

**Alameda County Transportation Authority
East-West Connector Project**

Final Environmental Impact Report
(SCH# 2007102078)

**Volume 2: Comments on the Draft EIR
and Responses to Comments**



April 2009

**Alameda County Transportation Authority
East-West Connector Project**

Final Environmental Impact Report

**Volume 2:
Comments on the Draft EIR
and Responses to Comments**

Lead Agency:

Alameda County Transportation Authority
Oakland, California
www.acta2002.com

Contact Information

EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607
Fax: 510.268.8499
Email: eastwestconnector@circlepoint.com

April 2009

ICF Jones & Stokes. 2009. Alameda County Transportation Authority. East-West Connector Project. Administrative Draft. Final Environmental Impact Report, Volume 2: Comments on the Draft EIR and Responses to Comments. April. (SCH# 2007102078.) (ICF J&S 00703.07.) Oakland, CA. Prepared for: T.Y. LIN International, Oakland, CA.

Preface

The Final Environmental Impact Report (Final EIR) for the East-West Connector Project (proposed project) is comprised of two volumes. Volume 1 presents the Draft EIR, which includes the environmental analysis of the proposed project. Volume 2 presents comments received on the Draft EIR and responses to those comments. For clarification and in response to some comments, the Draft EIR includes revisions, but it does not introduce any new significant impacts or substantially more severe impacts.

This document is Volume 2 of the Final EIR.

Requirements for the Final EIR

The Final EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) guidelines. Section 15132 of the CEQA Guidelines states that:

The Final EIR shall consist of:

- a. Draft EIR or a revision of the Draft EIR.
- b. Comments and recommendations received on the Draft EIR, either verbatim or in summary.
- c. List of persons, organizations, and public agencies commenting on the DEIR.
- d. Responses of the lead agency to significant environmental concerns raised in the review and consultation process.
- e. Any other information added by the lead agency.

The Final EIR is an informational document prepared by the Alameda County Transportation Authority (ACTA), the CEQA lead agency, and must be considered by decision-makers before approving or denying the proposed project.

The Draft EIR was made available to the public and regulatory agencies for review and comment during a 60-day comment period between December 11, 2008, and February 9, 2009. Additionally, two public hearings were held to receive verbal comments on the proposed project on January 14, 2009, in Union City and on January 15, 2009, in Fremont. The comments received on the Draft EIR, responses to the comments, and the revised Draft EIR constitute the formal Final EIR for the proposed project.

Format and Organization of Final EIR

This Final EIR comprises two volumes.

- **Volume 1: Revised Draft EIR** [April 2009]. This is a reprint of the December 2008 Draft EIR with text revisions made for clarification or in response to comments. Additions to the text are shown with underline, deletions are shown in ~~striketrough~~, and all revisions are indicated with a line in the right margin. The contents include the following chapters.
 - Executive Summary
 - Chapter 1. Introduction
 - Chapter 2. Project Description
 - Chapter 3. Environmental Setting and Impact analysis
 - 3.1 Aesthetics
 - 3.2 Air Quality
 - 3.3 Biological Resources
 - 3.4 Cultural Resources
 - 3.5 Geology, Soils, and Seismicity
 - 3.6 Hazards and Hazardous Materials
 - 3.7 Hydrology and Water Quality
 - 3.8 Land Use and Planning
 - 3.9 Noise and Vibration
 - 3.10 Population and Housing
 - 3.11 Public Services, Utilities, and Recreation
 - 3.12 Transportation and Traffic
 - Chapter 4. Other Analyses Required by CEQA
 - Chapter 5. Project Alternatives
 - Chapter 6. Agency Consultation
 - Chapter 7. References
 - Appendices
- **Volume 2: Comments on the Draft EIR and Responses to Comments** [April 2009]. This includes comments received on the December 2008 Draft EIR and responses to those comments. The contents include the following chapters.
 - Chapter 1. Public Review of the Draft EIR
 - Chapter 2. Comments on the Draft EIR
 - Chapter 3. Responses to Comments

A List of Preparers of the Final EIR, including agency staff and consultants, is included in Appendix D (Volume 1).

Copies of the Final EIR (Volumes 1 and 2) are on file at the ACTA office (Oakland), the Fremont and Union City Planning Departments, the Fremont and Union City libraries, and on the ACTA website (www.acta2002.com).

Contents

	Page
Chapter 1	
Public Review of the Draft EIR	1-1
Public Notice.....	1-1
Public Hearings.....	1-2
Chapter 2	
Comments Received on the Draft EIR	2-1
Table 2-1. Comments Received on the East-West Connector Project Draft Environmental Impact Report (December 2008).....	2-2
Chapter 3	
Responses to Comments.....	3-1
Response to Letter 1 from California Department of Fish and Game	3-1
Response to Letter 2 from State of California Department of Transportation.....	3-4
Response to Letter 3 from California Regional Water Quality Control Board	3-8
Response to Letter 4 from Alameda County Congestion Management Agency	3-25
Response to Letter 5 from Alameda County Water District	3-26
Response to Letter 6 from East Bay Regional Parks District.....	3-34
Response to Letter 7 from Valley Transportation Authority	3-39
Response to Letter 8 from City of Fremont, City Manager	3-40
Response to Letter 9 from City of Fremont, Transportation and Operations Department	3-49
Response to Letter 10 from Union Sanitary District.....	3-55
Response to Letter 11 from Union City.....	3-56
Response to Letter 12 from Shuja Ahmed.....	3-60
Response to Letter 13 from Doug Becker	3-61
Response to Letter 14 from Ashish Bhatnagar	3-64
Response to Letter 15 from Pawan Chawla	3-67
Response to Letter 16 from Dino Ciarlo	3-68
Response to Letter 17 from Robert Czerwinski	3-69
Response to Letter 18 from Mike Davis.....	3-71
Response to Letter 19 from Cong and Loan Do	3-72
Response to Letter 20 from Terence Fung.....	3-73
Response to Letter 21 from Gigs B	3-74
Response to Letter 22 from G.B. Johnson	3-76

Response to Letter 23 from Jo Ann Lew	3-81
Response to Letter 24 from Pat Mapelli	3-83
Response to Letter 25 from Bruce Mitchell.....	3-94
Response to Letter 26 from Mavis Sare	3-95
Response to Letter 27 from Yukai Shi.....	3-96
Response to Letter 28-1 from Doug Sojourner.....	3-99
Response to Letter 29 from Doug Sojourner	3-100
Response to Letter 30 from Laura Winter.....	3-103
Response to Letter 31 from Citizens for Neighborhood Integrity	3-104
Response to Public Hearing Testimony P1, Meeting Held in Union City, CA, January 14, 2009.....	3-148
Response to Public Hearing Testimony P2, Meeting Held in Fremont, CA, January 15, 2009.....	3-150

Chapter 1

Public Review of the Draft EIR

Chapter 1

Public Review of the Draft EIR

Public Notice

As required by CEQA, relevant agencies, organizations, and members of the public have an opportunity to comment on the Draft EIR during the required 45-day public review period. In response to a request to extend the review period, the Draft EIR had a 60-day public review period from December 11, 2008 to February 9, 2009.

ACTA distributed a Notice of Availability (a notice that the Draft EIR is available for review) to the County Clerk, responsible and trustee agencies, and persons requesting a copy of the Draft EIR. Additionally, a Notice of Availability mailer was distributed to 7,000 residents, property owners, and agencies. The notice was also advertised in the *Fremont Argus* and the *Tri-City Voice* newspapers and was posted on the ACTA website (www.acta2002.com).

As required by CEQA, at the same time ACTA provided the public Notice of Availability, it provided a Notice of Completion and 15 copies of the Draft EIR to the State Clearinghouse, which coordinates systematic review of the environmental document by state agencies. The State Clearinghouse provides a letter indicating receipt of the Notice and Draft EIR; and in this case, they provided a letter clarifying the extended review period. The Notice was also posted on the ACTA website.

Copies of the Draft EIR were also provided to local libraries and other agencies and organizations indicated on the distribution list attached to the Notice of Completion (and included in Appendix C, Volume 1).

The following are included at the end of this chapter.

- Notice of Availability
- Notice of Availability mailer and newspaper ad
- Notice of Completion
- State Clearinghouse letter

Public Hearings

Public hearings on the Draft EIR were held on January 14 and 15, 2009, at the Kennedy Community Center in Union City and at Warwick Elementary School in Fremont, respectively. Information for these meetings is included on the notice of availability of the Draft EIR. Advertisements for the January 2009 public hearings on the Draft EIR were placed in both newspapers in December 2008 and early January 2009.

The format of the public hearings included an open house, a formal presentation and public testimony recorded by a court reporter. The meetings were organized with project information stations that provided an overview of the proposed project including project description, project objectives, and the project alignment; key issues including a review of the environmental issues evaluated; and how to provide comments on the Draft EIR. At the stations, attendees could ask questions and discuss the project with technical staff from ACTA, the cities and the project team. The formal presentation was followed by public testimony, and participants were also encouraged to fill out comment sheets and submit them at the meeting or by mail, fax, or email.

Notice of Availability

Draft Environmental Impact Report

Alameda County Transportation Authority East-West Connector Project

Fremont/Union City, California

State Clearinghouse #2007102078

The Alameda County Transportation Authority (ACTA) has prepared a draft environmental impact report (Draft EIR) for the East-West Connector Project to evaluate the potential environmental impacts of implementing the project. As required by the California Environmental Quality Act (CEQA), the Draft EIR is available for public review and comment.

PROJECT DESCRIPTION AND LOCATION

The East-West Connector Project (proposed project) is a 3.0-mile roadway project that would provide improved east-west access between Interstate 880 (I-880) to the west and Mission Boulevard to the east in southern Alameda County. The proposed project would achieve this objective by widening existing roadways (1.7 miles along Decoto Road and Paseo Padre Parkway) and constructing a new roadway (1.3 miles from Paseo Padre Parkway to Mission Boulevard). The proposed project would also provide other infrastructure improvements along its entire length, so upon completion there would be a continuous bike corridor from just east of I-880 to Mission Boulevard.

One of the project alternatives under consideration (Alternative 1: Historic alignment in Union City) is a truncated version of the proposed project and has been analyzed at the same level of detail as the proposed project.

The proposed project alignment does pass through a site listed as a toxic site (Cortese List, Department of Toxic Substances Control). Pacific States Steel Corporation properties in Union City includes three sites, totaling approximately 85 acres. Phase I was formerly located south of the Mission Boulevard/Appian Way intersection and consisted of 5.5 acres. Phase II, located immediately west of Phase I, consisted of 16.6 acres of land. Phase III was the former plant and consisted of 62.6 acres. The roadway alignment would traverse through a portion of the Phase III property.

SIGNIFICANT ENVIRONMENTAL IMPACTS

The proposed project would result in several potentially significant impacts that would require mitigation to avoid or minimize the impact to a less-than-significant level. Significant and unavoidable impacts, which are those that cannot be reduced to a less-than-significant level with mitigation, are listed below. Most of the significant and unavoidable impacts are temporary construction impacts.

- Aesthetics—New Source of Light and Glare along BART Corridor during Construction
- Air Quality—Temporary Increase in Ozone Precursors (ROG and NO_x), CO, and PM₁₀ Emissions during Grading and Construction Activities
- Noise and Vibration—Exposure of off-Site Noise-Sensitive Land Uses to Short-Term Construction Noise from Roadway Widening
- Noise and Vibration—Exposure of Off-Site Noise-Sensitive Land Uses to Short-Term Construction Noise from New Roadway Construction
- Noise and Vibration—Exposure of Off-Site Noise-Sensitive Land Uses to Short-Term Increases in Railroad Noise during Construction of the New Roadway Grade Separation
- Noise and Vibration—Exposure of Off-Site Noise-Sensitive Land Uses to Short-Term Increases in Railroad Vibration during Construction of the New Roadway Grade Separation
- Noise and Vibration—Contribution to Cumulative Impact on Noise-Sensitive Receptors along Existing Roadways
- Transportation and Traffic—Intermittent Interruption of Rail Service During Construction
- Transportation and Traffic—Reduction in Operations at 19 Intersections under Proposed Project Conditions Compared to No Project Conditions in 2015
- Transportation and Traffic—Reduction in Operations at 18 Intersections under Proposed Project Conditions Compared to No Project Conditions in 2035
- Transportation and Traffic—Contribution to Cumulative Impact of Intersections Operating Below Acceptable Thresholds in 2035

PUBLIC REVIEW PERIOD

The public review period extends from Thursday, December 11, 2008 to Monday, February 9, 2009. As required by CEQA, relevant agencies, organizations, and members of the public have an opportunity to comment on the Draft EIR during the required 45-day public review period. In response to a request to extend the review period, this Draft EIR has a 60-day public review period. All written comments must be received by 5:00 p.m. on Monday, February 9, 2009 via mail, fax or email to:

EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607
Fax: (510) 268-8499
Email: Eastwestconnector@circlepoint.com

PUBLIC HEARINGS

ACTA is holding two public hearings to receive comments on the Draft EIR on Wednesday, January 14, 2009 and Thursday, January 15, 2009, at the following locations.

Wednesday, January 14, 2009
6:30-8:30 PM
Kennedy Community Center
1333 Decoto Road
Union City, CA

Thursday, January 15, 2009
6:30-8:30 PM
Warwick Elementary School
3375 Warwick Road
Fremont, CA

DOCUMENT AVAILABLE FOR REVIEW

The Draft EIR is available for review at the following locations.

Alameda County Transportation Authority
1333 Broadway, Suite 300
Oakland, CA 94612
www.acta2002.com

City of Fremont Planning Department
39550 Liberty Street
Fremont, CA 94538

Alameda County Fremont Main Library
2400 Stevenson Blvd
Fremont, CA 94538

City of Union City Planning Department
34009 Alvarado-Niles Road
Union City, CA 94587

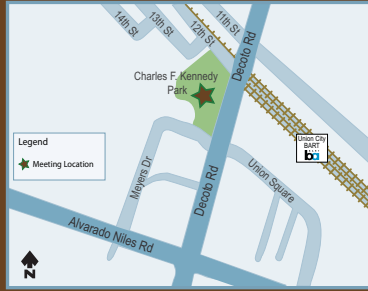
Alameda County Union City Library
34007 Alvarado-Niles Road
Union City, CA 94587

ATTEND A PUBLIC HEARING

ACTA is holding two public hearings to receive comments on the DEIR. The public hearing format will be open-house style. At any time during the public hearings, any members of the public can provide formal comments on the DEIR in either of the following ways:

1. Verbally to the designated court reporter, or
2. In writing (comment cards will be available).

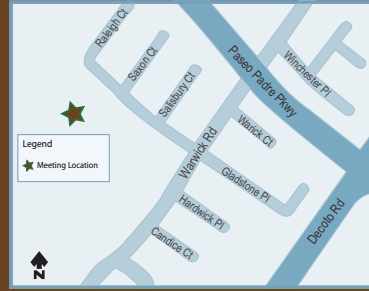
During the public hearings, project team members will be available to assist the public with review of the project displays and will provide a short overview presentation regarding the project and the environmental process. The same information and opportunity to comment will be provided at each public hearing.



