

# TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND

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May 9, 2003  
By Fax & E-mail

San Francisco Bay Area Rapid Transit District  
Attn: Richard Wenzel, WSX Environmental Project Director  
P.O. Box 12688, MS 1KB-6  
Oakland, CA 94604-2688

Re: WSX DSEIR

Dear Mr. Wenzel:

TRANSDEF is a Bay Area non-profit dedicated to improving regional planning for air quality, transportation and land use. We are pleased to be able to comment on the environmental document for this important project for the Bay Area.

## **1. This project is an illegally chopped phase of the San Jose BART Extension Project.**

In our scoping comments, we stated:

We are concerned that the proposed extension have a legally adequate purpose and need statement. In particular, the project must be demonstrated to function meaningfully as a standalone project, independent of any other BART extension. We have grave doubts that there is any transportation rationale for spending hundreds of millions of dollars to provide 5 miles of rapid transit from a pasture to Fremont.

The mere existence of different institutional sponsors for these allegedly separate projects does not justify treating them separately under CEQA. The San Jose Extension cannot proceed without the Warm Springs Extension. The Warm Springs Extension accomplishes no significant public benefits by itself. The independent existence of the Warm Springs Extension project is a legal fiction. The fact that the Proposed Project's transportation modelling was done with a model specially modified by VTA supports the allegation that the project is not independent.

**a. With a \$700 million pricetag and minuscule benefits, the Project doesn't pass the straight-face test.**

At best, this project provides transit mobility for 7,200 auto drivers in 2025. That is the equivalent of a minor bus line, yet at a fantastically elevated cost. Obviously, there is something more going on here. This is not an independently operable segment. It adds no value to the BART system. The proposed project will offer travel time savings (as compared to No-Project) to fewer than half the origin-destination pairs identified in Tables 3.9-13 and 3.9-14. Some trips would take longer with the proposed project!

TRANSDEF's scoping letter only partially facetiously requested the costing of a chauffeur-driven limousine alternative to the Proposed Project. We believe that the transportation function could be accomplished by such an alternative (which would include picking up multiple passengers, similar to carpooling) at significantly less cost.

**b. The only serious justification for the Proposed Project is linking the South Bay.**

The Draft Supplemental Environmental Impact Report for the BART Warm Springs Extension produced great volumes of detail, but failed entirely to answer our demand for substantiation that the project can seriously be considered to stand alone. A multitude of references, on the other hand, point to the only reasonable justification for the Proposed Project:

"However, because of public support for the extension of rail transit service from Fremont to Santa Clara County, BART continued to consider the possibility of an extension from Fremont to Warm Springs and other transit agencies continued to study the regional corridor." 1-6

"The Proposed Project will complement and expand existing travel modes in the regional Fremont-South Bay Corridor." 1-14-15

"The Proposed Project would provide a key segment in the Bay Area's regional rail transportation network between San Francisco, the East Bay, and the South Bay by providing a link *as part of the plans for an integrated system* between BART, AC Transit District and VTA." 4-4 (emphasis added).

Other similar references to the South Bay can be found on the following pages of the report: 1-3, 1-13, 3.1-8, 3.5-24 (Goal 4), 3.5-41 (Cume1), and 5-13.

**c. There is no point to providing high-capacity transit service for the existing land use pattern or to vacant lots.**

There is no significant transit destination or origin at the Warm Springs or Irvington proposed station sites. The Industrial Planning Area (the location of the proposed Warm Springs Station), "[a]s the name implies, is dominated by industrial uses, including warehouses and high technology..." 3.5-9 In addition, significant retail and business park uses are accessed by automobile. These are not transit destinations.

