Cities of Hayward, Fremont, Newark, Oakland, San Leandro, and Union City all have policies and ordinances to protect and preserve certain trees and other sensitive native biological resources, such as wildlife habitat and native plant species. As described under CEQA Threshold a), the proposed Project could result in permanent and temporary impacts on vegetation and aquatic communities. These habitats are protected by applicable City policies and ordinances as well as applicable resource agency rules and regulations. Protected trees covered under local jurisdiction ordinances, as described in Section 3.5.1, could be impacted through removal and would require relocation or replacement. In the absence of mitigation, these impacts are considered potentially significant. However, with implementation of MM</p>	<p><b>MM AES-3: Vegetation Impact, Protection, and Replacement Plan</b></p> <p>During final design, CCJPA will develop a vegetation impact, protection, and replacement plan for areas outside of the UPRR right of way that would be affected by construction activities. The Vegetation Impact, Protection, and Replacement plan will consider the following elements outside of UPRR ROW:</p> <ul style="list-style-type: none"> <li>• Minimize size of area for clearing and grubbing;</li> <li>• Require that any pruning activity be performed by a Certified Arborist;</li> <li>• Including vegetation restoration requirements, including use of drought tolerant plant species and avoidance of invasive plant species in areas listed on Table 3.2-1;</li> <li>• Incorporating landscape design options to soften vertical structures, minimize surface glare, reduce the visual monotony of the structures, and enhance the aesthetics of the structure;</li> <li>• Using California native species with strong emphasis on vegetation and natural habitat restoration and screening of the rail corridor in non-urbanized areas;</li> <li>• Selecting plant species from local (city or county) jurisdictional plant lists, if available, with an emphasis on adaptability to urban conditions and placing plants in accordance with Crime Prevention Through Environmental Design principles for urbanized areas;</li> <li>• Developing an irrigation design and a maintenance program that will maximize retention of selected plant" species and minimize potential for takeover by local invasive species.</li> </ul>	<p><b>MM AES-3: Vegetation Impact, Protection, and Replacement Plan</b></p> <p>During final design, CCJPA will develop a vegetation impact, protection, and replacement plan for areas outside of the UPRR right of way that would be affected by construction activities. The Vegetation Impact, Protection, and Replacement plan will consider the following elements outside of UPRR ROW:</p> <ul style="list-style-type: none"> <li>• Minimize size of area for clearing and grubbing;</li> <li>• Require that any pruning activity be performed by a Certified Arborist;</li> <li>• Including vegetation restoration requirements, including use of drought tolerant plant species and avoidance of invasive plant species in areas listed on Table 3.2-1;</li> <li>• Incorporating landscape design options to soften vertical structures, minimize surface glare, reduce the visual monotony of the structures, and enhance the aesthetics of the structure;</li> <li>• Using California native species with strong emphasis on vegetation and natural habitat restoration and screening of the rail corridor in non-urbanized areas;</li> <li>• Selecting plant species from local (city or county) jurisdictional plant lists, if available, with an emphasis on adaptability to urban conditions and placing plants in accordance with Crime Prevention Through Environmental Design principles for urbanized areas;</li> <li>• Developing an irrigation design and a maintenance program that will maximize retention of selected plant" species and minimize potential for takeover by local invasive species.</li> </ul>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		Minimize Phytophthora Pathogens in Restoration Nurseries. Available online: <a href="http://www.suddenoakdeath.org/wp-content/uploads/2016/04/Restoration.Nsy_Guidelines.final_092216.pdf">http://www.suddenoakdeath.org/wp-content/uploads/2016/04/Restoration.Nsy_Guidelines.final_092216.pdf</a>	BIO-1 (Implement Biological Resource Protection Measures during Construction), MM BIO-2 (Rare Plant Pre-construction Surveys) and MM BIO-18 (Protected Trees Pre-construction Surveys), and MM AES-3 (Vegetation Impact, Protection, and Replacement Plan), proposed Project-related construction impacts would be considered less than significant. During operation, the proposed Project would not include any activities that would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.  These revisions in the Final EIR do not change the analysis or conclusions provided.	However, with implementation of MM BIO-1 (Implement Biological Resource Protection Measures during Construction), MM BIO-2 (Rare Plant Pre-construction Surveys) and MM-BIO-18 (Protected Trees Pre-construction Surveys), proposed Project-related construction impacts would be considered less than significant.	However, with implementation of MM BIO-1 (Implement Biological Resource Protection Measures during Construction), MM BIO-2 (Rare Plant Pre-construction Surveys) MM-BIO-18 (Protected Trees Pre-construction Surveys), and <b>MM AES-3 (Vegetation Impact, Protection, and Replacement Plan)</b> , proposed Project-related construction impacts would be considered less than significant.
235	10	3.5 Biological Resources/Mitigation Measures: (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.	Thank you for your comment. Section 3.5.6.2 of the Draft EIR has been updated as presented in the Final EIR Updated Text column.	<b>Section 3.5.6.2 Proposed Project, Jurisdictional Aquatic Resources</b> Five jurisdictional aquatic resources were mapped within the biological RSA: estuarine, freshwater emergent wetland, lacustrine, riverine, and saline emergent wetland. However, none of these resources occur within the proposed Project footprint (Attachment 3 of Appendix C). The proposed Project would implement BMP HYD-1 Stormwater Management and Treatment Plan which would minimize water quality impacts. To avoid potential direct or indirect effects on jurisdictional aquatic resources, MM BIO-1 Implement Biological Resource Protection Measures during Construction would be implemented to reduce impacts to less than significant.	<b>Section 3.5.6.2 Proposed Project, Jurisdictional Aquatic Resources</b> Five jurisdictional aquatic resources were mapped within the biological RSA: estuarine, freshwater emergent wetland, lacustrine, riverine, and saline emergent wetland. <b>Project activities (e.g., bridge construction or crossing modification) do have the potential to impact these aquatic resources; however, with mitigation identified in the Draft EIR, these impacts would be less than significant with mitigation incorporated. Table 2.2-2 in the Draft EIR describes the culverts and bridge work in jurisdictional creeks and potentially jurisdictional drainages. During final design, CCJPA will be coordinating with the permitting agencies that have jurisdiction on these aquatic resources. Additionally, a Preliminary Jurisdictional Delineation will be submitted to the USACE and RWQCB as part of the permitting process.</b> The proposed Project would also implement BMP HYD-1 Stormwater Management and Treatment Plan which would minimize water quality impacts. Finally, to avoid potential direct or indirect effects on jurisdictional aquatic resources, MM BIO-1 Implement Biological Resource Protection Measures during Construction would be implemented to reduce impacts to less than significant.
235	11	• 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”: o “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. o 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	Thank you for your comment. The Draft EIR includes twenty mitigation measures that would be implemented under the proposed Project in Section 3.5.7, Mitigation Measures. MM BIO-17 has been expanded to compensate for the loss of sensitive natural communities rather than just riparian habitat, and to coordinate with agencies to identify appropriate mitigation (i.e., permittee responsible mitigation) if mitigation banks are not available. (also see response to comment 158-3). These revisions to the Draft EIR do not change the analysis or conclusions provided.	<b>MM BIO-17 Compensate for the Loss of Riparian Habitat.</b> Prior to construction, CCJPA will make sure 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 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 CDFW Section 1600 Land and Streambed Alteration Agreement (LSAA) process, CCJPA may provide a plan/proposal for CDFW approval to conduct on or off-site riparian habitat creation/enhancement to compensate for the proposed 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.	<b>MM BIO-17: Compensate for Loss of Sensitive Natural Communities.</b> Prior to construction, CCJPA will make sure that permanent direct impacts on <b>sensitive natural communities, including California Sensitive Natural Communities, Critical Habitat, EFH, and jurisdictional aquatic resources (e.g. waters of the State or waters of the U.S.)</b> such as riverine, freshwater emergent wetland, lacustrine, estuarine, and saline emergent wetland will be mitigated through the purchase of credits at a minimum ratio of 2:1 for native habitats and a minimum ratio of 1:1 for non-native habitats. This will be done through in-lieu fee payment to an appropriate mitigation bank for enhancement, restoration, and/or creation of habitat within approved watersheds or funding of a minimum 1:1 ratio of 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 and permitting process (e.g., CDFW, RWQCB, USFWS, USACE, NMFS). Per expected permit conditions, CCJPA will provide written evidence to the resource agencies that compensation has been acquired prior to construction. Alternatively, as part permitting process, CCJPA may provide a plan/proposal for regulatory resource approval to conduct on or off-site habitat creation/enhancement to compensate for the proposed Project’s direct impacts to sensitive natural communities. All sensitive natural communities 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

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		determination that the impacts have indeed been reduced to a level that is less than significant.			by a qualified biologist, be developed as part of the CDFW LSAA process and be reviewed and approved by relevant agencies prior to implementation. If mitigation banks are not available, coordination with agencies would occur to identify appropriate mitigation (i.e., permittee responsible mitigation).
235	12	<p>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 “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.</p> <p>We believe it is extremely important that CCJPA be made aware of the use of this area by a Bald Eagle pair.</p> <p>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.</p> <p>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.”</p> <p>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]</p> <p>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:</p> <p>“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.”</p> <p>The Code of Federal Regulations at 50 CFR 22.6 provides a definition for an “Important eagle-use area”:</p> <p>“...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]</p> <p>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 repeatedly in the course of a season and shelter overnight and sometimes during the day in the event of inclement weather.”</p> <p>50 CFR 22.6 also includes a definition of “disturb” that is consistent with that of the Bald and Golden Eagle Protection Act:</p> <p>“...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,</p> <p>(1) injury to an eagle,</p> <p>(2) a decrease in its productivity, by substantially interfering with normal</p>	<p>This comment states that a pair of Bald Eagles have been reported in the area Quarry Lakes area in Fremont since 2015 and states that the CCJPA should be aware that it is an “important eagle-use area.” CCJPA is aware of the bald eagles reported near Quarry Lakes, described in Table 3.5-3 which states “Juvenile observed during reconnaissance survey near Alameda Creek but outside of the RSA; suitable foraging habitat located within the biological RSA. However, no suitable nesting habitat present in the biological RSA.” Additionally, as demonstrated in Figure 3.5-1, Biological RSA, Quarry Lakes is not within the proposed Project footprint or biological RSA. Mitigation measures MM BIO-1 (Implement Biological Resource Protection Measures During Construction) would implement measures during construction to minimize direct and indirect impacts on special status species. MM BIO-12 (Nesting Migratory Birds, Special-Status Birds, and Raptor Pre-construction Surveys) states that vegetation removal would be conducted during the non-breeding season for raptors to the extent feasible. If construction activities occur within the breeding season window, preconstruction surveys will be required, and appropriate measures will be implemented based on the survey results. Therefore, no changes to the Draft EIR are required.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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).			
235	13	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?" 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.).	Thank you for your comment. CCJPA acknowledges that impacts could occur to sensitive natural communities, which includes wetlands and waters of the U.S. MM BIO-17 has been expanded to compensate for the loss of sensitive natural communities rather than just riparian habitat, and to coordinate with agencies to identify appropriate mitigation (i.e., permittee responsible mitigation) if mitigation banks are not available (see response to comment 158-3).	-	-
235	14	MM BIO-1: Implement Biological Resources Protection Measures during Construction: 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.	Thank you for your comment. Mitigation measure MM BIO-1 has been revised as demonstrated in the Final EIR Updated Text column. These revisions in the Final EIR do not change the analysis or conclusions provided.  As stated on page 3.5-1 of the Draft EIR under the subheading Federal Endangered Species Act of 1973, "Section 7(a)(2) requires consultation with the United States Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) if a federal agency undertakes, funds, permits, or authorizes (termed the federal nexus) any action that may affect endangered or threatened species or designated critical habitat."	<b>MM BIO-1: Implement Biological Resource Protection Measures during Construction.</b> a. Prior to the commencement of construction, CCJPA will designate a CDFW-approved Project Biologist who has familiarity with special-status plant and wildlife species with the potential to be impacted by the proposed Project.	<b>MM BIO-1: Implement Biological Resource Protection Measures during Construction.</b> CCJPA will implement the following measures during construction to minimize direct and indirect impacts on special-status species. a. Prior to the commencement of construction, CCJPA will designate a <b>Project Biologist (approved by USFWS, CDFW, and/or the NMFS, as appropriate)</b> (qualified biologist) who has familiarity with special-status plant and wildlife species with the potential to be impacted by the proposed Project.
235	15	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.	Thank you for your comment. MM BIO-1 (Implement Biological Resource Protection Measures during Construction) has been revised as demonstrated in the Final EIR Updated Text.	<b>MM BIO-1: Implement Biological Resource Protection Measures during Construction.</b> v. Rodenticides and herbicides will be used in accordance with the manufacturer recommended uses and applications, and in such a manner as to prevent primary or secondary poisoning of special-status fish and wildlife species and depletion of prey populations or vegetation upon which they depend. All uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, the California Department of Pesticide Regulation, and other appropriate state and federal regulations.	<b>MM BIO-1: Implement Biological Resource Protection Measures during Construction.</b> v. Herbicides will be used in accordance with the manufacturer recommended uses and applications, and in such a manner as to prevent primary or secondary poisoning of special-status fish and wildlife species and depletion of prey populations or vegetation upon which they depend. All uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, the California Department of Pesticide Regulation, and other appropriate state and federal regulations. <b>Rodenticides will not be used during construction.</b>
235	16	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.	Thank you for your comment. The need for in-water pile driving activities will be determined at a later phase of design. In the event that in-water pile driving activities are required, MM BIO-9 (Dewatering and Aquatic Species Relocation Plan) has been revised as demonstrated in the Final EIR Updated Text.	<b>MM BIO-9: Dewatering and Aquatic Species Relocation Plan.</b> Prior to any construction activities that could occur in Alameda Creek when flowing water is present, CCJPA will prepare a water diversion/dewatering and aquatic species relocation plan. The plan will be submitted to the RWQCB, CDFW, USFWS, and NMFS for review and concurrence. If warranted, the plan may need to be shared with the Alameda Flood Control District, or USACE. The plan will include but not be limited to the following: -Detailed qualifications for an approved fish biologist to monitor in-water construction activities and ensure implementation of Dewatering and Aquatic Species Relocation Plan; -Detailed methods for cofferdam or other barrier placement and dewatering; -Methods and best management practices for the relocation of special-status fish and other aquatic species to appropriate suitable habitat; and -If in-water pile driving activities are required, the Technical	<b>MM BIO-9: Dewatering and Aquatic Species Relocation Plan.</b> <b>To avoid and minimize effects to water quality and take of aquatic species, the project footprint within Alameda Creek will be dewatered prior to construction. During advanced design and permitting with regulatory agencies, CCJPA will prepare a Dewatering Plan and Aquatic Species Relocation Plan. The plans will be submitted as part of the regulatory permit applications required under the Clean Water Act Section 404 with the USACE, the Clean Water Act Section 401 with the RWQCB, and the Lake and Streambed Alteration Agreement with CDFW as well as USFWS and NMFS.</b> The plans will include but not be limited to the following: • <b>Minimum</b> qualifications for the <b>Project Biologist who will be responsible</b> to monitor in-water construction activities, <b>oversee</b> dewatering, and <b>implement relocation</b> of aquatic species; • <b>Restrictions on work within the channel. Dewatering of the channel will be limited to the minimum footprint necessary</b>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
				Guidance for Assessment and Mitigation of the Hydroacoustic Effects of Pile Driving on Fish developed and released by Caltrans in November 2015 will be the basis for avoidance and minimization measures.	<b>to complete the work. The Dewatering Plan will include details noting type and location for placement of necessary fill, cofferdams, pipes, and sequencing of activities. After completion of construction, materials used for dewatering will be removed and the channel restored to the original condition; and</b> <ul style="list-style-type: none"> <li>• Methods, best management practices, and release locations (i.e., Bay-side or landside) for the relocation of special-status fish and other aquatic species to appropriate suitable habitat. The Aquatic Species Relocation Plan <b>will include provisions to limit stress to aquatic species, ensure the quickest relocation to appropriate habitat, and documentation requirements for reporting to permitting agencies.</b></li> </ul>
235	17	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.	Thank you for your comment. The Draft EIR including Appendix C, Table A-1, Potential Special-Status Wildlife to Occur, has been updated to reflect that the Western Pond turtle is now a candidate species. Additionally, MM BIO-11 Western Pond Turtle Pre-Construction Surveys, has also been revised to reflect that the qualified biologist (as defined in MM BIO-1) will conduct a pre-construction survey. Please see Section 4.1.2 for updated table and Section 2.2 for final Mitigation Measures in the Final EIR. These revisions in the Final EIR do not change the analysis or conclusions provided.	-	<b>Draft EIR 3.5-32, Table 3.5-3, row "western pond turtle" has been updated to include Western Pond Turtle as federal candidate species</b>  This change also applies to Appendix C of the Draft EIR, specifically Table A-1, Potential Special-Status Wildlife to Occur  <b>Special-Status Amphibians and Reptiles Western Pond Turtle (FC - Federal Candidate/SSC (Species of Special Concern)).</b> The western pond turtle is designated as a <b>Candidate species by USFW</b> and as a California Species of Special Concern by the CDFW.  <b>MM BIO-11: Western Pond Turtle Pre-Construction Surveys.</b> A <b>qualified</b> biologist will conduct a pre-construction survey for western pond turtle prior to any proposed ground disturbing activities occurring within 350 feet of Alameda Creek, and other waterways in the proposed Project footprint. A pond turtle habitat improvement plan will also be prepared and implemented if required by CDFW. Construction activities will avoid all pond turtles and their nests including an appropriate buffer as determined by the <b>qualified</b> biologist.
235	18	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.	Thank you for your comment. Mitigation measure MM-BIO-12, Nesting Migratory Birds, Special-Status Birds, and Raptor Preconstruction Surveys specifies that the results of surveys will be submitted to CCJPA and made available with the relevant wildlife agencies, including USFWS or CDFW, upon request. No changes to the Draft EIR are required.	-	-
235	19	Chapter 4. Sea Level Rise: 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.	Thank you for your comment. Location 5: Old Alameda Creek on page 4-4 is hereby amended to include: Old Alameda Creek flows into the Eden Landing Ecological Reserve.  This revision does not alter the analysis or the conclusions of the Draft EIR.	<b>Section 4.2.1. Definition of RSA</b>  • 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.	<b>Section 4.2.1. Definition of RSA</b>  • 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. <b>Old Alameda Creek flows into the Eden Landing Ecological Reserve.</b>
235	20	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.	Thank you for your comment. Location 7: Newark Slough on page 4-4 is hereby amended to include: Newark Slough channels flow to the Don Edwards San Francisco Bay National Wildlife Refuge.  This revision does not alter the analysis or the conclusions of the Draft EIR.	<b>Section 4.2.1. Definition of RSA</b>  • Location 7: Newark Slough. Tracks crossing Newark Slough and an unnamed channel MP 29.30 to MP 30.20."	<b>Section 4.2.1. Definition of RSA</b>  • Location 7: Newark Slough. Tracks crossing Newark Slough and an unnamed channel MP 29.30 to MP 30.20. <b>Newark Slough channels flow to the Don Edwards San Francisco Bay National Wildlife Refuge.</b>
235	21	Page 4-9 – Figure 4-5. Estimated BCDC Jurisdiction, Extent 5 – This figure should identify the Eden Landing Ecological Reserve.	Thank you for your comment. The Eden Landing Ecological Reserve is identified on Page 4-9 in Figure 4-5. No changes to the Draft EIR are required.	-	-
235	22	Page 4-11 - Figure 4-7. Estimated BCDC Jurisdiction, Extent 7: This figure should identify the Don Edwards San Francisco Bay National Wildlife Refuge.	Thank you for your comment. Figure 4-7 on page 4-11 has been updated as demonstrated in the Final EIR Updated Text column. This revision to the Draft EIR does not change the analysis or conclusions in the Final EIR.	-	Figure 4-7 updated in Final EIR, Section 4.1.2

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
235	23	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.	Thank you for your comment. The third paragraph on page 4-15 has been amended. This revision does not alter the analysis or the conclusions of the Draft EIR.	<b>Section 4.3.1. Regional Setting</b> 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	<b>Section 4.3.1. Regional Setting</b> 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 <b>toward the San Francisco Bay through the Don Edwards San Francisco Bay National Wildlife Refuge.</b>
235	24	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.	Thank you for your comment. The first paragraph on page 4-16 has been amended. This revision does not alter the analysis or the conclusions of the Draft EIR.	<b>Section 4.3.2. Local Topography</b> 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 channel included in the RSA range from approximately 1 to 3 feet with the lowest elevations being at the southern end of the channel. Trackway elevations at the Old Alameda Creek crossing are approximately 10 to 11 feet. Elevations within the Alameda Creek crossing and RSA range from approximately 0 to 5 feet.	<b>Section 4.3.2. Local Topography</b> RSA Location 5 is east of Eden Landing, a tidal marsh area, with the elevation of the trackway consistently within the range of 10 to 11 feet. Elevations within the channel included in the RSA range from approximately 1 to 3 feet with the lowest elevations being at the southern end of the channel. Trackway elevations at the Old Alameda Creek crossing are 10 to 11 feet. Elevations within the Alameda Creek crossing and RSA range from approximately 0 to 5 feet. <b>Old Alameda Creek flows to Eden Landing Ecological Reserve.</b>
235	25	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.	Thank you for your comment. Your concern regarding the investment of taxpayer funds is noted. Which projects are prioritized for taxpayer funding is not relevant to the assessment of physical environmental impacts under CEQA. Please see Master Response 4: Economic and Social Impacts.  Sea level rise (SLR) was analyzed for areas of proposed improvements within UPRR right-of-way that are potentially within San Francisco Bay Conservation and Development (BCDC) jurisdiction as defined in Section 4.2.1, Definition of RSA. The areas outside of BCDC jurisdiction were not analyzed for potential inundation from SLR because SLR is not considered as an environmental impact under CEQA. The purpose of an EIR is to identify the potential significant physical effects of a project on the environment, not the significant effects of the environment on the project (Ballona Wetlands Land Trust v. City of Los Angeles). Because SLR is an effect of the environment on the project, rather than vice versa, SLR is not considered to be an impact under CEQA. The EIR is therefore not required to include commitments to minimize or mitigate effects of the SLR on the proposed Project. The SLR section of the Draft EIR was included in the document for multiple reasons:  1. To complete the analysis to understand and be transparent as to the environmental setting of the project and potential for effects;  2. As a good faith effort to present findings to the public;  3. To provide the CCJPA Board Members with the maximum information possible to inform their decision as to whether to approve and certify the proposed Project; and  4. Areas within BCDC jurisdiction were evaluated for potential inundation due to SLR to support acquisition of a BCDC permit.  The Coast subdivision will be affected by SLR with or without the proposed Project. The proposed Project would not change the need for adaptation measures. The proposed Project will improve resiliency of the Coast subdivision to SLR by implementing the adaptation measures such as those described in Chapter 4. Adaptation measures for the Coast subdivision will be developed during future design in coordination with UPRR and BCDC, as well as other entities coordinating regional adaptation efforts (such as Bay Adapt, CHARG, and municipalities). SLR is a regional problem that	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			needs to be addressed through regional solutions. As such, the proposed Project will propose adaptation measures that can be implemented in concert with other projects in the region.		
			No changes to the Draft EIR are required.		
235	26	<p>Failure to clearly identify the total water levels/time-frame for sea level rise adaptive strategies</p> <p>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.<sup>5</sup></p> <p>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."</p> <p>• 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.</p>	<p>Thank you for your comment. The design life of project features is described in Draft EIR Section 4.3.5.1. Rail components have a standard service life of 10 to 20 years. Culverts have a standard service life of 50 years. Bridge structures have a standard service life of 100 years.</p> <p>Section 4.3.5.2 describes the sea level rise (SLR) assumptions for different project features:</p> <p>"Analysis of the SLR in the 2050 scenario was completed to assess the SLR impacts to the Project RSAs at the end of the service life for the proposed trackway improvements. The projected SLR of the proposed Project in 2080 in the medium-high risk aversion scenario is 4.5 feet. This SLR scenario was evaluated to assess the SLR at the end of the service life for the proposed culverts at RSA Location 7. The projected SLR of the proposed Project in the 2130 medium-high risk scenario is 10 feet. This SLR scenario was evaluated to assess the SLR at the end of the service life for the proposed bridge structures at RSA Locations 1 through 6."</p> <p>The SLR projections are also included in Table 4-4. No changes to the Draft EIR are required.</p>	-	-
235	27	<p>Failure to Implement SLR Adaptation Measures</p> <p>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.</p>	<p>Thank you for your comment. Adaptation measures will be refined during future design in coordination with UPRR and San Francisco Bay Conservation and Development Commission (BCDC), as well as other entities coordinating regional adaptation efforts (such as Bay Adapt, CHARG, and municipalities). Sea level rise (SLR) is a regional problem that needs to be addressed through regional solutions. As such, the proposed Project will propose adaptation measures that can be implemented in concert with other projects in the region.</p> <p>CEQA does not require that the lead agency commit to specific SLR adaptation measures. Please see additional information under response to comment 235-25.</p>	-	-
235	28	<p>Failure to Evaluate Cumulative Impacts and Feasibility of SLR Adaptation Measures</p> <p>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.</p> <p>CCCR Comments SBC DEIR July 15, 2024 Page 12 of 13</p> <p>• 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.)?</p>	<p>Thank you for your comment. The Alviso Wetland Railroad Adaptation Alternatives Study was not included as a cumulative project because only a feasibility study has been conducted thus far. With respect to future projects, CEQA specifies that "reasonably foreseeable probable future projects" be analyzed as part of the cumulative impact analysis (CEQA Guidelines Section 15355). Typically, a project is considered foreseeable when it has begun the environmental review process. Additionally, the preliminary study considers adaptation strategies from Newark to Santa Clara, which is separate from the portion of the Coast Subdivision included in the proposed Project. Adaptation measures identified in the feasibility study will be considered as the proposed Project reaches later stages of design. No changes to the Draft EIR are required. Please see Master Response 13: Cumulative Impacts Assessment.</p>	-	-
235	29	<p>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.</p>	<p>Thank you for your comment. Please see response to comment 235-28. Adaptation measures identified in the feasibility study will be considered as the proposed Project reaches later stages of design.</p> <p>Further, multiple independent projects may recognize similar outcomes as being beneficial regardless of the feasibility or</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			connectedness of those projects. For additional discussion of project segmentation please refer to Master Response 4: Independent Utility of Project.		
235	30	<p>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:</p> <p>"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)."</p> <p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight train traffic.	-	-
235	31	<p>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:</p> <ul style="list-style-type: none"> <li>• the purpose and need for the proposed project,</li> <li>• an understanding of the complete project,</li> <li>• the environmental impacts of the proposed project,</li> <li>• the adequacy of mitigation measures (both to reduce the impacts of the proposed project and to provide compensatory mitigation for those impacts that occur),</li> <li>• deferral of mitigation</li> <li>• the adequacy of sea level rise resilience planning, and</li> <li>• the impacts of the potential consequences of the proposed project and freight rail through Niles Canyon.</li> </ul>	<p>Thank you for your comment. Refer to the response to comment 233-6. Information is contained in the Draft EIR in the following locations:</p> <ul style="list-style-type: none"> <li>• the purpose and need for the proposed Project - page 1-7 to 1-8</li> <li>• an understanding of the complete project - Section 2.2.3, Proposed Project (Alternative E)</li> <li>• the environmental impacts of the proposed project - Chapter 3, Existing Conditions, Environmental Impacts, and Mitigation Measures (refer to updated Mitigation Measures in the FEIR)</li> <li>• the adequacy of mitigation measures (both to reduce the impacts of the proposed project and to provide compensatory mitigation for those impacts that occur) - mitigation measures are describes in each section of Chapter 3, Existing Conditions, Environmental Impacts, and Mitigation Measures, for each resource area</li> <li>• deferral of mitigation - Mitigation is not deferred under the proposed Project</li> <li>• the adequacy of sea level rise resilience planning - Chapter 4, Sea Level Rise</li> <li>• the impacts of the potential consequences of the proposed project and freight rail through Niles Canyon. - Please see Master Response 8: Freight Train Volume Assumptions, for further information regarding the relationship of freight to the proposed Project.</li> </ul>	-	Updated Mitigation Measures Table can be found above in this Final EIR, Section 2.4.
235	32	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	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. CCJPA will confirm that the commenter is included on mailing list for future project notices.	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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.</p>			
236	1	<p>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.</p>	<p>Thank you for your comment. Please refer to Master Response 4: Independent Utility of Project on how the project was analyzed under CEQA.</p>	-	-
237	1	<p>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).</p>	<p>Thank you for your comments. The comment is noted; however, the comment does not directly address the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.</p>	-	-
237	2	<p><b>SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION</b> 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:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• 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]).</li> </ul> <p>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):</p> <ul style="list-style-type: none"> <li>• Estudillo Canal/Flood Control Channel</li> <li>• Heron Bay</li> <li>• San Lorenzo Creek</li> <li>• Bockman Canal/Canal 1</li> <li>• Oro Loma Marsh</li> <li>• Sulphur Creek</li> <li>• New Alameda Creek/Lower Alameda Creek</li> <li>• Alameda County Flood Control district Line F-1; Zone 5 (near Central</li> </ul>	<p>Thank you for the comments. The comments describe the purpose and jurisdiction of the Bay Conservation and Development Commission. They do not directly address consideration of the accuracy or adequacy of the EIR. Maps have been reviewed and the Final EIR provides updated versions of those maps that have been modified to include all of the correct BCDC references.</p>	-	<p>Updated figures are available in this Final EIR, Section 4.1.2 after this Table 3.</p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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.</p> <p>PROJECT DESCRIPTION            Based on the DEIR, we understand that the Project will include the following components:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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:               <ol style="list-style-type: none"> <li>a. Ballast, track, bridge and structure improvements, including replacements and modifications, between Elmhurst and Newark.</li> <li>b. New sidings and retaining walls of varying heights intermittently along most of the corridor.</li> </ol> </li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>			
237	3	<p>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.</p>	<p>The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.</p>	-	-
237	4	<p>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   SF Bay Conservation &amp; Development (ca.gov). Additionally,</p>	<p>Thank you for your comment. This comment has been noted and the last paragraph on <b>page 3.2-18</b> of the Draft EIR has been revised.</p> <p>The referenced 2005 guidance from BCDC is applicable to the project's design phase. Both would be referenced by CCJPA during the project's design phase as a BCDC permit, or permits, are being prepared. BCDC would review and provide</p>	<p><b>Section 3.2.4.3 Proposed Project Elements, Coast Subdivision</b>            ...            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</p>	<p><b>Section 3.2.4.3 Proposed Project Elements, Coast Subdivision</b>            ...            The San Francisco Bay Trail, which generally runs along the shoreline, <b>intersects the proposed Project alignment at several locations. Only at these locations and those identified in Chapter 4 Sea Level Rise is there possible</b></p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <p><b>PROPOSED PROJECT ELEMENTS</b></p> <p>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.</p> <p><b>VISUAL CHARACTER AND QUALITY</b></p> <p>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.</p>	<p>feedback on the project's design elements during that agency's review of the project's permit application(s), ensuring the final project is consistent with BCDC regulatory requirements.</p> <p>With regard to BCDC's "Shoreline Signs – Public Access Signage Guidelines" guidance, project design is not advanced enough at this stage to determine the specific type or location of signage. As stated in BCDC's 2005 "Shoreline Spaces – Public Access Design Guidelines for the San Francisco Bay", guidelines are not legally enforceable standards but rather an advisory set of design principles. BCDC staff may clarify, interpret, or apply the 2005 guidelines as appropriate. Since this guidance is more applicable to the project's design phase, no proposed text revisions in the environmental chapter are recommended regarding BCDC guidance.</p> <p>Section 3.2.3 "Methods for Evaluating Environmental Impacts" describes the methods for analyzing impacts on aesthetic resources. Specifically, Section 3.2.3.3 "CEQA Thresholds" describes the Appendix G guidelines used to identify aesthetic impacts. Appendix G includes discussions of how the project would impact public views.</p> <p>Regarding BCDC Policy 6. The proposed project would not add new bridges over the San Francisco Bay CCJPA would continue to collaborate with BCDC through the permitting phase of the proposed Project to ensure consistency with BCDC's policies and the public's experience of the Bay. Existing bridges would be modified. While Policy 6 suggests remodeled bridges should be designed to permit maximum viewing of the Bay by motorists and pedestrians, none of the existing railroad bridges within BCDC jurisdiction are open to the public or used by pedestrians/motorists. This would remain the case after construction of the proposed project. However, using the Coast subdivision under the proposed project rather than the further inland Niles subdivision would offer expanded views of the Bay for rail riders. This is referenced within the "Coast Subdivision" portion of Section 3.2.4.3 "Proposed Project Elements." From this perspective, the proposed project would align with BCDC Policy 6.</p> <p>The proposed project also aligns with BCDC Policy 7. CCJPA passenger rail service along the Coast subdivision under the proposed project would provide frequent views of the Bay from transit where not currently provided. As previously mentioned, exiting railroad bridge crossings are not accessible to pedestrians or motorists.</p> <p>Section 3.2.2.5 "Consistency with Plans, Policies, and Regulations" states that the proposed project would not remove (or alter) existing public views of the Bay. Further this section states that providing new access within existing railroad ROW would be prudent due to safety considerations. During its design phase, the project would obtain permits where work is proposed within BCDC jurisdiction. During review of any permit applications, BCDC would ensure the proposed project is consistent with Plan Bay 2020 and their other policies.</p> <p>Regarding Proposed Project Elements, the Coast Subdivision does intersect with the San Francisco Bay Trail. This chapter has been updated to reflect that and to make it clear that the listed properties are not managed by BCDC. The portions of properties that fall under their jurisdiction would be subject to BCDC policies.</p> <p>Regarding Visual Character and Quality, this section reflects</p>	<p>Francisco Bay Trail, at its closest point, is about a half mile from the Coast Subdivision. With the change to passenger rail on the Coast Subdivision, more rail passengers would have opportunities to view scenery from closer to the bay shoreline.</p>	<p><b>overlap between lands with BCDC jurisdiction and the proposed Project alignment. At any such location, CCJPA would adhere to BCDC policies in future phases of project design and implementation.</b> With the change to passenger rail on the Coast Subdivision, more rail passengers would have opportunities to view scenery from closer to the bay shoreline.</p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>CEQA Appendix G. Public perception of safety and access would be outside of this aesthetics thresholds assessed under CEQA. The project team acknowledges BCDC would consider these elements in any future permit application(s). It is not anticipated that the project would decrease public safety or reduce public access to existing recreation facilities.</p> <p>The revision noted above does not alter the analysis or the conclusions in the Final EIR.</p>		
237	5	<p>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.</p> <p>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.</p> <p>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 inwater 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.</p> <p>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 timeframe; (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</p>	<p>Thank you for your comment. The section describing BCDC's policies on page 3.5-8 have been moved to be listed under the State section. Additionally, the reference has been updated from "BCDC 2021" to "BCDC 2020".</p> <p>Critical Habitat - Table 3.5-3, Special-status Species with the Potential to Occur in the Biological RSA, special-status fish subsection (page 3.5-41) in the Draft EIR acknowledges that green sturgeon (southern) DPS critical habitat occurs within and adjacent to the biological RSA. No changes to the Draft EIR are required.</p> <p>Bridge Impacts - Page 3.5-51 describes shading impacts associated with bridge construction. Specifically, it states, "Construction of an additional bridge may affect steelhead and green sturgeon through increased shading of Alameda Creek. However, implementation of MM BIO-10 Steelhead and Green Sturgeon Habitat Replacement, MM BIO-17 Compensate for the Loss of Natural Sensitive Communities (see response to comment 158-3 for revisions to MM BIO-17 to encompass all sensitive natural communities), and MM BIO-19 Fish Passage and Noise Analysis would mitigate impacts on the abundance, productivity, spatial structure, or diversity of Central California DPS steelhead and green sturgeon to a less than significant level." No changes to the Draft EIR are required.</p> <p>Mitigation - The final paragraph on page 3.5-8 has been revised to incorporate Mitigation Policy No. 1 of the Bay Plan.</p> <p>The Bay Plan's Mitigation Policy No. 12 is noted. MM BIO-1 and MM BIO-17 identify measures to avoid, minimize, and compensate for impacts to aquatic resources (see response to comment 158-3 for revisions to MM BIO-17 to encompass all sensitive natural communities). Future coordination with resource agencies during the future design/permitting phase will refine proposed mitigation measures, if necessary.</p> <p>BCDC Permit Type - The final bullet point of Section 3.5.9, Agency consultation, has been revised.</p> <p>These revisions do not alter the conclusions of the Draft EIR.</p>	<p><b>Section 3.5.2.3 Regional, McAteer-Petris Act of 1965</b></p> <p>...</p> <p>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 2021). 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.</p>	<p><b>Section 3.5.2.2 State, McAteer-Petris Act of 1965</b></p> <p>...</p> <p>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 2020). <b>As stated in Mitigation Policy No. 1 of the Bay Plan, 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.</b></p> <p><b>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</b></p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>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.”</p> <p>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. BCDC PERMIT TYPE</p> <p>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.</p>			
237	6	<p>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. 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).</p>	<p>Thank you for your comment. The BCDC policies you noted are hereby added to the Final EIR. This revision does not alter the Draft EIR’s conclusion that compliance with existing relevant regulations and standards as well as implementation of proposed Project BMPs and mitigation measures would make sure that impacts associated with geology and paleontology resulting from implementation of the proposed Project would be less than significant.</p> <p>In addition, mitigation measure GEO-1: Geotechnical Investigation has been changed to BMP GEO-1: Geotechnical Investigation.</p>	<p><b>Section 3.8.2.3 Local General Plans required by California Government Code</b> -- Fremont, -- Newark, -- Union City, -- Hayward, -- Castro Valley, -- San Leandro, and -- Oakland. --Alameda County"</p>	<p><b>Section 3.8.2.3 Local General Plans required by California Government Code</b> -- Fremont, -- Newark, -- Union City, -- Hayward, -- Castro Valley, -- San Leandro, and -- Oakland. --Alameda County <b>--San Francisco Bay Plan: The San Francisco Bay Plan includes Safety of Fills Policies that pertain to the seismic safety of some proposed structures, including:</b></p> <p><b>1. The Commission has appointed the Engineering Criteria Review Board consisting of geologists, civil engineers specializing in geotechnical and coastal engineering, structural engineers, and architects competent to and adequately empowered to: (a) establish and revise safety criteria for Bay fills and structures thereon; (b) review all except minor projects for the adequacy of their specific safety provisions, and make recommendations concerning these provisions; (c) prescribe an inspection system to assure placement and maintenance of fill according to approved designs; (d) with regard to inspections of marine petroleum terminals, make recommendations to the California State Lands Commission and the U.S. Coast Guard, which are responsible for regulating and inspecting these facilities; (e) coordinate with the California State Lands Commission on projects relating to marine petroleum terminal fills and structures to ensure compliance with other Bay Plan policies and the California State Lands Commission’s rules, regulations, guidelines and policies; and (f) gather, and make available performance data developed from specific projects. These activities would complement the functions of local building departments and local planning departments, none of which are presently staffed to provide soils inspections.</b></p> <p><b>3. To provide vitally needed information on the effects of earthquakes on all kinds of soils, installation of strong-motion seismographs should be required on all future major landfills. In addition, the Commission encourages installation of strong-motion seismographs in other developments on problem soils, and in other areas recommended by the U.S. Geological Survey, for purposes of data comparison and evaluation.</b></p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
					<b>MM GEO-1: Paleontological Resources Mitigation Plan</b> see Final Mitigation Measures in this Final EIR, Section 2.2.
237	7	<p>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.</p> <p>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.</p> <p>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.</p>	<p>Thank you for your comment. Project impacts to creek flows, velocities, and siltation will be refined as part of future design after approval of the Final EIR. Once design for the project has been developed further, the project will initiate coordination with BCDC and consult on design, impacts, and mitigation. Bay Plan policies will continue to be considered as the design is refined. The project will be consistent with Bay Plan policies and will avoid and minimize fill and other impacts to the Bay.</p> <p>Based on the modelling currently available, the project is not anticipated to increase instances of overtopping at waterway crossings along the rail line as the project will not lower track elevation. The project will implement hazard BMPs listed in Section 3.10.5 that will address the potential to mobilize contaminants into the Bay. No changes to the Draft EIR are required.</p>	-	-
237	8	<p>LAND USE 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:</p> <ul style="list-style-type: none"> <li>• San Leandro Shoreline Park System - Protect and provide public access to shellfish beds offshore. (Bay Plan Map 6 Policy No. 3)</li> <li>• 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)</li> <li>• 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)</li> </ul> <p>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.</p>	<p>Thank you for your comment. The San Francisco Bay Conservation and Development Commission is already included in Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations. This row has been revised as demonstrated in the Final EIR Updated text column and in Section 4.1.2 of this document. These revisions do not alter the conclusions of the Draft EIR.</p>	-	<p>Revised Table 3.12-3 (see Section 4.1.2, Final EIR Updated Tables and Figures)</p> <p>No Project Alternative: Consistent. The No Project Alternative would not result in any changes to existing conditions. Therefore, <b>no project features would be proposed in BCDC jurisdiction or in/along priority use areas.</b></p> <p>Project Alternative: Consistent. The proposed Project <b>would comply with permit conditions in BCDC jurisdiction and in/along priority use areas to make sure that the proposed Project is consistent with the provisions of the Act and the Bay Plan.</b></p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
237	9	<p>Recreation <b>PUBLIC ACCESS REQUIREMENTS</b> 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.</p> <p>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.</p> <p><b>ALAMEDA CREEK DETOUR PLAN</b> 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 MM REC-1: Detour Plan for the Alameda Creek Regional Trail.</p>	<p>Thank you for your comment. Regarding BCDC's imperative to ensure maximum feasible public access to the Bay and policies stated in the McAteer-Petris Act and San Francisco Bay Plan, revisions have been made to Section 3.17.2.2 to incorporate the information requested.</p> <p>Regarding public access opportunities for permit applications, the proposed Project would incorporate BMP TR-1, which involves the preparation and adoption of a transportation management plan, which would include strategies to reduce potential impacts from street or lane closures and detours during construction activities. It would also include strategies that would maintain local circulation and traffic flow and limit any pedestrian and bicycle transit access closures. With the implementation of BMP TR-1, the proposed Project would not result in permanent or temporary impacts to public access that would create a barrier or permanent disruption in connectivity within the RSA.CCJPA will coordinate with BCDC during the permitting process to ensure that maximum feasible access to the Bay is maintained throughout project implementation.</p> <p>Finally, the request for coordination with BCDC and MTC in the event of a closure of public access is noted and will be referred to CCJPA. Revisions to MM REC-1 note that BCDC and MTC should be included in coordination regarding the Alameda Creek Detour Plan.</p>	<p><b>Section 3.17.2.2, State, San Francisco Bay Conservation and Development Commission</b> 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 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.</p> <p><b>MM REC-1: Detour Plan for the Alameda Creek Regional Trail</b> Two weeks prior to temporary trail closures, CCJPA in coordination with the EBRPD, as possible, will develop a detour plan for short-term closures of the Alameda Creek Regional Trail. The detour plan will be available to the public on EBRPD and CCJPA's websites. To the extent feasible, short-term closures will be scheduled during off-peak trail use days or times.</p>	<p><b>Section 3.17.2.2, State, San Francisco Bay Conservation and Development Commission</b> 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 regional authority over the San Francisco Bay and its shoreline, <b>and one of its primary imperatives is to ensure maximum feasible public access to the Bay. Specifically, 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."</b></p> <p>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.</p> <p><b>MM REC-1: Detour Plan for the Alameda Creek Regional Trail</b> Two weeks prior to temporary trail closures, CCJPA in coordination with the EBRPD, <b>BCDC, and MTC</b>, as possible, will develop a detour plan for short-term closures of the Alameda Creek Regional Trail. The detour plan will be available to the public on EBRPD and CCJPA's websites. To the extent feasible, short-term closures will be scheduled during off-peak trail use days or times.</p>
237	10	<p>Transportation <b>REGULATORY SETTING</b> 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 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 (<a href="https://mtc.ca.gov/operations/regional-trails-parks/san-francisco-bay-trail/bay-trail-gapclosure-implementation-plan">https://mtc.ca.gov/operations/regional-trails-parks/san-francisco-bay-trail/bay-trail-gapclosure-implementation-plan</a>). 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.</p> <p><b>TRAIL IMPACTS</b> 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: <a href="https://experience.arcgis.com/experience/817c5f3b503848deb44e83d337285fd6/">https://experience.arcgis.com/experience/817c5f3b503848deb44e83d337285fd6/</a>. 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</p>	<p>Thank you for your comment. The plans and policies you noted are hereby added to the Final EIR. Section 3.18 of this Final EIR has been revised. This revision does not alter the Draft EIR's conclusion that compliance with existing relevant regulations and standards as well as implementation of proposed Project BMPs and mitigation measures would make sure that impacts associated with transportation resulting from implementation of the proposed Project would be less than significant.</p>	<p><b>Section 3.18.2.2 State</b> California Department of Transportation – 2018 California State Rail Plan... California Department of Transportation – California Transportation Plan 2050... Global Warming Solutions Act of 2006 (Assembly Bill 32, Chapter 728)... California Sustainable Communities and Climate Protection Act of 2008 (Senate Bill 375, Chapter 728)... Senate Bill 743... Assembly Bill 1358 ... Governor's Office of Planning and Research Technical Advisory Evaluating Transportation Impacts in CEQA ... Caltrans' 2020 Transportation Analysis Framework and Transportation Analysis under CEQA...</p> <p><b>BMP TR-1: Transportation Management Plan (TMP)</b> During final design, a TMP will be developed by CCJPA in coordination with affected jurisdictions, fire and police departments, and adjacent construction projects to reduce construction-related impacts. The TMP will include, at a minimum, the following measures:</p>	<p><b>Section 3.18.2.2 State</b> California Department of Transportation – 2018 California State Rail Plan... California Department of Transportation – California Transportation Plan 2050... Global Warming Solutions Act of 2006 (Assembly Bill 32, Chapter 728)... California Sustainable Communities and Climate Protection Act of 2008 (Senate Bill 375, Chapter 728)... Senate Bill 743... Assembly Bill 1358 ... Governor's Office of Planning and Research Technical Advisory Evaluating Transportation Impacts in CEQA ... Caltrans' 2020 Transportation Analysis Framework and Transportation Analysis under CEQA...</p> <p><b>Bay Plan Policy 4</b> <b>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.</b></p> <p><b>BMP TR-1: Transportation Management Plan (TMP)</b> During future design, a TMP will be developed by CCJPA in coordination with affected jurisdictions, fire and police departments, <b>BCDC</b> and adjacent construction projects to reduce construction-related impacts.</p>