WEDNESDAY, JANUARY 14, 2009

6:30-8:30 PM

Kennedy Community Center
1333 Decoto Road
Union City, CA



THURSDAY, JANUARY 15, 2009

6:30-8:30 PM

Warwick Elementary School
3375 Warwick Road
Fremont, CA

If you need language translation, special seating accommodations or other assistance, please call
Chris Colwick at 415-227-1100 Extension 131 at least one week before the hearing.



RETURN SERVICE REQUESTED

PERMIT NO. 11751
SAN FRANCISCO, CA
US POSTAGE PAID
FIRST-CLASS MAIL
PRESORTED

**ALAMEDA COUNTY
TRANSPORTATION AUTHORITY**
East-West Connector Project Team
c/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607



EAST-WEST CONNECTOR

NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
AND PUBLIC HEARINGS FOR THE EAST-WEST CONNECTOR PROJECT

DEIR AVAILABLE FOR REVIEW AND COMMENT

The Alameda County Transportation Authority (ACTA) has prepared a Draft Environmental Impact Report (DEIR) for the East-West Connector Project to evaluate the potential environmental impacts of implementing the project. As required by the California Environmental Quality Act (CEQA), the DEIR is available for public review and comment.

In response to a request to extend the review period, ACTA has extended the public review period from the typical 45 days to 60 days. The public review period extends from Thursday, December 11, 2008 to Monday, February 9, 2009. All written comments must be received by 5:00 p.m., Monday, February 9, 2009.

CONTACT

For more information about this project or to request a copy of the DEIR, please contact Chris Colwick, East-West Connector Project Community Liaison, at (415) 227-1100 x131 or visit www.acta2002.com.



PROPOSED PROJECT AREA

PROJECT DESCRIPTION

The East-West Connector Project is a 3-mile roadway project that would provide a more direct east-west access between Interstate 880 (I-880) to the west and Mission Boulevard to the east in southern Alameda County. The proposed project would achieve this objective by widening existing portions of Decoto Road and Paseo Padre Parkway and constructing a new roadway from Paseo Padre Parkway to Mission Boulevard. The proposed project also would provide other infrastructure improvements along its entire length; for example, a continuous bike and pedestrian corridor from just east of I-880 to Mission Boulevard.



The primary objectives of the proposed project are to reduce local traffic congestion and travel time, and to provide a more direct east-west link in the transportation network in Fremont and Union City.

Supporting objectives would benefit the community by:

- Improving air quality by decreasing local traffic congestion
- Implementing planned transportation improvements upon which completed and planned developments in Fremont and Union City depend
- Improving access to transit facilities and businesses in the vicinity
- Improving transit operations in the vicinity by reducing congestion along existing and future transit routes
- Promoting the use of non-motorized transport
- Maximizing the use of public right-of-way in the Historic Corridor for transportation purposes

DOCUMENT AVAILABLE

The DEIR is available for review online at <http://www.acta2002.com> or at the following locations:

Alameda County
Transportation Authority
1333 Broadway, Suite 300
Oakland, CA 94612

City of Fremont
Planning Department
39550 Liberty Street
Fremont, CA 94538

Fremont Main Library
2400 Stevenson Blvd
Fremont, CA 94538

City of Union City
Planning Department
34009 Alvarado-Niles Rd
Union City, CA 94587

Union City Library
34007 Alvarado-Niles Road
Union City, CA 94587

HOW TO COMMENT ON THE DEIR:

Comments on the DEIR must be received no later than 5:00 p.m., Monday, February 9, 2009 through one of the following means:

- Attend one of the public hearings and provide written or verbal comments
- Mail:
EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607
- Email: Eastwestconnector@circlepoint.com
- Fax: (510)268-8499



EAST-WEST CONNECTOR

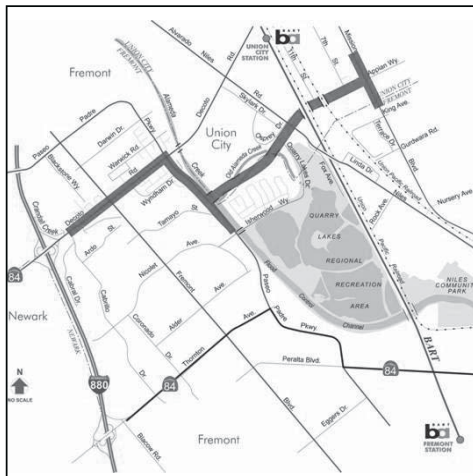
NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) AND PUBLIC HEARINGS FOR THE EAST-WEST CONNECTOR PROJECT

DEIR AVAILABLE FOR REVIEW AND COMMENT

The Alameda County Transportation Authority (ACTA) has prepared a Draft Environmental Impact Report (DEIR) for the East-West Connector Project to evaluate the potential environmental impacts of implementing the project. As required by the California Environmental Quality Act (CEQA), the DEIR is available for public review and comment.

In response to a request to extend the review period, ACTA has extended the public review period from the typical 45 days to 60 days. The public review period extends from December 11, 2008 to February 9, 2009. All written comments must be received by 5:00 p.m., Monday, February 9, 2009.

PROJECT AREA MAP



PUBLIC HEARING DATES AND LOCATIONS

ACTA is holding two public hearings to receive comments on the DEIR. The public hearing format will be open-house style. At any time during the public hearings, any members of the public can provide formal comments on the DEIR in either of the following ways:

1. Verbally to the designated court reporter, or
2. In writing (comment cards will be available).

During the public hearings, project team members will be available to assist the public with review of the project displays and will provide a short overview presentation regarding the project and the environmental process. The same information and opportunity to comment will be provided at each public hearing.

Wednesday, January 14, 2009, 6:30-8:30 PM

Kennedy Community Center, 1333 Decoto Road
Union City, CA

Thursday, January 15, 2009, 6:30-8:30 PM

Warwick Elementary School, 3375 Warwick Road
Fremont, CA

CONTACT

For more information about this project or to request a copy of the DEIR, please contact Chris Colwick, East-West Connector Project Community Liaison, at (415) 227-1100 x131 or visit www.acta2002.com.

PROJECT OVERVIEW

The East-West Connector Project is a 3-mile roadway project that would provide more direct east-west access between Interstate 880 (I-880) to the west and Mission Boulevard to the east in southern Alameda County. The proposed project would achieve this objective by widening existing portions of Decoto Road and Paseo Padre Parkway and constructing a new roadway from Paseo Padre Parkway to Mission Boulevard. The proposed project also would provide other infrastructure improvements along its entire length; for example, a continuous bike and pedestrian corridor from just east of I-880 to Mission Boulevard. The primary objectives of the proposed project are to reduce local traffic congestion and travel time, and to provide a more direct east-west link in the transportation network in Fremont and Union City.

Supporting objectives would benefit the community by:

- Improving air quality by decreasing local traffic congestion
- Implementing planned transportation improvements upon which completed and planned developments in Fremont and Union City depend
- Improving access to transit facilities and businesses in the vicinity
- Improving transit operations in the vicinity by reducing congestion along existing and future transit routes
- Promoting the use of non-motorized transport
- Maximizing the use of public right-of-way in the Historic Corridor for transportation purposes

DEIR AVAILABLE

The DEIR is available for review online at <http://www.acta2002.com> or at the following locations:

Alameda County
Transportation Authority
1333 Broadway, Suite 300
Oakland, CA 94612

City of Fremont
Planning Department
39550 Liberty Street
Fremont, CA 94538

Fremont Main Library
2400 Stevenson Blvd.
Fremont, CA 94538

City of Union City
Planning Department
34009 Alvarado-Niles Road
Union City, CA 94587

Union City Library
34007 Alvarado-Niles Road
Union City, CA 94587

HOW TO COMMENT ON THE DEIR

Comments on the DEIR must be received no later than 5:00 p.m., Monday, February 9, 2009 through any of the following means:

- **Attend one of the public hearings and provide written or verbal comments**
- **Mail:** EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607
- **Email:** Eastwestconnector@circlepoint.com
- **Fax:** (510) 268-8499

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #2007102078

Project Title: East-West Connector ProjectLead Agency: Alameda County Transportation AuthorityContact Person: Arthur L. Dao, Deputy DirectorMailing Address: 1333 Broadway, Suite 300Phone: 510-893-3347City: OaklandZip: 94612County: Alameda**Project Location:** County: AlamedaCity/Nearest Community: Fremont/Union CityCross Streets: Decoto Rd, Paseo Padre Pkwy, Alvarado-Niles Rd, Mission BlvdZip Code: 94587Longitude/Latitude (degrees, minutes and seconds): 37 ° 34 ' 10 " N / 122 ° 01 ' 48 " W Total Acres: 3 linear milesAssessor's Parcel No.: variousSection: 24Twp.: 4SRange: 2W

Base: _____

Within 2 Miles: State Hwy #: SR 238, I-880Waterways: Alameda Co Flood Control Channel, Old Alameda CreekAirports: n/aRailways: UPRR, BARTSchools: various**Document Type:**CEQA: ☐ NOP☒ Draft EIRNEPA: ☐ NOIOther: ☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☐ Neg Dec

(Prior SCH No.) _____

☐ Draft EIS☒ Other: Roadway Project☐ Mit Neg Dec

Other: _____

☐ FONSI**Local Action Type:**☐ General Plan Update☐ Specific Plan☐ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☐ Use Permit☐ Coastal Permit☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☒ Other: Roadway Project**Development Type:**☐ Residential: Units _____

Acres _____

☐ Office: Sq.ft. _____

Acres _____

Employees _____

☒ Transportation: Type Roadway Project☐ Commercial: Sq.ft. _____

Acres _____

Employees _____

☐ Mining: Mineral _____☐ Industrial: Sq.ft. _____

Acres _____

Employees _____

☐ Power: Type _____

MW _____

☐ Educational: _____☐ Waste Treatment: Type _____

MGD _____

☐ Recreational: _____☐ Hazardous Waste: Type _____☒ Water Facilities: Type diversion pipeline

MGD _____

☐ Other: _____**Project Issues Discussed in Document:**☒ Aesthetic/Visual☐ Fiscal☒ Recreation/Parks☒ Vegetation☐ Agricultural Land☒ Flood Plain/Flooding☒ Schools/Universities☒ Water Quality☒ Air Quality☐ Forest Land/Fire Hazard☐ Septic Systems☒ Water Supply/Groundwater☒ Archeological/Historical☒ Geologic/Seismic☒ Sewer Capacity☒ Wetland/Riparian☒ Biological Resources☐ Minerals☒ Soil Erosion/Compaction/Grading☒ Growth Inducement☐ Coastal Zone☒ Noise☒ Solid Waste☒ Land Use☒ Drainage/Absorption☒ Population/Housing Balance☒ Toxic/Hazardous☒ Cumulative Effects☐ Economic/Jobs☒ Public Services/Facilities☒ Traffic/Circulation☐ Other: _____**Present Land Use/Zoning/General Plan Designation:**roadway land use/zoning unassigned; adjacent land uses and zoning include multiple designations**Project Description:** (please use a separate page if necessary)

The East-West Connector Project (proposed project) is a 3.0-mile roadway project that would provide improved east-west access between I-880 on the west and Mission Boulevard on the east in south Alameda County. The proposed project would achieve this objective by widening existing roadways (Decoto Road and Paseo Padre Parkway), constructing a new roadway segment (from Paseo Padre Parkway to Mission Boulevard), and implementing associated improvements and new and existing intersections. The proposed project would also provide bike lanes and sidewalks or trails along its entire length, and it includes a stormwater diversion pipeline along the new roadway segment.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

☐ Air Resources Board
☐ Boating & Waterways, Department of
☐ California Highway Patrol
☒ Caltrans District #4
☐ Caltrans Division of Aeronautics
☐ Caltrans Planning
☐ Central Valley Flood Protection Board
☐ Coachella Valley Mtns. Conservancy
☐ Coastal Commission
☐ Colorado River Board
☐ Conservation, Department of
☐ Corrections, Department of
☐ Delta Protection Commission
☐ Education, Department of
☐ Energy Commission
☒ Fish & Game Region #3
☐ Food & Agriculture, Department of
☐ Forestry and Fire Protection, Department of
☐ General Services, Department of
☐ Health Services, Department of
☐ Housing & Community Development
☐ Integrated Waste Management Board
☒ Native American Heritage Commission

☐ Office of Emergency Services
☒ Office of Historic Preservation
☐ Office of Public School Construction
☐ Parks & Recreation, Department of
☐ Pesticide Regulation, Department of
☒ Public Utilities Commission
☒ Regional WQCB #2
☐ Resources Agency
☐ S.F. Bay Conservation & Development Comm.
☐ San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
☐ San Joaquin River Conservancy
☐ Santa Monica Mtns. Conservancy
☐ State Lands Commission
☐ SWRCB: Clean Water Grants
☐ SWRCB: Water Quality
☐ SWRCB: Water Rights
☐ Tahoe Regional Planning Agency
☒ Toxic Substances Control, Department of
☐ Water Resources, Department of

☒ Other: see attached distribution list
☐ Other: _____

Local Public Review Period (to be filled in by lead agency)

Starting Date December 11, 2008

Ending Date February 9, 2009

Lead Agency (Complete if applicable):

Consulting Firm: ICF Jones & Stokes

Address: 268 Grand Avenue

City/State/Zip: Oakland, CA 94610

Contact: Kate Giberson, Project Manager

Phone: 408-434-2244 ext 2212

Applicant: Alameda County Transportation Authority

Address: 1333 Broadway, Suite 300

City/State/Zip: Oakland, CA 94612

Phone: 510-893-3347

Signature of Lead Agency Representative: 