“Zoning adjacent to the Proposed project alignment is dominated by open space and industrial.” 3.5-22 “The proposed Warm Springs BART Station is perhaps unique in the South Bay in the degree to which there is vacant land around it.” 3.5-34 “In general, the access roads to the proposed Warm Springs Station are not pedestrian oriented.” 3.9-15 “The optional Irvington Station area is generally not pedestrian oriented.” *Id.*

**e. There is no evidence that the Proposed Project will lead to Smart Growth.**

Historically, no BART extension has ever been accompanied by Smart Growth or transit-oriented development. There is no reason to believe that Fremont will actually adopt plans that require significantly higher densities around BART stations. The current “*General Plan* states that the Industrial Area should be retained.” 3.5-16 Only one of Fremont’s past project approvals, as indicated in Table 3.1-1, a senior housing complex, could be considered transit-oriented development. None of the proposed development in that table could be considered transit-oriented development. If anything, the Fremont Council’s approval of the Wal-Mart application indicates an indifference to Smart Growth that must be considered as evidence of the dubious automobile-oriented future for land surrounding the stations. The mere existence of planning processes for the station sites is inadequate evidence that the land will develop into anything other than low-density residential and light industrial uses. Thus, it is entirely speculative to identify land use benefits of the project on pg. 6-6, unless a mitigation program is written into the EIR identifying a requirement for Fremont to adopt specific minimum density zoning for the applicable parcels surrounding the station sites before the project can commence.

**e. There is no evidence that the Proposed Project is even intended to lead to Smart Growth.**

It is astonishing that an environmental document that purports to identify the transit-oriented development benefits from extending expensive transit infrastructure into vacant lands failed to even indicate the standard half-mile and quarter-mile pedestrian access radii on its land use maps. This lack makes us believe that references to transit-oriented development are entirely gratuitous, to make the project sound far more environmentally sound than it really is. In addition, there is no reference anywhere in the document to the number of people either working or living within the pedestrian radii, both currently and at 2025. That would be a clear indication of the intention of the project sponsor to actually accomplish Smart Growth. The presentation of demographic information for only the entire City of Fremont and the County of Alameda implies that pedestrian access and transit-orientation are not important factors for planning. While the Appendix N section on Travel Demand Modelling identifies the demographic data as coming from ABAG, the numbers of employees and residents, both currently and at 2010 and 2025, should be stated. These numbers are critical in evaluating whether the proposed project is making a serious effort to provide mobility to transit-oriented development. Table 3.9-10 indicates that only 15% of the entries and exits in 2025 are expected to access the station by walking or riding a bike. Twice as many would access the station by car. This pattern is not consistent with transit-oriented development.

Nonetheless, the FSEIR should document the numeric demographic assumptions as to the present and future land use within quarter-mile and half-mile radii of the station sites.

**f. The only way to cure the chopping is to join the WSX to the SVRTC project.**

Because the Proposed Project is not a stand-alone project and has no honorable existence other than as the first phase of the SVRTC, it must be studied as part of the latter project, despite the fact that the projects have different institutional sponsors.

**2. The Proposed Project is not consistent with existing plans, goals and objectives. This constitutes a Significant Impact which must be mitigated or identified.**

a. The following BART Strategic Plan Objectives (3.5-24-25) are obviously not being met by this project, creating an inconsistency that must be identified as a Significant Impact:

“Increase transit ridership.” --Building BART to vacant lots fails to increase ridership.

“Reduce percentages of single-occupied vehicles relative to access of all other modes”  
–By designing large station parking lots and failing to secure from the City of Fremont minimum density guarantees for surrounding new development, BART ensures a high percentage of access by single-occupied vehicles.

b. The following BART System Expansion Policy and Criteria (3.5-25-26) are obviously not being met by this project, creating an inconsistency that must be identified as a Significant Impact:

“Generate new ridership on a cost-effective basis.” --While no ‘cost per new rider’ calculation appears in the DSEIR, the actual figure must be so high that it would enrage the public if it were made available.

“Demonstrate a commitment to transit-supportive development.” –BART has done nothing to ensure that the station areas are preserved for transit-supportive development. In fact, the Fremont Council recently approved a Wal-Mart within the project vicinity. Had there been an actual commitment, this could not have happened.