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>uses, as discussed in Section 3.18.6.3.  <b>DETOURS AND ROUTING</b>                      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.</p>			
237	11	<p><b>Sea Level Rise</b>  <b>STATAE SEA LEVEL RISE GUIDANCE</b>                      Note that the State of California Sea Level Rise guidance described on page 4-2 was recently updated in June 2024.  <b>RESILIENCE TO 2050</b>                      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.  <b>GROUNDWATER RISE</b>                      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).  <b>CUMULATIVE PROJECTS</b>                      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 (<a href="https://ebda.org/projects/cargill-partnership/">https://ebda.org/projects/cargill-partnership/</a>).</p>	<p>Thank you for your comment. The State of California Sea Level Rise (SLR) Guidance 2024 Science and Policy Update was reviewed, and the updated projections are lower than the State of California Sea Level Rise Guidance 2018 Update which was analyzed in the Draft EIR. No update to the Draft EIR is required. A comparison of the previous guidelines and the 2024 guidelines will be included in the Final EIR.</p> <p>Your request for additional discussion regarding resiliency is noted, however the additional discussion is not required under CEQA. The purpose of an EIR is to identify the potential significant physical impacts of a project on the environment, not the effects of the environment on the project (Ballona Wetlands Land Trust v. City of Los Angeles). Because SLR is an effect of the environment on the project, SLR is not considered as an impact under CEQA. The EIR is therefore not required to include commitments to minimize or mitigate effects of the SLR on the project. The SLR section of the Draft EIR was included in the document for multiple reasons:</p> <ol style="list-style-type: none"> <li>1. To complete the analysis to understand and be transparent as to the potential for effects of the project;</li> <li>2. As a good faith effort to present findings to the public; and</li> <li>3. To provide the CCJPA Board Members with the maximum information possible to inform their decision as to whether to approve and certify the proposed Project.</li> <li>4. To support acquisition of a San Francisco Bay Conservation and Development Commission permit.</li> </ol> <p>CCJPA recognizes that groundwater levels will increase with SLR and that this is expected result in flooding from emergent groundwater earlier and further inland than may be projected just with SLR models. The purpose of an EIR is to identify the potential significant physical impacts of a project on the environment, not the significant effects of the environment on the project (Ballona Wetlands Land Trust v. City of Los Angeles). Because SLR and associated changes in groundwater levels is an effect of the environment on the project, they are not considered as an impact under CEQA. The EIR is therefore not required to include commitments to minimize effects of the SLR and groundwater emergence on the project. SLR and groundwater emergence will be considered as part of San Francisco Bay Conservation and Development Commission permitting and future design based on the best available research at that time.</p> <p>Your request to add the East Bay Dischargers Authority (EBDA)/Cargill MSS Pipeline Project to the list of cumulative impacts project is noted. As written on the website <a href="https://ebda.org/projects/cargill-partnership/">https://ebda.org/projects/cargill-partnership/</a>, Cargill has determined their initial proposed pipeline route to be infeasible. Information on the preferred route, as well as the schedule and process for any supplemental environmental review, is not available. Without a proposed route, it is not possible at this time to assess if there are any cumulative impacts.</p> <p>As noted in the Draft EIR, CCJPA will coordinate with utility companies (BMP UT-1: Utility Verification and Coordination with Utility Providers and California Public Utilities</p>	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			Commission, Table 2.2-3) to avoid and minimize any environmental impacts.		
239	1	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.	Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. This includes making the Draft EIR available at community repository locations and accepting comments via email, postal service, and the project hotline. Please see Master Response 2: Public Review and Community Engagement.	-	-
241	1	Please note that access to the DEIR has been down since 2:30 pm.	Thank you for your comment. Please note that the Draft EIR was also available for review at community repository locations throughout the comment period.	-	-
249	1	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.	Thank you for your comments. The comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. The CCJPA, which operates Capitol Corridor, is not a private company but a public agency. Please refer to Draft EIR Chapter 1, Introduction, for more information on the CCJPA. For additional information regarding project costs, please refer to Master Response 3: Social and Economic Impacts.	-	-
249	2	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, 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 Canterville 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.	Please see comment 230-2 for a response.	-	-
249	3	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 sops, 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? 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.	Please see comment 230-3 for a response.	-	-
249	4	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	This comment is identical to comment 230-4. Please refer to that comment for a response.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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	5	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?	This comment is identical to comment 230-5. Please refer to that comment for a response.	-	-
249	6	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? 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.	This comment is identical to comment 230-6. Please refer to that comment for a response.	-	-
249	7	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 pas 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. 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?	This comment is identical to comment 230-7. Please refer to that comment for a response.	-	-
249	8	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?  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?	Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight train traffic.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.			
249	9	<p>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 "future design" phase. Without a future 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?</p> <p>CCSBC Draft Environmental Impact Report &gt; 3.2.7: MM AES-7 Aesthetic Plan for Ardenwood Station structures, Pedestrian Overcrossings, Grade Separated Structures, Retaining Walls, and Bridges: During future design, CCJPA will develop an aesthetic plan for new structures with high visibility from SR 84 and Alameda Creek Regional Trail</p>	This comment is identical to comment 230-9. Please refer that comment for a response.	-	-
249	10	<p>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.</p> <p>CCSBC Draft Environmental Impact Report &gt; 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.</p>	This comment is identical to comment 230-10. Please refer that comment for a response.	-	-
249	11	<p>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.</p> <p>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.</p>	This comment is identical to comment 230-11. Please refer that comment for a response.	-	-
255	1	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	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		"Draft EIR") ("Project") within the boundaries of the Park. One of the Park properties owned by Peery/Arrillage, 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	2	<p>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.</p> <p>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 usable portions of the Parcel, along the street frontage ("Partial Acquisition").</p> <p>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.</p> <p>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.</p> <p>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.</p>	Please refer to Master Response 6: Proposed Ardenwood Station for a discussion regarding station development. Any property acquisitions will not be in negotiations until design reaches 60% or higher and would likely occur concurrent to permitting. The current level of design provides a total area that could be temporarily or permanently affected; however, the design is conceptual and discussions on negotiation of encroachments or easements will take place during later design phases as the proposed Project proceeds.	-	-
255	3	<p>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.</p> <p>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.</p>	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
256	1	<p>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.</p> <p>As a resident of Ardenwood, I am deeply concerned about several aspects of the project:</p>	Thank you for your comments. The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		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.			
256	2	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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Also, please refer to Master Response 6: Proposed Ardenwood station for details regarding development at the station. Regarding social impacts, please refer to Master Response 3: Social and Economic Impacts.	-	-
256	3	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.	Thank you for your comment. As required by CEQA (CEQA Guidelines Section 15126.6), CCJPA has reviewed alternatives and examined those which meet the objectives of the proposed Project and reduce the potential for environmental impacts. Draft EIR Section 2.4 describes the alternatives that were considered but ultimately rejected. Alternative A was considered and rejected very early in planning as it was determined to be unfeasible; Alternatives B-D were carried through the process of developing technical studies prepared for the Draft EIR, but per the Draft EIR, found later to also be infeasible, among other things. As described in Section 2.2.2, the No Project Alternative did not meet CCJPA's goals and objectives. Please see Master Response 5: Project Description and Design Alternatives for additional information.	-	-
256	4	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.	The comment is noted; however, it refers to socioeconomic issues that are outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.	-	-
256	5	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.	The Draft EIR discusses potential health and safety impacts, specifically in Chapter 3.4, Air Quality; Chapter 3.10, Hazards and Hazardous Materials; and Chapter 3.18, Transportation.	-	-
256	6	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. 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.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Please also refer to Master Response 3: Social and Economic Impacts.	-	-
259	1	To whom it may concern: 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,	Thank you for your comment. The public outreach and engagement process for the draft EIR has exceeded the statutory requirements under CEQA. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Please see Master Response 2: Public Review and Community Engagement.	-	-
PC-16	2	And I also don't think the report adequately addresses the fact that you're taking two stations away from densely populated areas where people can bike, take the bus to, as well as drive. And you're really forcing people to now drive to one station in what could be described as, like, one of the most rural places that is on the -- on the Bayshore on the East Bay, as far as on this side of the Diablo Range. The environmental	Thank you for your comment. The project would not close two stations in Fremont. While the Hayward Station on the Niles Subdivision would be closed, only Capitol Corridor service would be discontinued at the existing Fremont Station on this subdivision. However, that station would remain open and continue to provide ACE service, which connects riders	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		<p>impact report didn't talk about that. I don't -- I don't see where it addressed how it is mitigating all these people that are now going to get in their car that, you know, perhaps had a three, four-minute drive to take the Capital Corridor now are going to have to get on 880 for many minutes and then, you know, go down, I don't know, maybe Union City Boulevard, but, I really want to address the fact that you're not replacing a Hayward -- the Hayward station.</p>	<p>between Stockton and San Jose. The new station at Ardenwood will be integrated into the existing bicycle and pedestrian networks and connected to transit services.</p> <p>Under the proposed project, ACE service would continue at the exiting Fremont Station which could be reached via bus service. However, there would no longer be a direct transfer of rail passengers within Fremont from Capitol Corridor trains to ACE. BART service would still be available for Fremont users to transfer to ACE. Riders could travel from BART's Fremont station to Pleasanton and transfer there to ACE. It is acknowledged that this would add time and potentially cost to riders originating in Fremont planning to make this connection.</p> <p>Riders originating outside of Fremont would still have existing transfer opportunities. For riders heading south from Oakland and connecting to Stockton via ACE, BART could be used for this transfer (as noted above). Capitol Corridor riders would be able to transfer to BART at the Oakland Coliseum Station, facilitating a later transfer from BART to ACE. Riders from San Jose wishing to make Stockton their final destination via ACE could connect to BART and transfer or transfer directly to ACE at the Capitol Corridor's Santa Clara-Great America or San Jose stations.</p> <p>One of the project objectives is to "diversify and enhance rail network integration by reducing duplicative capital investments and differentiating Capitol Corridor's intercity rail service from commuter rail and other transit services, including BART's extension to San Jose." The existing BART Orange/Green Lines and Niles Subdivision parallel each other. Both have existing stations in Hayward and Fremont. By moving Capitol Corridor Service to the Coast Subdivision, more direct intercity rail service can be provided while reducing duplication in rail services. Access to existing transit services (BART, ACE, and/or bus services) would remain in communities where stations would be removed.</p> <p>Moreover, The EIR emphasizes that the proposed project aims to create a more direct rail route, reducing travel times and increasing overall efficiency for the Capitol Corridor service. While this change might require some riders to travel further to access the new Ardenwood station, the project is designed to improve regional accessibility overall by providing ADA-compliant access, upgraded signals and gates, and a connection to the broader transportation network (Section 3.18.4.a, "Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System").</p> <p>The report highlights a reduction in Vehicle Miles Traveled (VMT) as a result of the project, which is expected to decrease by 38,000 VMT by Opening Year 2025 and 40,000 VMT by Horizon Year 2040 based on pre-COVID conditions (Section 3.18.4.b, "Consistency with CEQA Guidelines Section 15064.3, Subdivision (b)"). This reduction indicates that the project is expected to mitigate additional car trips by providing more efficient regional and interregional rail services, aligning with state goals under Senate Bill 743 to reduce greenhouse gas emissions and improve multimodal transportation options.</p> <p>Additionally, the EIR discusses the inclusion of Best Management Practices (BMPs) such as a Transportation Management Plan (TMP) to help make sure that during construction and operation, impacts on traffic, including those on emergency access and local circulation, are minimized (Section 3.18.6.a, "Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System" and Section 3.18.5, "Best Management Practices"). These plans will help make sure that the transition does not significantly impact</p>		