Date: 12/08/2008

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Appendix C

Distribution List for the Draft Environmental Impact Report

City Agencies

City of Fremont
City Council
39550 Liberty Street
Fremont, CA 94538

City of Fremont
Planning Commission
39550 Liberty Street
Fremont, CA 94538

City of Fremont
Engineering Division
39550 Liberty Street
Fremont, CA 94538

City of Union City
City Council
34009 Alvarado-Niles Road
Union City, CA 94587

City of Union City
Planning Commission
34009 Alvarado-Niles Road
Union City, CA 94587

City of Union City
Public Works Administration
34009 Alvarado-Niles Road
Union City, CA 94587

County Agencies

County of Alameda
Board of Supervisors
1221 Oak Street, #536
Oakland, CA 94612

Alameda County
Congestion Management Agency
Attn: Beth Walukas
1333 Broadway, Suite 220
Oakland, CA 94612

Alameda County
Department of Environmental Health
Vector Control Services District
1131 Harbor Bay Parkway, Suite 166
Alameda, CA 94502

Alameda County
Flood Control District
399 Elmhurst Street
Hayward, California 94544-1395

Alameda County
Planning Department
224 W. Winton, Room 111
Hayward, CA 94544

Alameda County
Public Works Agency
Development Services Dept.
399 Elmhurst Street
Hayward, California 94544-1395

Alameda County
Transportation Authority
1333 Broadway, Suite 300
Oakland, CA 94612

Alameda County Water District
Attn: Paul Piraino
43885 S. Grimmer Boulevard
Fremont, CA 94538

Regional and Local Agencies

Bay Area Air Quality Management District,
Planning Division
939 Ellis Street
San Francisco, CA 94109

Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

Bay Area Rapid Transit District
Planning Department
300 Lakeside Drive
Oakland, CA 94612

City of Newark
Planning Division
37101 Newark Boulevard
Newark, CA 94560

East Bay Regional Park District
Planning/Stewardship Department
2950 Peralta Oaks Court
Oakland, CA 94605

Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

San Francisco Bay Regional Water Quality
Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

San Francisco Public Utilities Commission
Bureau of Environmental Management
1155 Market Street
San Francisco, CA 94103

Santa Clara Valley Transportation Authority
3331 N 1st Street
San Jose, CA 95134

State Agencies

State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

California Department of Transportation
District 4
111 Grand Avenue
Oakland, CA 94612

California Department of Fish and Game
Attn: Suzanne DeLeon
Bay Delta Region (3)
7329 Silverado Trail
Napa, CA 94599

California Department of Recreation
Office of Historic Preservation
Attn: Susan Stratton
1416 9th Street, Room 1442-7
Sacramento, CA 95814

California Department of Toxic
Substances Control
Attn: Mary Misemer
700 Heinz Avenue, Suite 200
Berkeley, CA 94710

Federal Agencies

U S Army Corps of Engineers
Planning Division
333 Market Street
San Francisco, CA 94105

U S Fish & Wildlife Service
Endangered Species Division
Coast Bay Delta Branch
Attn: Jerry D. Roe
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

National Marine Fisheries Service
Protected Resources Division
Santa Rosa Office
Attn: Gary Stern
777 Sonoma Avenue, Room 325
Santa Rosa, CA 95404

Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814

Union Pacific Railroad Company
Attn: Terrel Anderson
10031 Foothills Boulevard
Roseville, CA 95747

Libraries

Alameda County Fremont Main Library
2400 Stevenson Boulevard
Fremont, CA 94538

Alameda County Union City Library
34007 Alvarado-Niles Road
Union City, CA 94587

Additional Organizations

Citizens for Neighborhood Integrity
c/o Bob and Debra Czerwinski
35602 Gleason Lane
Fremont, CA 94536



ARNOLD SCHWARZENEGGER
GOVERNOR

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



CYNTHIA BRYANT
DIRECTOR

Memorandum

Date: January 27, 2009
To: All Reviewing Agencies
From: Scott Morgan, Senior Planner
Re: SCH # 2007102078
East-West Connector Project

The Lead Agency has extended the review period for the above referenced project to February 9, 2009 to accommodate the review process. All other project information remains the same.

cc: Arthur L. Dao
Alameda County Transportation Authority
1333 Broadway, Suite 300
Oakland, CA 94612

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #2007102078

Project Title: East-West Connector Project

Lead Agency: Alameda County Transportation Authority

Contact Person: Arthur L. Dao, Deputy Director

Mailing Address: 1333 Broadway, Suite 300

Phone: 510-893-3347

City: Oakland

Zip: 94612

County: Alameda

Project Location: County: Alameda

City/Nearest Community: Fremont/Union City

Cross Streets: Decoto Rd, Paseo Padre Pkwy, Alvarado-Niles Rd, Mission Blvd

Zip Code: 94587

Longitude/Latitude (degrees, minutes and seconds): 37 ° 34 ' 10 " N / 122 ° 01 ' 48 " W Total Acres: 3 linear miles

Assessor's Parcel No.: various

Within 2 Miles: State Hwy #: SR 238, I-880

Waterways: Alameda Co Flood Control Channel, Old Alameda Creek

Airports: n/a

Railways: UPRR, BART

Schools: various

Document Type:

CEQA: ☐ NOP ☒ Draft EIR
☐ Early Cons ☐ Supplement/Subsequent EIR
☐ Neg Dec (Prior SCH No.)
☐ Mit Neg Dec Other:

NEPA: ☐ NOI Other: ☐ Joint Document
☐ EA ☐ Final Document
☐ FONSI Other: Roadway Project

Local Action Type:

☐ General Plan Update ☐ Specific Plan
☐ General Plan Amendment ☐ Master Plan
☐ General Plan Element ☐ Planned Unit Development
☐ Community Plan ☐ Site Plan

☐ Rezone ☐ Annexation
☐ Prezone ☐ Redevelopment
☐ Use Permit ☐ Coastal Permit
☐ Land Division (Subdivision, etc.) ☒ Other: Roadway Project

Development Type:

☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational: _____
☐ Recreational: _____
☒ Water Facilities: Type diversion pipeline MGD

☒ Transportation: Type Roadway Project
☐ Mining: Mineral _____
☐ Power: Type _____ MW
☐ Waste Treatment: Type _____ MGD
☐ Hazardous Waste: Type _____
☐ Other: _____

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☐ Fiscal ☒ Recreation/Parks ☒ Vegetation
☐ Agricultural Land ☒ Flood Plain/Flooding ☒ Schools/Universities ☒ Water Quality
☒ Air Quality ☒ Forest Land/Fire Hazard ☒ Septic Systems ☒ Water Supply/Groundwater
☒ Archeological/Historical ☒ Geologic/Seismic ☒ Sewer Capacity ☒ Wetland/Riparian
☒ Biological Resources ☒ Minerals ☒ Soil Erosion/Compaction/Grading ☒ Growth Inducement
☐ Coastal Zone ☒ Noise ☒ Solid Waste ☒ Land Use
☒ Drainage/Absorption ☒ Population/Housing Balance ☒ Toxic/Hazardous ☒ Cumulative Effects
☐ Economic/Job ☒ Public Services/Facilities ☒ Traffic/Circulation ☐ Other:

Present Land Use/Zoning/General Plan Designation:

roadway land use/zoning unassigned; adjacent land uses and zoning include multiple designations

Project Description: (please use a separate page if necessary)

The East-West Connector Project (proposed project) is a 3.0-mile roadway project that would provide improved east-west access between I-880 on the west and Mission Boulevard on the east in south Alameda County. The proposed project would achieve this objective by widening existing roadways (Decoto Road and Paseo Padre Parkway), constructing a new roadway segment (from Paseo Padre Parkway to Mission Boulevard), and implementing associated improvements and new and existing intersections. The proposed project would also provide bike lanes and sidewalks or trails along its entire length, and it includes a stormwater diversion pipeline along the new roadway segment.

State Clearinghouse Contact:

(916) 445-0613

Project Sent to the following State Agencies

State Review Began:

12-11-2008

SCH COMPLIANCE

2.9
X 26-2009

extended

Please note State Clearinghouse Number
 (SCH#) on all Comments

2007102078

SCH#:

Please forward late comments directly to the
 Lead Agency

AQMD/APCD 2

(Resources: 12, 13)

X Resources

☐ Boating & Waterways
☐ Coastal Comm
☐ Colorado Rvr Bd
☐ Conservation
☒ Fish & Game # 3
☐ Delta Protection Comm
☐ Cal Fire
☒ Historic Preservation
☒ Parks & Rec
☐ Central Valley Flood Prot.
☐ Bay Cons & Dev Comm
☒ DWR
☐ OES (Emergency Svcs)

Bus Transp Hous

☒ Aeronautics
☒ CHP
☒ Caltrans # 4
☐ Trans Planning
☐ Housing & Com Dev
☐ Food & Agriculture
☐ Health Services

State/Consumer Svcs

☐ General Services
☐ Cal EPA
☐ ARB - Airport Projects
☒ ARB - Transportation Projects
☐ ARB - Major Industrial Projects
☐ Integrated Waste Mgmt Bd
☐ SWRCB: Clean Wtr Prog
☐ SWRCB: Wtr Quality
☐ SWRCB: Wtr Rights
☒ Reg. WQCB # 2

X Toxic Sub Ctrl-CTC

Yth/Adlt Corrections

☐ Corrections
☐ Independent Comm
☐ Energy Commission
☒ NAHC
☒ Public Utilities Comm
☐ State Lands Comm
☐ Tahoe Rgl Plan Agency

Conservancy

Other:

Comments Received on the Draft EIR

Chapter 2

Comments Received on the Draft EIR

This chapter contains comments received on the December 2008 Draft EIR for Alameda County Transportation Authority (ACTA) East-West Connector Project.

Table 2-1 lists the agencies, organizations, and individuals who provided comments on the Draft EIR. The written comment letters are followed by testimonies of two public hearings held by ACTA, in Union City on January 14, 2009 and in Fremont on January 15, 2009. These testimonies summarize the verbal comments made at these meetings. Table 2-1 lists the comment letter number or public hearing testimony number, the commenting entity, the comment number, and the page number in Chapter 3 where the responses to the comment may be found.

The comment letters are presented in the order identified in Table 2-1, with colored pages separating the following sections.

- State, Regional and Local Agencies (Comment Letters 1-11).
- Individuals and Organizations (Comment Letters 12-31).
- Public Hearing Testimonies (Comments P1 and P2).

Table 2-1. Comments Received on the East-West Connector Project Draft Environmental Impact Report (December 2008)

Comment Letter #	Commenter	Date of Comment	Response (page in Chapter 3)
STATE AGENCIES			
1	California Department of Fish and Game (Marcia Grefsrud)	February 5, 2009	3-1
2	California Department of Transportation (Lisa Carboni)	January 26, 2009	3-4
3	California Regional Water Quality Control Board (Brian Wines)	January 26, 2009	3-9
REGIONAL AGENCIES			
4	Alameda County Congestion Management Agency (Diane Stark)	February 9, 2009	3-26
5	Alameda County Water District (Paul Piraino)	February 4, 2009	3-27
6	East Bay Regional Park District (Chris Barton)	February 5, 2009	3-35
7	Santa Clara Valley Transportation Authority (Roy Molseed)	February 2, 2009	3-40
LOCAL AGENCIES			
8	City of Fremont (Fred Diaz)	January 21, 2009	3-41
9	City of Fremont (Jim Pierson)	February 6, 2009	3-50
10	Union Sanitary District (Rollie Arbolante)	December 16, 2008	3-56
11	City of Union City (Joan Malloy)	January 9, 2009	3-57
INDIVIDUALS AND ORGANIZATIONS			
12	Ahmed, Shuja	December 13, 2008	3-61
13	Becker, Douglas	February 9, 2009	3-62
14	Bhatnagar, Ashish	January 18, 2009	3-65
15	Chawla, Pawan	January 21, 2009	3-68
16	Ciarb, Dino	Undated	3-69

Comment Letter #	Commenter	Date of Comment	Response (page in Chapter 3)
17	Czerwinski, Bob	February 9, 2009	3-70
18	David, Mike	Undated	3-72
19	Do, Cong & Loan	Undated	3-73
20	Fung, Terence	Undated	3-74
21	Gigs B	December 23 ,2008	3-75
22	Johnson, G.B	February 5, 2009	3-77
23	Lew, Jo Ann	February 9, 209	3-82
24	Mapelli, Pat	January 27, 2009	3-84
25	Mitchell, Bruce	February 6, 2009	3-95
26	Sare, Mavis	January 21, 2009	3-96
27	Shi, Yukai	December 23, 2008	3-97
28	Sojourner, Doug	February 9, 2009	3-100
29	Sojourner, Doug	February 9, 2009	3-101
30	Winter, Laura	Undated	3-104
31	Citizens for Neighborhood Integrity Group (Melodye Khattak)	February 7, 2009	3-105
PUBLIC HEARING TRANSCRIPTS			
P1	Public Hearing, Kennedy Community Center, Union City	January 14, 2009	3-149
P2	Public Hearing, Warwick Elementary School, Fremont	January, 15, 2009	3-151

Chapter 2

Comment Letters

autoresponder

From: Marcia Grefsrud [MGrefsrud@dfg.ca.gov]
Sent: Thursday, February 05, 2009 6:11 PM
To: eastwestconnector
Cc: Liam Davis; Brian Wines
Subject: Comments on DEIR East West Connector

Hi Stefan,
 I am unable to submit a formal letter prior to the close of comment period. Please accept this email as DFG comments.

This email responds to the December 2008 Draft Environmental Impact Report (DEIR) for the East-West Connector Project in the Cities of Fremont and Union City in Alameda County, California. The DEIR assesses anticipated environmental impacts resulting from the construction of a 3-mile roadway between I-880 and Mission Boulevard in south Alameda County. The East-West Connector Project (proposed project) is a 3.0-mile roadway project that would provide improved east-west access between I-880 on the west and Mission Boulevard on the east in south Alameda County. The proposed project would achieve this objective by widening existing roadways and constructing a new roadway segment. The proposed project would also provide bike lanes and sidewalks or trails along its entire length, so upon completion there would be a continuous bike and pedestrian corridor from just east of I-880 to Mission Boulevard.

DFG concurs with the comments submitted by the San Francisco Bay Regional Water Quality Control Board.

1-1

Nesting bird season should be extended to February 1 and August 31.

1-2

The project proposes to permanently impact 1.47 acres and an additional 2.85 acres at New Basin. The proposed wetland mitigation is not discussed in detail. 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.