“Land Use: Evaluate potential system benefits accrued as a result of adjacent land uses along rail/bus corridors, based on year 2025 projected net residential and employment land use densities around planned stations or transit corridors.” –This was not done.

“Cost effectiveness: Evaluate “cost per new rider,” measured as dollars per new rider (shifting from auto to transit, not transit to auto).” –This was not done. See above.

c. The following ACCMA Steering Committee Guiding Principle (3.5-27) has not been met, creating an inconsistency that must be identified as a Significant Impact:

“Transportation investments must be made in conjunction with appropriate land use planning...” –There is no adopted transit-oriented land use planning. The environmental document should only be prepared after the land use has been planned. Certification of the DSEIR in advance of adoption of planning for the station areas would be a Significant Impact, unless mitigated by a requirement that the Proposed Project can not be approved unless minimum density zoning standards are adopted for the lands adjacent to the station areas. The specification of the zoning standards would trigger a recirculation of the environmental document.

d. The following *Countywide Transportation Plan* Objective has not been met, creating an inconsistency that must be identified as a Significant Impact:

“A service-oriented transit system that provides frequent, convenient, and reliable service to the major activity centers in each of the county’s major transportation corridors.” –Alameda County is violating this objective by making this project a high-priority recipient of Measure B funds, despite the fact that it does not serve a major activity center.

### **3. A Subsequent EIR must be prepared for the Proposed Project.**

Since the 1992 EIR, the State of California is expending a significant effort to plan for High Speed Rail service from Los Angeles to San Francisco. In furtherance of that effort, and as an indication of the seriousness of its commitment to High Speed Rail, it has placed the largest bond measure in its history on the 2004 ballot. This constitutes 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.

The public could possibly vote to authorize a High Speed Rail system next year. At today’s MTC Planning and Operations Committee meeting, a debate occurred as to whether the HSR EIR should be reopened to study bringing a rail line across the Altamont Pass, connecting to San Francisco and San Jose near Fremont or Newark. The Committee voted unanimously to bring the issue before the full Commission for possible action, which could be a recommendation to the High Speed Rail Authority to reopen its EIR and add an Altamont Pass alternative. Due to today’s action by the Committee, the possibility of an Altamont Pass rail line is no longer merely speculative, but has a finite potential for coming into existence.

The Proposed Project would not only waste significant public resources in that eventuality, it might actually compromise a possible route for the High Speed Rail. Because the High Speed Rail/Altamont Pass alternative would provide better service from Fremont to San Jose (it would offer higher speeds and the possibility of express service), this alternative could supplant the BART extension to San Jose, which would make the Proposed Project entirely superfluous. These are significant effects that were not discussed in the 1992 EIR, thereby necessitating a subsequent EIR.

**4. The Proposed Project facilitates sprawl.**

Because there are no land use commitments by the City of Fremont to increase the density zoned for the areas surrounding the proposed stations, the Proposed Project has the potential to cause more growth in outlying areas of the Bay Area than would occur if the Warm Springs and Irvington areas functioned as transit-oriented development zones. Because the Proposed Project is dependent on the region's scarce financial resources, which are very much needed to counter the trend towards sprawl, low density land use around the Proposed Project will hurt the entire region. The mitigation proposed earlier, a requirement that the project not receive approval until a transit-oriented land use plan and zoning has been approved by the City of Fremont that will increase densities to significant urban levels, would produce an environmentally superior alternative when the regional impacts of the project are evaluated. Otherwise, without the mitigation, the project is likely to squander an extremely expensive opportunity to site a significant part of the region's further growth, condemning the region to more sprawl.

**Conclusion**

TRANSDEF appreciates this opportunity to provide these comments on the DSEIR. Our hope is that they will be useful in improving the ultimate project. We would be pleased to speak with project staff to answer any questions, or seek solutions.

Sincerely,

/s/ David Schonbrunn

David Schonbrunn,  
President