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			traffic flow or accessibility for local communities, including those who previously relied on the Hayward and Fremont-Centerville stations. No changes to the Draft EIR are required.		
PC-16	3	And how it also impacts the ability for poor people to get to either San Jose or Sacramento via Amtrak. And I'm really disappointed in the presentation slides where it talks about well this is the most, you know, cost savings. I mean, public transit isn't supposed to be profitable. The point of public transportation is to serve the public. And here we are in California, and we get essentially, you know, criticized by, you know, major news organizations throughout the country that, oh, you know, welfare state and this and that. But here we are, Amtrak needs to make a profit. Caltrans needs to make a profit providing public transportation. When is the last time freeways made a profit? So I just think it's really inappropriate for South Bay Connect to say, oh, well, this one makes more money, and this one saves more money. Transporting people is a public good. And it shouldn't be constrained by the profits motive. It's a really tone-deaf way of couching the issue. That's it.	The comment is noted; however, it refers to socioeconomic issues that are outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts. Also, the proposed Project would not affect Amtrak services.	-	-
PC-30	2	And second part of it is the amount of noise that it will create, the vibration that it will create to the communities that are next door, right now, we have just freight trains. But once these commuter trains start going, the frequency will increase, it will make the situation worse.	Thank you for your comment. Passenger trains currently provide commuters with service. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project, as well as proposed mitigation measures.	-	-
PC-30	3	There will be more trash in that area which will, again, start attracting people who will be coming to pick the stuff. It will start raising safety concern. We are right adjacent to these planned tracks, and it just doesn't work for us; right?	The comment is noted; however, it refers to socioeconomic issues that are outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.	-	-
PC-30	4	And it would be better if folks start actually coming to our community, talking to the people and start actually seeing how we all feel about this project, rather than, you know, having just these studies being presented in these Zoom meetings. So that's my request. And definitely with the current way the tracks are being planned, it just doesn't work for us. It will be unfortunate if this proceeds this way. Thanks.	Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA. Please see Master Response 2: Public Review and Community Engagement.	-	-
PC-01	1	Hi, my name is James Zeng. I live in the Ardenwood neighborhood and just three houses from the Coast Division. I oppose this project. I have three comments. One, the adding 17 miles double track upgrade was never discussed in the scoping phase. This has to be communicated much more transparently. This adds to the cost of the project, to \$731 million, which the agency currently knows that is infeasible.	Thank you for your comments. Please refer to Master Response 2: Public Review and Community Engagement regarding public outreach. The other comments are noted; however, they do not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Please also refer to Master Response 3: Economic and Social Impacts.	-	-
PC-01	2	Second, SBC does not propose changes to freight rail services according to the presentation. However, this may be true for EIR, but it's not true in the actual implementation. The CCJPA 2024 Business Plan specifically say that the reason for maximum impact EIR is because UP capacity model delay. And I quote, "After delays waiting on UPRR for capacity modeling results, the CCJPA determined the most pragmatic way is to presume a maximum footprint for track infrastructure needed to meet funding deadlines associated with the draft EIR." So the freight model change is being considered regardless of what EIR says. This is inconsistent with the (inaudible) requirement of the CEQA discussed by Dawn Edwards.	Please refer to Master Response 2: Public Review and Community Engagement regarding public outreach. Also, please refer to Master Response 8: Freight Train Volume Assumptions.	-	-
PC-01	2	And still, despite you have very good outreach, it seems like the voice is heard but no action is taken. For example, what concrete actions did SBC program do with all the opposition letters from all the cities along the line, Hayward, Fremont, Union City and Newark? Yeah, that's my comment. Thank you.	Please refer to Master Response 2: Public Review and Community Engagement regarding public outreach. Please also see reference to outreach in Chapter 6, Appendix L, Areas of Known Controversy.	-	-
PC-10	1	Yeah. Yeah. My name is Susie Huang. So I live nearby in Ardenwood neighborhood. So I strongly oppose this project. I think our community	Thank you for your input. The comment is noted; however, the comment does not directly address consideration of the	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		already fight for this two or three years ago. Our voice got heard, but no action at all since then. So we didn't see any change on this direction, so -- since it was scoped two years ago. So, what -- yeah, we are just not sure, like how this will go along as -- after this conversation. We definitely hope this can be communicated much more transparently and more action to be done. Yeah. Thank you.	accuracy or adequacy of the EIR. Please see Master Response 1: Opinions and Other General Comments and Master Response 2: Public Review and Community Engagement.		
PC-11	1	Thank you for the opportunity to actually speak on this issue. I am firmly opposed to this project, specifically around the area of noise environmental impact, as well as vibration. Specifically on this issue, where there seems to be a study conducted around there should be no impact with the proposed 14 additional, sort of, train track -- train schedule, impacting the surrounding houses. I would like to know the details about how these studies are actually conducted. What sort of measurement as well as metrics are being used to determine that there will not be any impact or significant impact to the surrounding environment as well as houses? For me, personally, I live in a house about 200 feet near the tracks where my house will be significantly impacted based on the vibration, even on the train today. And adding 14 additional, sort of, train throughout the 24-hour schedule, will prove to be a very disastrous impact to, sort of, my living environment as well as, sort of, everybody surrounding these areas. So I would like to know details. If we so set on, basically, moving forward with this project, I would like to know what are the, sort of, the mitigation plans as well as any sort of compensation that can be done there. Thank you.	Thank you for your comment. Methods for Evaluating Environmental Impacts for noise and vibration are discussed in Section 3.14.3 starting on page 3.14-11 of the Draft EIR. Mitigation measures for noise and vibration are available in Section 3.14.7, starting on page 3.14-43 of the Draft EIR. Additionally, please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project. No changes to the Draft EIR are required.	-	-
PC-13	1	Great. Unmuted. Thank you for letting me finish out my three minutes. I wanted to state that at the final community meeting that was on May 16th, I was told, or we were all told, that we could ask questions at info@southbayconnect.com up to the release of the DEIR. And I did send in an email on the 25th, I believe, and so there was Monday and Tuesday to respond to my questions and that didn't happen. So I did want to make that comment that I'm pretty disappointed that I couldn't get answers to those questions. And I think you're hearing the frustration of other people who would simply like to ask some questions for clarity as they prepare to comment on this project. And then the other comment I wanted to make is Shirley in that meeting also noted that UP has to give their blessing to the final design and I'm wondering at what point UP will be doing that. Where in the timeline? So since I can't ask a question, I would hope that that is addressed in the final EIR. And that's it. Thank you very much for your time.	Please refer to Master Response 2: Public Review and Community Engagement regarding public outreach requirements and what was included in CCJPA's outreach effort during review of Draft EIR. It is not known at this time when UPRR will review and approve the future design. The UPRR has its own procedures for reviewing projects that affect their facilities.	-	-
PC-15	1	Hi, everyone. My name is Lauren Zhang. So I will say that I really am opposed to this project. So, I live two blocks from the -- from this railway. And right now, I can already hear the noise. And many people will feel like the noise, like is their only -- like, the impact. But what's worse than noise is the vibration, which it makes very hard to fall asleep, especially when multiple trains pass by. So I cannot imagine how much worse it will be if more trains are added in the future.	Thank you for your comments. The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments and Master Response 12: Noise and Vibration.	-	-
PC-15	2	Another fact is, according to the EIR, my house is actually not in the impacted zone in this EIR. But the impact, I can feel so obvious, especially the vibration, so how can I trust this EIR about, like, impacted zone and then their evaluation on the environmental impact on the nearby -- on the nearby neighborhood? So, yeah, that's -- these are all -- like the reasons I strongly oppose and I definitely want to see the further action on this EIR credibility itself. Thank you so much for this opportunity to make comments.	Thank you for your comment. Please refer to Master Response 12: Noise and Vibration, which provides additional information regarding noise and vibration impacts associated with the proposed Project. No changes to the Draft EIR are required.	-	-
PC-16	1	Hi there. I would comment the environmental impact report, and specifically where it talks about the rationale of not including a replacement Hayward station, I think that is a part of the report that really doesn't do a good job in explaining what the parameters and the standards are for replacing the Hayward station.	Thank you for your comment. Please refer to Master Response 6: Proposed Ardenwood Station, which includes a discussion of how this location was selected.	-	-
PC-19	1	My name is Mohan and thanks for giving the opportunity to raise these concerns that we have. I strongly oppose this project, and I attended the meetings back in 2021. And I heard several people, you know, communicated the same about noise levels and vibration they're already	Thank you for your comments. Draft EIR Chapter 3.14, Noise and Vibration noted that the expected schedule of commuter trains would be six trains in each direction during daytime hours (7:00 a.m. to 10:00 p.m.) and one train in each direction	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		getting from the existing tracks and the trains that pass beyond the Union Pacific track. And in spite of that there seems to be, you know, the report, the EIR, and even through this presentation, talking about saying that there is no significant impact of adding the new tracks and increasing the traffic by another 20 times. And that is totally out -- I cannot understand how that is true. The EIR report, you know, just when a train passes by, I see there's close to 90 to 100 decibels of noise when you are closing within 100 feet or 200 feet of these tracks. And unfortunately, the city has permitted building homes within hundred feet of these tracks. And yet they have no responsibility to control or to mitigate all these noises and vibration issues. Now adding more traffic onto these tracks is definitely not -- it is definitely breaking the peaceful (inaudible) you know, making distress -- making the people distressed around in these areas. There is no benefit you are getting out of this new corridor project, Capital Corridor project.	during nighttime hours (10:00 pm to 7:00 a.m.). Please also refer to Master Response 12: Noise and Vibration, which provides more detailed discussion of noise and vibration analysis. The CCJPA has no control over where a city allows housing; this is an issue under the city's jurisdiction. The other comments are noted; however, they do not address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.		
PC-19	2	And I also heard about the comments from some of the people earlier, especially from the BART lady, who have more insight into the benefits and the tax that will happen, the basis of the taxpayer money that will happen because of this project. I would sincerely ask you guys to consider all those and see -- you know, if it really makes sense to have this	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. Please also refer to Master Response 3: Social and Economic Impacts.	-	-
PC-19	3	Also, the city has noise limitation, for example, Fremont, any city within the Bay Area have noise ordinances that say that if you hear 80 decibels of noise one time or twice, it is a nuisance to the neighborhood and there are impacts on having that kind of noise. Right? And yet, the reports that you provide say there is no significant impact of having this noise. That's totally like, you know, I don't have words how to explain that. Thank you	Thank you for your comment. Construction and operation of the proposed Project would be required to comply with local noise ordinances unless granted a variance by the municipality. In the case that a municipality grants a variance to the local noise ordinance, the proposed Project would still be required to adhere to the conditions identified in the variance. No changes to the Draft EIR are required.	-	-
PC-21	1	We try to figure it out. So (garbled transmission) on this project. I'm a Patterson Ranch residence. My home, along with another 60 neighborhoods, is less than 50 yards from the railroad -- railroads. We have been hearing this every day. When passenger train passes, the high pitches. When freight train were passing by, we felt -- we felt vibration. So it's a different experiences. Sometimes more than five or six per day. You know. For gosh sake, we have (garbled transmission) for pride weekend. But anyway, so this project, right? I'm opposed to the project. My whole -- majority, just like my neighborhood, I think I'm (garbled transmission) the project. Anything that you mention about (garbled transmission) mitigation, (garbled transmission) I guess, noise pollution because (garbled transmission) concerned because you were on the street level too; right?	Thank you for your comment. Twenty-one locations that are anticipated to experience severe noise impacts were identified in the Draft EIR. The establishment of quiet zones or the implementation of sound insulation would be used to mitigate noise impacts at those locations. For locations along the subdivision experiencing moderate impacts, mitigation is not required per FTA guidance. For further discussion of noise and vibration associated with the proposed project, please refer to Master Response 12: Noise and Vibration. No changes to the Draft EIR are required.	-	-
PC-21	2	It is more impact because my property value -- my neighborhood property value will reduce, you know, by increasing traffic in this area. It is -- it is negative impact for my community because construction traffic will interrupt all the regular lives (garbled transmission) right?	The Draft EIR analyzed the impacts of construction traffic in Chapter 3.18, Transportation. Implementation of a Transportation Management Plan would reduce the impacts of this traffic, which would cease once work is completed. The comment regarding property values is noted; however, it refers to socioeconomic issues that are outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.	-	-
PC-21	3	It's most -- it's not least -- last but not least, it's environmental impact; right? For all the stuff you mentioned. Sea level will rise. All about this; right? It's a negative impact.	Thank you for your input. The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR.  The purpose of an EIR is to identify the potential significant physical impacts of a project on the environment, not the effects of the environment on the project (Ballona Wetlands Land Trust v. City of Los Angeles). Because sea level rise is an effect of the environment on the project, it is not considered as an impact under CEQA. No changes to the Draft EIR are required.	-	-
PC-21	4	I think it weighs out your benefits you listed earlier. So for another thing I want to mention is I look at -- I went through your proposed (garbled	Thank you for your comment. Please see Master Response 12: Noise and Vibration, which provides a discussion on the	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		transmission). I see some communities being included in the sound insulation area. I was wondering why our community being excluded from that particular so-called mitigation methods; right? Because we're so close to the railroad. I'm -- I have to, you know, I can't help to think you guys just sit here look at a map in the office areas, not even know the real life here. How do you guys make up the conclusion, is okay it's only three community that may need some insulation methods; right? I want you guys to take look at it again if -- if possible, I can invite you personally, in person, into my community. Come to the railroad, listen to train passes; right? Feel the vibration. Hear the voice -- I mean the noises; right?	operational noise and vibration impacts associated with the proposed Project. No changes to the Draft EIR are required.		
PC-21	5	So, the other thing I want to say, I do see you guys have a lot funding from different organizations; right? It's like however many in there. You think about information; right? And then down the road, do you think you get enough funds here?	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
PC-21	6	Sorry. Sorry. And that's project prove wrong, that funds definitely are not enough. How can you implement all this promised mitigation methods? I will wrap this up. Appreciate your time. Hopefully I will see my comments in your public website. Appreciate it. Thank you.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
PC-22	1	Okay. Well, as a former mayor of the City of Hayward, I've been familiar with this project for years. For years the environmental impact report was delayed. It was supposed to be out three or four years ago. And here you are now only giving the public a few weeks to read and comment on this -- on this extensive report. And I -- I just -- you know, I think that is extremely unfair. And I would also ask you to -- to grant the request of the mayor, the current mayor of the City of Hayward, Mark Salinas, to come to Hayward and hear from our community, which is going to be significantly impacted by this project. And I understand that he did ask that at a meeting, and he was refused. So you pretty much made it clear what you think of the Hayward community. As I said, Hayward is going to be significantly impacted by -- Sorry about that. Hayward is going to be significantly impacted by this. For one thing, by the removal of a station that was specifically located to serve a transit-oriented community called the Cannery, that is in, you know, one of the region's most affordable cities. And, um -- Okay. And I -- So, that is an impact. I mean, you know. And then also, the environmental impact on the Bay, which I think that you -- or on the Bayshore, which I think you've really glossed over there	Thank you for your comments. Please refer to Master Response 11: Land Use - Potential Conflicts and Growth Inducement, regarding land use issues. The other comments are noted; however, they do not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. In addition, please refer to Master Response 2: Public Review and Community Engagement.	-	-
PC-22	2	Hayward is one of the earliest communities to develop a comprehensive plan to respond to sea level rise. And the current cost to implement that plan is \$1 billion and that cost is sure to escalate if we need to protect a new commuter rail line. And I note that you said the environmental impact report for this study was only looking to 2050. I mean, based on the rate the EIR took to develop, I don't even know if you will even have the project done by 2050. But that is really short-sighted. And I think you need to look longer term out for that.	The comment is noted; however, it refers to socioeconomic issues that are outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts. For additional information on sea level rise after 2050, please refer to Chapter 4 Section 3.5 SLR Projections.	-	-
PC-22	3	So -- and let's just talk about the cost of this project which I -- you didn't mention in your comments, but I believe it's in the 700-to-900-billion-dollar range right now, which is way up from earlier projections. And most certain to escalate to more than a billion dollars. And for what? To save 13 minutes on a commute. That's about \$75 million per minute. So that -- that's what this project represents. Now, there's been a lot of talk about -- in the Bay Area about the need for a tax measure in 2026 to support our local transportation system. And especially to support our transit agencies like BART that are still recovering from the impacts of the pandemic. And we are hearing a lot about the financial woes of these agencies. But I can tell you as a voter, I have to add, if we can afford a project like the Transbay Connect, we really don't need more tax dollars from the voters. And I suspect that a lot of the many voters, especially in Hayward, when fully informed about this plan will agree with that. So I think transportation officials throughout the Bay Area should consider that. So once again, I mean, mainly I really would implore you to extend this public comment period for such an important project,	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments. In addition, please refer to Master Response 2: Public Review and Community Engagement.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		especially after taking so long to develop the EIR. And also come to Hayward. We're going to have a meeting anyway and we will invite you and I hope that you will come. Thank you very much			
PC-23	1	You're smiling. Okay that took a bit. Sorry I have a new laptop. Yeah, it's Michelle Powell, last name spelled P-O-W-E-L-L, like the street. I'm just - I'm actually curious about something. This double-tracked line seems to end at the Newark -- I'm sorry, Ardenwood Station. And what I'm wondering is, does, then, the Capital Corridor meld back into the coastline and go down to San Jose? Does it do it temporarily? Is there another project in the works that will extend this double line all the way down to San Jose? And is that -- is that separate from this project? Those are my questions right now. Thank you.	Thank you for your comment. The proposed Project would involve the installation of an additional track between the Elmhurst and Newark rail junctions, a distance of approximately 17.4 miles. Please refer to the Draft EIR Chapter 2 Project Alternatives Section 2.2.3.1. Track and Civil Improvements for more details regarding track alignment and upgrades pertaining to the proposed Project. In addition, please refer to Master Response 13: Cumulative Impacts Assessment.	-	-
PC-24	1	Yes, I am your BART director, an elected official. And I do align my comments with the former mayor of Hayward, Barbara Halliday and Michelle Powell who is a Niles resident. And my view is I oppose this project. I -- and I do want to -- I do want to request a time extension. This is so important to our community. It has so many impacts	Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA for public noticing and availability. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA.  Further, the comment does not directly address consideration of the accuracy or adequacy of the EIR.  Please see Master Response 1: Opinions and Other General Comments and Master Response 2: Public Review and Community Engagement.	-	-
PC-24	2	The project EIR, draft EIR, it looks like it was crafted to have no substantial impacts. And this is troubling to me because we have this objective, project objective, it says, "Support economic vitality by permitting enhanced rail movement and the preservation of freight rail capacity in Northern California market through the reduction of conflicts between freight rail operations and passenger rail service." And this -- this objective does have problems, because when we move the Capital Corridor potential move to the coastal subdivision line, from the Niles subdivision to coastal subdivision, you've established a primary freight corridor through the most densely populated East Bay communities which also have environmental justice issues. And this is spanning all the way from Oakland to Fremont. And then on top of this, the freight corridor that's being left because Capital Corridor is moving over to the coast, potentially, this freight corridor impacts, you know, the transit-oriented stations and development that's been happening for decades. These are BART stations, like Hayward, South Hayward, Union City BART station. And then there's the Centerville rail station in Fremont. These are going to have massive development potential with housing and jobs. And now these areas are becoming freight corridors. So that -- to me this objective, to create this freight capacity separate from passenger rail, and this is not analyzed, that we're going to have freight trains, you know, possibly 35 feet long, going through these communities. And this is in accordance with this vision implementation plan that the J -- CCJPA adopted, but that was never environmentally cleared in 2016. So you're following a plan that was never vetted with our communities. We didn't know about the vision plan, that talked about rerouting freight into Niles Canyon even, which is our watershed, and this vision implementation plan talks about double tracking freight. This is unacceptable. This plan that we're seeing today, this project, is based on a vision plan that nobody even has been discussing at the scoping meeting, or in our communities. This is putting our transportation measure potentially in jeopardy if we don't get more time and answers on this project. So I hope we can get that. And I -- I just implore the staff to go to these Hayward meetings and maybe Fremont will do a Hayward community meeting, as well because this is just not -- Thank you. I would just say that the project does have impacts that are being omitted from the Draft EIR. Thank you	Thank you for your comments. Please refer to Master Response 8: Freight Train Volume Assumptions regarding potential freight train issues. As has been noted, the use and frequency of freight train lines is at the discretion of UPRR. Regarding potential impact related to proposed transit-oriented development, please refer to Master Response 11: Land Use - Potential Conflicts and Growth Inducement. Regarding environmental justice issues, please refer to Master Response 10: Environmental Justice and EIR Section 5.6. The Vision Plan, formally known as the Capitol Corridor Implementation Plan, is a document adopted in 2016 and available to the public on the Capitol Corridor website at <a href="https://www.capitolcorridor.org/vision-plan/">https://www.capitolcorridor.org/vision-plan/</a> . The Vision Plan is a detailed plan for implementation of the CCJPA's vision for the Capitol Corridor, which looks out toward service changes that may be required to serve the transportation and economic needs of the Northern California megaregion over the next 40 years. The plan includes possible capital improvements that could implement the vision, such as new tracks or stations, along with a potential strategy for funding and construction. However, while the Vision Plan discusses potential improvement alternatives, particularly between Oakland and San Jose, it does not specify improvements that will be funded and implemented. Therefore, it is not a capital improvement plan. More specific improvement projects, such as the proposed project, would be subject to CEQA review, including public noticing and comment requirements. The comment asserts that the EIR omits discussion of impacts; however, it does not cite specific examples of this.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
PC-27	1	Great. Yeah. So following on the former mayor and Director Ames' point, I'm a Hayward resident. We are a homeowner in the Cannery Park community which was built around the transit station. So to the point of two previous speakers, yes, we should have more transit, but not at the expense of the transit that already exists, and certainly a neighborhood that was built around that. So this will impact our property values. Properties around public transit are what, 10 to 15 percent, typically, more valuable. And Cannery Park was really built around the idea of being accessible to BART and to the Capital Corridor. I have certainly used it to commute, and it gives me options to commute. So to Hasan's point, yes, it's awesome to have. But what I didn't see in any of the report that you presented was any of the negatives of the impacts to existing communities, particularly Hayward. So, yes, great benefits. Not an environmental impact that is negative. Great. But there are negatives happening to communities, particularly Hayward, that I didn't see addressed. So I would love to see that. To the former mayor's point after a four-year EIR, I think we should have a little more time to discuss this, so I would encourage to you extend the comment period. Thank you	Thank you for your comments. The Draft EIR analyzed the potential environmental impacts of the project, including potentially negative impacts. For such impacts, mitigation measures were identified and will be implemented. The public outreach and engagement process for the Draft EIR exceeded the statutory requirements under CEQA - please refer to Master Response 2: Public Review and Community Engagement. The potential effects of a project on property values are socioeconomic effects that are not a physical impact on the environment; therefore, such effects are not required to be studied by CEQA. Please refer to Master Response 3: Economic and Social Impacts.	-	-
PC-28	1	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 percent BIPOC communities. These groups have been historically underserved, including disproportionately affected by pollution and socioeconomic hurdles due to lack of or loss of community development. The loss of this Amtrak station will negatively impact the communities that call Hayward home or work. The South Bay Connect project will leave those of us who choose to commute to and from Hayward car free by train and bike with no other option than to drive. 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. And I would also like to add that I sympathize with those who do wish for expanded public transportation in the Newark area as well. And I see the complexities. I think if you take the station away, there's no denying that you're prioritizing expediency, especially to the tech-centered South Bay and peninsula region over the support of the Hayward community. But before I go, I wanted to share my commute. I live in San Pablo. And I commute from the Richmond Amtrak station to the Hayward station. And I do so by bike from my house and to the Alameda County public building on West Winton. I'm a civil servant. This commute allows me to be one less car on the road in a world where we desperately need less cars on the road. I'm inspired to speak today for my children, who I hope will see me as a passionate advocate for bike commuting and to protect our environment. And in closing, to -- in considering the future of the Hayward Amtrak, ask this: Do we want to be another story of public transit lost and communities not valued? As we all know, this has happened countless times before in our nation's history. Or do we want to be a rare story 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 wish to live and participate in. Today I took Amtrak to and from work and felt grateful as I waved hello to my fellow Hayward station work commuter community. Thank you very much.	Thank you for your comment. EIR Section 5.6 analyzed environmental justice issues associated with the project. However, this analysis was conducted in accordance with federal law; environmental justice is not required to be analyzed under CEQA. Please refer to Master Response 10: Environmental Justice for further discussion. Regarding the Hayward station, see discussion included in Master Response 6: Proposed Ardenwood Station under heading Transit Connections. The other comments are noted; however, they do not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
PC-29	1	Thank you. Hi, I'm a big fan of rail transit. I've been working on urban planning greenhouse gas reduction plan in deep east Oakland right at the beginning of the South Bay commute. And I notice that the EIR says for environmental justice, there's no mitigation needed.	Thank you for your comments. Please refer to Master Response 10: Environmental Justice.	-	-
PC-29	2	And like the last speaker, the -- that -- the area in Sobrante Park where the proposed South Bay Connect crossing has two at-grade crossings, is in the five percent most impacted neighborhoods in the CalEnviroScreen. And we already submitted a petition with over 100 signatures from the neighborhood saying that an at-grade crossing with high-speed rail is extremely dangerous. There are seven schools right near this, those two at-grade crossings.	Thank you for your comment. Per CalEnviroScreen, the area surrounding Sobrante Park is in the upper 90th percentile for diesel particulate matter, traffic, and lead from housing. However, the project would not contribute to lead contamination in this community.  Regarding traffic, I-880 borders these Census tracts	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>surrounding Sobrante Park to the west. Traffic congestion along this and other area roadways contributes to the diesel PM emissions currently impacting residents. The proposed project would promote mode shift away from motor vehicle use. Mode shift would decrease the number of vehicles on roadways, reducing traffic congestion and air pollutant emissions.</p> <p>Another source of diesel PM near Sobrante Park is trains (freight and passenger rail) along the Coast and Niles subdivisions. Sobrante Park is located near the area where these two subdivisions split. Therefore, the proposed project would not increase train frequency near the park (i.e., the build and no-build alternatives would have the same number of trains/day).</p> <p>Regarding safety concerns, both Edes Avenue and Kerwin Avenue are existing at-grade crossings used by approximately two freight trains per day. Rail crossings are only a potential safety concern for motorists, pedestrians, and bicyclists when warnings are ignored. Under the proposed project, existing crossing equipment (gates, arms, and signal cabins) would be upgraded. Pavement striping and signage would also be replaced. These updates would be designed to the necessary safety standards and consider additional train frequency (14 trains per day) and the speed of travel for passenger trains. The proposed Project does not include High Speed Rail. Based on this, the proposed project is not anticipated to create new safety concerns for residents in this area. No changes to the Draft EIR are required.</p>		
PC-29	3	It would be very noisy for the residents, so they need to be sound walls, safety walls, and for the main crossing,	Thank you for your comment. Twenty-one locations that are anticipated to experience severe noise impacts were identified in the Draft EIR. The establishment of quiet zones or the implementation of sound insulation would be used to mitigate noise impacts at those locations. For locations along the subdivision experiencing moderate impacts, mitigation is not required per FTA guidance. No changes to the Draft EIR are required.	-	-
PC-29	4	on -- near 105th and Edes needs to either be a -- an automotive overpass or underpass, probably over. Or the rail needs to drop down there. So this -- without addressing this -- you know, using paint and fixing -- you know, and fancier gate crossings do not address the issue and are very inadequate. So we will definitely follow through with an inadequacy if that is not addressed. Thank you very much.	Comment noted. UPRR would determine the need to implement such improvements. These suggested improvements are not required to meet the objectives of the proposed Project.	-	-
PC-03	1	Thank you. My name is Greg Heibel and I'm here in my personal capacity as a resident of Ardenwood neighborhood of Fremont. I live roughly 500 feet from the train tracks in question. I'm deeply disappointed with both the proposed project and the EIR that's been presented. First, the rationale in the EIR for rejecting the no project alternative, i.e., no change to current status with respect to the operations of the train, relies entirely on a if-we-build-it-they-will-come rationale. There's no compelling evidence shown in the EIR that the project would do anything to mean fully increase daily demand for rail service in the corridor, that would justify at least two years of highly disruptive construction in residential neighborhoods or the continued noise and vibration associated with an additional at least 14 trains operating 24 hours a day in the affected areas. The areas of known controversy that are included on page 70 of the executive summary of the EIR, identify the major problems with the project: Large financial costs with potentially negative environmental impacts with relocation of passenger rail service with minimal travel time improvement.	<p>Thank you for your comment. The Draft EIR's evaluation of the "No Project" alternative is based on a comprehensive analysis of regional transportation needs, projected population growth, and the anticipated demand for improved rail service, rather than solely on an "if-we-build-it-they-will-come" rationale.</p> <p>The Draft EIR provides detailed ridership forecasts and demand projections, showing that the project is expected to increase daily demand for rail service by improving travel times, enhancing connectivity, and offering a more direct route between key destinations. The decision to proceed with the proposed Project is grounded in these forecasts, which are supported by data from various transportation models and studies.</p> <p>Regarding noise, the proposed Project includes seven trains in each direction, or 14 passenger trains roundtrip total on weekdays anticipated on the Coast Subdivision between 6 A.M. and 10 P.M. on weekdays. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			proposed Project, as well as proposed mitigation measures.  Finally, this comment refers to "Areas of Known Controversy" on page ES-70 of the Draft EIR, which summarizes areas of communicated controversy related to the proposed Project or identified in the EIR scoping process. The comment simply restates this information from the Draft EIR. No changes to the Draft EIR are required.		
PC-03	2	Second, noise, vibration, property value, safety concerns for rail corridor residents.	Chapter 3.14, Noise, analyzed the potential noise and vibration impacts of the project and identified mitigation measures to reduce potentially significant impacts. Please refer to Master Response 12: Noise and Vibration for further discussion. Safety issues were discussed in the Draft EIR, specifically in Chapter 3.10, Hazards and Hazardous Materials, and Chapter 3.18, Transportation. The comment on property value is noted; however, it refers to a socioeconomic issue that is outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.	-	-
PC-03	3	Third, the pandemic results in reduced ridership, less freeway congestion and more business migrating to telecommuting, which remains currently down more than 40 percent since the pandemic, according to the Authority's most recent publicly available ridership data.	Thank you for your comment. The EIR includes ridership forecasts based on both pre-pandemic and post-pandemic scenarios to account for these changes and their potential long-term effects on transportation demand. The EIR considers the possibility of future recovery in ridership levels as conditions evolve and as the region's population and employment patterns change. The project is designed to meet anticipated future transportation needs and to provide a more resilient and efficient rail service that can adapt to varying demand levels over time. No changes to the Draft EIR are required.	-	-
PC-03	4	And then fourth, loss of current Capitol Corridor access to the existing Hayward and Fremont downtown areas. So that's the words from the EIR itself, which really remain un-responded to in the report.	The comment is noted; however, it refers to a socioeconomic issue that is outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts. Also, please refer to Master Response 6: Proposed Ardenwood Station, which discusses how the station location was selected.	-	-
PC-03	5	Second major point, even if you assume that the miracle happens and the ridership increases 15 years from now, as described in table 3.18-2, the upside ridership gain seems to be only about 2,000 riders a day in the year 2040. Compare that to the current Interstate 880 daily traffic at "A" Street in Hayward, which I think is a relevant point of measurement. Up 277,000 cars per day. How does a potential reduction of less than one percent of the cars in 15 years from now justify the environmental impact of neighborhoods up and down the 880 corridor, putting aside the nearly billion dollars that the project will cost?	Thank you for your comment. The EIR explains that while the projected ridership increases by 2040 may seem modest compared to daily traffic on Interstate 880, the project will still significantly contribute to reducing VMT, lowering traffic congestion, and decreasing greenhouse gas emissions. Even a small reduction in cars on I-880 can positively impact traffic flow and environmental quality. The project aligns with regional and state goals to improve transportation options and sustainability, justifying the investment despite the seemingly small direct impact on daily traffic volumes. No changes to the Draft EIR are required.	-	-
PC-03	6	Third, I believe the assessments in the EIR about impact on individual residences with respect to noise and vibration are simply incorrect. For instance, my house currently suffers from vibration from trains near the tracks. Yet according to figure 2, Appendix G, Noise and Vibration, the Authority says that the disruption of 14 additional trains a day, again, 24 hours a day, will result in no significant impacts to the -- to the homeowners. Because according to the graphic, my home is not flagged as having a vibration impact due to the project despite a number of homes only roughly 100 feet away.	Thank you for your comment. The proposed Project includes seven trains in each direction, or 14 passenger trains roundtrip total on weekdays anticipated on the Coast Subdivision between 6 A.M. and 10 P.M. on weekdays. Please see Master Response 12: Noise and Vibration, which provides a discussion on the operational noise and vibration impacts associated with the proposed Project. No changes to the Draft EIR are required.	-	-
PC-03	7	Final question, why -- why should so many tens of hundreds of thousands of residents suffer from changes to their lives without meaningful benefit. Thank you.	The comment is noted; however, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
PC-30	1	Yeah, so at this point, I oppose this project. Specifically, I'm talking about the coastal portion. I'm also from a community that's right adjacent to the tracks, the California Vintage, similar to Patterson Ranch. As far as impact, it has been the lack of communication about this	Thank you for your comment. The public outreach and engagement process for the Draft EIR has exceeded the statutory requirements under CEQA. CCJPA has made information available on multiple platforms, to provide	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		project so far. I mean, it's been more like (indecipherable) WhatsApp, within the NextDoor, is where we are finding information about this project, rather than, you know, actually being communicated to us through main or to post. So that's unfortunate.	information to the community as required by CEQA.  Further, the comment does not directly address consideration of the accuracy or adequacy of the EIR.  Please see Master Response 1: Opinions and Other General Comments and Master Response 2: Public Review and Community Engagement.		
PC-31	1	Hi, my name is Justin Lee. And I live in the California Vintage community. And I want to echo everything Naveen said. He is one of my neighbors in my community. Everything he said is one hundred percent true. We live right next to the railroad tracks. So I really think the public comment period needs to be extended and more information needs to be sent out to our neighboring communities, because we were not made aware of this until recently and then there's also a huge unhoused population living right next to the railroad tracks so when you build this station, those unhoused people will have to be moved. And they will be moved to somewhere else in our neighborhood. And this is a huge safety concern for the residents living in the California Vintage, Patterson Ranch, Tatiana (phonetic), Hampton Place and Villa Deste. So we feel the public comment period needs to be extended. I 100 percent agree with what Naveen said. Everything he said is true, and the noise from the trains that come by are going to be really loud and make huge vibrations, so we are opposed to this project. Thank you.	Please refer to Master Response 2: Public Review and Community Engagement regarding public outreach for this project. Draft EIR Chapter 3.14, Noise and Vibration analyzed the noise and vibration impacts of the project. Please also refer to Master Response 12 Noise and Vibration. The comment on the unhoused is noted; however, it refers to a socioeconomic issue that is outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.	-	-
PC-33	1	Great. So, thanks for having this forum for us to speak. I live in Ardenwood neighborhood and I'm very opposed to this current plan. When I look at the schedules that are posted for the current commuter trains, the change of that the -- the change that -- the increase in frequency of trains running through my neighborhood will be 12 additional trains running through on the weekdays and 14 additional trains running through on the weekends.	Thank you for your comment. The proposed Project includes seven trains in each direction, or 14 passenger trains roundtrip total on weekdays anticipated on the Coast Subdivision between 6 A.M. and 10 P.M. No changes to the Draft EIR are required.	-	-
PC-33	2	You said it was between 6:00 and 10:00 -- 6:00 and 10:00 during the day, so that's almost an additional train every hour.	Please refer to response to Comment PC 33-1.	-	-
PC-33	3	So, the reason, in addition to just kind of the general noise pollution that I am concerned about, many studies have actually shown that the increased noise pollution and increased toxicity from the soot, from the soot that arises from these trains going by, actually have an impact, both on your mental health and as well as an increase in cancer.	Draft EIR Chapter 3.4, Air Quality, analyzed the air quality impacts of the project on potentially sensitive areas, including potential health impacts, and identified mitigation measures when necessary. Regarding noise impacts, please refer to Master Response 12: Noise and Vibration.	-	-
PC-33	4	So if you actually Google a lot of these -- living near train tracks -- sorry, living near train tracks substantially increases your risk of cancer, including breast cancer and other types of cancer resulting from soot. So I don't believe you actually address that in your EIR. I don't see how that can be substantially impact -- you can reduce that, mitigate that, to less than substantial impact. I would like to better understand how you plan on reducing health impacts to those living in the communities next to the train. That's it. Thank you.	Please refer to response to Comment PC 33-3.	-	-
PC-34	1	Okay. Thank you very much. My name is Vency Woo, V like Victor, E-N-C-Y, W-O-O. I'm an Ardenwood resident. I'm opposed to this project based on a few, well, factors. So first of all, assets. So, well, I been studying about this project and unfortunately, there are no studies comparing ridership demand between the existing and proposed corridors. So it is very questionable that -- whether there is really a need for it. And the claim of increased ridership is purely speculative And more importance is station access. So, I mean, what you are proposing, to move the track, and however, okay, there are no proposals for reestablishing access from the two stations to be abandoned to the	Thank you for your comments. Draft EIR Chapter 3.18, Transportation, discusses projected ridership for the project. Please refer to Master Response 6: Proposed Ardenwood Station regarding how the proposed station was selected. Regarding the residents at the two stations, this refers to a socioeconomic issue that is outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts. No changes to the Draft EIR are required.	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		Ardenwood Station. So what are you going to do with the residents at the old stations?			
PC-34	2	The traffic impact, you only doing your studies around the corridor, but, I mean, you are not considering any impacts around the proposed station. So, okay, well have you done any studies for traffic impact along Ardenwood Boulevard, as well as --well, okay, south -- well eastbound and westbound State Route 84? So can you promote, okay, well there will be seamless bus and shuttle services. But keep in mind these shuttle services are privately operated so that should not be count towards your benefit.	Thank you for your comment. The EIR confirms that the traffic impact analysis included a detailed study of traffic conditions around the proposed Ardenwood Station, including key roadways such as Ardenwood Boulevard and State Route 84 (Section 3.18.3.2, Traffic Volume Assumptions). The analysis considered both the Opening Year 2025 and Horizon Year 2040 scenarios, evaluating how traffic volumes might change with the implementation of the project.  The study utilized traffic volume forecasts to assess potential changes in traffic patterns, congestion, and the operation of key intersections around the station. Specifically, the analysis included the expected increase in automobile trips generated by the new station and its impact on surrounding roadways, including Ardenwood Boulevard and State Route 84 (Section 3.18.3.2, Operations and Queuing Analysis Methods).  While the transportation chapter (Chapter 3.18) acknowledges the overall role of multimodal transportation in enhancing connectivity, the analysis does not factor in the operations or benefits of privately operated shuttles as a primary contributor to the project's transportation benefits. The key elements of the analysis are based on public transportation improvements and their integration with the existing transit network. No changes to the Draft EIR are required.	-	-
PC-34	3	For economy, okay, I agree with the former mayor of Hayward that you are moving economy from the two well-established communities to somewhere that has no business activities at all.	The comment is noted; however, it refers to a socioeconomic issue that is outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts.	-	-
PC-34	4	In terms of land use, according to the City of Fremont's general plan, okay, well there is no transit-oriented development over there at your proposed station. So, I mean, this does not -- it's not in compliance with the current general plan.	Thank you for your input. Please refer to Master Response 11: c for a complete discussion of when a conflict with a land use plan qualifies as an impact under CEQA.	-	-
PC-34	5	And I want to mention about environmental, because okay, well, this proposed station is very close to the regional park. And I mean, well, based on your study, well your biological resource study is only 500 feet from the proposed project, which is not enough. You guys are not giving us enough information and review on the true environmental impact.	Draft EIR Chapter 3.5, Biological Resources, provides a description of and justification for the Biology RSA. It is presumed that the regional park mentioned in the comment is the Coyote Hills Regional Park. Please refer to the response to Comment 71-5 regarding the Coyote Hills Regional Park.	-	-
PC-34	6	And in terms of noise and vibration, okay, well, I want to understand if the study is based on two tracks or one track. I mean, is it based on two tracks that are in operation at the same time? I tried to look up the EIR, but I don't see any information. Looks like my time is running out. So, well, thank you for this opportunity for me to speak	Thank you for your comment. The assessment is based on two tracks in operation at the same time. No changes to the Draft EIR are required.	-	-
PC-35	1	Thank you. My name's Yong. I'm from Patterson Ranch community. Three years ago, the Patterson Ranch HOA, homeowner association, sent a letter to South Bay Connect opposing this project due to this negative impact to the community, which have 500 resident families. And unfortunately, the HOA board was not invited to the May -- May working group meeting, as well as the Hampton Place community which is also potentially seriously impacted by this project. So, I see there's many callers today from Hampton Place, Patterson Ranch. I would urge you to extend this -- this comment period because I feel like a lot of residents were not aware of this project. Second, is that this website, the South Bay Connect, has many positive - mentions many positive aspects of this project. Unfortunately, the negative impact was not listed. From the two, this community meetings, I can hear overwhelmingly negative comments. And I'm afraid if you don't publish those comments, the decision-maker	Thank you for your comment. The public outreach and engagement process for the draft EIR has exceeded the statutory requirements under CEQA. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA.  All public comments received on the Draft EIR during the comment period will be included and responded to in the Final EIR and will be available to the public.  Further, the comment does not directly address consideration of the accuracy or adequacy of the EIR.  Please see Master Response 1: Opinions and Other General	-	-



Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		like the CCJPA board or the county supervisor won't have any hears from the actual residents. So, that's -- for anyone who in this meeting, I would urge you to call in on June 26, that's CCJPA board meeting for this project at -- actually at 10 A.M. That is -- that's a lot of decision-makers and elected officials going to hear the -- your voice. Please call in at June 26 on the CCJPA board meeting. Thank you.	Comments and Master Response 2: Public Review and Community Engagement.		
PC-37	1	Thank you. I'm -- I'm in agreement with a lot of what some of the Ardenwood residents said. This DEIR seems to be limited to a section of the overall project. There's no real information regarding the development of the Ardenwood Station itself, which is central to the project. I'm assuming that's going to be a separate EIR at some point in the future. But in addition to that EIR for Ardenwood Station, I'm also assuming there's going to be one for Alviso, one for the nearby South Bay wetlands. And I wish, I don't think it will happen, but I wish there would be one regarding the reality of the potential Union Pacific changes in great frequency, which will almost certainly result in the creation of a new freight-only corridor. Regarding the Centerville Station, this just seems like a crime. We've spent 15 years, maybe 20 years making city planning decisions that were based upon the Capital Corridor's participation at that station. A lot of these projects have been built already. There's -- I don't know if you've been down Fremont Boulevard but there's a major swath of downtown Centerville that was demolished to accommodate high-density housing in anticipation of -- not anticipation, in the understanding that robust transit would be available at that station for these developments. So this project has already, you know, changed our community. And now it's basically walking away from what is essentially a crater in the middle of Centerville. This degrades the predictability of transit in general for city planning. Additionally, I think you're basically duplicating BART's efforts, so I don't think you're providing a significant upgrade to Bay Area transit unless by some chance the Dumbarton rail comes to fruition. Thank you.	Thank you for your comments. Please refer to Master Response 6: Proposed Ardenwood Station. Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight train traffic. Regarding the Centerville station, please refer to Master Response 11: Land Use- Potential Conflicts and Growth Inducement. The Alviso project is not in environmental review at this time; should it reach the development stage, a separate CEQA analysis would be conducted for this project. Please refer to Master Response 4: Independent Utility of Project.	-	-
PC-04	1	Okay. While mine are mostly questions, so I will follow up with most of them in writing. But Shirley spoke to assumptions about freight rail operation changes were no longer true, and I would want to know more detail about -- that's simply a statement that's not explained. I think that residents in the area deserve an explanation of what that means.	Thank you for your comments. Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight train traffic.	-	-
PC-04	2	I would like to know if there are any guesses as to what the cost of a trip from Oakland to San Jose is going to be after this project completes and people are riding.	The comment is noted; however, it refers to a socioeconomic issue that is outside the scope of CEQA analysis. Please refer to Master Response 3: Economic and Social Impacts. Also, the comment does not directly address consideration of the accuracy or adequacy of the EIR. Please refer to Master Response 1: Opinions and Other General Comments.	-	-
PC-04	3	And also, you're basing it off the 2018 State Rail Plan, and I'm wondering if the 2024 State Rail Plan has any changes in it that will affect this project? I'll just wrap up with that. Thank you.	Thank you for your comment. The updated State Rail Plan (SRP) is consistent with the projections established in the 2018 SRP. Having considered the findings in the updated SRP, no update is needed to the language in the Draft EIR to maintain consistency with the updated plan.	-	-
PC-40	1	My name is Stephen Lotz and I live in Fremont. I have an observation about some possible inconsistencies in the project description that would be good to clear up. I'm referring to first and the under the document called alternatives on 2.2.3.9 under proposed operations and maintenance. It says no changes to freight service operations on the Niles and Oakland subdivisions would occur as a result of project implementation that's on page 2-29 and then later on in the same document on page 2-44, it says under 2.3 it says alternatively the proposed project includes upgrades at the Niles subdivision only in the vicinity of the connection points between the Niles and Coast subdivisions in Newark. Those two sections are interesting but they appear to be inconsistent with flyers that have been sent out by the	Thank you for your comment. Modifications to the Niles and Oakland subdivisions near Niles Junction that would have affected freight traffic were limited to Alternatives A-D, which were rejected as described in Section 2.3. For additional information regarding Alternatives, please see Master Response 5: Project Description and Design Alternatives. For additional information regarding evolution of project design, please see Master Response 7: Coast Subdivision Double Tracking. For additional information regarding freight activities, please see Master Response 8: Freight Train Volume Assumptions. For additional information regarding previous	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		South Bay Connect staff to residents in the area saying the project includes changes or modifications to the tracks in the Niles Junction area in Fremont and that the changes would allow freight trains on the Niles subdivision to turn east into Niles Canyon instead of going in other directions so these two messages are not consistent to each other and certainly residents along the Niles line in Union City, Fremont, and Hayward would be very concerned about the possibility of increased freight traffic because of noise and pollution even though South Bay Connect does not officially anticipate any changes to freight if the taxpayers are paying for improvements or changes or modifications to the tracks at the Niles Junction that would appear to invite a lot more rail freight traffic along the Niles division. Anyways this particular inconsistency in the messaging would be important to clear up. Thank you very much.	public outreach efforts, please see Master Response 2: Public Review and Community Engagement.		
PC-41	1	Hi, my name is Brian Culbertson, I'm an Oakland resident and I'm calling about the South Bay Connect project. I noted that Oakland doesn't seem to be a partner on this project even though we've listed all of the other cities and I have not seen this project come before other committees in Oakland like the Oakland Bike and Pedestrian Access Committee and one of the reasons why this is important is we've been trying to get the San Leandro Creek bike trail from Hegenburger to 105th and Union Pacific and other sort of railroads have been blocking it due to this line that you're currently proposing using so I think it's crucial to bring this before groups in Oakland so that as part of this project we can increase bike and walk safety projects and not block. Currently the idea of trains coming through the neighborhood as a reason to not add this trail and not add bike safety so I would hope that this project could come before groups like the Oakland BPAC. Thank you.	<p>Thank you for your comment. The proposed San Leandro Creek trail would require a grade separated crossing of the train tracks. As CCJPA does not own those tracks and the associated right-of-way, CCJPA has no decision-making power over such track crossings. The proposed Project does not preclude the possibility of such a crossing.</p> <p>The project stakeholder list includes several biking and local interests, including Bike East Bay, Walk Oakland Bike Oakland (WOBO), the City of Oakland (City Council, Department Heads, Planning Commission, etc.), and various other organizations in Oakland. CCJPA will add the Oakland BPAC to the notification list for project updates and encourage you to participate in future public meetings and engagement opportunities. No changes to the Draft EIR are required.</p>	-	-
PC-42	1	Good morning, this is Liz Ames your BART Director. I am opposing this project and I just wanted to convey that Capitol Corridor is investing roughly \$3 billion in this ultimate plan and right now with \$1 billion you're trying to create a goal of cutting 13 minutes off the commute time between Oakland and San Jose. The ultimate goal from Oakland to San Jose is actually you know \$3 billion so that translates to \$230 million for every minute of commute time saved yet if you add a single stop along the Capitol Corridor such as in Hercules or Hayward off of Highway 92, you would negate much of that potential time savings. So the project also is risking the potential for slower train speeds, more service interruptions, and track damage with the coastline proposal because that's subject to sea level rise so I don't think it's important to focus on the coast when you got these potential risks that aren't being accounted for in the design of the project. The agency, CCJPA, has a 2016 vision plan that also proposes to increase freight train traffic up to 60 trains per day through communities of concern without mitigation such as including at-grade underpasses or overpasses which are more enhanced grade separations. This is a significant impact to despair communities of concern, and I would hope that this project would include grade separations along the Niles and Oakland subdivision and the coastline as well. Thank you so much.	<p>Thank you for your comments. Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight train traffic. The other comments are noted; however, they are either comments that do not directly address consideration of the accuracy or adequacy of the EIR or refer to socioeconomic issues that are outside the scope of CEQA analysis. Please refer to Master Responses 1: Opinions and Other General Comments and 3: Economic and Social Impacts.</p> <p>Regarding grade-separated crossings, they have been identified at select locations and not others throughout the alignment based on a variety of factors. Constructing grade separations to separate a rail alignment from roads can considerably widen a rail project's footprint. In addition, when grade-separating alignments, the infrastructure can extend far beyond an individual roadway crossing because rail operations require that railway slope changes be gradual. Thus, where there are at-grade roads crossing a rail alignment in close proximity to each other, any grade separation that uses a change in the railway elevation will likely require the changed elevation (whether above or below roadways) to be maintained across all the nearby at-grade crossings. In other words, it may not be possible to construct only one grade separation in some areas, where close proximity of at-grade crossings means that constructing one grade separation would then require constructing multiple other grade separations. This can increase the cost of a grade-separated rail alignment. It can also increase the costs associated with right-of-way acquisitions, require additional infrastructure, and increase construction disruption. Additionally, the integration of grade separations with the local roadway network would require the reconstruction and modification of adjacent streets and intersections. Construction activities associated with the construction of grade separations would require temporary road closures and detours and would temporarily restrict</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			access to many properties. Thus, grade-separated crossings are only identified in select locations for the proposed Project.		
PC-43	1	I apologize I waited until the very last minute. My name is Vency and I'm a resident in the Ardenwood area. I'm opposed to this project based on a few reasons. First of all, CCJPA keeps emphasizing there will be an increased demand in ridership which I don't agree because with the shifting and discontinuing of the Hayward and Niles station, all commutes will be focused in the Ardenwood area. There are no plans for accessing or connecting these riders to the new station so this is of my concern and on top of that there hasn't been any analysis on any traffic impact for shifting and discontinuing those two stations and rerouting all these riders to the new station. My other concern will be environmental. The state regional park is very close to this proposed station but according to EIR, it seems that while the project study area is only 500 ft. from the project footprint, which doesn't seem to include the regional park and I want to see how this new proposal would impact the park as well. In terms of land use, it is my other concern because Ardenwood is completely residential—it's between low to medium residential—and I wonder how this will benefit the community. I'm also concerned about the emergency response time because it appears the emergency response time will increase with this proposed project which will be an impact to the community. So thank you very much for listening and I hope you reconsider this project. Thank you.	<p>Thank you for your comment. The transportation analysis for the proposed project included a ridership forecasting analysis (provided in Appendix H) that reviewed the effects of the addition of service at Ardenwood station and the discontinuation of service at Hayward and Fremont-Centerville stations. This analysis considered all land uses around the Ardenwood station area, including existing and future residential development and jobs. Furthermore, the analysis also included a review of traffic operations in the area surrounding the Ardenwood station for informational purposes; per Senate Bill 743 (2013), congestion-related impacts are less-than-significant in CEQA.</p> <p>The comment expresses concern about the impact of the proposed Project on the "state regional park". Table 3.17-1, Recreation Facilities within RSA, does identify Coyote Hills Regional Park being 428 feet away from the project footprint. As described on pages 3.17-20 and 3.17-21, no improvements are proposed adjacent to or within many parks, including Coyote Hills Regional Park.</p> <p>Regarding land use, please refer to Master Response 11: Land Use - Potential Conflicts and Growth Inducement for a discussion of the impacts of the proposed Project on land use.</p> <p>The proposed project is expected to decrease and improve the emergency response time in the Niles and Oakland Subdivisions as well as the Centerville portion of the Niles Subdivision. The proposed Project is projected to result in only a slight increase in emergency time in the Coast Subdivision. During operations, in the event that there is a derailment or situation at a station facility, the accident or incident would be communicated to all rail operators in the area, and any safety measures, cleanup, and emergency access would be under the control of local jurisdiction emergency responders with assistance from rail operators. Therefore, the proposed Project would result in less-than-significant impacts related to operational activities. No changes to the Draft EIR are required.</p>	-	-
PC-44	1	Hello, I spoke the other night at the hearing, but I just wanted to add my comments to all of you who I don't know if you watched the other program. I'm the former mayor of Hayward. I have been opposed to this project for quite some time. I know the Capitol Corridor made attempts to locate a station in Hayward but that isn't the right thing to do. We built a transit-oriented community around that station, the Cannery Project. To me this project just violates the principal of equity that has been embraced I know by Alameda County Transportation Commission which has a line item in their budget for this and by the Metropolitan Transportation Commission as well. It is serving the very wealthy community of Silicon Valley at the expense of a community like Hayward that has a train station that you are just removing. Also I would point out this project the transit community is saying that they need a ballot measure to raise money but clearly that's not the case if a billion dollars can be spent and you know it will be more than that by the time it's over on a project like this just to move trains from one track to another close to a shoreline that Hayward is one of the earliest communities to do a plan to combat sea level rise and what we are proposing just in the Hayward shoreline area is going to cost a billion dollars so I think this project at the very least should contribute considerably to that but I'm a little disjointed this morning but I just want to tell you how strongly I oppose this project and you should come to Hayward and listen to us. We will have a meeting. We'll invite you and I hope that you will come listen to our community and what we have to say about this project. Thank you.	<p>Thank you for your comments. Please refer to Master Response 6: Proposed Ardenwood Station regarding the selection of the station location, along with Master Response 11: Land Use - Potential Conflicts and Growth Inducement regarding land use issues. Regarding equity issues, please refer to Master Response 10: Environmental Justice. The other comments are noted; however, they are either comments that do not directly address consideration of the accuracy or adequacy of the EIR or refer to socioeconomic issues that are outside the scope of CEQA analysis. Please refer to Master Responses 1: Opinions and Other General Comments and 3: Economic and Social Impacts.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
PC-46	1	<p>: Thank you so much Chair Raburn. As always, thank you so much to staff for the presentation and the outreach that you're doing. I know that you know we've heard a lot from the public just here and over the last long while of this project. I really appreciate the folks who have sent in emails and took time to comment today. I acknowledge the concerns raised, I know that any major Capital project it's not without its trade-offs and it isn't without its concern so thank you for weighing in. One thing for staff I would recommend that future presentations if you could include more info on what the actual mitigation measures are, I think that would be helpful just to educate us. It sounds like you'll have to be bringing this before us again at a future meeting for the actual EIR approval so if you could do in that presentation, that would be appreciated. The one issue I did want to lift up, I do appreciate the additional information about the at-grade crossing and some of the things that we've learned as Capitol Corridor in other parts of the service that we run but I did want to lift up the issue that the public commenter Brian had mentioned. My understanding is that this was also brought up at the Oakland Bicycle Pedestrian Advisory Committee last week, but can you talk a little bit more about what is being done for the bicycle pedestrian crossings along the corridor? I understand does that apply also to CCJPA Board Members in the moment right now? I mean like if you can't answer it, I don't want to elongate this meeting, but I do think this question is important given what we've learned so I think this stretch is a little bit different. This sort of you know beyond just the South Bay Connect section but this East Bay portion let's just say San Jose all the way up to like Berkeley/Richmond is different than the other sections of Capitol Corridor in that there's a lot more activity, bicycle Crossings, pedestrian crossings, there's trails, etc. and with more service on this section of South Bay Connect, there obviously are just going to be more conflicts that occur and so I do think that there needs to be different and additional attention paid to the bicycle pedestrian crossings along this section. I know that a potential answer is going to be "oh well, that's Union Pacific and you got to negotiate it with them and you know they have a certain kind of jurisdiction that's going to make need" or there's no funding; all that to say I think there just needs to be additional attention and there needs to be some sort of plan even if that you know this is a long-term project here, you know so all that to say I think you need to bring back more information on that and really push to improve those crossings for bike/ped.</p>	<p>Thank you for the suggestion on future public outreach. The detailed explanation of the mitigation measures has been provided in Section 2.2.4.</p> <p>Regarding the concerns about bicycle and pedestrian crossings, the transportation chapter discusses the existing and proposed facilities for bicycles and pedestrians in the project area. Specifically, the project includes the provision of ADA-compliant sidewalks, bicycle striping, and safety enhancements at at-grade crossings where necessary. These measures aim to improve the safety and accessibility of bicycle and pedestrian crossings in the project area.</p> <p>Additionally, the proposed project aligns with local and regional plans, such as the Alameda County Community Climate Action Plan and the City of Fremont's General Plan, which prioritize improvements in bicycle and pedestrian infrastructure to enhance safety and connectivity. Therefore, the project includes considerations for the enhancement of bicycle and pedestrian infrastructure along the corridor. No changes to the Draft EIR are required.</p>	-	-
PC-06	1	<p>I'm Liz Ames. I'm your BART director representing this area. And I've often questioned the need for this project because you're asking for 13 minutes of efficiency, but you eliminated the Hayward station completely to get the 13 minutes. If you added the Hayward station, and added that stop, you would really only have eight minutes of efficiency. So that project is really not conducive to spending, you know, potentially \$3 billion on this master project that starts with this vision plan that I believe, you know, Capital Corridor adopted in 2016. So there's actually more projects in the queue for this potential project and it should expand all the way to for improvement beyond Newark to San Jose, which I would say is a cumulative impact, or at least should be disclosed. What is the real vision for this corridor? The vision implementation plan that Capital Corridor produced, which was not disclosed to the public, also shows, you know, eliminating Capital Corridor from the Niles subdivision, which it runs on now. And basically, creating a freight -- priority freight line through these disadvantaged communities, through Hayward, San Leandro, Union City. So we're adding freight, we're opening up a corridor for freight in this area. And then also that shows that freight could actually be increased down to Warm Springs, through Niles Canyon all the way into the Coastal Subdivision area and next to the Centerville station, the Hayward station. So I don't understand why Capital Corridor feels compelled to not disclose what the freight impacts are. As a director and elected official, I've been asking for analysis, an analysis of freight impacts. And if we're going to refer to the State Rail Plan to disclose what freight growth is and not discuss the impacts, then is the state going to provide the environmental analysis of freight increases over time? I don't think it's fair to the community to be silent on this issue and just refer to the State Rail Plan and say we're growing</p>	<p>Thank you for your comments. Please refer to Master Response 13: Cumulative Impacts Assessment that discusses the analysis of cumulative impacts, what projects were selected as part of the analysis, and the justification for their selection. Projects not already included in the cumulative impact analysis have not progressed to the environmental review stage, so they are not considered "reasonably foreseeable" projects that can be part of a cumulative impact analysis under CEQA. As noted in the response to comment PC 24-2, the Vision Implementation Plan is a publicly available document on the Capitol Corridor website at <a href="https://www.capitolcorridor.org/vision-plan/">https://www.capitolcorridor.org/vision-plan/</a>. The Vision Implementation Plan describes the vision regarding the Capitol Corridor and its future development. Regarding the freight train issue, please refer to Master Response 8: Freight Train Volume Assumptions. The Vision Implementation Plan does include consideration of freight use as a future option or potential, but it does not say that CCJPA would be the decision maker on this, only that it would continue coordination with UPRR and all partners. Note that the Vision Implementation Plan is CCJPA's only; it does not mean that UPRR will be in agreement with all "visions". In any event, this project has utility independent of other projects - refer to Master Response 4: Independent Utility of Project.</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
		freight at 3 percent per year. The Vision Implementation Plan says ultimately the Niles subdivision would have -- would push freight through Niles Canyon up to maybe 50 trains per day with double tracking through the canyon, which is not acceptable.			
PC-06	2	<p>Finally, with sea level rise, we would want -- we would not want to put in infrastructure near the sea level inundation areas. And I would just suggest that this kind of methodology of building near, you know, areas that could be inundated in the future, we should look at this more carefully, because really this system will last 75 years. And that would be in the year 2100.</p> <p>Thank you. I appreciate it. So we're going up to 2050 which has some minor flooding, but 2100 is when this potential infrastructure project would be at its design life. You know, so these projects don't last -- they last at least 75 years. And I would hope that this issue, the sea level rise, would be addressed before we start building in an area that's subject to more infrastructure repairs and in the future for our future generations. Thank you so much.</p>	<p>Thank you for your comment.</p> <p>With respect to putting infrastructure near sea level rise (SLR) inundation areas, the project proposes improvements to the existing rail facilities along the Coast subdivision, primarily within the existing rail right-of-way. The proposed Project does not propose a new rail alignment where none currently exists. The Coast subdivision will be affected by SLR with or without the proposed Project. The proposed Project will improve the resiliency of the Coast subdivision to SLR by implementing adaptation measures, such as the ones described in Chapter 4.</p> <p>With respect to the design life of project features, the project looked at more than just the 2050 SLR projections. Section 4.3.5 explains that CCJPA considered SLR for the years 2040, 2050, 2080, and 2130 which is shown in Table 4-5 Projected 100-year SLR SWLs for RSA Locations. As described in Section 4.3.5.3, CCJPA mapped 2040 and 2050 SLR, as well as 2100 for the CoSMoS model and 2090 for the Adapting to Rising Tides model. As described in Section 4.4.2, CCJPA is considering three categories of adaptation measures to address SLR flooding. These measures can be implemented to address any year of projected SLR flooding, including 2050 or 2100.</p> <p>Your recommendations have been noted and will be referred to the CCJPA South Bay Connect design team to consider during future project design. No changes to the Draft EIR are required.</p>	-	-
PC-09	1	<p>Good evening. Thank you for taking comments. I am -- as I said in the Q and A, I'm a little frustrated that we don't have the opportunity to ask questions, because that can clarify some issues that might be just misunderstandings on my part. It would help me provide more substantive comments. But I wanted to second the comments made by Michelle and Liz, and particularly the concerns about freight. That is an issue that we have never really fully understood. And so if it takes speaking to somebody directly, that might be the route we need to go so we can lay this to rest.</p>	<p>Thank you for your comments. Please refer to Master Response 8: Freight Train Volume Assumptions regarding freight issues. Opportunities were provided for the public to ask questions concerning the project - please refer to Master Response 2: Public Review and Community Engagement.</p>	-	-
PC-09	2	<p>I also am concerned, as Liz had mentioned, about the use of the 2050 projections for sea level rise. And really, I think it would be of much more value if the EIR would present total water -- total water levels rather than just the sea level rise estimates because we have storm surges, we have groundwater rise, and all of those acting in concert with often-higher water levels. But for an infrastructure project of this undertaking that will have this type of cost, I think it's a big mistake to be relying on the 2050 values when we all know that there is potential for much higher values up to 2100. And so, I think it would behoove South Bay Connect to look at those areas where you have the threat of sea level rise and plan for 2100 and not 2050, because as Liz said, this is not a project that -- hopefully when we're spending this kind of money, it's going to last longer than 2050.</p>	<p>Thank you for your comment. Your concern regarding use of the 2050 sea level rise (SLR) projections is noted. As described in Chapter 4, the project looked at more than just 2050 SLR projections. Section 4.3.5 explains that CCJPA considered SLR for the years 2040, 2050, 2080, and 2130 based on project features having a design life of 10-20, 50, or 100 years. These projections are shown in Table 4-5. Projected 100-year SLR SWLs for RSA Locations. Section 4.3.5.3 explains that CCJPA mapped 2040 and 2050 SLR, as well as 2100 for the CoSMoS model and 2090 for the Adapting to Rising Tides model. Flood mapping is not available for the year 2130. As described in In Section 4.4.2, CCJPA is considering three categories of adaptation measures to address SLR flooding. These measures can be implemented to address any year of projected SLR flooding, including 2050 or 2100.</p> <p>The preference for total water level is noted. It is not clear which definition of total water level the commentor is referring to. The CoSMoS mapping in Appendix J shows the total water level since it includes SLR, 100-year storm surge, and wave runup. For the ART program, total water level refers to the total</p>	-	-

Letter #	Comment #	Comment	Comment Response	Draft EIR Original Text	Final EIR Updated Text
			<p>increase from SLR and storm surge, which can be calculated using Tables 4-3 and 4-4. Any increase in total water level caused by groundwater is not available and therefore cannot be factored into the mapping or analysis. Additionally, the projections for the high emissions scenario from the State of California Sea Level Rise Guidance 2024 Science and Policy Update are lower than the State of California Sea Level Rise Guidance 2018 Update high emissions scenario. By using the 2018 high emissions scenario, the project assumes a more conservative SLR assumption than the most current guidance. Conversion to total water level would not affect the mapping, conclusions, or recommendations in Chapter 4 or Appendix J.</p> <p>CCJPA recognizes that SLR is expected to cause an increase in groundwater levels which will result in flooding from emergent groundwater earlier and further inland. The purpose of an EIR is to identify the potential significant physical impacts of a project on the environment, not the effects of the environment on the project (Ballona Wetlands Land Trust v. City of Los Angeles). Because SLR and associated changes in groundwater levels is an effect of the environment on the project, they are not considered to be an impact under CEQA. The EIR is therefore not required to include commitments to minimize effects of the SLR and groundwater emergence on the project. SLR and groundwater emergence will be considered as part of San Francisco Bay Conservation and Development Commission permitting and future design based on the best available research at that time. No changes to the Draft EIR are required.</p>		
PC-09	3	<p>And I guess I'll leave my comments there. But I think I would like the opportunity, and I think the people in the environmental group community, that would like the opportunity to be able to ask some questions to get those results, so we really understand what the impacts of this project are. And one last thing I forgot I wanted to say. I'm -- I haven't read the cumulative impacts section yet. We have got so many rail projects that are interconnected. We've got Dumbarton Rail that was proposed. We've got ACE, we've got the expansion from Newark down to Alviso. It would really be helpful if all of these projects, of the cumulative impacts -- well, it's not just helpful, the cumulative impacts of all these projects need to be considered. Thank you.</p>	<p>Thank you for your comment. It is not clear based on the comment which specific ACE, Dumbarton Rail, or Newark to Alviso projects the commenter is referring to. With respect to future projects, CEQA specifies that "reasonably foreseeable probable future projects" be analyzed as part of the cumulative impact analysis (CEQA Guidelines Section 15355). Typically, a project is considered foreseeable when it has begun the environmental review process. Sufficient project definition is required to be included in cumulative impact analysis so that it is not unduly speculative. Therefore, no changes to the Draft EIR are required. Please see Master Response 13: Cumulative Impacts Assessment.</p>	-	-

## 4.1.2 Final EIR Updated Tables and Figures

*Updated Table for Letters 155-3, 176-6, and 176-11*

**Table ES-4/1-1. Environmental Permits and Approval Considerations**

Agency	Permit/Approval/Clearance	Relevance/Trigger
<b><i>Federal</i></b>		
<b>U.S. Army Corps of Engineers (USACE)</b>	Clean Water Act Compliance	Permanent or temporary placement and/or removal of material in waters of the U.S., including wetlands; all requests to modify, alter, or occupy any USACE-constructed public works project (e.g., levees).
	Rivers and Harbors Act of 1899 Compliance	Construction of a structure in or over any navigable water of the U.S.
<b>U.S. Advisory Council on Historic Preservation via the California State Historic Preservation Office</b>	Section 106 Consultation (National Historic Preservation Act of 1966); Concurrence on adequacy of identification effort, National Register of Historic Places eligibility determinations, and Finding of Effect	Aligned with federal permits and consultations and a required element for all federal actions.
<b>U.S. Fish and Wildlife Service</b>	Federal Endangered Species Act Compliance	The presence of federally listed plant and wildlife species and critical habitat within the impact area if unable to avoid during construction.
<b>National Marine Fisheries Service</b>	Federal Endangered Species Act Compliance	The presence of federally listed aquatic species and critical habitat within the impact area if unable to avoid during construction.
<b>U.S. Coast Guard (USCG)</b>	Section 9 Bridge Construction Permit (General Bridge Act of 1946)	Construction of a structure in or over any navigable water of the United States requires approval of USCG (bridge replacements).
<b><i>State</i></b>		
<b>California Department of Fish and Wildlife</b>	California Endangered Species Act Permits (Incidental Take Permit, Consistency Determination)	The Presence of State-listed plant and wildlife species and critical habitat within the impact area if unable to avoid during construction.
	Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement	Permanent or temporary impacts to a river, stream, or lake from activities that would divert or obstruct natural flows, change bed, bank, or channel, use material from, or deposit material into.

Capitol Corridor Joint Powers Authority  
South Bay Connect Project - Final Environmental Impact Report

Agency	Permit/Approval/Clearance	Relevance/Trigger
<b>Caltrans</b>	Encroachment Permit	Permanent or temporary placement of encroachments within, under, or over the State highway ROW.
<b>California Public Utilities Commission</b>	Approval	Construction and operation of railroad crossings of public roads and for construction of new transmission lines and substations.
<b>California State Lands Commission</b>	<b>Lease or Permit</b>	Permanent or temporary crossing of State sovereign lands.
<b>Native American Tribes</b>	Tribal consultation per Assembly Bill (AB) 52	Tribal consultation, aligned with the CEQA process.
<b><i>Regional and Local</i></b>		
<b>Regional Water Quality Control Boards</b>	Clean Water Act Section 401 Water Quality Certification	Delegated federal authority to assess permanent or temporary placement and/or removal of material in waters of the U.S. or State, including wetlands.
	Clean Water Act Section 402 National Pollutant Discharge Elimination System (NPDES) Water Discharge Permit; Spill Prevention, Control, and Countermeasure (SPCC) Plan (part of Section 402 process)	Delegated federal authority to assess discharge of any pollutant or Combination of pollutants from a point source to surface waters that are deemed Waters of the U.S.
	Dewatering Permit (Order No. 98-67)	Discharge of water from dewatering activities.
	Stormwater Construction and Operation Permit	Extent of land disturbance exceeding thresholds.
<b>San Francisco Bay Conservation and Development Commission</b>	Coastal Zone Management Act Compliance	Delegated federal authority to assess all federal activities for consistency with approved State coastal management program.
	McAteer-Petris Act Compliance	Permit required for activities within the San Francisco Bay and shoreline band.
<b>San Francisco Bay Area Air Quality Control Board</b>	Clean Air Act (CAA) Compliance	Delegated federal authority to evaluate compliance with CAA standards.
<b>San Francisco Public Utilities Commission</b>	<b>Encroachment Permits</b>	<b>Aligned with permits and consultations for encroachment and construction activities.</b>
<b>Alameda County and Various Cities</b>	Local permits	Aligned with local permits and consultations for encroachments and construction activities.



*Updated Table for Letter 171-1*

**Table ES-5. Proposed Improvements to At-Grade Crossings along the Coast Subdivision**

<b>At-Grade Crossing</b>	<b>Proposed Improvements</b>	<b>Jurisdiction</b>
<b>98th Avenue</b>	Sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, potential roadway surfacing, striping, and signage.	Oakland
<b>105th Avenue</b>	ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, potential roadway surfacing, striping, and signage	Oakland
<b>Edes Avenue</b>	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	Oakland
<b>Knight Street/Kerwin Avenue</b>	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	Oakland
<b>Williams Street</b>	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	San Leandro
<b>Marina Boulevard</b>	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	San Leandro
<b>Fairway Drive</b>	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	San Leandro
<b>Farallon Drive</b>	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	San Leandro
<b>Lewelling Boulevard</b>	Addition of one track, potential road re-profiling near crossing, sidewalk ADA improvements, replace existing crossing	San Leandro

<b>At-Grade Crossing</b>	<b>Proposed Improvements</b>	<b>Jurisdiction</b>
	equipment (gates, arms, signal cabins) as needed, striping, and signage	
<b>Grant Avenue</b>	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	San Lorenzo
<b>Winton Avenue</b>	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	Hayward
<b>Depot Road</b>	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	Hayward
<b>Clawiter Road</b>	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	Hayward
<b>Baumberg Avenue</b>	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	Hayward
<b>Union City Boulevard</b>	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	Union City
<b>Smith Street</b>	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	Union City
<b>Dyer Street</b>	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	Union City

<b>At-Grade Crossing</b>	<b>Proposed Improvements</b>	<b>Jurisdiction</b>
<b>Alvarado Boulevard</b>	Addition of one track, potential road re-profiling, sidewalk ADA improvements, potential realignment of pedestrian sidewalk, potential realignment or restriping of bike lane, and minor roadway work, replace existing crossing equipment (gates, arms, signal cabins) as needed, striping, and signage	Union City
<b>Jarvis Avenue</b>	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	Newark
<b>Haley Street</b>	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	Newark
<b>Mayhews Landing Road</b>	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	Newark
<b>Thornton Avenue</b>	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	Newark
<b>Carter Avenue</b>	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	Newark
<b>Sycamore Street</b>	Sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, potential road re-profiling near crossing, striping, and signage	Newark
<b>Cherry Street</b>	Sidewalk ADA improvements, replace existing crossing equipment (gates, arms, signal cabins) as needed, potential road re-profiling near crossing, striping, and signage	Newark

*Updated Table for Letter 178-7*

**Table 3.4-16: CEQA Significance Findings**

Question	Level of Significance Before Mitigation	Incremental Project Contribution to Cumulative Impacts	Mitigation	Level of Significance with Mitigation Incorporated	Incremental Project Cumulative Impact after Mitigation
<b>Would the project conflict with or obstruct implementation of the applicable air quality plan?</b>	LTS	NCC	N/A	LTS	NCC
<b>Would the project 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?</b>	S/M	NCC	MM AQ-1 MM AQ-2	LTS	NCC
<b>Would the project expose sensitive receptors to substantial pollutant concentrations?</b>	S/M	NCC	MM AQ-1 MM AQ-2	LTS	NCC

Question	Level of Significance Before Mitigation	Incremental Project Contribution to Cumulative Impacts	Mitigation	Level of Significance with Mitigation Incorporated	Incremental Project Cumulative Impact after Mitigation
<b>Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?</b>	LTS	NCC	N/A	LTS	NCC

Notes: LTS = Less than Significant Impact, NI = No Impact, N/A = Not Applicable, SI = Significant Impact, S/M = Significant Impact but Mitigable to a Less than Significant Level, CC = Cumulatively Considerable, NCC = Not Cumulatively Considerable.

*Updated Table for Comment Letters 169-19, 178-4, 178-24, 218-14, 218-15, 224-4, 225-3, 231-2, 233-21, and 235-6*

**Table 3-1. Cumulative Projects List**

<b>Project ID</b>	<b>Project Title</b>	<b>Project Location</b>	<b>Project Description</b>	<b>Project Status</b>
<b>I-1</b>	Washington Avenue/UPRR Crossing Improvement	San Leandro	Railroad Crossing Improvements at Washington Avenue near Chapman.	Constructed
<b>I-2</b>	Centerville Complete Streets	Fremont, Newark	Pilot project focuses on Centerville’s business district along Fremont Boulevard from Thornton Avenue to Parish Avenue. Project improvements include lane reduction from four lanes to three lanes (2 southbound lanes and 1 northbound lane), additional on-street parking on both sides of the street, pop-up patios for outdoor dining and seating in on-street parking spaces at key locations, and enhanced bike facilities with separation from both pedestrians and vehicles.	Construction to begin in 2025
<b>I-3</b>	Centerville Railroad Safety Improvements	Fremont	Safety improvements at six at-grade crossings (Blacow Road, Dusterberry Way, Maple Avenue, Fremont Boulevard, Shinn Street, and Clarke Drive) in coordination with UPRR, the California Public Utilities Commission (CPUC) and the Federal Railroad Administration (FRA).	Submit Notice of Intent- Early 2025
<b>I-4</b>	Station East Residential/ Mixed Use Project	Union City	Demolition of existing 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 uses). The project site would include 11 planning areas with 33 residential buildings and one community building.	Construction <b>started</b> in mid-2023 with anticipated completion in late 2026.
<b>I-5</b>	4150 Point Eden Way Industrial Development Project	Hayward	Construction of a new industrial building and creation of an open space/wetland preserve.	Environmental Review Completed February 2022

Project ID	Project Title	Project Location	Project Description	Project Status
I-6	Niles Gateway Mixed Use	Fremont	Construction of a proposed residential development in the Niles Historical Overlay District that would include 75 attached residential units on approximately 6.08 acres.	Environmental Review Completed March 2021
I-7	Division 4 Modifications to Accommodate Battery Electric Buses as part of the 45 Zero Emission Bus Purchase	Oakland	Construction of charging infrastructure for zero-emission buses, including electrical service, transformers, switchgear, charging equipment, and additional emergency power units.	Environmental Review Completed August 2020
I-8	2075 Williams Street Industrial Project	San Leandro	Modifications to existing facility to increase the maximum tonnage of materials that could be received and processed from 174 tons per day to 350 tons per day.	Environmental Review Completed May 2020
O-1	Draft Environmental Assessment for Cargill, Inc. Solar Sea System Maintenance and Operations Activities	Regional	Analysis of environmental impacts as a result of continued maintenance and operation activities of Cargill Inc. Solar Salt System within historic salt-flat areas in Newark and Redwood City.	Completed in April 2021
O-2	Waterfront Ballpark District at Howard Terminal	Oakland	Construction of a new, open-air, waterfront multi-purpose Major League Baseball ballpark with a capacity of up to 35,000 persons and a mixed-use development, including up to 3,000 residential units and up to 1.5 million square feet of commercial space.	Environmental Review Completed March 2022  <b>** Removed from cumulative analysis. Project no longer moving forward.</b>
O-3	General Electric Site Remediation and Redevelopment Project	Oakland	Demolition of existing buildings, remediate the site, and construction of a 535,000-square foot industrial	Environmental Review Completed May 2020

Project ID	Project Title	Project Location	Project Description	Project Status
			building on the site previously owned by General Electric.	
<b>O-4</b>	Brooklyn Basin Marina Expansion Project	Oakland	Modification of a previously approved 64.2-acre project (2009 Oak-to-Ninth Avenue EIR), which would include a residential density increase of 600 units (for a project site total of up to 3,700 units), an update to parking ratios to current zoning code requirements in other zoning districts, and an expansion of the approved marina infrastructure and operation including increasing the number of slips by 158 and incorporating provisions with the marina improvements to accommodate an existing water taxi/shuttle currently operating on San Francisco Bay.	<b>Final EIR approved in 2022</b>
<b>O-5</b>	Ardenwood Technology Park Planned District	Hayward	The District would rezone 32 existing industrial parcels located within a portion of the Ardenwood Technology Park to enable more intensive office space, manufacturing and research and development uses. Additionally, the District intends to create small-scale retail service uses.	Constructed
<b>P-1</b>	Fairmont Terrace Renovation and Expansion	Fairmont	Design and construction of park improvements and expansion of an existing 1.67-acre park to 5 acres. Improvements include on-site ADA parking, new restroom building, renovated playground and basketball, pathways, etc.	Constructed
<b>P-2</b>	Ashland-Mateo Street Neighborhood Park	Ashland	Construction of new 1.43-acre neighborhood park in Ashland.	Construction to begin in 2025 with anticipated completion in 2026.