1-3

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Streambed Alteration Agreement (SAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant.

<p>We recommend impacts be avoided, and unavoidable impacts be mitigated through minimization measures, and habitat set aside in perpetuity as open space of at least an equal area and quality as that lost. DFG may, however, require greater areas be preserved for off-site mitigation based on the value of the impacted habitat.</p>	1-5
--	-----

<p>The EIR should require surveys be performed, and results and specific mitigation and monitoring measures need to be provided to ensure impacts to sensitive species and habitats are avoided, or reduced or compensated for due to unavoidable impacts. Surveys should follow species-specific protocols, as applicable, for any sensitive, rare, threatened or endangered species that may exist in an area proposed for development. Surveys for special status species should be conducted at the proper time of the year. A current report from the Department's California Natural Diversity Data Base (CNDDB) should be obtained. A report from the CNDDB which lists no findings for the project site does not indicate these species do not exist there, only that no information is in the file. Consequently, a negative result from a CNDDB search must not be used to obviate the need for requisite surveys. We recommend consultation with the National Marine Fisheries Service, U. S. Fish and Wildlife Service and DFG be initiated to discuss potential impacts to sensitive species.</p>	<p>1-6</p> <p>1-7</p>
--	-----------------------

Questions regarding this email and further coordination on these issues should be directed to Marcia Grefsrud, Environmental Scientist, at (707)644-2812; or Liam Davis, Habitat Conservation Supervisor, at (707) 944-5529.

Comment Letter 2

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711



*Flex your power!
Be energy efficient!*

January 26, 2009

ALAGEN231
SCH#2007102078

Mr. Arthur L. Dao
Alameda County Transportation Authority
1333 Broadway, Suite 300
Oakland, CA 94612

Dear Mr. Dao:

East-West Connector Project- Draft Environmental Impact Report

Thank you for including the California Department of Transportation (Department) in the environmental review process for the East-West Connector Project. The following comments are based on the Draft Environmental Impact Report (DEIR). As lead agency, the Alameda County Transportation Authority (ACTA) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the environmental document. Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the project involves work in the State's right of way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's California Environmental Quality Act (CEQA) concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

Highway Operations

Based on the information submitted to the Department, the proposed project would impact on/off ramps at Ardenwood Boulevard/State Route 84 and Paseo Padre Parkway/State Route 84. Please provide the traffic analysis for these two intersections.

2-1

Signal Operations

The improvements should be made to achieve at least an acceptable level of service (LOS) D threshold or better at the State Route intersections with LOS E and F under Proposed Project. Freeway on/off ramp intersections should be carefully analyzed to eliminate any queuing onto the freeway, especially at the Decoto Road/Interstate 880 northbound and Decoto Road/Interstate 880 southbound ramps.

2-2

Mr. Arthur L. Dao/Alameda County Transportation Authority
January 26, 2009
Page 2

Airports within the Vicinity

Please note that the Livermore Municipal Airport and the Moffett Federal Airfield are located within the 20-mile buffer from the proposed project.

2-3

Project Coordination

We encourage the ACTA to continue to coordinate with our Project Manager, Kevin Azarmi at 510-286-7244 for all East-West Connector project related concerns.

2-4

Encroachment Permit

Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

2-5

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you have any questions regarding this letter, please call Yatman Kwan of my staff at (510) 622-1670.

Sincerely,



LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse
Stefan Garcia, EWC Project Manager



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
Secretary for
Environmental Protection

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

Arnold Schwarzenegger
Governor

Comment Letter 3

January 26, 2009
ACOE File No. 2008-00012
CIWQS Place ID No. 73250

Sent via electronic mail: No hardcopy to follow

Alameda County Transportation Authority 1333 Broadway, Suite 300
1333 Broadway, Suite 300
Oakland, CA 94612

Attn: Arthur L. Dao (c/o eastwestconnector@circlepoint.com)

**Re: Comments on the Draft Environmental Impact Report for the Alameda County
Transportation Authority East-West Connector Project
SCH No.: 2007102078**

Dear Mr. Dao:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciate the opportunity to review the December 2008 *Draft Environmental Impact Report for the Alameda County Transportation Authority East-West Connector Project* (DEIR). The DEIR assesses anticipated environmental impacts resulting from the construction of a 3-mile roadway between I-880 and Mission Boulevard in south Alameda County. At present the DEIR does not contain sufficient information to support the future issuance of a Clean Water Act (CWA) Section 401 water quality certification and/or Waste Discharge Requirements (WDRs). Water Board staff have the following comments on aspects of the Project, as presented in the DEIR, which may impact waters of the State. Full responses to these comments should be useful in developing a revised EIR that would support future State permits for the Project.

Comment 1.

Wetlands Mitigation Site. (Page 2-15)

The DEIR describes a proposed wetlands mitigation site, but makes no mention of mitigation for impacts to linear aquatic features, such as Line M. The Water Board requires that impacts to linear features be mitigated through the creation and/or enhancement of linear features. In 2006, Union City received permits to culvert another reach of Line M (11th Street Extension Project – Construction of a Box Culvert in Alameda County Flood Control District Zone 5 Line M Channel (Phases 2 & 3); Water Board Site No. 02-01-C0809; Army Corp of Engineers File No. 29305S; California Department of Fish and Game Notification No. 1600-2004-0904-3). This represented a significant impact to waters of the State and federal waters, and the resource agencies issued permits for this impact with great reluctance after over a year of discussions with Union City. Authorization for this fill of Line M was finally allowed, with significant mitigation involving creek daylighting, because of a number of unique circumstances. None of these unique circumstances are applicable to the proposed culverting of 1,100 linear feet of Line M that

3-1a

predominantly consist of a vegetated earthen channel. This channel provides habitat values and water quality treatment that would be completely lost if the channel were to be placed in the proposed box culverts. The project proponent should be aware that there are significant and potentially insurmountable barriers to receiving permits for the culverting of 1,100 linear feet of Line M. In the extremely unlikely situation that culverting of the channel were accepted by the agencies, appropriate mitigation would be expensive and require a minimum of 20 years of post-creation maintenance and monitoring.

3-1a
cont'd

3-1b

The proposed wetland mitigation design is still at a conceptual stage. The project proponent should be aware that water quality certification for impacts to waters of the State will not be issued until the Water Board has approved a mitigation plan, including a maintenance and monitoring program, for the proposed onsite restoration project. Conceptual plans are not appropriate to support the issuance of water quality certification. In addition, the present conceptual mitigation plan does not contain sufficient detail to demonstrate that the proposed mitigation will be sufficient to offset the Project's impacts. 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.

3-1c

Comment 2.

Line M Channel and Diversion Pipeline (Page 2-23).

As noted above, the DEIR should include appropriate mitigation for the fill of Line M. Since Line M is a linear feature, appropriate mitigation must address both acres of impact and linear feet of impact. In addition, the DEIR should include mitigation for the proposed outfall structure and rock slope protection that will line the proposed 84-inch diameter pipeline to Old Alameda Creek. As was noted above, it may not be possible for the project proponent to obtain permits for the proposed culverting of the Line M channel.

3-2a

Information provided to the Water Board in advance of a February 13, 2008, interagency meeting at the Army Corps of Engineers office in San Francisco indicated that the Line M channel might be realigned, with excess flows diverted to a new culvert. The current proposal to completely culvert 1,100 linear feet of the channel was not adequately disclosed at that time.

3-2b

Comment 3.

Section 2.4, Required Permits and Approvals (Pages 2-26 and 2-27).

In Table 2-3, "Line M" should be added to the "reason required" column for the California Department of Fish and Game (CDFG), the Regional Water Quality Control Board (Water Board), and the U.S. Army Corps of Engineers (ACOE). In addition, "Alameda Creek Flood

3-3

Control Channel” should be added in this column for the Water Board and the ACOE, and both of the impacted basins (New Basin and Basin 2C) should be added to this column for the Water Board.

3-3
cont'd

Comment 4.

Figure 3.1-13, Visual Simulation # 5, Eastern Bridge Over Old Alameda Creek.

In the “after” simulation, there appears to be some sort of structure that wraps around the bent on the far bank and extends up the far bank. Please explain the nature of this structure. If it is some sort of retaining wall or abutment, its entire footprint below the top of bank should be included in the summary of impacts to waters of the State.

3-4

Comment 5.

Potentially Jurisdictional Waters of the United States (Pages 3.3-8 and 3.3-9).

The DEIR should be revised to include potentially jurisdictional waters of the State. For linear features, such as the Alameda Creek Flood Control Channel, Old Alameda Creek Historic Channel, Crandall Creek, and Line M, all area between the top of banks should be included. In addition, for linear features, impacts should be expressed in terms of “linear feet”, as well as in “acres”; Table 3.3-2 should be revised to include linear feet of impacts. In addition to any fill of a linear feature, linear feet of impacts should include any structures, such as bents, abutments, coffer dams, lengths of temporarily dewatered channel segments, outfall structures, bank armoring, etc. In addition, Table 3.3-2 should be revised to include potential jurisdictional waters of the State, or a separate table should be prepared that summarizes potential jurisdictional waters of the State. Please note that mitigation for impacts to linear features should compensate for both impacts to acres and linear feet.

3-5

Comment 6.

Other Waters, Detention Basins (Page 3.3-10).

Text in this paragraph states that, “[N]ew Basin was determined to support non-jurisdictional features.” However, New Basin may contain features that are subject to the jurisdiction of the State. The DEIR should be revised to clearly distinguish between ACOE jurisdiction and State jurisdiction (State jurisdiction should include features that are subject to regulation by the Water Board and features that are subject to regulation by CDFG). Whenever the word “jurisdiction” is used to describe aquatic features, the text should clearly identify whether the jurisdiction is federal, State, or both.

3-6

Comment 7.

Table 3.3-5, Special-Status Wildlife and Fish Species with Potential to Occur in the Study Area (Page 3.3-18).

Text in this table concludes that there is no habitat present in the study area capable of supporting the California tiger salamander (CTS). However, CTS were detected in significant numbers in a seasonal pond in the UPRR alignment in Fremont, during surveys related to a grade separation project. This seasonal pond habitat does not appear to be significantly different from habitat present along Old Alameda Creek. We encourage you to contact the U.S. Fish and Wildlife Service (USFWS) and CDFG (Marcia Grefsrud is familiar with the CTS feature in Fremont,

3-7

mgregsrud@dfg.ca.gov) to re-evaluate the potential for CTS to be present in the study area. If USFWS and/or CDFG confirm the potential presence of CTS in the study area, a discussion of CTS should be added to the revised DEIR.

3-7
cont'd

Comment 8.

California Statutes and Regulations, Porter-Cologne Water Quality Control Act (Page 3.3-36).

The following text should be added to this section and to the discussion of the Porter-Cologne Water Quality Control Act on page 3.7-8.

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

3-8

Comment 9.

Impact BIO-6 and Mitigation Measures BIO-4 and 5 (Pages 3.3-46 and 3.3-47).

Water Board staff recommend modifying these mitigation measures to specifically address avoiding acoustic damage to all fish species, including steelhead, associated with pile driving in the Alameda Creek Flood Control Channel and in Old Alameda Creek. Complete dewatering of the channel around the pile driving equipment may be necessary to protect aquatic life from injury or mortality associated with pile driving.

3-9

Comment 10.

Mitigation Measure BIO-9 (Pages 3.3-49 and 3.3-50).

Text in this section states that, "[C]onstruction activities would result in temporary disturbance to an undetermined amount of willow riparian woodland and scrub." As the DEIR correctly notes, willow riparian woodland and scrub is a sensitive plant community. Therefore, the DEIR should have made a serious effort to quantify temporary impacts to this habitat. In addition, proposed mitigation should have been provided for this impact, and this mitigation proposal should have included the quantity of mitigation habitat to be created, as well as locations at which this mitigation can be successfully implemented. Without this information, Water Board staff cannot assess whether or not the proposed mitigation is adequate to reduce temporary impacts to a less than significant level, or assess the likelihood of success of the proposed mitigation. Since an

3-10

EIR should provide both proposed impacts and proposed mitigation measures for public review, the DEIR should be revised to quantify temporary impacts to willow riparian woodland and scrub and identify the locations at which proposed mitigation measures can be fully implemented. Provision of this information in a Final EIR is inappropriate, since this information would not have been subject to public review before the Final EIR was adopted.

3-10
cont'd

Comment 11.

Mitigation Measure BIO-10 (Pages 3.3-50 and 3.3-51).

Text in this section states that, "A wetlands mitigation plan will be developed". Since, at present, Water Board staff have only been provided with a conceptual mitigation plan, we are not able to assess whether or not the proposed mitigation will be sufficient to reduce Project impacts to a less than significant level. For example, we are not able to evaluate whether or not the proposed conceptual plan would actually be capable of providing the acres of mitigation proposed in the DEIR.

3-11a

The proposed quantities of wetland mitigation may also be insufficient. Mitigation measures should include factors to account for temporal losses of habitat, the uncertainty of success associated with any mitigation project, and potential distances between the areas of impact and the mitigation sites. Although some of the mitigation for impacts to wetlands will be in-kind, with the exception of the impacts to Old Alameda Creek, the wetland mitigation will be "offsite". When mitigation is constructed offsite, the amount of mitigation should be increased to account for the distance between the impact site and the mitigation site. In addition, it appears that the mitigation site will be constructed after the impacts to waters of the State occur. Therefore, mitigation is required for the temporal loss of habitat between the time that habitat is impacted and the time that the mitigation site has developed sufficiently to be fully functioning as habitat. Finally, the amount of proposed mitigation should account for the uncertainty associated with the successful creation of any wetland mitigation site.

3-11b

Based on Figure 3.3-3, it appears that the conceptual mitigation plan would remove a significant quantity of existing riparian vegetation along Old Alameda Creek. Mitigation must be provided for impacts to riparian habitat and wetlands that are associated with the creation of the proposed mitigation site. The current proposal does not appear to include mitigation for impacts associated with creating the mitigation site.

3-11c

Please prepare a more detailed mitigation plan that demonstrates that the proposed project is hydrologically feasible and that the mitigation site can provide sufficient mitigation for the impacts to the Alameda Creek Flood Control Channel, Old Alameda Creek, Line M, Basin 2C, New Basin, and impacts at the mitigation site. Also, as is noted later, the mitigation proposal should be expanded to include mitigation for impacts to linear features. Since an EIR should provide both proposed impacts and proposed mitigation measures for public review, the DEIR should be revised to include a more detailed mitigation proposal for public review. Provision of this information in a Final EIR is inappropriate, since this information would not have been subject to public review before the Final EIR was adopted.