Project ID	Project Title	Project Location	Project Description	Project Status
P-3	Ashland-East 14th Street Park	Ashland	Extension of the Mateo Street Park to E 14th Street to create a large, through-block park for the Ashland neighborhood. This future park will also front the new Ashland community center, part of the Madrone Terrace Housing Project.	Park development project is anticipated to start in 2025
P-4	Community Center at Madrone Terrace	Ashland	Development of a new 7-story affordable housing facility, at East 14th Street and 162nd Avenue with creation of a new community center.	Under Construction
P-5	Ashland Common	Ashland	Construction of recreational facilities at the 1-acre site at the corner of 166th Avenue and E 14th Street in <b>Ashland</b> .	Under Construction
P-6	Mission and Mattox Acquisition	Ashland	Acquisition of the vacated Coca Cola Bottling facility and its 2.6 acres of land at the northeast corner of Mission Boulevard and Mattox Road in Ashland for future park and recreational facilities.	Preliminary Planning Review
P-7	Sunset Futsal Courts	Hayward	Development of a new futsal court facility.	Constructed
P-8	Kennedy Park Renovation	Hayward	Construction of improvements to Kennedy Park including renovated picnic areas, group picnic shelters, new central play areas, new teacup amusement ride, new concession building and public restrooms, improved pathways with seating, and informal lawn areas.	Constructed
P-9	San Lorenzo Community Park Phase 2	San Lorenzo	Construction of Phase 2 improvements to existing 31-acre community park. Phase 2 improvements include a multi-purpose field, two soccer fields, a concession building, a dog park, community green, a neighborhood play area, additional picnic facilities, and exercise stations and parking.	Constructed

<b>Project ID</b>	<b>Project Title</b>	<b>Project Location</b>	<b>Project Description</b>	<b>Project Status</b>
<b>P-10</b>	Hayward Plunge Renovation	Hayward	Evaluation of the Hayward Plunge Aquatic Center.	Construction to <b>be completed</b> in <b>Winter 2025</b>
<b>P-11</b>	Sulphur Creek Nature Center Master Plan	Hayward	Evaluation of improvements from access to new recreation features at the Sulphur Creek Nature Center.	Preliminary Design
<b>P-12</b>	Eden Greenway Improvements	Hayward	Renovation of greenways to provide new recreational features, improve pathways, planting and irrigation, fencing, and signage as needed.	Construction to begin spring 2025
<b>P-13</b>	Weekes Community Center Renovation	Hayward	Renovation of an existing 10,092-square foot community center.	Preliminary Planning Review
<b>P-14</b>	Weekes Community Park Renovation	Hayward	Construction of improvements to the 16.6-acre Weekes Community Park including open lawn areas, restrooms, concession building, playground, half-court basketball, bocce courts, fitness plaza, central plaza, group picnic areas, pavilion, shade structure, bandstand, promenade, and walking loop.	Preliminary Planning Review
<b>P-15</b>	Mia's Dream All-Access Playground	Hayward	Construction of a 1-acre all-access playground for inclusive play opportunities for child developmental needs. It replaces an existing playground in Tennyson Park in Hayward.	Constructed
<b>P-16</b>	El Rancho Verde Park	Hayward	Construction of park improvements at an existing park site including renovated sports fields and planting/irrigation upgrades.	Design Development
<b>P-17</b>	Family Aquatics Center Competition Pool	San Leandro	Construction of a competition pool and additional parking.	Constructed

Project ID	Project Title	Project Location	Project Description	Project Status
P-18	Marina Mulford Branch Library Construction	San Leandro	Construction of a new 2,500-square foot library.	Constructed
P-19	Bidwell Park Master Plan	Hayward	Expansion of the existing Bidwell Park to include the former Bidwell Elementary School campus and improve the existing park facilities.	Design Development
P-20	MLK Regional Shoreline Bay Trail Gap (Doolittle Drive South) and Improvements Project	Regional	Construction of 2,300 linear feet of new Bay Trail to close an existing gap, including resurfacing, trail widening modifications, park facility upgrades, and a boat launch.	Constructed
P-21	Merritt Community College Child Care Development Center Project	Oakland	Construction of a two-story, 20,000 gross square-foot Child Care Development Center (CCDC) that would replace the existing Child Care Development buildings on campus. The new CCDC would be designed to accommodate both childcare programs and college student classrooms.	Constructed
B-1	Invasive Spartina Removal and Tidal Marsh Restoration	Regional	Continued eradication of invasive cordgrass (invasive Spartina) and enhancement of critically important tidal marsh and mudflat habitat throughout the entire nine-county San Francisco Estuary. Activities include invasive Spartina monitoring and treatment, native marsh plant revegetation, California Ridgeway's Rail monitoring, and community outreach and job training in partnership with the long-term Invasive Spartina Project led by the State Coastal Conservancy.	<b>Completed in 2024</b>
T-1	Irvington BART Station	Fremont	Future Irvington BART Station to be located in the Irvington District at the intersection of Washington Boulevard and Osgood Road, approximately halfway between the existing Fremont BART Station and the Warm Springs/South Fremont BART Station.	Construction to begin in mid-2026 with anticipated completion in 2031

<b>Project ID</b>	<b>Project Title</b>	<b>Project Location</b>	<b>Project Description</b>	<b>Project Status</b>
<b>T-2</b>	Oakland Alameda Access Project	Alameda, Oakland (Countywide)	Construction of roadway improvements to increase mobility for travelers between I-880, the Posey and Webster Tubes, and the Cities of Oakland and Alameda. Existing interstate ramps would be reconstructed, local streets in downtown Oakland would be reconfigured, and bicycle and pedestrian connectivity would be improved within and between both cities.	Construction to begin in spring 2025
<b>T-3</b>	Morrison Canyon Road Traffic Safety Project	Fremont	Project includes the permanent closure of 0.8 mile of Morrison Canyon Road to automobiles, from the intersection of Morrison Canyon Road and Ridge Terrace to where Morrison Canyon Road intersects Vargas Road.	Constructed
<b>T-4</b>	Quarry Lakes Parkway Project (also known as East-West Connector)	Fremont, Union City	Construction of a new roadway from Paseo Padre Parkway to Mission Boulevard and improving Mission Boulevard where it intersects with the new roadway in 5 phases.	Preliminary design and planning
<b>T-5</b>	Bayside Newark (formerly Dumbarton Transit-Oriented Development)	Newark	Proposed new neighborhood that will provide a broad range of new housing, retail, and business opportunities in western Newark.	Under construction

Project ID	Project Title	Project Location	Project Description	Project Status
T-6	Interstate 880 Interchange Improvements (Winton Avenue/A Street)	Hayward	Interchange and local roadway improvements along I-880 at Winton Avenue and A Street that would enhance access to the surrounding commercial, residential, and retail land uses. Improvements would include interchange on- and off-ramp reconfigurations, implementing Complete Streets features at both interchanges, and providing northbound and southbound auxiliary lanes along the mainline between the two interchanges.	Preliminary design
T-7	Interstate 880 Interchange Improvements Project (Whipple Road/Industrial Parkway Southwest and Industrial Parkway West)	Hayward, Union City	Interchange and local roadway improvements along 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. Improvements would include interchange on- and off-ramp reconfigurations, modifications and/or replacement of bridge structures, local roadway realignments and restriping, and bicycle and pedestrian improvements.	Preliminary planning and design
T-8	Tennyson Road Grade Separation	Hayward	Proposed grade-separation project and associated safety infrastructure improvements at the existing at-grade Tennyson Road railroad crossing.	Current/Past

Project ID	Project Title	Project Location	Project Description	Project Status
T-9	State Route 262 Cross Connector	Fremont	Development of project alternatives to reduce congestion and improve traffic flow for the local and regional transportation network in the vicinity of SR-262/Mission Boulevard. Improvements would address delay, cut-through traffic, and safety along SR-262. From I-880 to I-680, through traffic will be grade separated at the Warm Springs and Mahove Drive intersections. New separate, local multimodal road facilities will be provided to access local business, transit facilities, and residences. Finally, the configuration of the interchange at I-680 and SR-262 will be improved to balance operations and accommodate all users.	Preliminary planning and design
T-10	State Route 84 Intermodal Bus Facility	Newark, Fremont	Construction of 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.	Environmental review to be completed in <b>2027</b>
D-1	Plan Bay Area 2050	Regional	Long-range regional plan that outlines 35 integrated strategies across four key issues: housing, the economy, transportation, and the environment. The plan proposes to make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges	Current/Past
D-2	Alameda General Plan 2040	Alameda	Update to the Alameda General Plan, which was last updated in 1991.	Current/Past
D-3	West Oakland Specific Plan	Oakland	Redevelopment of BART parking to accommodate a new mixed-use transit village at the West Oakland BART Station consisting of residential, commercial, a new plaza, pedestrian walkways, and additional improvements.	Current/Past

<b>Project ID</b>	<b>Project Title</b>	<b>Project Location</b>	<b>Project Description</b>	<b>Project Status</b>
<b>T-16</b>	<b>Decoto Road Complete Streets</b>	<b>Fremont</b>	<b>The Decoto Road Complete Streets Project will improve Decoto Road from just east of I-880 to Paseo Padre Parkway. The project will implement transit priority treatments to provide travel alternatives and ease congestion in the Dumbarton Corridor and will provide complete street upgrades to improve safety and access for bicyclists and pedestrians.</b>	<b>Currently in Environmental Review</b>
<b>T-12</b>	<b>I-880/Decoto Interchange Modernization</b>	<b>Fremont</b>	<b>The I-880/Decoto Interchange Modernization project will upgrade the existing Caltrans freeway interchange to better accommodate multimodal travel through the Decoto Road and State Route 84 (Dumbarton) corridor. The project will provide dedicated lanes for transit vehicles and a separated path for people walking and bicycling.</b>	<b>Currently in Environmental Review</b>
<b>P-18</b>	<b>Dumbarton to Quarry Lakes Trail Projects</b>	<b>Fremont</b>	<b>The Dumbarton Bridge to Quarry Lakes Trail will provide an east-west regional connection between San Mateo/Santa Clara Counties and Alameda County. The trail will provide access to priority development areas (PDAs), transit centers, regional open spaces, and urbanized neighborhoods and form a link in the overall Alameda County and regional trail network.</b>	<b>Currently in Environmental Review</b>
<b>I-9</b>	<b>Alvarado Niles Pipeline Seismic Improvement Project (Smith Street)</b>	<b>Union City</b>	<b>The project will include the installation of over 3.5 miles of 14-inch and 16-inch steel pipe along Smith Street and Alvarado Niles Road, between Union City Boulevard and Decoto Road.</b>	<b>Construction planned for 2024</b>

<b>Project ID</b>	<b>Project Title</b>	<b>Project Location</b>	<b>Project Description</b>	<b>Project Status</b>
<b>T-13</b>	<b>Newark Old Town Streetscape Improvement Project (Thornton Avenue)</b>	<b>Newark</b>	<b>The City of Newark plans to implement streetscape improvements in Newark Old Town, aiming to enhance the aesthetic and functional aspects of Thornton Avenue, spanning from Ash to Olive Streets, as outlined in the Old Town Specific Plan.</b>	<b>Construction planned for 2025</b>
<b>T-14</b>	<b>Main Renewal – Central Newark (Central Avenue)</b>	<b>Newark</b>	<b>The Central Avenue Grade Separation Project will include a number of required utility relocations by Union Sanitary District (USD), PG&amp;E, telecom providers, and District utilities, including ACWD.</b>	<b>Construction anticipated to be complete in 2026</b>
<b>T-15</b>	<b>Central Avenue Grade Separation Improvements – Relocations</b>	<b>Newark</b>	<b>The Central Avenue Overpass Project will construct a four-lane grade separation structure (bridge overpass including sidewalks and bicycle lanes) at the railroad crossing on Central Avenue between Sycamore Street and Morton Avenue.</b>	<b>Construction planned for 2025</b>
<b>O-5</b>	<b>Lower Alameda Creek Fish Passage Restoration in Flood Control District Zone 5</b>	<b>Fremont, Union City</b>	<b>The purpose of the project is to remove migratory barriers to fish and improve the migratory corridor below the BART Weir to allow fish, including the Central California Coast steelhead, to access upstream spawning grounds. The Project will also facilitate sediment transport downstream and thereby reduce maintenance of the flood control channel as required under the USACE’s O&amp;M manual.</b>	<b>Constructed</b>
<b>O-4</b>	<b>First Mile Horizontal Levee</b>	<b>Hayward</b>	<b>The First Mile Horizontal Levee is a multi-benefit adaptation project that includes nature-based solutions to provide sea level rise resilience, water quality improvement, and habitat enhancements, in addition to the flood protection functions of a more traditional levee.</b>	<b>Completed 30 percent design</b>



<b>Project ID</b>	<b>Project Title</b>	<b>Project Location</b>	<b>Project Description</b>	<b>Project Status</b>
<b>T-21</b>	<b>San Leandro Creek Trail Phase 1A</b>	<b>Oakland</b>	<b>The Phase 1A of the San Leandro Creek Trail Project between Hegenberger Road and Empire Road will create a 0.7-mile scenic, multi-use trail along San Leandro Creek.</b>	<b>Construction began Summer 2024</b>
<b>T-11</b>	<b>Newark Albrae Siding Connection</b>	<b>Fremont, Newark</b>	<b>The project will connect two existing sidings creating a second main track within ACE's most congested corridor, permitting double track operation between Fremont and just north of the Alviso Wetlands. Through connecting the existing sidings, the project will require alterations to one private at-grade crossing and require one new 35-foot bridge over a drainage canal. The project will increase overall operating capacity and permit addition trains to run on the trackway.</b>	<b>Environmental Review Completed September 2024</b>

*Updated Table for Letter 233-11 and 237-8*

**Table 3.12-3. Consistency with Applicable Plans, Policies, and Regulations**

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<b>2018 California State Rail Plan</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share or increase the effectiveness of inter-regional transit travel along the Project Corridor, while reducing automobile use and traffic congestion.	<b>Consistent.</b> The proposed Project intends to improve service by enhancing connections between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing. Additionally, the Plan specifically calls for the rerouting of passenger rail service from the Niles Subdivision to the Coast Subdivision to facilitate faster travel times.
<b>California Sustainable Communities and Climate Protection Act</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share or increase the effectiveness of inter-regional transit travel along the Project Corridor, while reducing automobile use and traffic congestion.	<b>Consistent.</b> The proposed Project would support the State’s climate goals by helping reduce greenhouse gas emissions through coordinated transportation, housing, and land use planning.
<b>California Transportation Plan 2040</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share or increase the effectiveness of inter-regional transit travel along the Project Corridor, while reducing automobile use and traffic congestion.	<b>Consistent.</b> The proposed Project intends to improve transit services by creating a more direct passenger rail route and reducing the passenger rail travel time and would promote environmental sustainability by reducing greenhouse gas emissions.
<b>Plan Bay Area 2050</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode	<b>Consistent.</b> The proposed Project intends to increase ridership on transit, which would ease congestion on roadways. It also intends

Plan, Policies, Regulations	No Project Alternative	Proposed Project
	share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor, while reducing automobile use and traffic congestion.	to improve connections between high-demand destinations.
<b>2014 Capitol Corridor Vision Plan Update</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor. The No Project Alternative would be inconsistent with the goals of the 2014 Capitol Corridor Vision Plan Update.	<b>Consistent.</b> The proposed Project is a key element toward the Plan's policies and objectives to improve the speed and reliability of Capitol Corridor.
<b>2016 Alameda Countywide Transit Plan</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor. The No Project Alternative would be inconsistent with the goals of the 2016 Alameda CTP.	<b>Consistent.</b> The proposed Project intends to improve service by enhancing connections between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing.
<b>2020 Alameda Countywide Transportation Plan</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation	<b>Consistent.</b> The proposed Project intends to improve service by enhancing connections between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing.

Plan, Policies, Regulations	No Project Alternative	Proposed Project
	along the Project Corridor. The No Project Alternative would be inconsistent with the goals of the 2020 Alameda CTP.	
<b>San Francisco Bay Conservation and Development Commission</b>	<b>Consistent. The No Project Alternative would not result in any changes to existing conditions. Therefore, no project features would be proposed in BCDC jurisdiction or in/along priority use areas.</b>	<b>Consistent.</b> The proposed Project would comply with permit conditions in BCDC jurisdiction and in/along priority use areas to make sure that the proposed Project is consistent with the provisions of the Act and the Bay Plan.
<b><i>City of Fremont General Plan</i></b>		
<b>Goal 2-1. A city transformed from an auto-oriented suburb into a distinctive community known for its walkable neighborhoods, dynamic city center, transit-oriented development at focused locations, attractive shopping and entertainment areas, thriving workplaces, and harmonious blending of the natural and built environments.</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor.	<b>Consistent.</b> The proposed Project would encourage an increase in transit mode sharing, a more efficient system for inter-regional transit travel, and improvements to access to work, education, services, and recreation along the Project Corridor.
<b>Policy 2-1.7. Plan for Fremont’s transition to a community that includes a mix of established lower-density neighborhoods and new higher-density mixed-use neighborhoods with access to high-quality transit.</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not improve access to work, education, services, and recreation along the Project Corridor.	<b>Consistent.</b> 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.
<b>Policy 2-2.2. Ensure that land use decisions consider the characteristics of the transportation network, including road capacity, the quality of the streetscape, and the availability of public transportation and other modes of travel.</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to	<b>Consistent.</b> The proposed Project considers the existing transportation network and how proposed improvements would be made to that existing transportation network along the Project Corridor.

Plan, Policies, Regulations	No Project Alternative	Proposed Project
	work, education, services, and recreation along the Project Corridor.	
<b>Policy 2-2.3. Incorporate sustainability into land use planning decisions and procedures to the greatest extent feasible.</b>	<b>Not Applicable.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, this policy would not be applicable.	<b>Consistent.</b> The proposed Project would promote environmental sustainability by reducing greenhouse gas emissions through an increase in transit mode sharing along the Project Corridor.
<b>Policy 2-2.4. Ensure that future land use decisions are fully consistent with the General Plan Land Use Map.</b>	<b>Not Applicable.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, this policy would not be applicable.	<b>Consistent.</b> The proposed Project would result in converting existing non-transportation land uses (e.g., residential, commercial, industrial) to transportation land uses. However, it is anticipated that any required General Plan amendments would be implemented to ensure that future land use decisions are fully consistent with the General Plan Land Use Map.
<b>Policy 1.02. Identify and program the construction of basic neighborhood improvements (sidewalks, street trees, etc.) and public facilities (roads, lighting, etc.) in areas where they are lacking or substandard.</b>	<b>Not Applicable.</b> The No Project Alternative would maintain existing conditions within the Project Corridor. Any improvements and public facilities identified and programmed would occur as a separate process at the City level.	<b>Consistent.</b> The proposed Project would incorporate safety improvements and infrastructure at all at-grade crossings along the Niles and Coast Subdivisions within the Project Corridor. These improvements include but are not limited to ADA sidewalk improvements.
<b>Policy 1.05. Preserve the existing supply of affordable housing, rental apartments, and mobile homes.</b>	<b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and the existing supply of affordable housing, rental apartments, and mobile homes would not change.	<b>Consistent.</b> The proposed Project would not require any full parcel acquisitions of residential zoned properties. The majority of proposed improvements would occur within or adjacent to the existing UPRR right-of-way.
<i>City of Newark General Plan</i>		

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<p><b>Policy LU-1.4. Coordinate land use and development decisions with the capacity of the transportation system and plans for future transportation improvements.</b></p>	<p><b>Consistent.</b> Policies T-3.1 Improving Transit Services, T-3.2 Transit Diversity, T-3.9 Schedule Integration, T-6.1 Regional Transportation Planning, T-6.4 Regional Passenger Rail Service, T-6.5 Freight Rail Service, and T.6.6 Grade Separations align with the proposed Project, as they integrate with the SRP. The proposed Project would increase the diversity, reliability, and quality of regional rail transit in the region; reduce duplicative infrastructure; integrate regional pulse scheduling; incorporate grade separated crossings at the proposed Ardenwood Station; and facilitate freight rail service on UPRR lines through Newark. The proposed Project is consistent with each of these policies. No change to the consistency determination for any of the above transportation policies.</p>	<p><b>Consistent.</b> Infrastructure improvements associated with the proposed Project would be required to consider applicable development and design criteria of the local jurisdiction.</p>
<p><b>Policy LU-2.1. Protect single-family neighborhoods from substantial increases in density and new land uses which would adversely affect the character of the neighborhood.</b></p>	<p><b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, no changes to existing neighborhoods would occur.</p>	<p><b>Consistent.</b> The proposed Project would not require the acquisition of residential housing or residential zoned land within the City of Newark. Therefore, the proposed Project would not adversely affect the character of neighborhoods within the City of Newark.</p>
<p><b>Policy LU-2.2. Require that new structures, additions, and major renovations are aesthetically compatible with existing structures and the surrounding context and contribute positively to the visual quality of neighborhoods.</b></p>	<p><b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, no visual changes to existing neighborhoods would occur.</p>	<p><b>Consistent.</b> Infrastructure improvements associated with the proposed Project would be required to consider applicable development and design criteria of the local jurisdiction as identified in Section 3.2, Aesthetics.</p>

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<b>Policy ED-4.5. Continue to support transportation improvements between Newark and major regional job centers, including better access to Caltrain and BART.</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor, while reducing automobile use and traffic congestion.	<b>Consistent.</b> The proposed Project would enhance efficiency and effectiveness of transit within the Project Corridor through improving connections between high-demand destinations, increasing ridership on transit, and easing congestion on roadways.
<b>Housing Priority 1. Preserve, rehabilitate, and enhance existing housing and neighborhoods.</b>	<b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, no changes to existing housing or neighborhoods would occur.	<b>Consistent.</b> The proposed Project would not require residential acquisitions resulting in the removal of existing housing within the City of Newark.
<b><i>City of Oakland General Plan</i></b>		
<b>Policy C 3.4. The vitality of existing neighborhood mixed use and community areas should be strengthened and preserved.</b>	<b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions.	<b>Consistent.</b> The proposed Project would not require additional property acquisition within the City of Oakland. Any identified improvements would occur within the existing UPRR right-of-way. Therefore, no changes to existing neighborhoods within the City of Oakland would occur.
<b>Policy T 2.1. Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transit such as BART, bus, shuttle service, light rail or electric trolley, ferry, and inter-city or commuter rail.</b>	<b>Not Applicable.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, this policy would not be applicable.	<b>Consistent.</b> The proposed Project intends to improve transit services by creating a more direct passenger rail route and reducing the passenger rail travel time.

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<b>Policy T 2.4. Encourage transportation improvements that facilitate economic development.</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor.	<b>Consistent.</b> The proposed Project would improve service by enhancing connections between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing along the Project Corridor.
<b>Policy T 2.5. Link transportation facilities and infrastructure improvements to recreational uses, job centers, commercial nodes, and social services.</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor.	<b>Consistent.</b> The proposed Project would improve service by enhancing connections between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing.
<b>Goal 4. Conserve and improve older housing and neighborhoods.</b>	<b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions. Therefore, no changes to older housing or neighborhoods would occur.	<b>Consistent.</b> The proposed Project would not require residential acquisitions resulting in the removal of existing housing within the City of Oakland.
<b><i>City of San Leandro General Plan</i></b>		
<b>Policy LU-1.12 Encroachment of Incompatible Uses. Protect residential neighborhoods from the impacts of incompatible non-residential uses and disruptive traffic to the extent possible. Zoning and design review should ensure that compatibility issues are fully addressed when non-residential development is proposed near or within residential areas.</b>	<b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and no encroachment of incompatible uses would occur.	<b>Consistent.</b> The proposed Project would not require acquisitions that would result in incompatible non-residential uses to residential neighborhoods within the City of San Leandro.



Plan, Policies, Regulations	No Project Alternative	Proposed Project
<p><b>Policy LU-1.14 Construction Impacts. Ensure that construction activities are regulated and monitored in a manner that minimizes the potential for adverse off-site impacts such as noise, dust, erosion, exposure to hazardous materials, and truck traffic.</b></p>	<p><b>Not Applicable.</b> The No Project Alternative would not result in any changes to existing conditions and no construction activities would occur. Therefore, this policy would not be applicable.</p>	<p><b>Consistent.</b> the proposed Project would be required to implement mitigation measures and BMPs during construction activities to minimize impacts to adjacent land uses. These include but are not limited to mitigation measures and BMPs associated with noise, air quality, hazardous materials, and traffic.</p>
<p><b>Policy LU-2.1 Complete Neighborhoods. Strive for “complete neighborhoods” that provide an array of housing choices; easy access to retail stores, commercial services, and medical care; quality public schools; great parks and open spaces; affordable transportation options; and civic amenities.</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor.</p>	<p><b>Consistent.</b> The proposed Project would enhance connections between high-demand destinations and overcoming existing geographic service gaps between job centers and affordable housing.</p>
<p><b>Goal 56. Encourage the preservation and rehabilitation of the existing affordable housing stock.</b></p>	<p><b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and the existing supply of affordable housing stock within the City of San Leandro would not change.</p>	<p><b>Consistent.</b> The proposed Project would not reduce the existing supply of housing stock within the City of San Leandro.</p>
<p><b>Goal 57. Create a healthy environment in all San Leandro homes and sustainable development which reduced greenhouse gas emissions and household utility and transportation costs.</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would improve access to work, education, services, and recreation along the Project Corridor, while reducing automobile use and traffic congestion.</p>	<p><b>Consistent.</b> The proposed Project would promote environmental sustainability by reducing greenhouse gas emissions through increased effectiveness of inter-regional transit travel and improved access to work, education, and services along the Project Corridor.</p>
<p><b>Goal ED-6. Increase access to quality jobs, stable employment, and career advancement for all San Leandro residents.</b></p>	<p><b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project</p>	<p><b>Consistent.</b> The proposed Project would improve transit service by enhancing connections between high-demand</p>

Plan, Policies, Regulations	No Project Alternative	Proposed Project
	Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor.	destinations and overcoming existing geographic service gaps between job centers and affordable housing.
<b><i>City of Union City General Plan</i></b>		
<b>Goal LU-4. To preserve and enhance residential neighborhoods so they remain desirable places to live, maintain a variety of housing types, and contribute to the quality of life for Union City residents.</b>	<b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and the existing supply of housing within the City of Union City would not change.	<b>Consistent.</b> The proposed Project would not require residential housing acquisitions within the City of Union City.
<b>Goal D. To maintain healthy neighborhoods by improving the condition of the existing housing stock and by ensuring new development is compatible with the existing character and integrity of residential neighborhoods.</b>	<b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and the existing supply of housing within the City of Union City would not change.	<b>Consistent.</b> The proposed Project would not require residential housing acquisitions within the City of Union City.
<b>Policy LU-2.2. The City shall ensure that future land use and development decisions are in balance with the capacity of the City's transportation system and consistent with the City's goal of reducing greenhouse gas emissions.</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing conditions. As a result, the No Project Alternative would not increase the effectiveness of inter-regional transit travel or improve access to work, education, services, and recreation along the Project Corridor, while reducing automobile use and traffic congestion.	<b>Consistent.</b> The proposed Project would improve transit services by creating a more direct passenger rail route and reducing the passenger rail travel time. The increase of effectiveness to the existing transit system would improve access to work, education, services, and recreation along the Project Corridor, while reducing reliance on automobile use and a decrease in greenhouse gas emissions generated.
<b><i>City of Hayward General Plan</i></b>		
<b>Policy LU-1.1. The City shall support efforts to improve the jobs and housing balance of</b>	<b>Inconsistent.</b> The No Project Alternative would not result in any changes to existing	<b>Consistent.</b> The proposed Project would encourage an increase in ridership on transit

Plan, Policies, Regulations	No Project Alternative	Proposed Project
<b>Hayward and other communities throughout the region to reduce automobile use, regional and local traffic congestion, and pollution.</b>	conditions. As a result, the No Project Alternative would not increase transit mode share, increase the effectiveness of inter-regional transit travel, or improve access to work, education, services, and recreation along the Project Corridor, while reducing automobile use and traffic congestion.	and increase the effectiveness of inter-regional transit travel, which would ease congestion on roadways.
<b>Goal H-1-1. Maintain and enhance the existing viable housing stock and neighborhoods within Hayward.</b>	<b>Consistent.</b> The No Project Alternative would not result in any changes to existing conditions and the existing supply of housing stock in the City of Hayward would not change.	<b>Consistent.</b> The proposed Project would not reduce the existing supply of housing stock within the City of Hayward.

Updated Table for Letter 178-21

Table 3.14-12. Noise and Vibration 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) Would the project 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 agencies?	S/M	CC	MM NOI-1 MM NOI-2	LTS	NCC
(b) Would the project result in the generation of excessive ground-borne vibration or ground-borne noise levels?	LTS	NCC	N/A	LTS	NCC
c) For 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?	LTS	NCC	N/A	LTS	NCC

Notes: LTS = Less than Significant Impact, NI = No Impact, N/A = Not Applicable, SI = Significant Impact, S/M = Significant Impact but Mitigable to a Less than Significant Level, CC = Cumulatively Considerable, NCC = Not Cumulatively Considerable.

*Updated Table for Letters 178-26 and 233-21*

**Table 3.18-1: Principal Arterials Within the RSA**

City	Principal and Major Arterials
<b>Oakland</b>	Doolittle Drive (State Route (SR) 61)
	International Boulevard (SR 185)
<b>San Leandro</b>	Davis Street (SR 112)
	E. 14 <sup>th</sup> Street (SR 185)
	San Leandro Boulevard
	Hesperian Boulevard
	Lewelling Boulevard
<b>Hayward</b>	Hesperian Boulevard
	W. Jackson Street (SR92)
	A Street
	B Street
	W. Tennyson Road
	Dyer Street
<b>Fremont</b>	Mowry Avenue (SR 84)
	<b>Fremont Boulevard</b>
	<b>Thornton Avenue</b>
	<b>Ardenwood Boulevard</b>
<b>Newark</b>	Thornton Avenue
	Newark Boulevard
	Cherry Street
	<b>Jarvis Avenue</b>
	<b>Central Avenue</b>
	<b>Cedar Boulevard</b>
	<b>Paseo Padre Parkway</b>
<b>Union City</b>	Union City Boulevard
	Alvarado Boulevard
	Dyer Street

City	Principal and Major Arterials
	Alvarado-Niles Road
	Fremont Boulevard
	Decoto Road (SR84)

Source: Caltrans, 2022

*Updated Table for Letter 218-12*

**3.20-3: Summary of Water Providers in the Utility RSA**

County/City Location	Provider
<b>Water Supply (Potable and Recycled)</b>	
<b>Oakland</b>	EBMUD
<b>San Leandro</b>	EBMUD
<b>San Lorenzo (Unincorporated Alameda County)</b>	EBMUD
<b>Hayward</b>	HWS, EBMUD, ACWD
<b>Union City</b>	ACWD
<b>Fremont</b>	ACWD
<b>Newark</b>	ACWD

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

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

Recycled water is not currently available within the ACWD service area, and the use of recycled or other water originating outside ACWD's service area must be coordinated in advance with ACWD.

Updated Table for Letter 235-17

**Table A-1. Special-status Species with the Potential to Occur in the Biological RSA**

Species	Sensitivity Status <sup>1</sup>	Habitat Characteristics	Rationale
<i>Plants</i>			
<b>Congdon's tarplant</b> <i>(Centromadia parryi ssp. Congdonii)</i>	Federal: None State: None CNPS: 1B.1	Congdon's tarplant is typically found in alkaline soils in grassland and ruderal habitat at elevations ranging from 0 to 755 feet. The plant's blooming period is between May and November.	Suitable habitat for this species is present within the RSA.
<b>California seablite</b> <i>(Suaeda californica)</i>	Federal: FE State: None CNPS: 1B.1	California seablite is found in coastal salt marshes and swamps at elevations ranging from 0 to 50 feet. California seablite's blooming period is between July and October.	Suitable habitat for this species is present within the RSA.
<i>Invertebrates</i>			
<b>Crotch's bumble bee</b> <i>(Bombus crotchii)</i>	Federal: None State: CE	Crotch's bumble bee inhabits open grassland and scrub habitats with nesting typically occurring underground. This species is classified as a short-tongued species, whose food plants include those in the following genera: <i>Asclepias</i> , <i>Chaenactis</i> , <i>Lupinus</i> , <i>Medicago</i> , <i>Phacelia</i> , and <i>Salvia</i> (Williams et al. 2014).	Suitable habitat for this species is present throughout the RSA.
<b>Western bumble bee</b> <i>(Bombus occidentalis)</i>	Federal: None State: CE	The western bumble bee inhabits open grassy areas, urban parks and gardens, chaparral and shrub areas, and mountain meadows. The bee typically nests underground in abandoned rodent burrows, such as old squirrel or other animal nests, and in open west-southwest slopes bordered by trees, although a few nests have been reported from above-ground locations such as in logs among railroad ties. Availability of nest sites may depend on rodent abundance (Xerces 2014).	Suitable habitat for this species is present throughout the RSA.

Species	Sensitivity Status <sup>1</sup>	Habitat Characteristics	Rationale
<b>Monarch butterfly (California overwintering population) [<i>Danaus plexippus</i> (pop. 1)]</b>	Federal: FC State: None	The Monarch butterfly overwinters along the coast from Mendocino County, south into Baja California. The butterfly occupies wind-protected groves of gum ( <i>Eucalyptus</i> spp.), Monterey pine ( <i>Pinus radiata</i> ), or Monterey cypress ( <i>Hesperocyparis macrocarpa</i> ) with nectar and water sources nearby (IELP 2012).	Suitable habitat for this species is present in the RSA. Additionally, the butterfly has known overwintering occurrences at Ardenwood Historic Farm, which is adjacent to the proposed Ardenwood Rail Station.
<b>Fish</b>			
<b>Green sturgeon (southern DPS) (<i>Acipenser medirostris</i>)</b>	Federal: FT State: SSC	Spawning occurs primarily in the Sacramento River, but those that spawn in the Feather and Yuba Rivers are also part of the southern DPS. Oceanic waters, bays, and estuaries during non-spawning season. Enters San Francisco Bay late winter through early spring, and spawn occurs from April through early July. Spawn in cool sections of river mainstems in deep pools containing small to medium-sized gravel, cobble, or boulder substrate (NMFS 2015).	Designated critical habitat for this species occurs within and adjacent to the biological RSA.
<b>Steelhead (central California coast Distinct Population Segment [DPS]) [<i>Oncorhynchus mykiss irideus</i> (pop. 8)]</b>	Federal: FT State: None	This DPS includes naturally spawned and artificially propagated steelhead. The naturally spawned anadromous steelhead originate below natural and manmade impassable barriers from the Russian River to Aptos Creek, and all drainages of San Francisco and San Pablo Bays eastward to Chipps Island at the confluence of the Sacramento and San Joaquin Rivers. The artificially propagated steelhead originate from two artificial propagation programs: Don Clausen Fish Hatchery Program and Kingfisher	Steelhead may utilize the portion of Alameda Creek (or other waterways) in the biological RSA for migration.



Capitol Corridor Joint Powers Authority  
South Bay Connect Project - Final Environmental Impact Report

Species	Sensitivity Status <sup>1</sup>	Habitat Characteristics	Rationale
		Flat Hatchery Program (Monterey Bay Salmon and Trout Project). Spawning habitat includes gravel-bottomed, fast-flowing, well-oxygenated rivers and streams. Non-spawning habitat includes estuarine and marine waters (NMFS 2021).	
<b>Reptiles</b>			
<b>Western pond turtle (<i>Emys marmorata</i>)</b>	Federal: Candidate State: SSC	The western pond turtle is found throughout California except for Inyo and Mono counties. Generally, the turtle occurs in various water bodies including natural and artificial permanent and ephemeral systems. Upland habitat that is at least moderately undisturbed is required for nesting and overwintering, in soils that are loose enough for excavation (Thomson et al. 2016).	Suitable habitat for this species is present in Alameda Creek and is present in the RSA for Biological Resources.
<b>Birds</b>			
<b>Burrowing owl (<i>Athene cunicularia</i>)</b>	Federal: MBTA State: SSC	The burrowing owl is found throughout California in open, dry grasslands and various desert habitats. The owl requires open areas with mammal burrows; especially those of California ground squirrel ( <i>Otospermophilus beecheyi</i> ). Inhabits rolling hills, grasslands, fallow fields, sparsely vegetated desert scrub, vacant lots, and other open human disturbed lands such as airports and golf courses. The owl is absent at elevations above 5,500 feet (CWHR Program Staff 1999a).	Suitable habitat for this species is present along existing railroad tracks, grasslands, and other ruderal habitat throughout the RSA.
<b>Western snowy plover (<i>Charadrius nivosus nivosus</i>)</b>	Federal: FT, MBTA State: SSC	Coastal populations of western snowy plover nest on sandy or gravelly dune-backed beaches, sand spits, and on estuarine salt pans and lagoons (USFWS 2005). Inland populations nest along barren to sparsely vegetated flats	Suitable habitat for this species is present within the RSA. Additionally, Eden Landing Ecological

Capitol Corridor Joint Powers Authority  
South Bay Connect Project - Final Environmental Impact Report

Species	Sensitivity Status <sup>1</sup>	Habitat Characteristics	Rationale
		and along shores of alkaline and saline lakes, reservoirs, ponds, braided river channels, agricultural wastewater ponds, and salt evaporation ponds (Shuford and Gardali 2008). Inland nesting occurs at Salton Sea, Mono Lake, and isolated sites on the shores of alkali lakes in northeastern California, the Central Valley, and southeastern deserts (CWHR Program Staff 2008a).	Reserve contains critical habitat for the species. Nearest critical habitat is 0.25 miles from the Union Pacific Railroad (UPRR) ROW on the Coast Subdivision.
<b>Northern harrier (<i>Circus hudsonius</i>)</b>	Federal: MBTA State: SSC	Northern harriers nest on the ground in patches of dense, tall vegetation in undisturbed areas. The birds breed and forage in a variety of open habitats such as marshes, wet meadows, weedy borders of lakes, rivers and streams, grasslands, pastures, croplands, sagebrush flats, and desert sinks (Shuford and Gardali 2008).	Suitable habitat for this species is present within marshlands and grassland habitat within the RSA.
<b>White-tailed kite (<i>Elanus leucurus</i>)</b>	Federal: MBTA State: FP	The white-tailed kite is a fairly common resident of the Central Valley, coast, and Coast Range Mountains. The bird nests in oak savanna, oak and willow riparian, and other open areas with scattered trees near foraging habitat, and forages in open grasslands, meadows, farmlands, and emergent wetlands. The birds are often seen hover foraging over roadsides or grassy highway medians (CWHR Program Staff 2005a).	Suitable habitat for this species is present throughout the RSA.
<b>Bald eagle (<i>Haliaeetus leucocephalus</i>)</b>	Federal: MBTA, BGEPA State: SE, FP	Permanent resident in the highest Coast Range mountains, across the Cascade Range, and down the Sierra Nevada to the eastern Transverse Ranges of San Bernardino and Riverside counties. Uncommon migrant and winter visitor to lowland rivers,	Juvenile observed during reconnaissance survey near Alameda Creek but outside of the RSA; suitable foraging habitat

Capitol Corridor Joint Powers Authority  
South Bay Connect Project - Final Environmental Impact Report

Species	Sensitivity Status <sup>1</sup>	Habitat Characteristics	Rationale
		lakes, and reservoirs. Nests in large, old-growth, or dominant live trees with open branches, especially ponderosa pine ( <i>Pinus ponderosa</i> ). Requires large bodies of water or rivers with abundant fish, and adjacent snags (CWHR Program Staff 1999b).	located within the biological RSA. However, no suitable nesting habitat present in the biological RSA.
<b>Alameda song sparrow</b> <i>(Melospiza melodia pusillula)</i>	Federal: MBTA State: SSC	The Alameda song sparrow is found near to tidal salt marshes, mainly on the fringes of south San Francisco Bay with strongholds near Milpitas and in the Palo Alto Baylands, though a few persist within San Francisco city limits and as far north as El Cerrito in Contra Costa County (Shuford and Gardali 2008).	Suitable habitat for this species is present within a portion of the RSA.
<b>San Francisco common yellowthroat</b> <i>(Geothlypis trichas sinuosa)</i>	Federal: MBTA State: SSC	The San Francisco common yellowthroat dwells only in the San Francisco Bay Area. The bird is primarily found in brackish and fresh marshes, but also occupies salt marsh and riparian woodland habitat. (Shuford and Gardali 2008).	Suitable habitat for this species is present in the RSA.
<b>California black rail</b> <i>(Laterallus jamaicensis coturniculus)</i>	Federal: MBTA State: ST, FP	The California black rail is found in saline, brackish, and fresh emergent wetlands. While the bird is considered scarce, their true abundance is difficult to determine due to small size and extremely secretive nature. The bird is known to nest at scattered locations in the San Francisco Bay Area and Delta region, Point Reyes National Seashore, San Luis Obispo, and Orange counties, as well as the Imperial and Lower Colorado River Valleys, and appears intermittently and sparingly at a few locations in the Sacramento Valley (CWHR Program Staff 1999c).	Suitable habitat for this species is present in the RSA.