3-11d

Basic 2C was created by a previous project to provide mitigation for impacts to waters of the State. When the Water Board accepts a created wetland as mitigation for impacts to waters of the State, our expectation is that the created mitigation will be preserved in perpetuity. When a project proposes to destroy a mitigation site, the amount of mitigation for this impact should, therefore, be increased.

3-11e

Comment 12.

Impact BIO-11, Loss of Wetlands and Other Waters of the United States and of the State (Pages 3.3-52 and 3.3-53).

The discussion of this impact summarizes impacts to several water bodies, including the Line M Channel, Detention Basin 2C, and the New Basin, which will be completely filled by the Project. The Line M Channel and Detention Basin 2C are waters of the State and the New Basin may be a water of the State. The DEIR does not discuss alternatives to the fill of these features or document that these features cannot be avoided. The fill of these features appears to represent some of the most significant water-related impacts of the Project. The DEIR should have evaluated alternatives to the fill of these waters.

3-12a

The discussion of the Line M channel refers to the fill of 0.23 acres. It is not clear whether or not 0.23 acres refers to the entire surface area of the channel, or just to the surface area below the ordinary high water mark (OHWM). For review by State agencies, the entire surface area of the channel should be reported. According to text on page 3.7-2, the Project proposes to fill 1,100 linear feet of the Line M channel that is currently an open, vegetated channel. In addition to providing some aquatic habitat values, this channel helps to remove pollutants from urban runoff in the watershed. Fill of this channel is a significant impact that cannot be authorized by the Water Board without a significant demonstration that such fill is unavoidable. If authorization for fill is obtained, impacts to a linear feature must be mitigated at other linear features. Although impact and mitigation sites are evaluated on a case-by-case basis, the project proponent should propose creek creation on the order of 2,000 to 3,000 linear feet as mitigation for this impact. If creek enhancement or preservation is proposed as mitigation for fill of the channel, an even greater length of channel should be proposed as a mitigation site.

3-12b

Since the current DEIR does not include mitigation for Line M as a linear feature, a revised DEIR should be circulated with the proposed mitigation measures, so that the public has an opportunity to evaluate the adequacy of the proposed mitigation.

3-12c

When proposing mitigation for the fill of a channel, please bear in mind that the design of a geomorphically stable creek channel is a complex process. Designs acceptable to the resource agencies should be based on the collection of five or more years of site-specific data, including, but not limited to, sediment load, bankfull flow elevations, and cross-section and thalweg stability. Such data will be essential to developing a design that could be submitted to the resource agencies for review and approval. Any channel creation would also require significant post creation maintenance and monitoring in newly created and/or restored channels. A minimum of twenty years of post-construction monitoring are likely to be necessary to properly evaluate the post-creation stability of the creek channel. In addition, contingency measures must

3-12d

be developed so that corrective measures can be rapidly implemented in the event that the channel creation/restoration proves to be unstable. The project would also need to ensure that adequate funding for contingency measures was available. Any permits issued for the proposed channel would probably require that the project proponents provide the resource agencies with a bond containing sufficient funding for the implementation and long-term monitoring and maintenance of contingency measures. And the project proponent would remain financially liable for the mitigation until the mitigation feature had achieved all of its success criteria. In the event that the mitigation site were to prove to be unable to meet its success criteria, then the project proponent would be financially responsible for designing, implementing, maintaining, and monitoring an alternate mitigation site.

3-12d
cont'd**Comment 13.****Impact HWQ-3, Increased Runoff from New Impervious Surfaces and Adverse Impacts on Surface Waters (Pages 3.7-17 and 3. 7-18).**

The discussion of this impact does not address the loss of water quality treatment provided by the Line M Channel, Detention Basin 2C, and the New Basin, which will be completely filled by the Project. The Line M Channel provides treatment via filtering of runoff in the channel's vegetation and through biological processes that occur in both shallow water and the root zone of the earthen channel banks. The two basins also provide opportunities for pollutants to settle out of urban runoff before the water is discharged to Line M or the Alameda Creek Flood Control Channel. The Project should be revised to provide mitigation for these lost treatment capabilities.

3-13

Comment 14.**Mitigation Measure HWQ-5, Construct Tree Wells and Infiltration Basins to Implement the Hydrograph Modification Management Plan for Stormwater runoff (Pages 3.7-18 and 3.7-19 and Section 5.2.3 in Appendix M).**

The Project proposes to use proprietary tree well filtration devices and infiltration devices to provide treatment for the impervious surfaces created by the Project. At relatively undeveloped sites, such as much of the right-of-way of the new road sections, stormwater best management practices (BMPs) should consist of landscape-based treatment devices, such as vegetated swales, detention basins, or bio-retention cells. In general, the use of mechanical separators or media filters (including tree well filtration devices) is discouraged, because these devices require much more rigorous oversight and maintenance than landscape-based treatment devices.

3-14

At present, Water Board staff strongly prefer that proprietary tree well filtration devices be used only in locations that are demonstrably unsuitable for the use of landscape-based stormwater treatment BMPs. Since the Project site has many opportunities for landscaping, there is no apparent reason why swales or bioretention cells can't be used to treat all of the runoff from the new roadways. In cases where we concur that landscape-based treatment is infeasible, we are asking that the capacity of the installed tree well filtration devices be twice the predicted required capacity for the devices. This is because we do not yet have field data on tree well filtration device performance in this region. Some research suggests that in climates with long dry seasons

and large gaps between rainfall events in the wet season, there may be multiple conditioning periods in each wet season, during which removal rates may be low or potentially negative. The DEIR lacks information on sizing these devices for the Project's watershed.

The proposed infiltration devices may be acceptable to the Water Board, but the Project still lacks site-specific soil data to demonstrate that appropriate soils are present at the proposed infiltration device locations (See page 28 of Appendix M). In addition, the DEIR lacks calculations to support the proposed size of the infiltration devices.

At sites that require CWA Section 401 Water Quality Certification from the Water Board and/or Waste Discharge Requirements, the Water Board has authority to approve post-construction stormwater management plans. Therefore, since waters of the State will be impacted by the Project, stormwater management plans for the Project must be acceptable to the Water Board. Effective stormwater treatment is especially crucial for all runoff that will be discharged to Old Alameda Creek, since the only mitigation site in the current Project proposal is located along Old Alameda Creek.

3-14
cont'd

Comment 15.

Appendix H, Wetland Delineation for the East-West Connector Project (Pages 3.2 and 3.3).

As discussed in an earlier comment, this Appendix only addresses ACOE jurisdiction. For linear features like the Line M channel, Old Alameda Creek, and the Alameda Creek Flood Control Channel, the entire area between top-of-bank and top-of-bank should be described as potential waters of the State. Any structure (bridge abutments, bridge bents, outfalls, bank armoring, etc.) in these areas may represent impacts to a water of the State that requires appropriate mitigation.

In addition, all areas of the basins that are subject to regular inundation should be treated as potentially jurisdictional, in addition to the portions of the basins with wetlands soils, vegetation, and hydrology.

3-15

Comment 16.

Appendix I, Draft Hydrology and Hydraulics Study for the East-West Connector Project.

The hydraulic analyses only address flood flow conveyance. The study should be revised to address impacts on channel stability, such as increased scour associated with new bridge bents. At present it appears that some bridge bents will be located in the active channel of the Alameda Creek Flood Control Channel. Bridges should be re-designed to avoid placing any structures in the low flow channel.

3-16

3-17

Comment 17

Appendix M, Draft Water Quality Study Report for the East-West Connector Project (Page 30).

Text on page 30 refers to the construction of several new outfalls into Old Alameda Creek. The DEIR does not explain how many of these outfalls are proposed or include the surface area of the outfalls and any associated bank armoring in the summary of impacts to waters of the State.

3-18

Comment 18**Appendix M, Draft Water Quality Study Report for the East-West Connector Project, Water Quality Assessment Checklist, Section c (Page 30).**

Text on page 30 states:

The following permits would be required for impacts to drainages within jurisdictional areas: a USACE 404 Permit, 401 Water Quality Certification from the SFBRWQCB, and a Streambed Alteration Agreement from the California Department of Fish and Game. All permit requirements would ensure a less than significant impact to drainage patterns on-site.

3-19

Obtaining these permits is a legal requirement, not a mitigation measure. Mitigation may be a condition of such permits, but the project proponent is responsible for developing appropriate mitigation measures and circulating specific mitigation proposals in a DEIR.

Comment 19**Appendix M, Draft Water Quality Study Report for the East-West Connector Project, Water Quality Assessment Checklist, Section d (Page 30).**

The discussion of the proposed culverting of the Line M channel fails to note that the construction of the culvert is itself a substantial alteration of an existing drainage pattern.

3-20

Comment 20**Appendix M, Draft Water Quality Study Report for the East-West Connector Project, Water Quality Assessment Checklist, Section d (Page 30).**

Text in this section states:

While the proposed EWC Project would introduce additional pavement/impervious surface area, the affect on the flow rate and the amount of surface water runoff would be negligible in comparison to the overall watershed of the receiving water bodies.

3-21

This statement indicates a fundamental misunderstanding of the impacts of development with respect to non-point source pollution and hydro-modification. It is extremely rare for a single project to have a significant impact on water quality and hydro-modification within a watershed. Rather, it is the cumulative impact of many individually less significant projects that significantly impairs water quality and erodes the channels of receiving waters.

Comment 21**Summary of Comments.**

In its present form the DEIR lacks a sufficiently adequate discussion of impacts and proposed mitigation measures to support the issuance of Section 401 Water Quality Certification or WDRs. Since several impacts are not addressed in the DEIR and mitigation measures are either conceptual, or in the case of impacts to Line M, not presented in any form, the DEIR should be revised and re-circulated. Re-circulation is necessary to allow for review and comment on the impacts and proposed mitigation. The following areas require further evaluation in the revised DEIR.

3-22

- Quantification of temporary impacts to willow riparian woodland and scrub and identification of the locations at which proposed mitigation measures can be fully implemented.
- A more detailed mitigation proposal is necessary for permanent impacts to willow riparian woodland scrub and wetlands.
- A mitigation proposal is necessary for impacts to the Line M channel; this mitigation proposal must provide adequate mitigation in terms of linear feet.
- Mitigation is necessary for the lost runoff treatment capacity that will result from fill of Line M and the two basins.
- Project designs that avoid fill of the Line M channel, which faces significant barriers to receiving permits, should be evaluated.
- All impacts to potential waters of the State, and appropriate mitigation, should be presented.
- Post-construction stormwater BMPs should rely entirely on landscape-based treatment.
- The hydraulic analyses should include impacts on channel stability.
- Bridge design should avoid placing structures in the low flow (active) channel.

3-22
cont'd

Since an EIR should provide both proposed impacts and proposed mitigation measures for public review, the DEIR should be revised to include a more detailed mitigation proposal for public review. Provision of this information in a Final EIR is inappropriate, since this information would not have been subject to public review before the Final EIR was adopted.

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

Sincerely,



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

cc: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (by fax: 916-323-3018)
USACE, San Francisco District, Attn: Regulatory Branch, 1455 Market Street, San Francisco, CA 94103-1398 (Paula.C.Gill@usace.army.mil, Holly.N.Costa@spd02.usace.army.mil, Mark.r.d'avignon@spd02.usace.army.mil)

CDFG, Central Coast Region, Attn: Marcia Grefsrud, P.O. Box 47, Yountville CA 94599 (mgrefsrud@dfg.ca.gov, sbrunson@dfg.ca.gov)

National Marine Fisheries Service, Attn: Gary Stern, 777 Sonoma Avenue, Suite 325, Santa Rosa, CA 95404 (Gary.stern@noaa.gov)

United States Department of the Interior, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, , 2800 Cottage Way, Room W-2605, Sacramento, CA 95825-1846 (Ryan_Olah@fws.gov, kim_squires@fws.gov)

EWC Environmental Document, Attn: Stefan Garcia, EWC Project Manager, c/o Circle Point, 555 12th Street, Suite 290, Oakland, CA 94607, (eastwestconnector@circlepoint.com)



ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

Comment Letter 4

1333 BROADWAY, SUITE 220 • OAKLAND, CA 94612 • PHONE: (510) 836-2560 • FAX: (510) 836-2185
E-MAIL: mail@accma.ca.gov • WEB SITE: accma.ca.gov

February 9, 2009

AC Transit
Director
Greg Harper

Alameda County
Supervisors
Nate Milley
Scott Haggerty

City of Alameda
Mayor
Beverly Johnson
Vice Chair

City of Albany
Councilmember
Farid Javandel

BART
Director
Thomas Blalock

City of Berkeley
Councilmember
Kris Worthington

City of Dublin
Mayor
Tim Sbranti

City of Emeryville
Vice-Mayor
Ruth Atkin

City of Fremont
Councilmember
Robert Wiekowski

City of Hayward
Councilmember
Olden Henson

City of Livermore
Mayor
Marshall Kamena

City of Newark
Councilmember
Luis Freitas

City of Oakland
Councilmember
Larry Reid

City of Piedmont
Councilmember
John Chiang

City of Pleasanton
Mayor
Jennifer Hosterman

City of San Leandro
Councilmember
Joyce R. Starosciak

City of Union City
Mayor
Mark Green
Chair

Executive Director
Dennis R. Fay

Mr. Arthur L. Dao
Deputy Director
ACTIA
1333 Broadway, Ste. 300
Oakland, CA 94612

Dear Mr. Dao:

SUBJECT: Comments on the Draft Environmental Impact Report for the East West Connector Project

Dear Mr. Dao:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the East West Connector Project. The project is located within the Cities of Fremont and Union City. The project would provide a connection between I-880 on the west and Mission Boulevard (State Route 238) on the east. The 2.6 mile alignment would be a combination of constructing a new roadway segment and widening two existing roadways.

The ACCMA respectfully submits the following comments:

- If the East West Connector project becomes a State Route, it will become a CMP route, for which ACCMA will monitor the Level of Service. | 4-1
- The project is in the Countywide Transportation Plan. | 4-2

Once again, thank you for the opportunity to comment. Should you have any questions or require any additional information, please do not hesitate to contact me at (510) 836-2560.

Sincerely,

Diane Stark
Senior Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2009



DIRECTORS
JAMES G. GUNTHER
President
MARTIN L. KOLLER
Vice President
JUDY C. HUANG
ARTHUR LAMPERT
JOHN H. WEED

43885 SOUTH GRIMMER BOULEVARD • P.O. BOX 5110, FREMONT, CALIFORNIA 94537-5110
(510) 668-4200 • FAX (510) 770-1793 • www.acwd.org

MANAGEMENT
PAUL PIRAINO
General Manager
WILBERT LIGH
Finance Manager/Treasurer
ROBERT SHAVER
Engineering Manager
WALTER L. WADLOW
Operations Manager

February 4, 2009

EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o Circle Point
555 12th Street, Suite 290
Oakland, CA 94607

Dear Mr. Garcia:

Subject: Draft Environmental Impact Report for the East West Connector Project

The Alameda County Water District (ACWD) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the East West Connector Project (Project).

ACWD supplies water to a population of over 330,000 in the cities of Fremont, Newark, and Union City. ACWD was formed in 1914 by an act of the California Legislature for the purpose of protecting the water in the Niles Cone Groundwater Basin and conserving the water of the Alameda Creek Watershed. Local runoff along with imported water is percolated into the Niles Cone Groundwater Basin through recharge in Alameda Creek itself and through recharge ponds within the Quarry Lakes Regional Recreational Area and adjacent areas. The water is subsequently recovered through groundwater production wells and provided as potable supply to ACWD's customers. A key objective for ACWD is to ensure the protection of the groundwater basin that constitutes this important source of water supply.

ACWD conducts groundwater management and protection activities under the statutory authority granted to ACWD under the County Water District Law (commencing with Section 30000 of the Water Code); the Replenishment Assessment Act of the Alameda County Water District (Section 4, Chapter 1942 of the Statutes of 1961, as amended in 1970 and 1973), which grants additional powers to ACWD to prevent pollution, contamination, or diminution in quality of the groundwater supply; local well ordinances (Fremont No. 950, as amended; Newark No. 136; and Union City No. 109-73); agreements with other agencies; and local hazardous materials ordinances.

ACWD has reviewed the DEIR and would appreciate ACTA's consideration of the following comments:

1. **Section 2.2.1 - Existing Roadway Improvements, Page 2-7**

In addition to utility poles and storm drain drop inlets, existing water meters, hydrants, vaults and boxes, air valves and other water related facilities are expected to require relocation to conform to the widened roadway. Please see comments related to PSR-1 below.

5-1

2. **Section 2.2.2 - New Roadway and Other Infrastructure Improvements, Pages 2-8 & 2-9**

The DEIR indicates the New Roadway would include a landscaped median and a landscaped buffer for the Class I bike and pedestrian trail. However, there are no existing water mains which front the area from which to provide irrigation service, nor are any proposed as part of the Project. Any plans to provide service to project irrigation should be coordinated with ACWD early in the design stage.

5-2a

The gravel channel bottom of the Alameda Creek Flood Control Channel provides significant percolation capacity for recharging the groundwater basin and should be protected from deleterious materials and contaminants found in runoff from heavily trafficked roadways. Treatment devices to either remove or sharply attenuate these contaminants are needed to prevent the direct discharge of roadway pollutants into the flood control channel.

5-2b

3. **Section 2.3.1 - Construction Timing, Page 2-17**

Proposed construction of the Project is anticipated between 2011 and 2015. Bridge construction and other work involving Alameda Creek concern ACWD because of the possible constraints that may be imposed on normal water operations. ACWD requests that as much notice as practical be given of planned project activities in Alameda Creek so that requests are coordinated in timely fashion and any unavoidable impacts on water delivery schedules are minimized.

5-3

4. **Section 2.3.2 - Construction Methodology, Alameda Creek Flood Control Channel Bridge, Pages 2-21 to 2-22**

The additional bridge crossings of the Alameda Creek Flood Control Channel and Old Alameda Creek pose increased risks for the direct release of fuel or other contaminating chemicals into the underlying waterway due to roadway accidents. Appropriate safeguards and controls should be incorporated into the design of these bridges to help prevent the direct release of contaminated runoff to the environment. These design measures will help reduce the threat of contamination to the water used for recharging the groundwater basin which constitutes a significant portion of ACWD's drinking water supply.

5-4

5. **Section 2.3.2 - Construction Methodology, Staging Area, Phase 2: Construction of New Roadway Segment (Paseo Padre Parkway to Alvarado-Niles Road) Page 2-24.**

The first bullet in this section proposes to use the ACWD property as a staging area for construction. ACWD has not been approached by ACTA about using this property for a staging area so before final design begins, ACTA should contact ACWD and enter into

5-5

discussions regarding this issue. A formal agreement between ACTA and ACWD will be required prior to ACTA's use of ACWD property.	5-5 cont'd
<p>6. Section 2.4 - Required Permits and Approvals, Table 2-3, Page 2-26</p> <p>Any work involving public water system construction or modifications will require improvement plan approval by ACWD and must be conducted under a Permit for Water Main Construction issued by ACWD. Under "Alameda County Water District, Reason Required," please add: "plan approval and permit required for public water facility modification or construction."</p>	5-6
<p>7. Section 2.4 - Required Permits and Other Approvals, Table 2.3, Page 2-26</p> <p>For the Alameda County Water District line item, the "Reason Required" section should be modified to also include "anywhere subsurface drilling activities occur and where groundwater may be impacted."</p>	5-7
<p>8. Section 3.6.2 - Environmental Setting, Wells in Project Vicinity, Figure 3.6-2</p> <p>The EDR search only identified three wells located within a 0.25-mile search of the project alignment (one monitoring well and two water wells). ACWD records indicate additional wells are located within 0.25-miles of the project alignment. Therefore, additional research should be conducted to identify all wells located within 0.25-miles of the project alignment.</p>	5-8
<p>9. Section 3.6.2 - Phase I Environmental Site Assessment, Page 3.6-2</p> <p>The second bullet states that residual total petroleum hydrocarbon (TPH) soil contamination below 10 feet mean sea level (MSL) at the Pacific States Steel Corporation (PSSC) property would likely be left in place since the roadway alignment located in this area consists of a depressed section excavated to an elevation of approximately 16 feet MSL. This is true; however, the document does not address the residual TPH-impacted soil that was left in place in the sidewalls of PSSC's "Deep TPH No. 4" and "Deep TPH No. 6" excavations, which are located along the northeast and northwest sections of the BART and UPRR Grade Separation. Residual TPH contamination left in place in these areas is encountered at depths of approximately 10 to 27 feet MSL.</p>	5-9
<p>10. Section 3.6.2 - Environmental Case and Records Review, Pacific States Steel Corporation-Union City, Page 3.6-6</p> <p>The DTSC certification issued in 2006 "determining that the cleanup of all hazardous substances on the site is now complete" only pertains to soil in the residential areas of the property, as well as beneath roadways. As stated above, residual soil contamination was left in place along the northeast and northwest sections of the BART and UPRR Grade Separation. In addition, concentrations of TPH were detected in shallow groundwater at these same locations. The TPH-impacted groundwater will need to be addressed during excavation and any planned dewatering activities in this area.</p>	5-10
<p>The second paragraph states that further investigations would be required at the PSSC property to address the potential soil and groundwater contamination. As part of ACWD's</p>	5-11

<p>Drilling Permit Application, a work plan must be submitted for review and approval for all chemical investigations. Information required in the work plan is described in ACWD's Groundwater Monitoring Guidelines and may be obtained from ACWD's Engineering Department, at 43885 South Grimmer Boulevard, Fremont or online at http://www.acwd.org/engineering/groundwater.php5#gwtr_prot_guidelines.</p>	5-11 cont'd
<p>11. Section 3.6.3 - Project Impact HAZ-2, Page 3.6-16, and Mitigation Measure HAZ-1, Page 3.6-17 Subsurface soil and groundwater investigations are tentatively proposed in these sections. As stated in comment #10 above, a work plan must be submitted to ACWD for review and approval for all chemical investigations.</p>	5-12
<p>12. Section 3.6.3 - Mitigation Measure HAZ-2, Page 3.6-17 to 19 Historical records indicate the existence of a number of abandoned wells located within the project alignment. Since most of the wells have not been located, ACWD requests that the DEIR include the provision that project proponents coordinate with ACWD so that: a) ACWD can assist in identifying abandoned wells, and b) any wells identified or discovered during construction are properly destroyed in accordance to ACWD specifications.</p>	5-13
<p>If hazardous materials, underground storage tanks, soil contamination, or groundwater contamination is encountered during excavation/construction activities, ACWD should be included in the notification and reporting procedures.</p>	5-14
<p>13. Section 3.6.3 and 3.7.2 - Mitigation Measure HWQ-4, Page 3.6-15 to 16 and 3.7-16 to 17 If a spill of hazardous, toxic, or petroleum substances occurs during construction activities, ACWD should also be notified in addition to the City's Fire Department and DTSC. Copies of all subsequent reports related to the unauthorized discharge should also be submitted to ACWD.</p>	5-15
<p>14. Section 3.7.1 - Groundwater, Page 3.7-4 The project area lies in the <u>Below</u> Hayward Fault subbasin, and not the Above Hayward Fault subbasin. As a result, the subsequent discussion regarding water levels in the Above Hayward Fault subbasin should be replaced with a discussion of Below Hayward Fault water levels.</p>	5-16
<p>15. Section 3.7.2 - Project Impacts and Mitigation Measures, Page 3.7-13 On page 2-20, the DEIR states that continuous dewatering should not be needed since a soil-cement-mix wall is planned to create an impermeable wall around the 25 foot deep excavation for the new roadway beneath the BART and UPRR tracks. ACWD appreciates the project's goal of minimizing any impacts on the Niles Cone Groundwater Basin. However, other sections of the DEIR acknowledge that some dewatering may be necessary (e.g., page 3.6-18 states that a soil and groundwater management plan will be prepared and will include dewatering procedures; page 3.7-9 refers to permitting for dewatering</p>	5-17

activities; page 3.7-13 states that some dewatering may be required during construction of the grade separation). Any groundwater extraction from the Niles Cone is subject to a replenishment assessment fee (currently set at \$207/acre foot). Therefore, any dewatering or aquifer pump tests conducted as part of the project must be measured and the volumes reported to ACWD.

5-17
cont'd

Because of the potential significant impacts to the groundwater supply, ACWD requests the opportunity to review and comment on the construction plans and specifications prior to ACTA advertising construction bidding documents.

16. Section 3.7.2 – Project Impacts and Mitigation Measures, HWQ-6: Incorporate Site-Specific Water Quality Treatment Devices into Site Drainage Plans to Meet Water Quality Standards and Maintain Beneficial Uses, Pages 3.7-19 to 20

5-18

ACWD agrees with the need for site-specific water quality treatment devices for the project. The inclusion of specific controls and measures for the roadway bridges should be made explicit.

17. Section 3.11 - Mitigation Measure PSR-1 Conduct an Investigation of Utility Line Locations and Maintain Utility Services, Page 3.11-14

5-19

ACWD appreciates that the DEIR recognizes that utility relocations, including water facilities, may result in significant impacts to the utility and to utility customers. Mitigation Measure PSR-1 indicates detailed plans and specifications will be prepared for such utility modifications and arrangements will be made with the utilities regarding the protection, relocation, or temporary disconnection of services. Typically, all relocation or disconnection work related to public water facilities involves ACWD forces, so ACWD requests early and close coordination to minimize any impact on our facilities and customers. To the extent work is performed by others (e.g., water main construction in the re-aligned Quarry Lakes Rd. or at 7th St. near Chesapeake Dr.), the utility improvement plans must be reviewed and approved by ACWD and the work must be conducted under a Permit for Water Main Construction issued by ACWD.

In addition to the parallel and perpendicular water main separation requirements listed (beginning on line 23), ACWD requests that the mitigation measure states that the Project will observe all California Department of Public Health standards for utility construction as well as ACWD's Standard Specifications for Water Main Extension.

18. General Comment: The proposed project runs through ACWD property east of Paseo Padre Parkway and the Alameda County Flood Control Channel. Since there have been no discussions with ACWD regarding acquisition of right of way for this project, ACWD encourages ACTA to begin discussions as soon as possible.

5-20

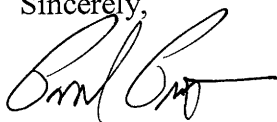
The following ACWD contacts are provided so ACTA can coordinate with ACWD as needed for the Project:

- Steven Inn, Groundwater Resources Manager, at (510) 668-4441, or by email at steven.inn@acwd.com, for coordination regarding ACWD's groundwater resources.
- Michelle Myers, Well Ordinance Supervisor, at (510) 668-4454, or by email at michelle.myers@acwd.com, for coordination regarding groundwater wells and drilling permits.
- Ed Stevenson, Development Services Manager, at (510) 668-4472, or by email at ed.stevenson@acwd.com, for coordination regarding public water systems and new services.
- Laura Hidas, Water Supply Supervisor, at (510) 668-6516, or by email at laura.hidas@acwd.com for coordination regarding Alameda Creek flows.

5-20
cont'd

Thank you for the opportunity to comment on the Project at this time. ACWD looks forward to continued coordination on this project.

Sincerely,



Paul Piraino
General Manager

pd/tf

cc: Robert Shaver, ACWD
Patricia Dustman, ACWD
Ed Stevenson, ACWD
Steven Inn, ACWD
Michelle Myers, ACWD
Walt Wadlow, ACWD
Doug Chun, ACWD
Laura Hidas, ACWD



February 5, 2009

Comment Letter 6

EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607

Sent Via E-Mail To:
eastwestconnector@circlepoint.com
February 5, 2009

**RE: ACTA EAST-WEST CONNECTOR PROJECT (ROUTE 84) DEIR
COMMENTS - EAST BAY REGIONAL PARK DISTRICT (EBRPD)**

Dear Mr. Garcia:

Thank you for providing East Bay Regional Park District (the "District") with a copy of ACTA's Draft Environmental Impact Report (DEIR) for the proposed East-West Connector Project. We operate Quarry Lakes Regional Recreation Area ("Quarry Lakes") located in the City of Fremont (south of the proposed roadway alignment) and Alameda Creek Regional Trail ("Alameda Creek Trail") under a license agreement with Alameda County Flood Control, which the planned road is proposed to cross. We previously submitted a comment letter on November 13, 2007 in response to the Notice of Preparation for this project.