Capitol Corridor Joint Powers Authority  
South Bay Connect Project - Final Environmental Impact Report

Species	Sensitivity Status <sup>1</sup>	Habitat Characteristics	Rationale
<b>California Ridgway's rail</b> <i>(Rallus obsoletus obsoletus)</i>	Federal: FE State: SE, FP	The California Ridgway's rail is found near tidal marshes on the fringes of San Pablo Bay, San Francisco Bay, Monterey Bay, and Morro Bay. The bird requires intricate network of sloughs with small natural berms along tidal channels, preferably with cordgrass ( <i>Spartina</i> spp.) and pickleweed ( <i>Salicornia</i> spp.) (USFWS 2017).	Suitable habitat for this species is present in the RSA.
<b>Mammals</b>			
<b>Salt marsh harvest mouse</b> <i>(Reithrodontomys raviventris)</i>	Federal: FE State: SE, FP	The salt marsh harvest mouse is found in salt and brackish marshes with dense stands of pickleweed adjacent to upland, salt-tolerant vegetation in the San Francisco, San Pablo, and Suisun Bay areas (USFWS 2010).	Suitable habitat for this species is present within a portion of the RSA.
<b>Pallid bat</b> ( <i>Antrozous pallidus</i> )	Federal: None State: SSC	The pallid bat can be found across nearly all of California except for high elevation portions of the Sierra Nevada Mountains and Del Norte, western Siskiyou, Humboldt, and northern Mendocino counties. The bat is generally found in a wide variety of habitats but with some preference for drier areas. Day roosts occur in caves, crevices, mines, and occasionally in hollow trees and buildings (Harris et al. 1990).	Suitable habitat for this species is present throughout the RSA.
<b>Townsend's big-eared bat</b> <i>(Corynorhinus townsendii)</i>	Federal: None State: SSC	Townsend's big-eared bat ranges throughout California except for high elevation portions of the Sierra Nevada Mountains. Generally, the bats prefer mesic habitats but is known to occur in all non-alpine habitats of California. Roosting occurs in caves, tunnels, mines, buildings, or other structures and this species may use different roosting sites	Suitable habitat for this species is present throughout the RSA.

Capitol Corridor Joint Powers Authority  
 South Bay Connect Project - Final Environmental Impact Report

Species	Sensitivity Status <sup>1</sup>	Habitat Characteristics	Rationale
		for day and night (CWHR Program Staff 2000).	
<b>Western mastiff bat (<i>Eumops perotis californicus</i>)</b>	Federal: None State: SSC	The western mastiff bat ranges throughout all of Southern California, the central coast, and the Sierra Nevada Mountains. Generally, the bat occurs in open, arid, or semi-arid habitats, and roosts in rock crevices and buildings. (Ahlborn and White 1990).	Suitable habitat for this species is present throughout the RSA.

**1 FE= Federally Endangered, FT= Federally Threatened, FC= Federal Candidate, MBTA= Migratory Bird Treaty Act, SE= State Endangered, ST= State Threatened, CE = California Candidate Endangered, FP= Fully Protected, SSC= State Species of Species Concern, 1B.1= Rare, Threatened, or Endangered in California and Elsewhere**

*Updated Table for Letter 169-26*

**New Chapter 4 Table. Comparison of Projected SLR between 2018 and 2024 Guidance for the San Francisco Tide Gauge**

Year	2024 High (SLR in feet)	2018	
		High Emissions/Medium-High Risk Aversion: 1-in-200 Chance Occurrence Scenario (SLR in feet)	2018 Extreme Risk Aversion: H++ Scenario (SLR in feet)
2030	0.4	0.8	1.0
2040	0.8	1.3	1.8
2050	1.3	1.9	2.7
2080	4.1	4.5	6.6
2090*	5.3	5.6	8.3
2100*	6.5	6.9	10.2
2130	9.9	10	16.6

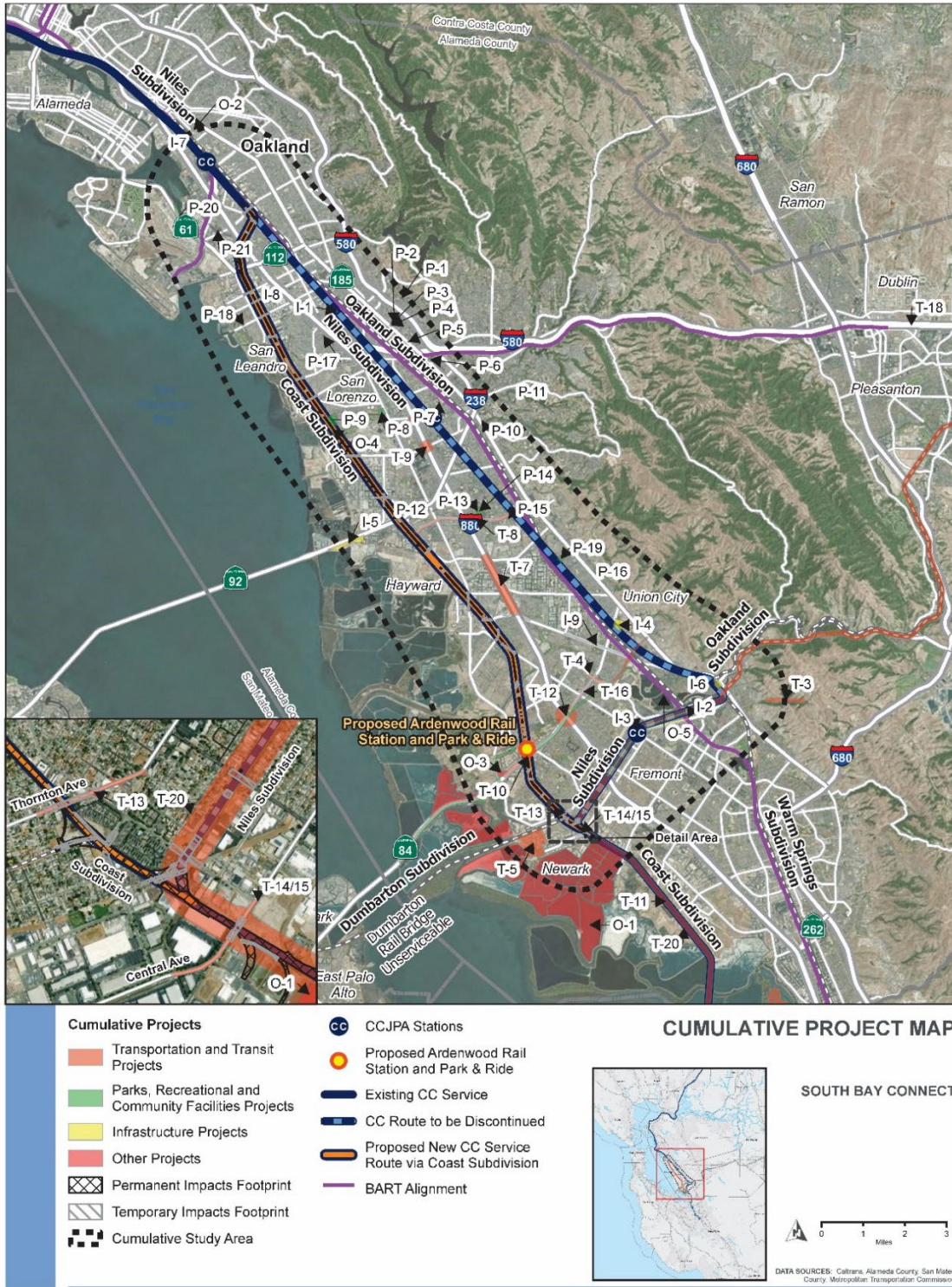
*\* Years correlated to closest available ART and CoSMoS visualizations for 100-year service life.*

Source: CNRA & OPC, 2018 (Table 7 of Appendix K); CNRA & OPC, 2024



Updated Figure for Comment Letters 169-19, 178-4, 178-24, 218-14, 218-15, 224-4, 225-3, 231-2, 233-21, and 235-6

Figure 3-1. Cumulative Project Map





Updated Figure for Comment Letter 233-23

Figure 3.18-2: Bicycle Facilities within the Transportation Resource Study Area (North Extent)

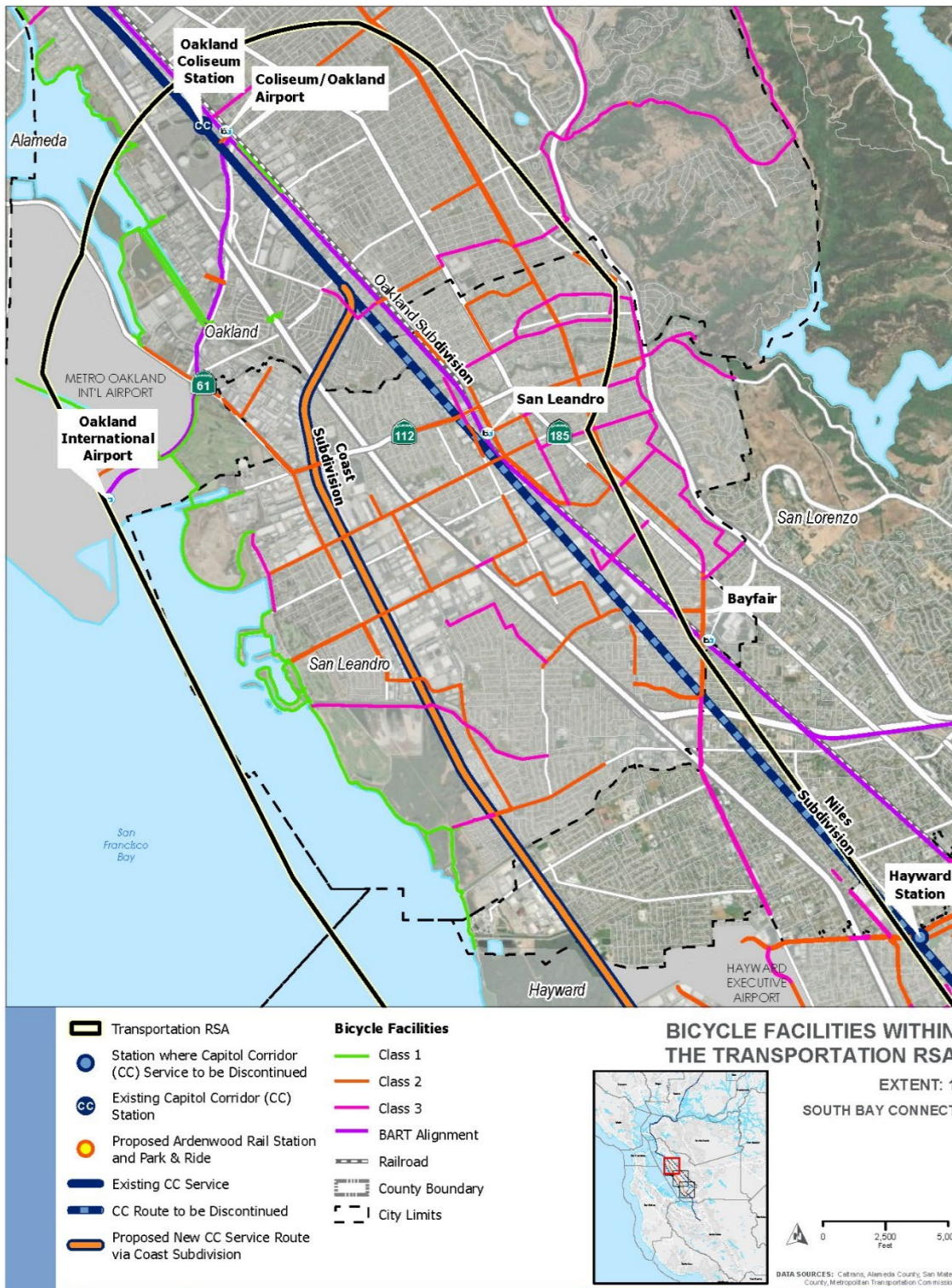




Figure 3.18-3: Bicycle Facilities within the Transportation Resource Study Area (Central Section)

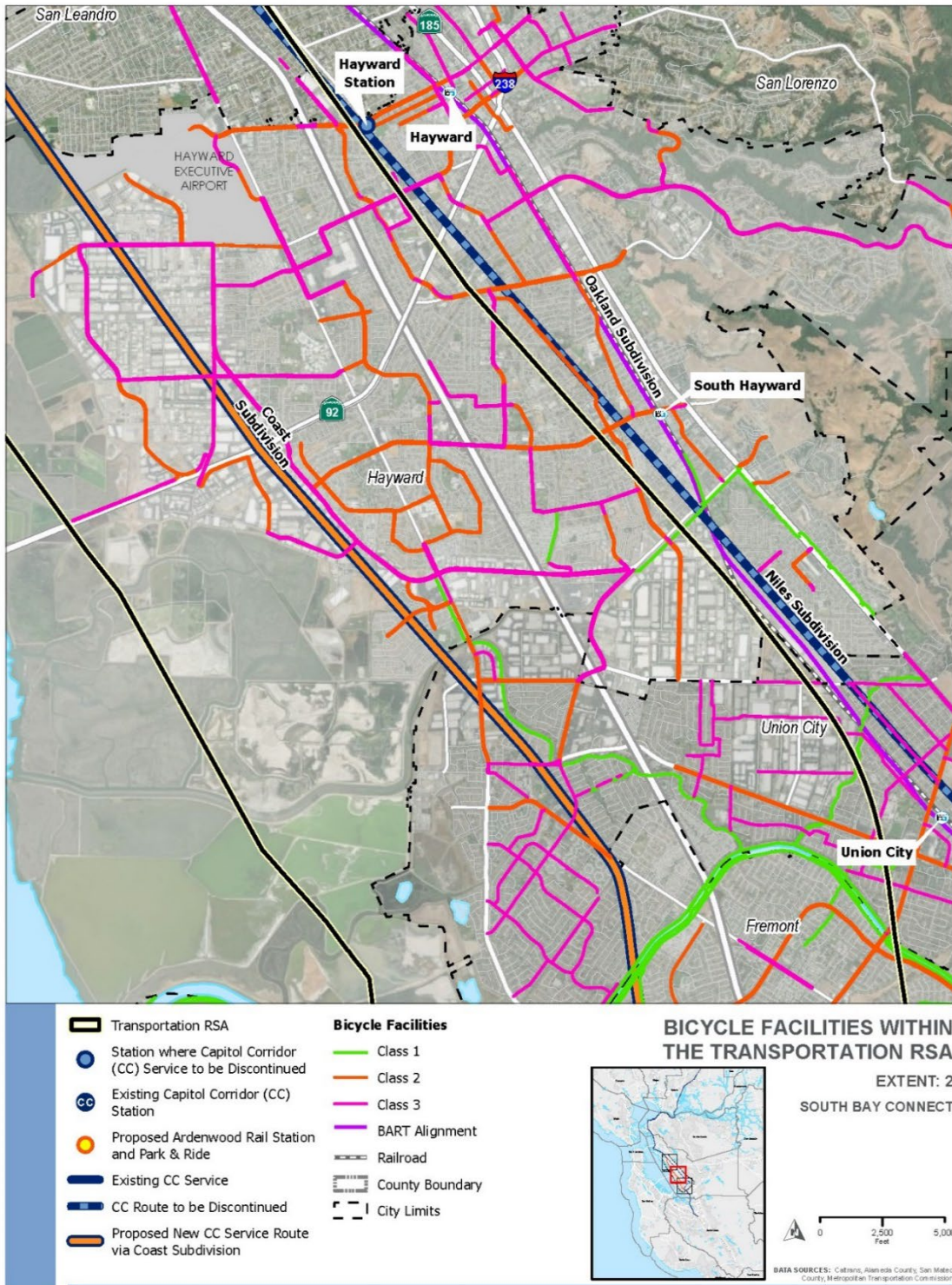
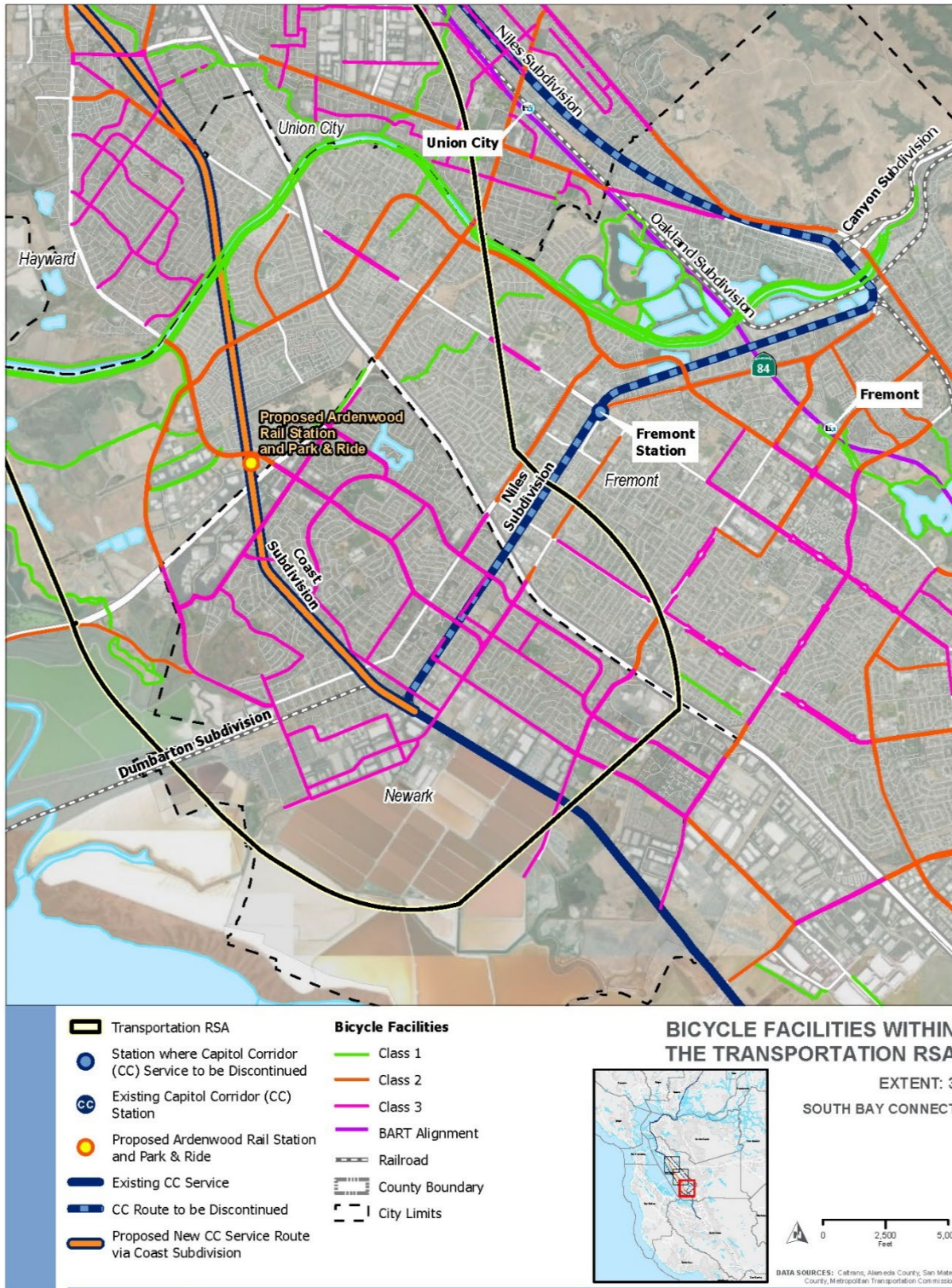




Figure 3.18-4: Bicycle Facilities within the Transportation Resource Study Area (Southern Extent)





Updated Figure for Comment Letter 237-2

Figure 4-1. Estimated BCDC Jurisdiction, Extent 1





Figure 4-2. Estimated BCDC Jurisdiction, Extent 2

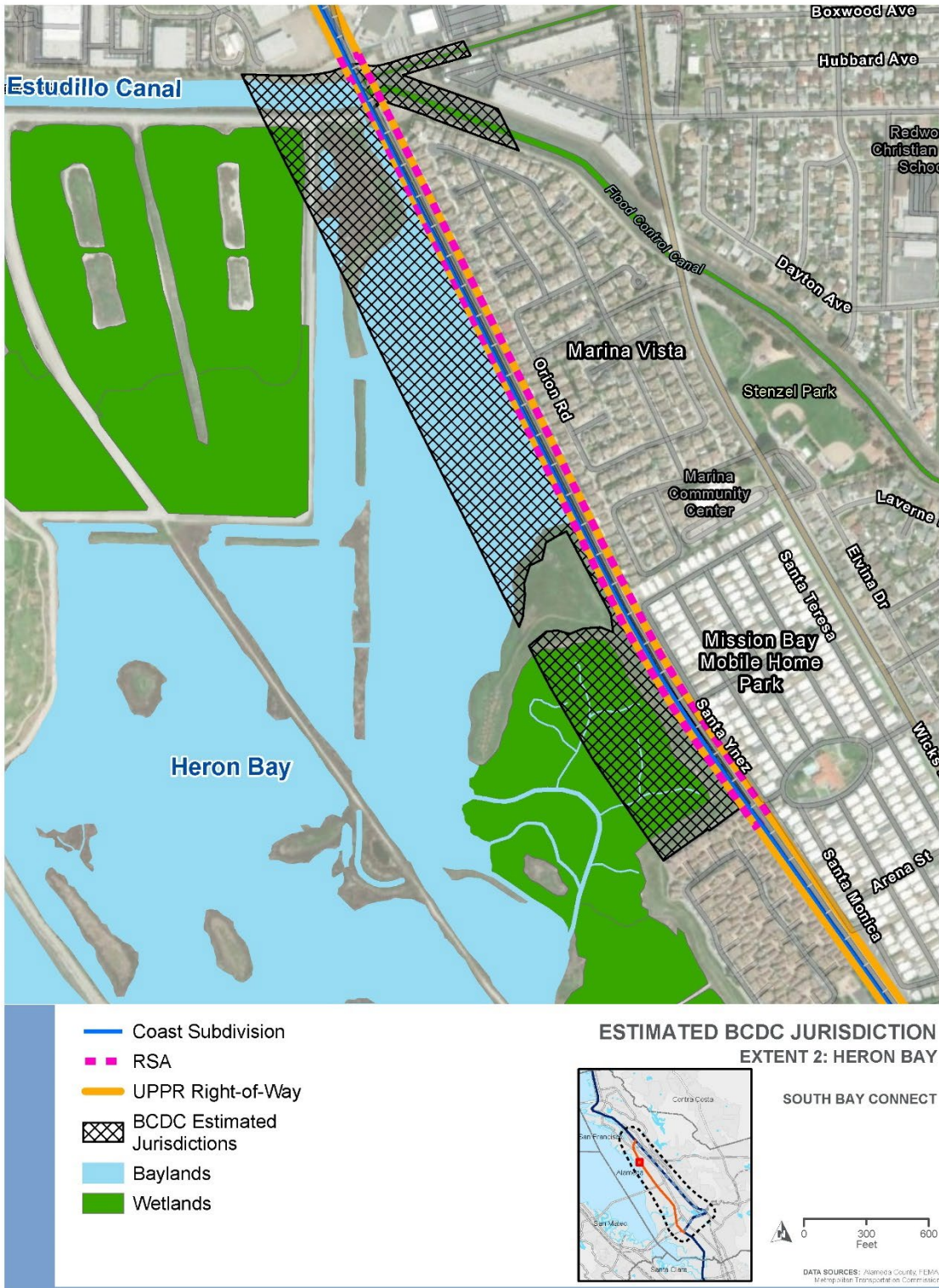




Figure 4-3. Estimated BCDC Jurisdiction, Extent 3





Figure 4-4. Estimated BCDC Jurisdiction, Extent 4





Figure 4-5. Estimated BCDC Jurisdiction, Extent 5





Figure 4-6. Estimated BCDC Jurisdiction, Extent 6



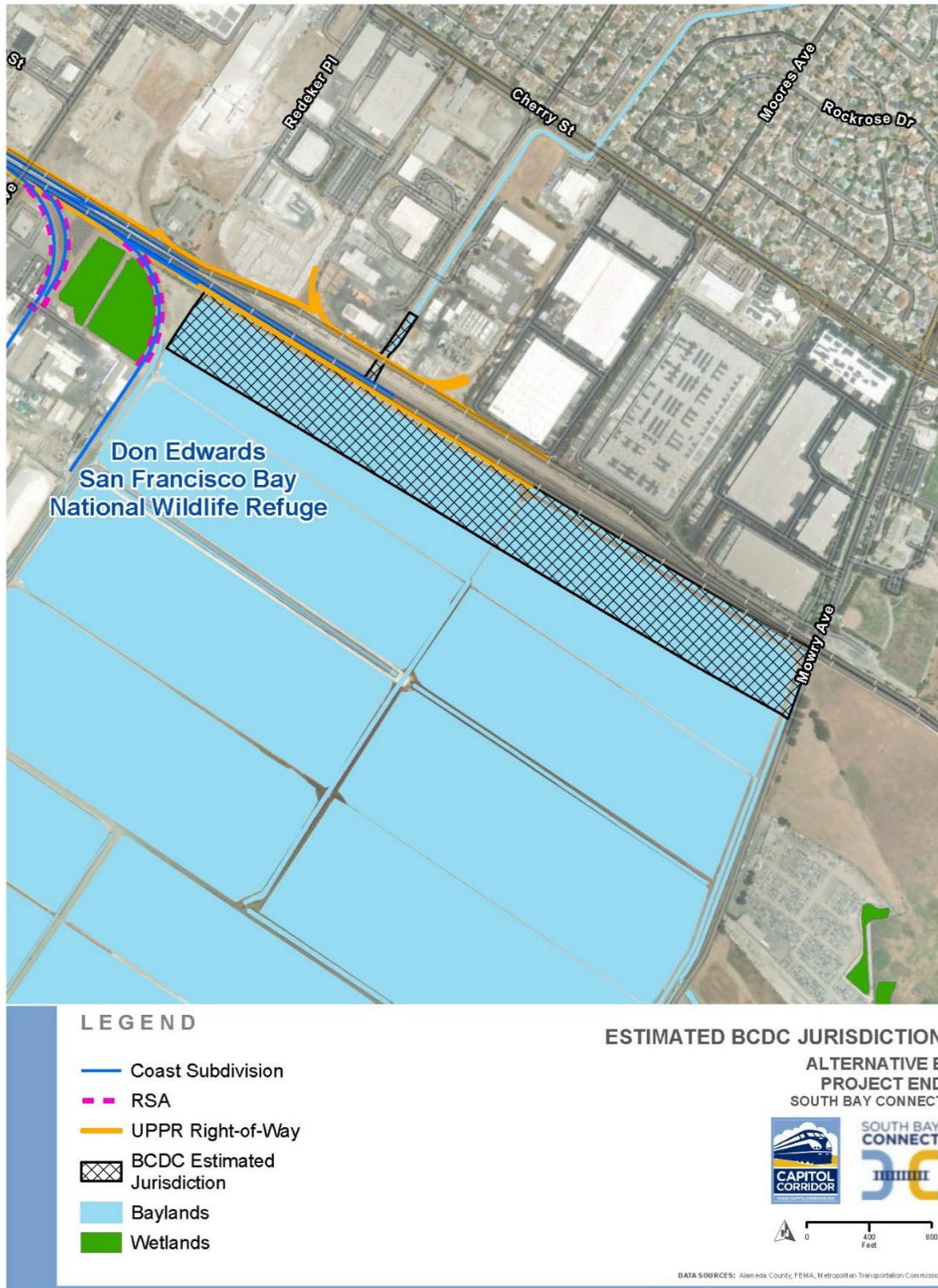


Figure 4-7. Estimated BCDC Jurisdiction, Extent 7





Figure 4-8. Estimated BCDC Jurisdiction, Project End



### 4.1.3 Master Responses

As noted, where many commenters have similar comments on a single topic, reference will be made to one or more of 13 Master Responses. These Master Responses were listed previously in this chapter and are discussed in more detail below in numerical order. Many of the responses to comments in Section 4.1.1 refer to the following Master Responses.

#### *Master Response 1: Opinions and Other General Comments*

Several comments were received during public review of the Draft EIR that indicated support for or opposition to the proposed Project or specific elements of the proposed Project. These types of comments were limited to the commenter's opinion and/or expressed generalized environmental concerns. In accordance with Section 15088 of the State CEQA Guidelines, CCJPA is required to "evaluate comments on environmental issues received from persons who reviewed the [D]raft EIR and shall prepare a written response... to comments raising significant environmental issues received during the noticed comment period."

This response speaks to comments that comprise only commenter opinion without supporting facts or are too general as written for a substantive response.

Excerpted below, CEQA Guidelines Section 15204 states the expectations for both public and agency reviewers to focus comments on the adequacy of the CEQA documentation and to provide data to support challenges to the materials.

CEQA Guidelines Section 15204 provides the following guidelines for commenting on CEQA documents:

1. Comments should focus on the "sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated,"
2. As such, Section 15204 goes on to recommend that "comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects,"
3. CEQA "does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors," and similarly, "lead agencies do not need to provide all information requested by reviewers," as long as there is a good faith effort to fully disclosure potential effects of the project in the EIR,
4. Lead agencies are only required to respond to comments regarding significant environmental issues ["Environmental issues" are defined in CEQA Guidelines Section 21061 as the "physical conditions that exist within a project footprint, including land, air, minerals, biological resources, noise, and objects of historic or aesthetic value"], and
5. Commenters should explain the basis for their comments and should submit data or references offering facts, or expert opinion supported by facts, in support of their comments. As an example, a comment that opines that impacts were not sufficiently addressed or that additional impacts should be considered, would not be considered complete without references and/or supporting data or expert opinion included in the comment.

The “environment,” as referenced in item #4 in previous list, is defined in CEQA Guidelines Section 21061 as the physical conditions that exist within a project footprint, including land, air, minerals, biological resources, noise, and objects of historic or aesthetic value.

Notwithstanding the above guidelines language, CEQA Guidelines section 15204(e) also states that these limitations should “not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

#### Public Commenter Opinion

CCJPA acknowledges all viewpoints and opinions expressed by the community. Having said that, CCJPA also acknowledges that some comments express opinions of the commenter, but do not raise an issue related to the adequacy or accuracy of any specific Draft EIR section or the overall environmental analysis used in developing the Draft EIR. In many cases, these comments also do not provide “substantial evidence” to support the comments, as required under CEQA.

CEQA Guidelines, Section 15064(f)(5), states that “arguments, unsupported opinions or comments, or evidence that is clearly inaccurate, unbelievable or flawed, will not be considered ‘substantial evidence’. Substantial evidence will include facts, reasonable assumptions based on facts, and expert opinion supported by facts.”

#### General Comments from Public

Comments that voice general opposition to the proposed project often were combined with other unsubstantiated general statements about environmental concerns (e.g., air quality, traffic, noise). According to CEQA Guidelines Section 15088, “The level of detail contained in the (agency) response, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general).”

Further, comments with statements that are not supported with evidence and are therefore unfounded cannot be evaluated (by the lead agency) because, pursuant to CEQA Guidelines, Section 15064, “an effect shall not be considered significant in the absence of substantial evidence”.

It is important to note that all comment letters are included in this Final EIR, either in main body of the document or in Appendices and will be provided to the CCJPA Board of Directors for review and consideration before a determination is made as to whether the proposed Project should move forward.

To reference master responses on specific topics, please see the following list:

- Master Response 2: Public Review and Community Engagement (Section/page)
- Master Response 3: Economic and Social Impacts (Section/page)
- Master Response 4: Independent Utility of Project (Section/page)
- Master Response 5: Project Description and Design Alternatives (Section/page)
- Master Response 6: Proposed Ardenwood Station (Section/page)
- Master Response 7: Coast Subdivision Double Tracking (Section/page)

- Master Response 8: Freight Train Volume Assumptions (Section/page)
- Master Response 9: State Rail Plan and Track Electrification (Section/page)
- Master Response 10: Environmental Justice (Section/page)
- Master Response 11: Land Use – Potential Conflicts and Growth Inducement (Section/page)
- Master Response 12: Noise and Vibration (Section/page)
- Master Response 13: Cumulative Impacts (Section/page)



## *Master Response 2: Public Review and Community Engagement*

### Public Review and Community Engagement

Several comments were received regarding CCJPA's public outreach and community engagement process for the SBC proposed Project. As demonstrated below, CCJPA's public outreach and engagement process for the draft EIR has exceeded the statutory requirements under CEQA. CCJPA has made information available on multiple platforms, to provide information to the community as required by CEQA statute.

In accordance with State CEQA Guidelines (Section 15082[a], 15103, 15375), a Notice of Preparation (NOP) was initially published on June 30, 2020, and was available for comment until August 13, 2020. The NOP was circulated to the public; to local, state, and federal agencies; and to other interested parties. CCJPA held an online public meeting during the 2020 public scoping period and a telephone town hall on July 15, 2020.

According to CEQA Guidelines (14 CCR 15105[a]), the Draft EIR must be available for public comment for a minimum of 30 days. The Draft EIR was published on May 29, 2024, and the public comment period ended July 15, 2024, for a total of 45 days. In addition to the public being able to submit comments via CCJPA's website, email, and postal service, two virtual public meetings were held to inform the public of the primary features of the proposed Project and to accept and record comments on the draft EIR. These meetings occurred during the public comment period, one on June 12, 2024, and one on June 20, 2024. The public was also invited to comment verbally at a CCJPA Board of Directors meeting on June 26, 2024, where an option for teleconference was provided. There were 16 public comments received during the Board of Directors meeting regarding the Project Draft EIR.