The DEIR does not provide sufficient information for us to evaluate and understand the project's flood impacts to the Alameda Creek Trail or whether or not the project would restrict access along the Alameda Creek Trail for emergency and maintenance vehicles and equestrians. Mitigation measures identified for lessening construction traffic impacts do not specifically address impacts to our facilities. It is unclear if the DEIR sufficiently analyzes the construction impacts associated with the planned wetland mitigation project. The DEIR should also address the permanent loss of open space.

The District's comments on ACTA's DEIR for the project are as follows:

- I. Flood Hazards – The Alameda Creek Trail is one of our premier regional trail facilities. The quality of our trail user's experience and their safety should not be directly or indirectly compromised by the project. We requested in our NOP comment letter that trail flooding be avoided with the project design. It appears that the project has been designed in a fashion that may result in trail flooding that could potentially inundate and possibly destroy a section of the Alameda Creek Trail. Lowering the trail elevation of the Alameda Creek Trail is not sufficiently described in the project description (DEIR, p. 2-9) or analyzed in the DEIR. It is briefly described under Impact PSR-3 ("Change in Demand for Neighborhood Parks, Regional Parks, or Recreational Facilities"), which is characterized as a beneficial impact. We do not agree that this is a beneficial impact. The analysis of this impact is

6-1

<p>limited to the DEIR stating that trail users can use alternate routes during flooding events. This does not provide us with sufficient information to evaluate this impact on our facilities and the safety of our trail users and workers, nor does it recognize the impact or attempt avoiding it.</p>	<p>6-1 cont'd</p>
<p>Trail flooding events resulting from the project can accelerate the degradation of the trail surface and pose a safety hazard to trail users and our workers. Silt and debris removal from the trail will be needed following each flooding event in order to protect public health and safety. During flood events, trail closures and detours must be set up in order to protect the public. We request that the project be designed to avoid impacts to the trail or feasible mitigation measures be developed to relocate and or protect this major regional trail resource.</p>	<p>6-2</p>
<p>2. Access to Alameda Creek Trail – It is unclear in the project description whether or not the new bridge under-crossing for the Alameda Creek trail will have sufficient width and height for equestrians and service vehicles to cross under. Our standard class I trail specification calls for 10 feet of vertical height and a 10 foot wide trail with 2 foot wide shoulders. The DEIR should disclose if the new bridge will be designed with sufficient width and height for these uses to continue. Any aspect of the project that would restrict our ability to maintain the trail or restrict currently permitted trail uses would result in significant impacts on recreation, public services and traffic. These impacts should be avoided.</p>	<p>6-3</p>
<p>3. Travel Delays/User Conflicts – Construction traffic delays caused by the project may diminish the recreational experience of our visitors or discourage them from using our facilities. The DEIR does not provide sufficient information for us to evaluate and understand the impact of traffic detours and restrictions on our facilities. The traffic control plan should ensure that Quarry Lakes remains accessible, and that safe unrestricted access is available on weekends and holidays. Construction of the bridge crossing the Alameda Creek trail may significantly impair our ability to operate the trail & result in a loss of the facility for public use during this period. This is a major impact given the trail's popularity and regional non-motorized connectivity it provides. The DEIR does not state the location/alignment of the detour routes, the methodology or criteria for determining the routes or how the detour may pose a hazard to trail users. The safety of potential detour routes should be evaluated in the DEIR.</p>	<p>6-4</p>
<p>4. Wetland Restoration Plan – Analysis of the environmental impacts resulting from the restoration of wetlands should be clearly covered by the DEIR. This activity is included in the project description but it is unclear if wetland restoration is being accounted for in each impact category analysis. For example, the air quality section describes phasing of construction but does not include wetland restoration as an activity.</p>	<p>6-5</p>
<p>5. Loss of Open Space - The DEIR states that the project will eliminate more than 20 acres of "non-sensitive habitat" and concludes that this is a less than significant impact. The DEIR should recognize the value of open space as a buffer separating sensitive habitat from the urban environment. Eliminating this buffer reduces the habitat value of adjacent sensitive habitat areas and amplifies "edge effects" on the resource. The DEIR's explanation of the</p>	<p>6-6</p>

loss of open space (DEIR, p. 3.8-20) does not acknowledge that the project clearly qualifies as a "Development project" under the City of Freemont's zoning code (FMC § 8-2135.3) and is subject to Policy LU-4.4 (conservation of open space) of the City's General Plan. This policy requires that development projects "conserve the open space character of the site". Cumulative loss of open space lands, especially within the urban core, is a significant impact that should be avoided or feasible mitigation should be provided. The DEIR biological resources analysis should recognize the loss of the existing habitat buffer and how it will degrade the values of sensitive habitat in the area. The suggested mitigation ratios for sensitive habitat impacts do not appear to account for this impact.

6-6
cont'd

6. Amphibian Protection – Given the sensitive habitat within the project area, BMPs (i.e. straw waddles) and geotextile products that have plastic webbing or mesh should not be allowed. These products are known for killing amphibians. Natural fibers with sufficient diameter to not trap amphibians should be used instead of products that pose this hazard. This potential impact should be identified in the DEIR and this restriction should be included as mitigation.
7. The DEIR should state whether or not the project is subject to the requirements of Section 4(f) of the Department of Transportation Act of 1966 and Section 6(f) of the Department of Interior Land and Water Conservation Fund Act of 1965 as they relate to the Park and Trail. In particular, Section 4(f) stipulates that Department of Transportation agencies cannot approve the use of land from the Park unless:
 - There is no feasible and prudent alternative to the use of land, and
 - The action includes all possible planning to minimize harm to the property resulting from use.

6-7

6-8

Thank you for your review and consideration of our comments. We request that we be notified of any public meetings or hearings scheduled for this project and that a copy of any CEQA notices or associated documents be forwarded to us. If you have any questions or concerns, please contact me at (510) 544-2627 or via email at cbarton@ebparks.org.

Sincerely,



Chris Barton
Senior Planner
Environmental Review Department



Comment Letter 7

February 2, 2009

CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607

Attention: Stefan Garcia, EWC Project Manager

Subject: East-West Connector Project

Dear Mr. Garcia:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR to widen the existing roadway and construct a new roadway from Paseo Padre Parkway to Mission Boulevard in Alameda County. We have the following comments.

Does the proposed East-West connector, along Decoto Road and Paseo Padre Parkway (connecting I-880 on the west and Mission Boulevard on the east), change any traffic volumes along any of the following connectors in Santa Clara County in the years 2015 and 2035:

- Dixon Landing Road
- Calaveras / 237
- Tasman Drive
- Montague Expressway

The transportation and traffic section of the Draft EIR does not address traffic on any of the above mentioned roadways.

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

Sincerely,

A handwritten signature in black ink, appearing to read "RM", is written over the word "Sincerely,".

Roy Molseed
Senior Environmental Planner

RM:kh

cc: Samantha Swan, VTA

ACTA0801

ENCLOSURE A – DRAFT COMMENT LETTER

January 21, 2009

EWC Environmental Document
 Stefan Garcia, EWC Project Manager
 c/o CirclePoint
 555 12th Street, Suite 290
 Oakland, CA 94607

RE: COMMENTS ON DRAFT EIR FOR ALAMEDA COUNTY TRANSPORTATION AUTHORITY EAST-WEST CONNECTOR PROJECT

Dear Mr. Garcia:

The City of Fremont acknowledges that the East-West Connector Project is a critical element of a larger, comprehensive infrastructure improvement plan for the growing Fremont/Union City/Newark area, and we are glad that the environmental impact analysis process for this project is on track. The City of Fremont's staff had two opportunities to review an Administrative Draft of the EIR. Thank you for considering our initial comments in the current Draft EIR (DEIR). Additional staff comments that need to be addressed in the Final EIR are listed below.

- | | |
|---|-----|
| 1. Page ES-11, Meeting Project Objective of <u>improve air quality by decreasing local traffic congestion</u> . The evaluation of impacts should assess <u>daily</u> effects of the alternatives and the proposed project on air quality, not just the peak hour conditions. The conclusions should be adjusted as necessary. | 8-1 |
| 2. Figure 2-6 (after page 2-10), <u>Proposed Intersection Geometrics at Paseo Padre/Decoto Road intersection</u> . The traffic operation analysis for this intersection does not justify the three left turn lanes shown for the northbound Paseo Padre to westbound Decoto Road. We believe that two left turn lanes for this movement are sufficient. Please revise Figure 2-6 to show two left turn lanes for northbound Paseo Padre to westbound Decoto Road or document the need for the three turn lanes. If only two lanes are required, revise all discussions in the DEIR regarding improvements to this intersection accordingly. | 8-2 |
| 3. Page 2-11, <u>Quarry Lakes Drive Realignment</u> . The City of Fremont prefers Option 1 realignment, the three-way intersection option as shown in Figure 2-7a. According to the summary of the operation analysis shown in Table 3.12-6, page 3.12-30, Option 1 has a better average LOS with an average delay of 19 seconds during both the AM and PM peak hours compared to Option 2 realignment with an average delay of 24.5 seconds during the AM and PM peak hours. The alignment of Option 2 would divert more traffic to Isherwood Road in the City of Fremont and does not meet City goals of minimizing through traffic in | 8-3 |

residential areas. We also believe that leaving Osprey Drive open to Alvarado-Niles Boulevard but modifying the intersection with a restriction of right-turn in and right-turn out from Osprey will further improve the LOS for Option 1 alignment. Please modify Figure 2-7a and reanalyze the LOS for Option 1 realignment.

8-3
cont'd

4. Page 3.1-21, Mitigation AES-5: Ensure the Landscape Plan Precludes Tall Vegetation along the New Roadway Alignment between the Two Old Alameda Creek Bridge Crossings. Please explain if Simulation #4 is representative of application of this mitigation measure or would the street trees in the simulation be different? This mitigation may not be necessary, street trees provide an important softening of the urban edge and the feeling of the open space framework in the distance to the east will continue for many portions of the trail although particular views may be reduced. In addition, the open area east of photo sites #7 and #8 are reserved for future residential development and without landscape softening of this view of either future homes or sound walls there would be a more detrimental effect on the character of the area and trail than the use of street trees in the roadway landscape plan.

8-4

5. Page 3.2-43, Operational Impacts. The VMT calculations related to the project are unclear in what is the baseline geographic setting used for comparison. Is it strictly the corridor under study versus the existing travel routes or does it include the broader effect on transportation and VMT of both Union City and Fremont or is it the broader Alameda County transportation system? The final comparative point of the paragraph is to a statewide inventory. Similar comments on understanding the description of "system-wide" would apply to related items in the transportation chapter measuring congestion and travel time.

8-5

6. Page 3.3-50, Mitigation Measure BIO-7 and Figure 3.3-3: Prepare and Implement a Wetlands Mitigation Plan that Includes the Creation of New Wetlands and Waters of the United States and Replacement and Enhancement of Willow Riparian Woodland and Scrub to Replace Permanent Loss. The City of Fremont understands the reason ACTA has chosen to use the proposed location adjacent to the Mission Lakes development as the wetland mitigation site for the project. This area is adjacent to the existing wetlands in the Old Alameda Creek channel and is on land that is not suitable for development since it contains quarry tailings that are many feet deep.

8-6

However, the City is concerned as to which entity will be responsible for maintaining these wetlands in the future. Although the proposed wetland mitigation site is in the City of Fremont, the wetlands that are being impacted by the project are in Union City and are the result of actions taken by the City of Union City. The City of Fremont will not accept any maintenance responsibility for these wetlands or the adjacent areas. The City is equally concerned about ACTA assigning this maintenance responsibility to the City of Union City. It would be unusual to say the least to have a City maintain wetlands and other riparian landscape features in an adjacent City. What guarantees would Fremont have that these mitigation measures would be properly maintained years into the future with no cost to the City of Fremont?

- | | | |
|-----|--|------|
| 7. | Page 3.4-12, Impact CUL-5: <u>Change to Historic Resources from New Roadway (Less than Significant)</u> . Peterson House discussion references the Fremont Register; this historic resource is in Union City not Fremont and should be clarified as such. | 8-7 |
| 8. | Page 3.8-22, GOAL OS-4: <u>Distinctive gateways and roadway landscaping for Fremont</u> . As the design and implementation of a gateway feature has been deferred at this time, it would be appropriate to add a mitigation measure that articulates the minimum expectation of such feature in terms of size and location. | 8-8 |
| 9. | Page 3.8-23, GOAL NR-13, <u>An open space frame to the City</u> . The discussion concludes that the new roadway could encroach upon a scenic resource and that mitigation is proposed to omit tall trees. Please call out the specific mitigation measure for reference (Mitigation AES-5, page 3.1-21). See comments above on Mitigation AES-5 as well in regards to this conclusion of impact that it is indeed significant. | 8-9 |
| 10. | Page 3.8-24, Policy T 1.2.2, <u>Limit access to parkways and arterials to maintain capacity, efficiency and safety of traffic flow</u> . The project consistency determination should be clear that development of unused right-of-way for housing in the future with limited street access to the new road was taken into consideration; however individual driveway access is not planned. The EIR would still reach the same conclusion for project consistency with this clarification. | 8-10 |
| 11. | Page 3.9-28, <u>1st full paragraph</u> . Please comment on the interior noise analysis consideration of which type of sound wall, roadside or property line, was contemplated when concluding they would not provide sufficient 2 nd level noise reduction. | 8-11 |
| 12. | Pages 3.9-28, Impact NOI-7: <u>Implement Traffic Noise Reduction Treatment along the New Roadway between Paseo Padre Parkway and Alvarado-Niles Road</u> . Please discuss the options for “quiet” paving alternatives, likely effectiveness of reducing noise, feasibility that such measures can and will be employed at the time of construction, and their likely effectiveness in combination with sound wall types and heights to mitigate impacts. If the property line sound wall option is chosen for the new roadway, would a uniform wall be constructed along all properties or would individual properties be able to “opt out” of participation in having a wall constructed? | 8-12 |
| 13. | Page 4-14, Mitigation NOI-C1: <u>Contribute to City Funds to Implement Traffic Noise Reduction Treatments</u> . The City does not have a program in place or funds available for such a project in combination with ACTA. ACTA would need to implement improvements at the time of construction of the project for anticipated cumulative impacts, as there is no long-term program to conform to in the City of Fremont. This measure is likely not feasible if it requires City participation of funding to accomplish this measure as it is currently written. | 8-13 |

14. Page 5-64: Section 5.5.4 - Meeting MOU Requirements: The City concurs that “Option 2 with two access points for the new homes behind existing Mission Lakes development” (MOU Section 14(b)(ii)) does not create a new EIR alternative. However, the City wants assurance from ACTA that the addition of two access points, if properly designed, can be safely accommodated from the new East/West connector roadway if a future development is proposed.