During the 45-day public review and comment period, CCJPA sent mailers to 560 regional stakeholders and more than 15,900 property owners within 500 feet of the project alignment. CCJPA also published public notices on multiple dates in three newspapers: the East Bay Times, News for Chinese, and Vision Hispana; these notices appeared in five languages. Public outreach during the comment period also included six E-blasts to stakeholders, which included a poster in three languages intended to facilitate further distribution among local communities. CCJPA further informed local and regional media contacts and posted on social media on eight (8) days between May 29 and July 15, 2024, to improve the visibility of the proposed Project.

To further transparency and comply with CEQA requirements, CCJPA made the Draft EIR available for review at the project website ([www.southbayconnect.com](http://www.southbayconnect.com)) as well as at multiple community repositories. Hard copies of the Draft EIR were available at the Capitol Corridor Joint Powers Authority Office (located at BART Headquarters), the Oakland Public Library branch on 81st Avenue, and the main branch of the Alameda County Public Library. Digital copies of the Draft EIR were available at the Oakland Public Library in Elmhurst, the Alameda County Public Library branches in Union City and Newark, the Main Hayward Public Library and the branch at Weekes, and at the San Leandro Public Library locations: Main, Manor, and Mulford Marina.

### Changes to Project Since NOP

In terms of changes to the project description as communicated to the public in 2020 and 2024, although the progression of the preliminary engineering design has changed some physical features of the Project, the goals and objectives of the proposed Project have not changed, and the ability of the proposed Project to meet these objectives persists. The 2020 South Bay Connect (SBC) NOP presented these as Project "Objectives, Purpose, and Needs"; the 2024

SBC Draft EIR presents these in terms of “Goals and Objectives”. Language was only slightly modified between the publication of these documents so that items titled “Needs” in the NOP are consistent with those titled “Objectives” in the Draft EIR. To address concerns of transparency regarding changes to the project design of SBC, a crosswalk table between the proposed Project needs, as presented in the NOP, and the objectives, as presented in the Draft EIR, follows:

NOP Project Needs	Draft EIR Project Objectives
<b>Reduce passenger rail travel time</b> between Oakland and San Jose and throughout the larger megaregion to increase ridership on transit, ease congestion on the Bay Area’s stressed roadways, and reduce lengthy auto commutes.	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.
	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.
<b>Diversify and enhance rail network integration</b> by reducing duplicative capital investments and differentiating Capitol Corridor’s intercity rail service from commuter rail and other transit services, including BART’s extension to San Jose.	Diversify and enhance rail network integration by reducing duplicative capital investments and differentiating Capitol Corridor’s intercity rail service from commuter rail and other transit services, including BART’s extension to San Jose.
<b>Support economic vitality</b> 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.	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 operations and passenger rail service.
<b>Improve service between megaregional markets</b> by enhancing connections between high demand destinations, overcoming existing geographic service gaps between job centers and affordable housing on the San Francisco Peninsula and the Capitol Corridor route.	Improve service between megaregional markets by enhancing connections between high demand destinations, overcoming existing geographic service gaps between job centers and affordable housing projects on the San Francisco Peninsula and along the Capitol Corridor route.
<b>Promote environmental sustainability</b> by reducing greenhouse gas emissions.	Promote environmental sustainability by lowering greenhouse gas (GHG) emissions through a reduction in auto traffic.

As shown by this side-by-side comparison, the project's goals, objectives, and needs have remained nearly identical over the project to date. The only alteration being that the Draft EIR adds a single objective “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.” This objective was added to clarify the project’s relationship with the 2023 update to the California State Rail Plan and to meet Project partners’ goals and constraints that have become better understood through ongoing planning and design

efforts. The updated State Rail Plan identifies priorities such as reducing redundant transportation infrastructure, improving operational efficiency and reliability for all train service by shifting passenger rail service from the heavily utilized Niles Subdivision to the Coast Subdivision, a shorter and less congested route, and facilitating pulse scheduling that maximizes coordination between service routes and different transportation modalities (e.g., rail, buses and BART).



*Master Response 3: Economic and Social Impacts*

The scope of an EIR is limited to a lead agency's evaluation of potentially significant environmental impacts of a project, which, by definition, are limited to physical conditions, rather than social or economic conditions (PRC, Section 21060.5; CEQA Guidelines Section 15360). The analysis of the potential for social or economic impacts that do not result in a physical change(s) is not required by CEQA in an environmental document because such impacts are not considered to be effects on the environment (CEQA Guidelines Sections 15064[e], 15131[a], 15358[b], 15382). Therefore, potential social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment, are not substantial evidence of a significant environmental effect (PRC Section 21080[e][2]; CEQA Guidelines Section 15064[f][6]). As an example, the proposed Project's potential impact on property values or housing prices is not a physical impact on the environment, nor would it lead to a physical impact unless it would result in reasonably foreseeable adverse physical impact(s) on the environment, such as abandonment of neighborhoods and subsequent removal of houses in affected areas.

California courts have routinely dismissed challenges to projects under CEQA when premised on potential social or economic impacts. (see *Clews Land & Livestock, LLC v. City of San Diego* [2017] 19 Cal.App.5th 161, 196 [potential effect of project's noise on nearby business's economic viability not reviewable under CEQA]; *Chico Advocates for a Responsible Economy v. City of Chico* [2019] 40 Cal.App.5th 839, 846–48 [loss of close and convenient shopping not an environmental issue subject to CEQA review]; *City of Hayward v. Board of Trustees of the California State University* [2015] 242 Cal.App.4th 833, 840–47 [project's potential economic impacts on costs of providing public services not a recognizable environmental impact under CEQA]; *Maintain Our Desert Environment v. Town of Apple Valley* [2004] 124 Cal.App.4th 430, 446 ["social, economic and business competition concerns are not relevant to CEQA analysis unless it is demonstrated that those concerns will have a significant effect on the physical environment"]; *Preserve Poway v. City of Poway* [2016] 245 Cal.App.4th 560, 576–82 [change in community character is a social and psychological impact not reviewable under CEQA]).

In conclusion, CEQA does not require the analysis of generalized social and economic effects, such as property values, potential changes in crime and/or unhoused populations movement, as suggested by several commenters. Further, a lead agency is not required to analyze conclusory statements about any potential impacts not supported by substantial evidence in the record in accordance with CEQA Guidelines, Section 15064.

*Master Response 4: Independent Utility of Project*

Some comments received during the public review period expressed concern that the South Bay Connect (SBC) Project has been improperly segmented (also referred to as “piecemealing”) and should be combined with other CCJPA projects that are in various stages of development or are identified as future “visions” by CCJPA in other planning documents. CCJPA is considering other projects that would improve bus services and passenger rail services in other areas, introduce rail electrification on future passenger-rail-only tracks and/or provide adaptations to sea level rise. However, these projects are independent of SBC and would be environmentally reviewed separately.

CEQA Guidelines, Section 15165 provides guidance on managing multiple projects or “phased” projects. The regulation states that if a project is necessary to precede a future project(s) or if it commits the lead agency to a larger project or group of projects that will have significant environmental effects, an EIR must address the proposed effort and the associated project(s) together. This often results in a broader “Program EIR,” which assesses the potential effects of an overall “program” that is comprised of multiple projects that have inter-dependencies between them. However, since this condition does not apply to the proposed Project, the Guidelines go on to say that if there are multiple projects being considered, the lead agency retains the option of preparing “one EIR for all projects, or one for each project. In either case, the lead agency is required to assess the cumulative effects of implementing the proposed Project and other reasonably foreseeable projects that share, for example, construction materials requirements and/or overlapping construction areas, particularly if the construction schedules also overlap, or other relevant factors that when coupled with the proposed Project could result in combined environmental effects that would be greater than the proposed Project by itself. (CEQA Guidelines, Section 15165). Therefore, it is up to the discretion of CCJPA to determine if they want to group projects or not.

The proposed Project evaluated in the Draft EIR proposes to move Capitol Corridor passenger trains traveling along the Niles Subdivision between Oakland Elmhurst and Newark Junction to the Coast Subdivision, double-track and complete other rail improvements on the Coast Subdivision and construct a new passenger rail station at the existing Ardenwood Park & Ride. These improvements (1) meet the goals and objectives of the project, (2) stand on their own merit to decrease travel time along the Capitol Corridor service route, and (3) are not contingent on the completion of another project, nor are other projects dependent on the completion of the SBC Project. Further, the proposed Project is not the first step of a broader project or program that would be reliant on the SBC implementation. Therefore, since the proposed Project is a stand-alone project of independent utility and other reasonably foreseeable future CCJPA projects do not rely on the construction of the proposed Project, CCJPA has completed the appropriate environmental analysis for the proposed Project.

A few commenters also suggested the SR-84 Intermodal Bus Facility is connected to the proposed Project and should be incorporated into the Draft EIR analysis. Further, comments suggested that not evaluating the bus facility as part of the proposed Project constituted piecemealing. The SR-84 Intermodal Bus Facility is included in Table 3.1, Cumulative Projects List, and is included in the analysis of potential cumulative impacts. Due to the proximity of the SR-84 Intermodal Bus Facility to the proposed Project, coordination on construction schedules would need to occur.

While the SR-84 Intermodal Bus Facility is sponsored by CCJPA, implementation of that project is anticipated under a different timeline with different objectives and is an independent project focused on bus transit operations, not rail service. The SR-84 Intermodal Bus Facility is being designed to:

- Improve access, reliability, and travel times for regional buses along the SR 84 corridor.
- Encourage mode shift from single-occupant vehicle travel to transit services in the SR 84 corridor.
- Promote and improve multimodal Transbay connectivity at the Ardenwood Park-and-Ride facility, building upon other planned regional transit efforts.

Conceptual design is underway for the SR-84 Intermodal Bus Facility. Initiation of the draft environmental document is not anticipated to start until 2025. Caltrans will be the lead agency for both CEQA and Federal National Environmental Policy Act compliance (NEPA). Additional information on the project can be found at <https://sr84busfacility.com/>.

Finally, a few commenters suggested that identifying and planning for the future use of Hayward Station should be included in the proposed Project. However, the existing Hayward station platforms and tracks are on UPRR ROW and as such, UPRR has decision-making power over the future of the current station platforms and tracks within the UPRR ROW. The City of Hayward owns the shelter and parking areas of the station area and therefore also has the decision power to determine its future use.

### *Master Response 5: Project Description and Design Alternatives*

Respondents to the Draft EIR provided comments regarding the proposed Project description and alternatives. Two key issues were identified:

- The Draft EIR has a limited description of proposed Project features, and
- Requests to include additional alternatives to the proposed Project.

#### **Project Description**

Under CEQA Guidelines, Section 15124, the project description is required to contain the following four elements:

- a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.
- b) A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the purpose of the project and may discuss the project benefits.
- c) A general description of the project's technical, economic, and environmental characteristics.
- d) A statement briefly describing the intended uses of the EIR.

All elements described above are included in the Draft EIR, as follows. The precise location and boundaries of the proposed Project are provided in Figures 2-2 through Figure 2-10 in Section 2.2.3, Proposed Project (Alternative E). A regional map is provided in Chapter 1, Figure 1-1, Project Location and Overview Map. The Project Goals and Objective are provided in Section 1.2, Goals and Objective, of the Draft EIR. A general description of the project's technical, economic, and environmental characteristics is listed in Section 2.2.3, Proposed Project (Alternative E), and finally, a statement briefly describing the intended uses of the EIR is available in Section 1.3, Environmental Permits and Approvals.

The proposed Project comprises Alternative E, as is described in Section 2.2.3, Proposed Project (Alternative E) of the Draft EIR and summarized in this document in Section 2.2. CEQA Guidelines, Section 15126 requires Lead Agencies to consider all phases of a project when evaluating its impact on the environment: planning, acquisition, development, and operation. This also requires that the CEQA process occurs early in the planning process to inform design. As such, the level of detail provided for proposed Projects is based on early conceptual design (which can be at 10-15% design) up to about 30 percent. Preparing environmental analysis at this level of design is standard practice because it allows the more detailed design process to consider:

- Existing conditions and physical constraints identified during data collection for CEQA, such as, tribal connections to lands, what types of biological resources occur in the area, what hydrologic/ hydraulic considerations could limit the design or change materials to be used, and how taxed existing infrastructure is already, such as water treatment facilities, sewer systems, and other local utility providers,

- The actual findings of the environmental analysis, including what mitigation requirements have been identified at this stage, and
- Where there are opportunities to avoid, to the extent possible, potential for adverse effects. This could be by shifting the Project's physical impact footprints to avoid cultural or biological resources, planning for earthquake proof design features, if identified as relevant during geological assessment, or identifying areas that are most susceptible to sea level rise so that adaptations can be built into the designs, among other things.

CEQA Guidelines Section 15004(b) supports this: "Choosing the precise time for CEQA compliance involves a balancing act of competing factors. EIRs and Negative Declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design...."

One of the key components of environmental analysis is to evaluate the maximum project footprint, including areas where there is ground disturbance. This has been included in the Draft EIR. Future design will be more detailed, at which point the proposed Project will undergo the environmental permitting process and, as relevant to the project, consultation will occur with Federal and State resource agencies to confirm compliance with their statutory requirements. Periodic updates on the project during additional planning, design, and resource agency coordination efforts will be provided to the public by CCJPA on their website (<https://www.southbayconnect.com/>).

It is also important to note that in accordance with CEQA Guidelines, CCJPA would be required to prepare a subsequent CEQA assessment if later design phases identify potential effects that are substantially greater than what is disclosed, or if new potentially significant impacts are identified during future design that have not been evaluated and disclosed as part of this Final EIR. In this type of scenario, additional CEQA analysis would likely be required, potentially resulting in a Supplemental or Subsequent EIR. As stated in CEQA Guidelines § 15162(a): "When an EIR has been certified ... no Subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record... (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR... due to the involvement of new significant environmental effects... (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete... (A) The project will have one or more significant effects not discussed in the previous EIR... (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR."

On June 29, 2020, CCJPA issued a Notice of Preparation (NOP) to comply with CEQA requirements, to Responsible Agencies, Trustee Agencies, federal agencies, transportation planning agencies, agencies with transportation facilities that may be affected, and other interested parties on the South Bay Connect Project. In the June 2020 NOP and the 2024 Draft EIR, the purpose of the proposed Project was described as improvements that would allow for the relocation of the Capitol Corridor service between Oakland and Newark to the Coast Subdivision to provide a shorter and more direct route from Oakland to San Jose. In addition, the proposed Project, as described in both the 2020 NOP and the Draft EIR, would improve operations for both passenger rail and freight rail, in support of the economic vitality of the Northern California megaregion. CEQA Guidelines Section 15126.6 requires that an EIR

describe and evaluate a reasonable range of alternatives to a project that would feasibly attain most of the basic project objectives and avoid or substantially lessen any of the potential significant project impacts.

An EIR need not consider every conceivable alternative but consider a reasonable range of alternatives that would foster informed decision-making and public participation. However, numerous alternatives that have slight variations are not necessarily required. As was done by CCJPA, the lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting, and if applicable, for eliminating those alternatives. There is no ironclad rule governing the nature or scope of the alternatives. Further, Alternatives A-D did not reduce any adverse impacts to below CEQA thresholds, as there were no significant and unavoidable impacts identified during the resources analyses; all potential for impacts were eliminated with the addition of proposed mitigation measures.

After completing the alternatives screening and selection process of Alternatives A-D, summarized above, and presented in more detail in Section 2.1 of the Draft EIR, Alternative E was determined to be the only action alternative to be carried through the CEQA environmental analysis, along with the No Project (no action) alternative, which is also required by CEQA. CCJPA considered comments received on the NOP during the scoping period in 2020 and other outreach hosted during the 2024 Draft EIR development and public review period, while also considering requirements to address infrastructure and operational needs of UPRR, CCJPA, and the other passenger rail providers.

While drafting the Draft EIR, it was found that the proposed Project does not require the separation of passenger rail service and freight rail operations in southern Alameda County, nor does it require improvements on the Niles and Oakland Subdivisions to meet the project goals and objective. As such, the 2024 proposed Project remains consistent with the June 2020 NOP description to create a more direct passenger rail route and significantly reduce rail travel time between Oakland and San Jose. Project features associated with the proposed Project are like the previous alternatives considered. Therefore, the proposed Project, along with the No Project Alternative, was selected as the only alternative to be considered in the Draft CEQA document.

*Master Response 6: Proposed Ardenwood Station*

Several comments were received relating to the site selection, safety, and design of station layout, and potential parking effects of the proposed Ardenwood Park & Ride Station and improvements associated with it, both for immediate implementation and the potential for future construction, should traffic at the station require it. The complete description of this proposed Project element is in Section 2.2.3.4 of the Draft EIR. Location Selection The station's location was identified in 2019 by CCJPA as part of their Project Definition Report (SBC\_ProjectDefinitionReport.pdf (southbayconnect.com)), which considered three potential new station locations along the Coast Subdivision as part of South Bay Connect. These three locations, the proposed Ardenwood Park & Ride station, a potential station in Hayward at SR-92, and one at Newark Junction (where the Dumbarton Line intersects the Centerville Line), were assessed under a series of criteria groups, including: environmental considerations, design feasibility, comparison of properties as relates to amount of land/shape of parcel that is available to build a station that meets all safety and other agency criteria for passenger stations, and existing transportation connections. The Ardenwood station most effectively matched CCJPA's criteria for a new station, scoring 73 out of a maximum 75 points. The proposed Hayward Station scored 51 points, while the Newark Junction Station scored 46 points. The criteria that made the Ardenwood Park & Ride location most viable included: Less new parking would be needed because the station would not serve as a home station; rather, modeling suggests that most commuters would be transferring at Ardenwood station to alternative modes of transport.

For parking that would be required, there is an existing 350-space parking lot associated with the Ardenwood Park & Ride and there are adjacent undeveloped parcels at which CCJPA would be able to construct additional parking, Plentiful public and private transbay bus/shuttle connections already serve the Ardenwood Park & Ride, Acquisition of ROWs would be unlikely to slow down the construction process because the proposed station would be located primarily within the existing station's right-of-way, The existing Park & Ride property allows for a station design that would accommodate all existing and new passenger station standards and would not be complicated by intersecting rail lines, and Of the three considered station locations, Ardenwood would provide for a larger number of new transit riders to have access to rail which would increase passenger ridership. For these reasons, Ardenwood Station was selected as the preferred station location for SBC. As noted previously, the study is available at SBC\_ProjectDefinitionReport.pdf (southbayconnect.com) and discussion is included in Chapter 2 of the Draft EIR, under Section 2.3.5. Parking and Traffic Congestion in Area Several comments were received in relation to current congestion at the Ardenwood Park & Ride. Parking availability and future growth in response to the proposed Project is not considered an impact issue under CEQA. Senate Bill 743 (effective January 1, 2014) was adopted to further its strategy of encouraging transit-oriented, infill development consistent with the goal of reducing greenhouse gases. Through SB 743, the Legislature added section 21099 to the California Environmental Quality Act (CEQA), which provides that "[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment. For example, the California Court of Appeal in Covina Residents for Responsible Development v. City of Covina 21 Cal.App.5th 712 (2018) affirmed California's goal of encouraging transit-oriented development.



Despite this, CCJPA is going beyond what is required by proposing construction of a new parking lot in the station area to limit current and future congestion. Section 2.2.3.4 of the Draft EIR discusses the proposed construction of a surface parking lot on an empty parcel northwest of the proposed Ardenwood Station. This would expand local parking facilities beyond the 350 spaces currently available at the Ardenwood Park & Ride, and under a separate project, this lot could be modified to a two-story parking garage if additional parking were needed. As mentioned previously, the proposed station is also not anticipated to serve as a 'home station' for most riders. Finally, to further address traffic congestion in the area, the project does propose improvements, including but not limited to, resurfacing and signal phasing at the intersections on Kaiser Drive, Dumbarton Circle, Ardentech Court, and Ardenwood Terrace, as well as upgrades to traffic lights and striping at all at-grade rail crossings.

#### FTA/FRA Safety and Design Requirements

Commenters were also concerned about whether the new station would meet all Federal and State accessibility requirements (e.g., provide high center-island platforms for level boarding). The proposed Project would be required to meet all safety and design standards for the proposed Ardenwood Station, as set by the FRA, FTA, Caltrans, Amtrak, CCJPA and other agencies. Example standards include the FRA's guidance on pedestrian crossing safety at or near passenger stations ([Guidance on Pedestrian Crossing Safety at or near Passenger Stations | FRA \(dot.gov\)](#)) and Amtrak's guidance for passenger stations ([Station Planning Guidelines – Great American Stations](#)).

#### Transit Connections

To address the needs of current Hayward commuters, the project includes plans to enhance local transit connections, ensuring that residents still have viable alternatives to driving. This includes coordinating with local transit agencies to improve bus and bike connections to the new station.

Connections to Fremont BART and Union City BART can be made from the Centerville area using AC Transit Line 99, which operates at 20-minute headways throughout the day. Orange Line BART service currently runs at 20-minute headways and provides a connection to Capitol Corridor at Richmond station. The AC Transit and BART service 20-minute headways are smaller than the Capitol Corridor headways, which are 30 minutes or more throughout the day.



*Master Response 7: Coast Subdivision Double Tracking*

To address concerns of transparency regarding the double tracking of the Coast Subdivision within the project area, a portion of the project description from the 2020 NOP is excerpted here:

“Key components of the proposed Project included in the NOP include:

- Relocation of Capitol Corridor passenger rail operations to the Coast Subdivision and facilitate the relocation of freight rail operations to the Niles and Oakland Subdivisions between Oakland and Fremont/Newark to create operational improvements for both services;
- Upgrades to the Coast Subdivision to Federal Rail Administration Class 51 track standards to accommodate passenger rail service;
- Improvements on the Niles and Oakland subdivisions, including connections between the two lines at Industrial and Shinn to allow for more efficient freight movements; and
- Construction of a new passenger rail station at the existing Ardenwood Park & Ride that connects rail service with express buses, private shuttles, and the surrounding bicycle and pedestrian network.”

As noted in the second bullet point from the 2020 NOP Project Description, upgrades to the Coast Subdivision tracks have always been part of the SBC proposed Project. The currently proposed double tracking of the subdivision within the proposed Project area requires minimal property acquisitions and will occur almost entirely within the existing UPRR right-of-way, as would have occurred with any track upgrades and improvements. Double tracking improves rail operational efficiency while addressing the rail network’s capacity to meet the proposed Project needs for both passenger and freight rail services. While the full scale of the track design improvements was not known at the time of the NOP release, this design change was fully defined in the 2024 Draft EIR and major features of the proposed Project were presented in the public meeting presentations held during the Draft EIR public comment period. As such, CCJPA has been transparent about the project including providing public outreach through the CEQA process.

Per CEQA Guidelines Section 21092.1, when significant new information is added to an EIR after public notice (such as the NOP) has been published and consultation with the public has occurred pursuant to Sections 21104 and 21153, but prior to the CEQA documentation being certified, the lead agency shall give notice again pursuant to Section 21092 and consult again pursuant to Sections 21104 and 21153 before certifying the EIR. The noticing and public meetings held during the Draft EIR public review period meet the statutory requirements of Section 21092, 21104 and 21153 by providing new opportunities for responsible and trustee agencies to give input on the proposed Project prior to finalizing the EIR and in advance of the CCJPA Board of Directors determining whether to approve and certify the CEQA document and advance the proposed Project. All identified responsible and trustee agencies for the proposed Project did provide comments during the Draft EIR public review period and are being responded to in this Final EIR.

The proposed Project, as defined in the Draft EIR, does not require the separation of passenger rail service and freight rail operations in southern Alameda County, nor does it attempt to justify including previously proposed improvements on the Niles and Oakland subdivisions that were

intended to accommodate additional freight rail service in alignment with the previously considered alternatives that included transfer of all freight rail to the Niles and Oakland subdivisions. The modified project remains consistent with the previously scoped alternatives in that it meets the primary objective presented in the June 2020 NOP description (that is, the purpose of proposed Project is to create a more direct passenger rail route and reduce rail travel time between Oakland and San Jose).

*Master Response 8: Freight Train Volume Assumptions*

Several comments were received that expressed concern about the potential for an increased volume of freight trains being introduced to the Niles Subdivision due to the relocation of Capitol Corridor passenger rail service to the Coast Subdivision.

As stated in the Draft EIR, Section 1.2, Project Goals and Objectives, the following objective is included for the proposed Project:

- 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.

By moving Capitol Corridor passenger rail from the Niles Subdivision to the Coast Subdivision, the proposed Project is meeting this objective by reducing existing conflicts between passenger and freight rail on the Niles Subdivision. Freight traffic growth along the Niles Subdivision is independent of the proposed Project and, if it occurs, will do so with or without implementation of the proposed Project. The 2023 Draft California State Rail Plan anticipates freight rail movements are projected to increase between two to four percent per year overall across the entire California statewide rail network, which could add additional freight trains or lengthen freight trains on Union Pacific's (UPRR) Niles Subdivision. Such growth would be triggered by changes in commerce and/or a need for increasing the transport of goods via rail, not by removing up to 14 passenger trains daily. UPRR decisions on when and where freight trains are routed and the length of freight trains independent of implementation of the proposed Project.

Studies conducted during preparation of the Draft EIR assumed that there would be no change in freight rail service frequency on the Coast Subdivision due to the implementation of the proposed Project because there have been no freight operational changes contemplated or identified by UPRR as part of the proposed Project. Further, according to CEQA Guidelines 15145 and 15126.6 (3), speculative impacts are not required to be analyzed. As such, no significant impact is anticipated on freight operations based on the proposed Project's physical improvements, and existing freight rail service would not be moved from the Coast to the Niles subdivision under the proposed Project. However, because the tracks are owned by UPRR, they may choose to increase, decrease or maintain freight traffic levels or vary the type of freight traffic on any of their subdivisions based on their own business decisions at any time, with or without the proposed Project.

*Master Response 9: State Rail Plan and Track Electrification*

Some comments received about SBC stated concerns that the proposed Project does not do enough to accomplish the goals and objectives of the State Rail Plan (SRP). The SRP lays out a strategic vision, with tactical goals, to update rail infrastructure in California to a "...fully integrated, zero-emission, modern passenger and freight rail network..." As a part of this vision the SRP includes visions that may be accomplished in multiple ways. Many of the improvements that could be used to achieve the SRP's vision are in the early stages of development and would require additional analysis, research, and design before they could be considered as projects, analyzed environmentally, or considered for implementation.

Perhaps the most common of the concerns received were regarding the electrification of passenger rail infrastructure. CCJPA concurs that electrification would represent an improvement to passenger rail infrastructure and is a goal identified in the Capitol Corridor Vision Implementation Plan and the State Rail Plan. Electrification is not, however, one of the goals of South Bay Connect. Objectives of the proposed Project include reducing passenger rail travel time between Oakland and San Jose to ease congestion within the Bay Area, to diversify and enhance rail network integration by reducing duplicative capital investments, to improve service between megaregional markets, and to reduce GHGs by facilitating a transition away from auto traffic to rail (for a complete list of goals and objectives for the project please see the Draft EIR section 1.2 Project Goals and Objectives). Electrification of the passenger service is not included in the proposed Project's stated goals and objective, and would need to be considered, analyzed, and implemented in future projects. Additionally, CCJPA does not own or control the tracks or right of way upon which their trains run. Improvements to the right of way can only be made in coordination with UPRR, who owns said right of way. As electrification is not a goal of the proposed Project, and coordination with UPRR to discuss possible electrification of the track has not occurred, electrification of the Coast Subdivision is not achievable as part of the proposed Project, and this SRP goal would need to be made an objective of and fully assessed in other future project(s).

*Master Response 10: Environmental Justice*

Under state law, “environmental justice” (EJ) means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies (Gov. Code, § 65040.12, subd (e)). However, while EJ is a requirement by federal law (Executive Order 12898), currently there is no CEQA statute that requires an assessment of environmental justice in a CEQA document. The EJ section of the Draft EIR was included in the document for multiple reasons:

1. To complete the analysis to understand and be transparent as to the potential for effects of the project,
2. As a good-faith effort to present findings to the public, and
3. To provide the CCJPA Board Members with the maximum information possible to inform their decision as to whether to approve and certify the Final EIR and move forward with the proposed Project.

This Final EIR addresses specific comments pertaining to the sufficiency of the environmental impact analyses contained within the EIR and acknowledges those comments not related to environmental impact and analysis. Further, according to CEQA Guideline 15204[c], reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant without substantial evidence.

As such, comments pertaining to the findings of the EJ analysis or that suggest other topics be addressed in the EJ chapter (Chapter 5) do not speak to the accuracy or adequacy of the CEQA evaluation because EJ is not required to be considered under State CEQA statute nor is there data presented by the commenters to support their statements.

### *Master Response 11: Land Use – Potential Conflicts and Growth Inducement*

#### Conflict with Land Use Plan, Policy, or Regulation

Several comments express concerns regarding the proposed Project's consistency with local zoning codes and regional plans; these comments are specifically referencing Transit Oriented Development (TOD) and zoning overrides in proximity to a Major Transit Stop, as represented by AB 2011 ([Bill Text - AB-2011 Affordable Housing and High Road Jobs Act of 2022. \(ca.gov\)](#)) from the 2022 legislative session and amended California Government Code Sections 65400, 65585, and 65912 (further referred to as AB 2011). Under AB 2011, TOD areas are typically close to transit lines and are allowed higher population densities and reductions in required parking spaces. TOD areas are frequently established as zoning overlays by towns and cities with a set minimum or maximum allowance. These requirements take priority over and override local zoning, effectively mandating a TOD when certain conditions are met.

Prior to a jurisdiction updating their General Plan Housing Element to incorporate a TOD plan to implement the bill, a city would be required to comply with CEQA regulations as all General Plan updates do, since a city's board would be making a discretionary decision to approve the updates, as proposed. Following the CEQA process and updating the General Plan Housing Element, AB 2011 would then enable approval of multi-family residential developments of up to 80 dwelling units per acre without consideration of local zoning ordinances, or additional environmental review under CEQA, if the development is within a half mile of a major transit stop. California Public Resources Code Section 21064.3 defines a major transit stop as:

*“A major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.*

It should be noted that this definition is expected to be amended to allow for service intervals of up to 20 minutes when/if AB 2553 is signed into law. One of the goals of the proposed AB 2553 is to update the definition of Major Transit Stop to conform to post-COVID use patterns.

It is true that the proposed Project would add a rail transit station (the proposed Ardenwood Station); however, the existing Ardenwood Park & Ride already provides sufficient bus services to qualify as a Major Transit Stop. As part of the SR 84 corridor between I-880 in Alameda County and US 101 in San Mateo County, the Ardenwood Park & Ride is part of a substantial transit network served by operators including, but not limited to, AC Transit and Dumbarton Express Transbay buses. This network includes over 60 buses an hour in the morning and afternoon peak commute periods, about half of which stop at the existing Ardenwood Park & Ride. As bus service at the Ardenwood Park & Ride currently offers Transbay connectivity at a higher frequency than 15-minute intervals, the existing Ardenwood Park and Ride, by that criterion, qualifies as a Major Transit Stop under current operations and the proposed Project would cause no additional change regarding land use plans or local zoning ordinance overrides, in reference to AB 2011.

#### Consistency with CEQA Guidelines, Appendix G Land Use Questions

For the proposed Project, the primary Land Use consideration from CEQA Guidelines, Appendix G, that CCJPA used in the Land Use analysis is the following:

*“Would the project cause 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?”*

(The other Land Use question in Appendix G relates to physically dividing a community, and since CCJPA is only expanding existing rail tracks on an existing route, there is no additional division that would result from the proposed Project).

CEQA Guidelines Section 15382 defines a significant effect on the environment as a “...substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment.” Note that CEQA guideline 15358 also states that by statute, “effects” and “impacts” are treated as synonymous under CEQA.

Therefore, to constitute a significant environmental effect under CEQA regulations, a Land Use plan or relevant portion of a Land Use plan (or General Plan), policy, or regulation would need to exist that prioritized avoidance or set thresholds or standards that were *established for the purpose of avoiding or mitigating an environmental effect* with which the proposed Project could be found to be in direct conflict. Plans referenced in reviewer comments frequently included collaborations between regional transit authorities, the development of TODs, and similar prospective developments; however, these plans do not identify avoidance of environmental impacts as a priority, nor is their stated purpose the avoidance or mitigation of an environmental effect. As such, there is no direct link between these plans and significant environmental impacts as defined under CEQA and stated above. Housing Elements in General Plans are not established for the purpose of avoiding or mitigating an environmental effect, so a conflict with a General Plan Housing Element would also have no direct link between it and significant environmental impacts as defined under CEQA.

### Growth Inducement Effects

Regarding comments on the potential for the proposed Project to induce population growth in the neighborhoods surrounding the proposed Ardenwood station, Section 5.4 of the Draft EIR recognizes that there is a possibility of the project encouraging development local to the proposed station. However, as the Ardenwood neighborhood is largely built out, such development would be limited because there are few vacant parcels available, specifically parcels that are currently zoned for residential housing.

As stated in the previous section, the current Park & Ride facility already meets the criteria for a “Major Transit Stop,” and as such, AB 2011 already applies to the area. Since all jurisdictions are required to comply with CEQA when updating their General Plan Housing Element, or any other General Plan elements, the addition of higher density housing or other AB 2011 directives to their Housing Elements would require that cities assess the potential effects related to growth inducement as part of that CEQA process and approve changes. It would be speculative for CCJPA to assess growth inducement due to the following factors:

1. Given the Ardenwood Park & Ride is already a “Major Transit Stop,” developers could approach Fremont and Hayward to propose TOD status. However, it is also speculative to assume what a developer might propose, or if developers would propose new housing at this location.

2. Fremont and Hayward would have to define what their TOD plans would include and how they would be phased for build-out, which also may include commercial and recreation facilities. It would be speculative for CCJPA to “guess” what the proposed growth would look like or how much change to housing density would be approved by each city.
3. The analysis conducted by CCJPA in their 2019 Project Definition Report ([https://southbayconnect.com/resources/SBC\\_ProjectDefinitionReport.pdf](https://southbayconnect.com/resources/SBC_ProjectDefinitionReport.pdf)) found that anticipated ridership at this location would likely be comprised of passengers traveling long distances, who would use the proposed station to transfer to other routes and/or travel modes (e.g., buses) rather than serving as a home station for short distance travelers. This makes the parameters for growth even more speculative, as the growth may not occur.

Therefore, as the potential for growth inducing impacts would be speculative for CCJPA to estimate, the proposed Project may not trigger the creation of a TOD plan. The proposed Project is expected to generate more transfers among transit modes rather than the start or end of a trip, therefore the proposed Ardenwood Station would not induce significant growth in the surrounding neighborhood. Further, as noted previously, there would be no conflict with Fremont and Hayward General Plans. Please see the 2019 Project Definition Report and the Draft EIR Section 5.4 for additional discussion.



### *Master Response 12: Noise and Vibration*

Several comments received on the Draft EIR expressed concern that the proposed Project would result in noise and vibration impacts on individual homes and communities. Such comments generally fall into one of the following categories:

- Methodology for operations-related noise and vibration assessments – Respondents requested clarification on how the noise and vibration impacts were studied or expressed concern with the methodology used to study noise and vibration impacts.
- Increases in operational noise and vibration – Respondents voiced concern that an increase in the number of trains on the Coast Subdivision would result in worsening of existing noise and vibration impacts from rail operations.
- Mitigation for operations-related noise and vibration impacts – Respondents requested mitigation measures be incorporated to reduce or avoid impacts from noise and vibration at sensitive receptors not designated as “severe” or expressed concerns about which mitigation measures were selected and/or lack of mitigation measures.

This master response explains the methodology used to assess the potential for impacts from noise and vibration and clarifies the anticipated impacts and proposed mitigation to reduce the impacts to less than significant for noise and vibration.

### *Methodology for Operations-related Noise and Vibration Assessments*

#### *Noise Assessment Methodology*

The approach for analyzing potential operational impacts related to noise criteria began with understanding the existing noise levels by taking measurements and characterizing current noise levels at sensitive receptors which was completed in July and August 2019 along the proposed routes. Because existing background noise is anticipated to continue to increase by the time the proposed Project is operational, this approach of using existing 2019 noise conditions to compare to future with-Project conditions is considered conservative. Therefore, in using the 2019 background noise conditions as existing conditions in the analysis, the impacts would be more likely to be determined as significant than they would under 2024 or later conditions. Further discussion of the process to document existing noise levels can be found in Section 3.14.5, page 3.14-11, of the Draft EIR.

Modeling to determine how far wayside noise from train operations would carry was also conducted using the commuter train model specified in the FTA Guidance Manual. CCJPA used FTA-developed noise criteria to assess how the modeled noise anticipated to result from future proposed Project operations compared to existing conditions (2019) measurements to determine if the change in noise levels would be considered significant. The criteria are based on well-documented research on community responses to noise and applies to both the existing level of noise and the change in noise exposure as anticipated by the proposed Project to assess the impact severity level. The FTA noise impact criteria are based on levels of community annoyance and include three potential levels of impact: no impact, moderate impact, and severe impact. As is standard for the application of FTA criteria, severe noise impacts, as defined by FTA guidance, constitute a CEQA significant impact; therefore, severe impacts are the only classification of noise impacts that require mitigation. The findings using the FTA criteria are included in 3.14.6 Environmental Impacts and are described in discussion of Issue 2 of this Master Response.

#### *Vibration Assessment Methodology*

Because the vibration levels are not changing at most locations, due to the existing train traffic, a standard vibration assessment was not performed. The project also used the FTA Guidance Manual (FTA, 2018) methodology to assess locations with existing train traffic to determine if a vibration assessment would need to be conducted. Modeling found that the only locations where the vibration levels would change from what is already occurring under existing conditions would be at locations with new crossovers or turnouts. Given that there are no highly sensitive buildings within 700 feet of the rail track, assessing vibration impacts within 500 feet of either side of the track centerlines for construction impacts encompasses all potential effects for vibration using guidelines from the FTA Guidance.

#### *Increases in Operational Noise and Vibration*

Comments that fall into this category include concerns that an increase in the number of passenger trains on the Coast Subdivision would result in higher noise and vibration levels, particularly for residents living near the alignment and schools that are located near the alignment (together referred to in CEQA as “sensitive receptors”). As presented in the Draft EIR in Section 3.14.3, the schedule of passenger train operations under the proposed Project would be consistent with the Capitol Corridor’s current schedule on the Niles Subdivision, which is seven (7) trains in each direction on weekdays and weekends. This schedule corresponds to 14 new passenger trains passing by a given location (seven new roundtrip trains) on the Coast Subdivision between 6 A.M. and 10 P.M. on weekdays and weekends. Nighttime passenger trains, between 10 P.M. and 6 A.M. are not currently scheduled for stations south of Oakland Station (**note: a single nighttime Capitol Corridor train was incorrectly identified in the Draft EIR and has been removed from the proposed Project in the Final EIR**). The proposed Project does not include rerouting or changes to daily freight train operations along the Coast, Niles, or Oakland subdivisions.

#### *Noise Effects Findings*

The Draft EIR analysis (Section 3.14. 6.1) indicated that noise impacts from construction would be limited to residences located within 135 to 270 feet from the construction site, depending on the types of construction activity. Mitigation measure MM NOI-1 that requires a Construction Noise Control Plan (CNCP) be prepared prior to construction start has been included to reduce the impacts of construction noise to below the significance threshold. The CNCP would be required to measure noise during construction and identify the type of equipment and sensors to be used. MM NOI-1 will be updated to include the following additional requirements for the CNCP:

- To the extent possible, construction team will be required to conduct activities in such a manner so that noise does not exceed threshold limits,
- Frequency of monitoring and locations for noise monitoring will be defined in CNCP and set rules will be followed during construction,
- Noise thresholds will be identified that would be potentially harmful to sensitive receptors and will be monitored in proximity to receptors,
- Corrective action plans will be in place prior to start of any work so actions can be implemented immediately if a maximum noise threshold is reached or exceeded,

- A Monitoring Exceedance Report for any exceedance occurrence will be completed by the construction team and submitted to CCJPA, which will describe:
  - What noise measurement values were recorded that exceeded the allowable limits,
  - Where the impacted noise measuring instruments were located in relation to noise receptors,
  - When the exceedance(s) occurred,
  - When work was stopped because of the exceedance(s),
  - What construction activities caused the exceedance(s),
  - What actions were taken to limit and reduce noise levels, and
  - When construction activities were resumed.

The measure would include actions such as temporary and/or moveable construction site sound barriers, rerouting construction-related truck traffic along roadways that will cause the least disturbance, implementing noise-deadening measures for truck loading and operations, minimizing use of generators to power equipment, and avoiding use of impact pile drivers near noise-sensitive receptors.

Per the FTA guidance, only severe noise impacts require mitigation measures to be applied to reduce the impacts of the additional noise effects. As discussed in Chapter 3.14.6.1 of the Draft EIR, Category 2 noise receptors, as defined by the FTA, include single-family and multifamily residences. The noise assessment analysis described in the Draft EIR (Section 3.14.6.1) found that the increase (that is, difference between existing and with-Project conditions) in noise effects associated with implementation of the proposed Project would result in moderate impacts at 451 Category 2 noise receptors and result in severe impacts at 21 Category 2 noise receptors, primarily due to the sounding of horns at at-grade crossings or the introduction or relocation of crossover tracks<sup>2</sup>. To meet the FTA criteria, a mitigation measure that comprises implementation of noise quiet zones (MM NOI-2) was included in the Draft EIR to address those locations with severe impacts. See Issue 3 that follows for more information.

#### *Vibration Effects Findings*

Per the FTA guidance, vibration annoyance effects could extend to distances of 230 to 630 feet from pile driving, 100 to 240 feet for compacting, and less than 130 feet for bulldozers. It is expected that ground-borne vibration from construction activities would cause only intermittent localized disturbance along the rail corridor. Further, pile driving and other vibratory activities would be avoided to the extent possible near residential, school, and medical facilities. The Draft EIR includes a mitigation measure for implementation of a construction Vibration Control Plan (VCP; MM NOI-3) to reduce the impacts on nearby vibration-sensitive land uses during construction that reduces construction-related vibration impacts to less than significant. MM NOI-3 will be updated to include the following additional requirements for the VCP:

- A vibration monitoring plan will be developed and implemented to measure vibration during construction, including the type of equipment and sensors to be used, a location plan for monitoring equipment, and the following additional requirements:

- To the extent possible, the construction team will be required to conduct the work in such a manner that vibrations do not exceed threshold limits,
- Vibration and deformation thresholds will be identified that would be potentially damaging to sensitive receptors and/or structures,
- Monitoring of vibration levels and frequency of occurrence will occur at all data collection instruments,
- Corrective action plans will be in place prior to start of any work so actions can be implemented when a maximum vibration threshold is reached or exceeded,
- A Monitoring Exceedance Report for any exceedance occurrence will be completed by the construction team and submitted to CCJPA, which will describe:
  - What vibration measurements values were recorded that exceeded the allowable limits,
  - Where the impacted noise monitoring instruments are located,
  - When the exceedances occurred,
  - When work was stopped because of the exceedance(s),
  - What construction activities caused the exceedance(s),
  - What actions were taken to limit and reduce vibrations, and
  - When construction activities were resumed.

For all receptors, during operations of the proposed Project there would be no new vibration impacts that are not already occurring under existing operations and vibration levels would not be greater than the existing levels, as there are already passenger and freight rail trains passing. Per FTA guidance, it is an increase in vibration levels that is considered during this analysis, not the number of times the vibration occurs. Current conditions include passage of freight trains that can be over a mile long, and due to length and weight, generally travel at slower speeds within urban corridors. Alternatively, Capitol Corridor trains are typically limited to four to five cars with a locomotive and depending on specific equipment and number of passengers on board, can go up to 79 miles per hour within the project area when traveling outside the station area, causing less noise and vibration at local at-grade crossings (both in terms of length of a single event and in noise levels) than currently being experienced from freight trains.

Per the FTA guidance, without vibration-reducing design features, the only locations with the potential for vibration impacts would be those within 200 feet of new crossovers or turnouts associated with siding proposed as part of the proposed Project. However, with the inclusion of low-impact rail frogs at all new track changing locations in the proposed Project design, the operational impacts would be reduced to less than significant, and no mitigation is required.

## Mitigation for Operations-related Noise and Vibration Impacts

### *Proposed Noise Mitigation for Operations*

Several comments were received requesting specific mitigation measures, such as the addition of permanent sound walls, be implemented to minimize noise impacts from trains passing by residences. As stated above, severe noise impacts, which require the consideration of mitigation measures, are projected to impact 21 of the Category 2 noise receptors within 500 feet of the Coast Subdivision train tracks. MM NOI-2, Creation of Quiet Zones, is the mitigation strategy proposed to minimize noise impacts that primarily result from train horns being used at at-grade crossings. This measure requires CCJPA to support the creation of quiet zones at those at-grade crossings located where noise from train horns is predicted to exceed FTA severe impact thresholds. One reason for not including noise barriers as mitigation is that they are not effective at locations near grade crossings, where severe impacts are projected to occur. Because barriers cannot extend across the roadways at grade crossings, and because of the height of the horn on the train, noise barriers would not provide effective mitigation and could potentially restrict sight lines for pedestrians and cars at grade crossings, resulting in a safety issue.

Quiet Zones are federally regulated by the Federal Railroad Administration and negotiated between the local road authority (usually the local municipality) and the railroad track owner. As incorporated in the revision to MM NOI-2, 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. If Quiet Zones are not approved by local jurisdictions, CCJPA will offer building sound insulation at the 21 severely impacted residences. For those 21 locations, noise insulation material types may include, but are not limited to, new windows or doors, application of an extra layer of glazing to the windows, sealing holes in exterior surfaces that act as sound leaks, or the provision of forced ventilation and air-conditioning so that windows do not need to be opened. During the final design of the proposed Project, CCJPA will coordinate with individual residents identified as candidates for sound insulation. As stated in MM NOI-2, coordination with the residents will include testing of existing outdoor to indoor noise reduction to determine which specific measures would best meet the interior noise level criterion set by the FTA.

### *Proposed Vibration Mitigation for Operations*

No mitigation is included for vibration effects during operations of the proposed Project because no significant impacts that would require mitigation were identified for operations-related vibration effects.

*Master Response 13: Cumulative Impacts Assessment*

Several respondents commented on the need for additional projects to be included in the analysis of cumulative impacts.

As defined in Section 15355 of the CEQA Guidelines, a cumulative impact consists of an impact which is created as the result of implementing the proposed Project evaluated in the EIR coupled with other “reasonably foreseeable” projects causing similar or overlapping impacts. In practice, the standard for a project being reasonably foreseeable is typically whether it has begun the State CEQA and/or Federal NEPA environmental review processes.

Multiple comments were received regarding projects that should be included in the cumulative analysis. These referenced projects were considered to determine if they met CEQA requirements for cumulative impacts. CEQA Guidelines Section 15355 states that a “Cumulative Impact” refers to two or more individual effects which, when considered together, are considerable or which increases other environmental impacts. These cumulative effects can come from the combination of the proposed Project with a single project or multiple projects. The cumulative impact is the result of adding the proposed Project to other related projects that are past, present, and reasonably foreseeable in the future. Note that CEQA guidance on cumulative impacts focuses on the severity of the impacts and their likelihood of occurrence.

As an example, some commenters indicated that the Alviso Wetlands Railroad Adaptation Study should be included in the evaluation of cumulative impacts of the proposed Project. The study for the Alviso Wetlands Railroad Adaptation was prepared by CCJPA to better understand the issues and interests related to existing railroad infrastructure between Newark and Santa Clara, and the potential for positive or adverse effects corresponding to sea level rise, existing ecological systems, and local communities in the study area with different sea level rise adaptation alternatives. Environmental compliance through CEQA or NEPA has not been started. If CCJPA elects to pursue a project that includes rail line capacity or sea level rise adaptation and resiliency improvements in the future, the study will be used to inform the process. Other similar studies have been conducted and ongoing habitat restoration work is occurring in the area, but these projects are not related to the proposed Project or have not yet begun environmental analysis. Therefore, Alviso Wetlands Railroad Adaptation should not be included as part of the proposed Project, nor be considered in the cumulative analysis, and no changes to the Draft EIR are required.

In many cases, commenters suggested the addition of projects that should be included in the cumulative analysis; responses to comments regarding these projects state that those projects have been added to the cumulative analysis and text describing the results of a cumulative review of that project is being added to the Final EIR document. Reasonably foreseeable projects that have been added to the proposed Project’s cumulative analysis include:

- Decoto Road Complete Streets
- I-880/Decoto Interchange Modernization
- Dumbarton to Quarry Lakes Trail Projects
- Alvarado Niles Pipeline Seismic Improvement Project (Smith Street)
- Newark Old Town Streetscape Improvement Project (Thorton Avenue)

- Main Review – Central Newark (Central Avenue)
- Central Avenue Grade Separation Improvements – Relocations
- Lower Alameda Creek Fish Passage Restoration in Flood Control District Zone 5
- First Mile Horizontal Levee

#### Cumulative Project Revisions

Section 3.1.6 of the Draft EIR addresses cumulative impacts and how they are analyzed. CEQA requires that EIRs include a discussion of cumulative impacts, which is defined as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. CEQA Guidelines Section 15130 states that two methods can be used for cumulative impact analysis: the projection (plan) approach and the list approach. The Draft EIR used the list approach, which identifies related past, present, or reasonably foreseeable future projects or activities that could add to the proposed Project's environmental impacts.

Table 3-1 of the Draft EIR provided a list of 48 projects and plans that, when combined with the proposed Project, may lead to cumulative impacts that are considerable. This list formed the basis of the cumulative impact analysis in the proposed Project Draft EIR. However, as noted in Master Response 13 in this discussion, an additional 11 reasonably foreseeable projects have been incorporated into the cumulative impact analysis for the proposed Project, based upon comments received. Text describing the results of a cumulative review of each of those projects has been added to the FEIR document (Appendix I Supplemental Cumulative Analysis).



## 4.2 Recurring Comment Letters

As noted, Recurring Comment Letters are included in Appendices B (Recurring Comment Letter #1), C (Recurring Comment Letter #2), and D (Recurring Comment Letter #3). One example comment letter for each of the three Recurring Comment Letters is reproduced below, followed by a breakdown of primary topics in that letter group, and a Master Response to address all letters.

### 4.2.1 Recurring Comment Letter #1

**From:** [James Hongvi Zeng](#)  
**To:** [South Bay Connect](#)  
**Cc:** [NoCoastRoute@gmail.com](#); [yongqiang@gmail.com](#)  
**Subject:** Comments on South Bay Connect draft EIR  
**Date:** Saturday, June 1, 2024 8:32:11 PM

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Hi SBC Project Management,

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 proposed by CCJPA as part of the draft EIR.

One strong concern about the draft EIR is that for the first time the SBC project is centered around dual track addition (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.** | 8-1

In general, I would like to bring your attention to the current online petition regarding this project **(there are 1400+ signatures and counting)** | 8-2  
<https://www.change.org/p/say-no-to-rerouting-capitol-corridor-to-coast>

I am concerned that the project will add more horn noise to the quiet Hayward/Union City/Fremont/Newark residential areas, causing more traffic in the commute hour (especially in the already congested Ardenwood P&R and SR-84 intersection). There are many more reasons why we are concerned in the petition. | 8-3

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**. | 8-4

Thanks,  
James

#### *Response to Recurring Comment Letter #1*

This response addresses seven substantively similar emails and one public comment submitted to CCJPA during the public comment period for the Draft EIR. A sample of the Recurring Comment letter in this group is included above, and other individual commenter letters may be viewed in Appendix D. In addition, a copy of the Petition is included in Appendix H for reference. These letters express concern about and raise awareness of the following topics which are responded to with separate paragraphs below:

- Transparency regarding the double track design of the Preferred Alternative



- Petition regarding the proposed Project
- Increased horn noise
- Increased commuter traffic and congestion at Ardenwood Park & Ride and SR-84 intersection
- Taxpayer dollars

### Transparency

Your input regarding the proposed Project is appreciated. For information on the double track design development, please refer to Master Response 2: Public Review and Community Engagement. This master response describes the requirements under CEQA for introducing new project information during the CEQA process and explains the necessity of the double track on the Coast Subdivision.

### Petition

Thank you for raising awareness regarding the Change.org petition entitled “Say NO to Rerouting Capitol Corridor to Coast - Fremont, Newark, Union City, and Hayward” (see Appendix F). This petition expresses opposition to the proposed Project based on traffic, noise, air quality, and replacement of Hayward Station with Ardenwood Station. However, the statements contained in the petition do not pertain directly to the accuracy or adequacy of the Draft EIR’s environmental analysis. The petition provides unsupported statements regarding potential effects of the proposed Project. Comments with statements that are not supported with evidence and therefore unfounded cannot be evaluated because pursuant to CEQA Guidelines, Section 15064, “an effect shall not be considered significant in the absence of substantial evidence”. Please refer to Master Response 1: Opinions and Other General Comments, for further information.

### Noise

The comment letters express concern that the proposed Project will result in increased horn noise. Please refer to Master Response 12: Noise and Vibration, for a discussion of operational noise impacts associated with the proposed Project.

### Traffic

The letter states that the proposed Project will cause “more traffic in the commute hour especially in the already congested Ardenwood P&R and SR-84 intersection”. For further information regarding the traffic and congestion associated with the new Ardenwood station, please refer to Master Response 6: Proposed Ardenwood Station.

### Time Savings

Finally, commenters oppose the proposed Project stating that the cost to taxpayers is not justified by the estimated 13-minute time savings for commuters. This expresses an opinion but does not raise an issue related to the adequacy of any specific section or analysis of the Draft EIR in accordance with CEQA. Per CEQA Guidelines, Section 15064(f)(5), arguments, unsupported opinions or comments, or evidence that is clearly inaccurate, unbelievable or flawed, will not be considered substantial evidence. Substantial evidence will include facts, reasonable assumptions based on facts, and expert opinion supported by facts. For further discussion please refer to Master Response 3: Economic and Social Impacts.

In summary, comments provided in Recurring Comment Letter #1 either do not address the accuracy or adequacy of the proposed Project CEQA documentation or were sufficiently evaluated in the Draft EIR. Upon review of the concerns raised by commenters in this group, no changes to the Draft EIR were required.

## 4.2.2 Recurring Comment Letter #2

**From:** [Senthilkumar Gopal](mailto:Senthilkumar.Gopal)  
**To:** [info@southbayconnect.com](mailto:info@southbayconnect.com)  
**Subject:** Opposition to Capitol Corridor South Bay Connect Project  
**Date:** Friday, July 12, 2024 9:27:38 AM

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Hi,

I live at 33685 Simple Ct, Fremont CA 94555. 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 will 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.

175-1

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. 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.

175-2

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.

175-3

Furthermore, the draft EIR does not adequately address significant risks to the impacted communities and environment. 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 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.

175-4

The draft EIR also only evaluated potential impact of sea level rise and inundation to year 2050, even though the design life of Project is at least 75 years (i.e., to year 2100). It also does not assess impact of the Project on the regional parks, shoreline, and wildlife refuges located near the Coast rail line.

175-5

As a resident of the Ardenwood community, I deeply oppose this proposal to move more trains to the existing Union Pacific Railroad Coast Subdivision between Oakland and Newark. I believe this is mischaracterized as a more reliable passenger rail route, without taking into critical considerations on the impact on residents around the rail route, noise and environmental pollution in the immediate vicinity of these routes. There are 100s of houses who endure the multiple goods trains, associated ground rumbling, the constant horns on a daily basis. This is already causing sleep related illness for folks living around these areas, which leads to multiple complications such as distracted driving, domestic issues etc., Relocating more train routes to these residential areas seems to be ill-fated for the current residents and should be considered as a serious disservice to the community who are already trying to cope with

175-6

the current goods trains that are constantly travelling on this route. Adding a passenger service brings in additional issues around safety as well as these routes are not currently isolated well from the residential areas that they pass through. This would increase the crime rates in these routes significantly, making these neighbourhoods less safe, especially when there are trails that run close to these routes and are frequented by elderly folks and children.

175-6 cont.

This project would be a disaster for the Ardenwood community and I deeply implore you to reconsider other alternatives than the current proposal.

Yours Sincerely,  
Senthilkumar Gopal

### *Response to Recurring Comment Letter #2*

This response addresses three substantively similar emails submitted to CCJPA during the public comment period for the Draft EIR. A sample of a Recurring Comment Letter from this group is included above, and individual letters may be viewed in Appendix D. These letters express concerns regarding the following topics:

- Project cost
- Freight train volume on the Niles Subdivision
- Proposed Project timeline
- Potential noise impacts
- Potential public service impacts
- Sea level rise
- Opposition to the South Bay Connect project

### *Project Cost*

The cost of the proposed Project reflects the cost of rail infrastructure improvements that are needed to meet the passenger and freight service needs within the project area and are not considered an impact under CEQA. For further discussion on the potential economic impacts of the project please refer to Master Response 3: Economic and Social Impacts.

Ridership forecasts are detailed in the Transportation chapter (Draft EIR Section 3.18). Specifically, Capitol Corridor ridership would increase by approximately 500 riders/day (2025) and approximately 1,000 riders/day (2040) under the proposed Project (Table 3.18-2 of the Draft EIR). Ridership forecasts were comprehensive and are outlined in Draft EIR Section 3.18.3.2.

Capitol Corridor ridership was affected by the COVID-19 pandemic similar to other transit services throughout the Bay Area (and nation). Prior to the pandemic, CCJPA ridership was 1.8 million passengers/year (<https://www.ccperformance.org/>). During the pandemic, ridership had dropped to 0.4 million per year (2021). Since 2021, Capitol Corridor has seen steady increases in ridership, with last year (2023) totaling 0.9 million passengers/year. Ridership is expected to continue to rebound; recovering ridership is consistent across diverse modes of public transit.

Decreasing automobile traffic and travel via a shift to passenger rail is only one of multiple proposed Project objectives. As described in Project Goals and Objectives (Section 1.2 of the Draft EIR), the proposed Project's overlying goal is to improve Northern California's transportation mobility and enhance Capitol Corridor's operational efficiency. This aligns with the regional priority identified in Plan Bay Area to facilitate a shift in reliance on personal vehicles to public transportation. Public transportation offers benefits beyond a reduction in emissions, including competitive travel times and cost, reduced energy use and congestion, and equity. The proposed Project would do this by relocating passenger rail service onto a more direct and efficient rail route. This would reduce passenger rail travel time and improve passenger rail reliability between Oakland and San Jose. It is anticipated that this would make travel time on transit more competitive with travel time in a vehicle for intercity passenger rail trips throughout Northern California.

Per Section 3.7, Energy, operational energy savings were estimated to be 27,357,900,000 Btu/year in 2025, and 36,311,200,000 Btu/year in 2040. While emissions would also be anticipated to be reduced through cleaner rail locomotive technology and more stringent air quality regulations, emissions would be further reduced by modeled decreases in train fuel consumption. In this regard, the proposed Project meets its mode shift objective.

CCJPA plans to seek additional project funding after the proposed Project is determined to be the preferred alternative and the Final EIR has been certified. The current project schedule anticipates construction to be completed in July 2029 (Section 2.2.3.6 of the Draft EIR). The project schedule is subject to change as the availability of project funding is better defined.

#### Freight Train Volume on the Niles Subdivision

Currently, no freight operational changes have been identified by UPRR that correspond with the proposed Project. However, because the tracks are owned by UPRR, they may choose to increase, decrease or maintain freight traffic levels or vary the type of freight traffic on any of their subdivisions based on their own operational decisions at any time, with or without the proposed Project. For further information regarding freight train volumes, please refer to Master Response 8: Freight Train Volume Assumptions.

#### Proposed Project Timeline

The letter states, "The draft EIR assumes the Project will be completed and operational by 2025." As the Draft EIR was the culmination of a process that started with the NOP in 2020, the vehicle miles traveled (VMT) modeling was conducted based on the construction and operations schedule introduced in the NOP in 2020. Since the modeling was generally used for comparative purposes between scenarios, the modeling was not redone for the 2024 documentation as the output for a later start date would be expected to be similar in terms of a scenario's relativity to other scenarios. As such, in order to remain consistent with the 2020 modeling information, the Draft and Final EIR reference 2025 as the operational start date in discussions related to VMT modeling, which occur in the following sections of the Draft EIR: Transportation (Section 3.18), Greenhouse Gases (Section 3.9), and Energy (Section 3.7). Operation of the proposed Project is anticipated to begin after construction is completed in 2029, as presented in Section 2.2.3.6, Proposed Schedule.

#### Noise Impacts

The letter states that "For those living in the communities near the Coast rail line, the draft EIR does not identify new adverse noise or vibration impacts during on-going operation of the rail

line.” The letter then references a connection between chronic stress, diabetes, and breast cancer resulting from exposure to increased train noise and vibration. This is presented as an opinion and there is no substantiation offered in the comment letter that provides a link between the addition of passenger trains on an already active rail subdivision to the listed health conditions. However, Draft EIR Section 3.14, Noise and Vibration, recognizes the potential for impacts associated with operational noise and vibration at specific locations along the alignment and provides mitigation through the creation of at-grade crossing quiet zones or sound insulation at those locations identified in the Draft EIR as having a potentially significant impact. For additional information regarding methodology, construction and operational impacts, and mitigation, please refer to Master Response 12: Noise and Vibration (Section 4.3.4 of this document).

### Public Service Impacts

The letter includes the opinion that “the Ardenwood train station will bring additional traffic and crime to the area,” and that would result in additional needs for fire and police. This statement expresses an opinion that is unsubstantiated. Please refer to Master Response 1: Opinions and Other General Comments (Section 4.3.4 of this document), for an explanation of the guidelines for commenting on CEQA documents.

### Sea Level Rise and Recreation

The comment incorrectly states that the Draft EIR only evaluates sea level rise inundation to the year 2050. As described in Section 4.3.5, the analysis in the Draft EIR considered sea level rise for the years 2040, 2050, 2080, and 2130 based on project features having a design life of 10-20, 50, or 100 years. Table 4-5, Projected 100-year Sea Level Rise Still Water Levels for RSA Locations, includes the still water levels for the various sea level rise projection years. As described in Section 4.3.5.3 of the Draft EIR, flooding projections from both the San Francisco Bay Conservation and Development Commission’s Adapting to Rising Tides (ART) program and the United States Geological Survey Coastal Storm Modeling System (CoSMoS) were used to map potential inundation near the project for the years 2040 and 2050. The EIR also includes mapped flood projections from CoSMoS for the year 2100 and from ART for the year 2090. No flood projections from either model are available for the year 2130.

CEQA does not require analysis of SLR. The purpose of an EIR is to identify the potential significant physical effects of a project on the environment, not the effects of the environment on the project (*Ballona Wetlands Land Trust v. City of Los Angeles*). Because SLR is an effect of the environment on the project, SLR is not considered as an impact under CEQA. The EIR is therefore not required to include commitments to minimize or mitigate effects of the SLR on the project. The SLR section of the Draft EIR was included in the document for multiple reasons:

1. To complete the analysis to understand and be transparent as to the potential for effects of the project;
2. As a good faith effort to present findings to the public;
3. To provide the CCJPA Board Members with the maximum information possible to inform their decision as to whether to certify the EIR and approve the proposed Project to proceed to the next phase; and
4. To support acquisition of a San Francisco Bay Conservation and Development Commission (BCDC) permit.



No changes to the Draft EIR are required.

The potential for adverse impacts to regional parks, shoreline, and wildlife refuges are included in the Draft EIR Chapter 3.17, Recreation.

### Opposition

Regarding opposition to the proposed Project, these comments are noted; however, they do not pertain to the accuracy or adequacy of the Draft EIR's environmental analysis.

The letter also provides opinions with respect to a range of social and environmental issues, which are noted, however the letter does not provide evidence to back up these opinions. Comments with statements that are not supported with evidence and therefore unfounded cannot be evaluated because pursuant to CEQA Guidelines, Section 15064, "an effect shall not be considered significant in the absence of substantial evidence".

### 4.2.3 Recurring Comment Letter #3

**From:** [Romil Rambhia](#)  
**To:** [info@southbayconnect.com](mailto:info@southbayconnect.com); [CityCouncil@fremont.gov](mailto:CityCouncil@fremont.gov); [Teresa Keng](#)  
**Subject:** Objection to the "Proposed Project South Bay Connect" of the Rerouting of Trains and Creation of New Ardenwood Train Station.  
**Date:** Tuesday, June 18, 2024 2:06:59 PM

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To whom it may concern:

My name is Romil Rambhia and I reside in the CA Vintage 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. 52-1

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. My home currently resides at 5725 Commerce Dr, Fremont, CA 94555 and it literally shakes even with slow speed trains. I can't imagine the intensive shaking and ultimately impacting the structural integrity of my home if the speed and the frequency of these trains are increased. 52-2

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. 52-3

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. Humble request to not spoil our neighborhood further. 52-4

Thank you very much for your time and attention!

Sincerely,  
Romil Rambhia

#### *Response to Recurring Comment Letter #3*

This response addresses 72 substantively similar letters submitted to CCJPA during the public comment period for the Draft EIR. A sample of a Recurring Comment Letter from this group is included above, and individual letters may be viewed in Appendix E. These letters express:

- Opposition to the South Bay Connect project
- Concern over potential noise and vibration impacts
- Concern over the development of the proposed Ardenwood Station related to:
  - Parking problems
  - Movement of an existing unhoused population



- Crime

#### Opposition

Regarding opposition to the proposed Project, these comments are noted; however, since they do not pertain to the accuracy or adequacy of the Draft EIR's environmental analysis, no further response is required.

#### Noise and Vibration

Concerns were raised over potential increases in noise and vibration from the proposed Project. Please refer to Master Response 12: Noise and Vibration for additional information.

#### Ardenwood Station

As to a potential parking shortage, a new surface parking lot is proposed as a part of the proposed Project, which could be expanded to a two-story parking structure depending on future parking needs. This new lot would provide sufficient additional parking to rail passengers, and the proposed Project is not expected to result in parking shortages on surrounding streets. Note also that parking is not considered an impact under CEQA. In addition, implementation of the proposed Ardenwood Station includes traffic calming measures and intersection improvements to address traffic and congestion in the proposed station's area. For more information on the station area, please see Chapter 2 Project Alternatives section 2.2.3.4, Ardenwood Station Improvements and Master Response 6: Proposed Ardenwood Station.

Regarding the proposed Project's potential to affect the existing unhoused population and crime, CEQA does not require the analysis of generalized social and economic effects. The analysis of the EIR is limited to potential effects on physical conditions, in accordance with CEQA Guidelines (PRC, Section 21060.5; CEQA Guidelines Section 15360). Please see Master Response 3: Economic and Social Impacts, for a more detailed explanation.

### 4.3 Non-CEQA Comment Letters

This section provides a Master Response to those comment letters that do not include individual comments on the environment as defined under CEQA and/or did not contest the adequacy or accuracy of the Draft EIR. These Non-CEQA Comment letters are all included in Appendix F. The following response has also been incorporated within Master Response 1 in Section 4.1.3.

In accordance with Section 15088 of the State CEQA Guidelines, CCJPA is required to “evaluate comments on environmental issues received from persons who reviewed the [D]raft EIR and shall prepare a written response... to comments raising significant environmental issues received during the noticed comment period.” This response speaks to comments that are:

- Too general for a substantive response,
- Include opinion without supporting facts, or
- Consist of comments regarding social or economic impacts that are unrelated to a physical change in the environment.

Excerpted below, CEQA Guidelines Section 15204 states the expectations for both public and agency reviewers to focus comments on the adequacy of the CEQA documentation and to provide data to support challenges to the materials. This guidance includes the following:

- Comments should focus on the “sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated,”
- “Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects,”
- CEQA “does not require a lead agency to conduct every test or perform all research, studies, and experimentation recommended or demanded by commenters,” and similarly, “lead agencies do not need to provide all information requested by reviewers,” if there is a good faith effort by the lead agency to fully disclose potential effects of the project in the EIR,
- Lead agencies are only required to respond to comments regarding significant environmental issues [“Environment” is defined in CEQA Guidelines Section 21060.5 as the “physical conditions that exist within a project footprint, including land, air, minerals, biological resources, noise, and objects of historic or aesthetic value”], and
- Commenters should explain the basis for their comments and should submit data or references offering facts, or expert opinion supported by facts, in support of their comments. As an example, a comment that opines that impacts were not sufficiently addressed or that additional impacts should be considered, would not be considered complete without references and/or supporting data or expert opinion included in the comment.

Notwithstanding the above language, CEQA Guidelines Section 15204(e) states that these limitations should “not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

### 4.3.1 General Comments

All comments within the comment letters have been reviewed individually. Comment letters that voiced general opposition to or support for the proposed project often were combined with other unsubstantiated general statements about environmental concerns (e.g., air quality, traffic, noise). According to CEQA Guidelines Section 15088, “The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general)”.

Further, comments with statements that are not supported with evidence and therefore are unfounded cannot be evaluated because pursuant to CEQA Guidelines Section 15064, “an effect shall not be considered significant in the absence of substantial evidence”.

### 4.3.2 Opinion Without Supporting Facts

CCJPA notes that some comment letters express personal opinions of the commenter, including general opposition or support for the proposed Project. CCJPA acknowledges all viewpoints and opinions expressed by the community. However, these comment letters do not raise an issue related to the adequacy of any specific section or analysis presented in the Draft EIR. Per CEQA Guidelines Section 15064(f)(5), arguments, unsupported opinions or comments, or evidence that is clearly inaccurate, unbelievable, or flawed, will not be considered substantial evidence. Substantial evidence will include facts, reasonable assumptions based on facts, and expert opinion supported by facts.

### 4.3.3 Social and Economic Effects

The scope of an EIR is limited to a lead agency’s evaluation of potentially significant environmental impacts of a project, which, by definition, are limited to physical conditions, rather than social or economic conditions (Public Resources Code Section 21060.5; CEQA Guidelines Section 15360). The analysis of social or economic impacts unrelated to a physical change is not included within an EIR because such potential impacts by themselves are not considered to be effects on the physical environment (CEQA Guidelines Sections 15064[e], 15131[a], 15358[b], 15382). Therefore, potential social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment, are not substantial evidence of a significant environmental effect (Public Resources Code Section 21080[e][2]; CEQA Guidelines Section 15064[f][6]). As an example, the proposed Project’s potential impact on property values or housing prices is not a physical impact on the environment, nor would it lead to a physical impact unless it would result in reasonably foreseeable adverse impact(s) on the physical environment, such as abandonment of affected neighborhoods.

# Appendix A. DEIR Public Outreach Summary Report

# Appendix B. Mitigation, Monitoring and Reporting Program

# Appendix C. CEQA Comment Letters

# Appendix D. Comment Letters from Recurring Comment Letter #1

# Appendix E. Comment Letters from Recurring Comment Letter #2



# Appendix F. Comment Letters from Recurring Comment Letter #3

# Appendix G. Non-CEQA Comment Letters

# Appendix H. Fremont Public Petition as Copied from Internet

# Appendix I. Supplemental Cumulative Analysis

# Appendix J. Draft EIR