8-14

Thank you again for the opportunity to comment on the East-West Connector Project Draft Environmental Impact Report. In addition to the Council and the City of Fremont staff comments we have identified in this letter, we have sent under separate cover comments from residents and concerned citizens to ensure their comments are included in the record and responded to appropriately in the Final EIR.

Sincerely,

Fred Diaz
City Manager

Attachment

cc: City Council (without attachment)

February 6, 2009

EWC Environmental Document
Stefan Garcia, EWC Project Manager
C/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607

**RE: COMMENTS ON DRAFT EIR FOR ALAMEDA COUNTY TRANSPORTATION
AUTHORITY EAST-WEST CONNECTOR PROJECT**

Dear Mr. Garcia:

The City of Fremont acknowledges that the East-West Connector Project is a critical element of a larger, comprehensive infrastructure improvement plan for the growing Fremont/Union City/Newark area, and we are glad that the environmental impact analysis process for this project is on track. The City of Fremont's staff had two opportunities to review an Administrative Draft of the EIR. Thank you for considering our initial comments in the current Draft EIR (DEIR). Additional staff comments that need to be addressed in the Final EIR are listed below.

- | | | |
|----|--|-----|
| 1. | Page ES-3, <u>Known Areas of Controversy, High Cost of the Project</u> : What percentage of the project cost is in the City of Fremont and in the City of Union City? | 9-1 |
| 2. | Page ES-11, Project Objectives. Will the project <u>improve air quality by decreasing local traffic congestion</u> . The evaluation of impacts should assess <u>daily</u> effects of the alternatives and the proposed project on air quality, not just the peak hour conditions. The conclusions should be adjusted as necessary. | 9-2 |
| 3. | Figure 2-6 (after page 2-10), <u>Proposed Intersection Geometrics at Paseo Padre/Decoto Road intersection</u> . The traffic operation analysis for this intersection does not justify the three left turn lanes shown for the northbound Paseo Padre to westbound Decoto Road. We believe that two left turn lanes for this movement are sufficient. Please revise Figure 2-6 to show two left turn lanes for northbound Paseo Padre to westbound Decoto Road or document the need for the three turn lanes. If only two lanes are required, revise all discussions in the DEIR regarding improvements to this intersection accordingly. | 9-3 |
| 4. | Page 2-11, <u>Quarry Lakes Drive Realignment</u> . The City of Fremont prefers Option 1 realignment, the three-way intersection option as shown in Figure 2-7a. According to the summary of the operation analysis shown in Table 3.12-6, page 3.12-30, Option 1 has a | 9-4 |



better average LOS with an average delay of 19 seconds during both the AM and PM peak hours compared to Option 2 realignment with an average delay of 24.5 seconds during the AM and PM peak hours. The alignment of Option 2 would divert more traffic to Isherwood Road in the City of Fremont and does not meet City goals of minimizing through traffic in residential areas. We also believe that leaving Osprey Drive open to Alvarado-Niles Boulevard but modifying the intersection with a restriction of right-turn in and right-turn out from Osprey will further improve the LOS for Option 1 alignment. Please modify Figure 2-7a and reanalyze the LOS for Option 1 realignment.

9-4
cont'd

5. Page 3.1-21, Mitigation AES-5: Ensure the Landscape Plan Precludes Tall Vegetation along the New Roadway Alignment between the Two Old Alameda Creek Bridge Crossings. Please explain if Simulation #4 is representative of application of this mitigation measure or would the street trees in the simulation be different? This mitigation may not be necessary, street trees provide an important softening of the urban edge and the feeling of the open space framework in the distance to the east will continue for many portions of the trail although particular views may be reduced. In addition, the open area east of photo sites #7 and #8 are reserved for future residential development and without landscape softening of this view of either future homes or sound walls there would be a more detrimental effect on the character of the area and trail than the use of street trees in the roadway landscape plan.

9-5

6. Page 3.2-43, Operational Impacts. The VMT calculations related to the project are unclear in what is the baseline geographic setting used for comparison. Is it strictly the corridor under study versus the existing travel routes or does it include the broader effect on transportation and VMT of both Union City and Fremont or is it the broader Alameda County transportation system? The final comparative point of the paragraph is to a statewide inventory. Similar comments on understanding the description of "system-wide" would apply to related items in the transportation chapter measuring congestion and travel time.

9-6

7. Page 3.3-50, Mitigation Measure BIO-7 and Figure 3.3-3: Prepare and Implement a Wetlands Mitigation Plan that Includes the Creation of New Wetlands and Waters of the United States and Replacement and Enhancement of Willow Riparian Woodland and Scrub to Replace Permanent Loss. The City of Fremont understands the reason ACTA has chosen to use the proposed location adjacent to the Mission Lakes development as the wetland mitigation site for the project. This area is adjacent to the existing wetlands in the Old Alameda Creek channel and is on land that is not suitable for development since it contains quarry tailings that are many feet deep.

9-7

However, the City is concerned as to which entity will be responsible for maintaining these wetlands in the future. Although the proposed wetland mitigation site is in the City of Fremont, the majority of the wetlands that are being impacted by the project are in Union City and are the result of actions taken by the City of Union City. The City of Fremont will not accept any maintenance responsibility for these wetlands or the adjacent areas. Because

- | | |
|---|-----------------------|
| <p>these wetlands and the adjacent riparian areas will be part of a required mitigation plan, we assume the regulatory agencies overseeing this mitigation will require ACTA to provide long-term maintenance of this area until it becomes self-sustaining. Fremont requests that ACTA provide sufficient funding in the project budget to ensure the maintenance costs needed to create a self-sustaining mitigation site are provided through a long-term maintenance contract that is funded by the project.</p> | <p>9-7
cont'd</p> |
| <p>8. Page 3.4-12, Impact CUL-5: <u>Change to Historic Resources from New Roadway (Less than Significant)</u>. Peterson House discussion references the Fremont Register; this historic resource is in Union City not Fremont and should be clarified as such.</p> | <p>9-8</p> |
| <p>9. Page 3.8-22, GOAL OS-4: <u>Distinctive gateways and roadway landscaping for Fremont</u>. As the design and implementation of a gateway feature has been deferred at this time, it would be appropriate to add a mitigation measure that articulates the minimum expectation of such feature in terms of size and location.</p> | <p>9-9</p> |
| <p>10. Page 3.8-23, GOAL NR-13, <u>An open space frame to the City</u>. The discussion concludes that the new roadway could encroach upon a scenic resource and that mitigation is proposed to omit tall trees. Please call out the specific mitigation measure for reference (Mitigation AES-5, page 3.1-21). See comments above on Mitigation AES-5 as well in regards to this conclusion of impact that it is indeed significant.</p> | <p>9-10</p> |
| <p>11. Page 3.8-24, Policy T 1.2.2, <u>Limit access to parkways and arterials to maintain capacity, efficiency and safety of traffic flow</u>. The project consistency determination should be clear that development of unused right-of-way for housing in the future with limited street access to the new road was taken into consideration; however individual driveway access is not planned. The EIR would still reach the same conclusion for project consistency with this clarification.</p> | <p>9-11</p> |
| <p>12. Chapter 3.9, <u>Noise Impacts</u>: The Draft EIR frequently refers to implementation of "reasonable and feasible" noise impact mitigation measures that will be decided upon through consideration of a follow-up acoustical study. The City of Fremont requests that the concept of "reasonable and feasible" be elaborated upon with an explanation of what factors will be considered in reaching the final conclusion of what constitutes appropriate feasible mitigation measures for the project. Among other things, the City is concerned that if the Project has a future budget shortfall, ACTA could determine that appropriate noise mitigation measures are no longer feasible due to a lack of funding. We want to ensure this will not occur.</p> | <p>9-12</p> |
| <p>13. Page 3.9-28, <u>1st full paragraph</u>. Please comment on the interior noise analysis consideration of which type of sound wall, roadside or property line, was contemplated when concluding they would not provide sufficient 2nd level noise reduction.</p> | <p>9-13</p> |

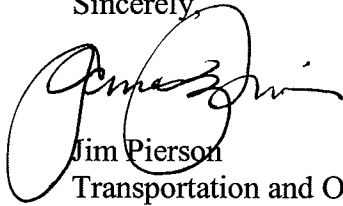
14. Pages 3.9-28, Impact NOI-7: Implement Traffic Noise Reduction Treatment along the New Roadway between Paseo Padre Parkway and Alvarado-Niles Road. Please discuss the options for “quiet” paving alternatives, likely effectiveness of reducing noise, feasibility that such measures can and will be employed at the time of construction, and their likely effectiveness in combination with sound wall types and heights to mitigate impacts. If the property line sound wall option is chosen for the new roadway, would a uniform wall be constructed along all properties or would individual properties be able to “opt out” of participation in having a wall constructed? 9-14
15. Table 3.9-5 (page 3.9-18): Project-Related Increases in Traffic Noise, Roadway Widening and Page 4-11: Noise and Vibration: The project impact analysis is unclear why 2035 was chosen as the project condition rather than 2015 when the project is predicted to open. It appears the project analysis considers both the cumulative and project impacts to be the same timeframe, but differentiates by applying different thresholds. Please provide clarification on the appropriate project condition baseline comparison year and corresponding impact analysis. 9-15
16. Page 4-14, Mitigation NOI-C1: Contribute to City Funds to Implement Traffic Noise Reduction Treatments. The City does not have a program in place or funds available for such a project in combination with ACTA. ACTA would need to implement improvements at the time of construction of the project for anticipated cumulative impacts, as there is no long-term program to conform to in the City of Fremont. This measure is likely not feasible if it requires City participation of funding to accomplish this measure as it is currently written. 9-16
17. Page 5-64, Section 5.5.4: Meeting MOU Requirements: The City concurs that “Option 2 with two access points for the new homes behind existing Mission Lakes development” (MOU Section 14(b)(ii)) does not create a new EIR alternative. However, the City wants assurance from ACTA that the addition of two access points, if properly designed, can be safely accommodated from the new East/West connector roadway if a future development is proposed. 9-17

Add a sentence to this section to confirm that the DEIR has addressed all the specific items required in Section 14 (a) of the MOU.
18. Page 5-64, Section 5.5.4: Meeting MOU Requirements. Add a second paragraph to say the following: “If the Preferred Project Alternative is chosen, in accordance with Section 14 of the MOU, ACTA will establish a policy committee to oversee the project development, particularly with regard to ensuring all mitigation measures are implemented and that appropriate landscaping is included”. 9-18

Thank you again for the opportunity to comment on the East-West Connector Project Draft Environmental Impact Report. In addition to the Council and the City of Fremont staff comments we have identified in this letter, we have sent under separate cover comments from residents and

concerned citizens to ensure their comments are included in the record and responded to appropriately in the Final EIR. Finally, we ask that you visit our website at www.fremont.gov and review the video of the January 20, 2009 City Council Work Session on this topic to fully understand the questions from the Fremont City Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Pierson", written over a circular stamp or seal.

Jim Pierson
Transportation and Operations Director

cc: City Council
City Manager Diaz

Chris Colwick

From: Rollie Arbolante [rollie_arbolante@unionsanitary.com]
Sent: Tuesday, December 16, 2008 10:50 AM
To: eastwestconnector
Cc: Al Bunyi
Subject: EWC Environmental Document - USD Comments

Dear Stefan Garcia,

We have received the Notice of Availability and Public Hearing on the Draft Environmental Document for East-West Connector Project. The Union Sanitary District collects and treats the waste water for the tri-cities area or Fremont, Newark, and Union City. USD has several sanitary sewer pipelines in the area of the project and has the following comments:

- Since no building structures are proposed, there appears to be no impact to our treatment facilities. 10-1
- USD owns and maintains several sanitary sewer pipelines along the project alignment. Street and pavement work will require that manholes be adjusted to grade. 10-2
- USD owns and maintains several sanitary sewer pipelines in the vicinity of the proposed grade separations. Depending on the configuration of the grade separation, the sanitary sewer pipelines could be affected. USD requests the opportunity to review construction plans throughout the design phase.

Please contact Al Bunyi at (510) 477-7617 or myself at (510) 477-7602 should you have any questions.

Sincerely yours,

Rollie Arbolante, P.E.

Coach/Senior Engineer



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

February 9, 2009

EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o CirclePoint
555 12th Street, Suite 290
Oakland CA 94607

Dear Mr. Garcia:

Thank you for the opportunity to review the East West Connector DEIR. In review of the document, we have the following comments for your consideration:

- | | |
|---|-------------|
| <p>1) The Decoto Road/Alvarado-Niles Road intersection has been improved in the past several months to provide an eight-phase signal operation in lieu of the previous four-phase operation. The intersection now functions at an LOS of D or better. These recent improvements should be acknowledged in the environmental document.</p> | <p>11-1</p> |
| <p>2) The area known as Basin 2C is currently within the 100 year flood boundary. Any design for the drainage of this area or the realignment of Line M should be coordinated with Alameda County Flood Control District.</p> | <p>11-2</p> |
| <p>3) Figure 3.7-2 currently indicates a flood zone within the Chesapeake Drive tract (Tract 6999). For clarification, this subdivision received a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency and is no longer within a flood area. A copy of the LOMR is available from the City if it is required for your records.</p> | <p>11-3</p> |
| <p>As you know, Union City is a strong supporter of the East West Connector project. This circulation link has been identified since 1986 with the voter-approved Measure B. We look forward to the study session with our City Council that is currently scheduled for March 24, 2009. Please feel free to contact me if you have any questions.</p> | <p>11-4</p> |

Very Truly Yours,

Joan Malloy
Economic and Community Development Director

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

Chris Colwick

From: Shuja Ahmed [shuja_a@yahoo.com]
Sent: Saturday, December 13, 2008 5:28 PM
To: eastwestconnector
Subject: East-West Connector Project

Hi Chris Colwick,

I am the resident/owner of 35959 Nickel Street, Union City home. I purchased this brand new home just little over three years ago and paid very dearly which unfortunately now lowered in value than what I purchased it for. Now to my surprise, I see this project development corridor which I believe will dramatically lower the price of my home even further. This could ruin me.

12-1

Therefore I oppose to this project unless I get compensated for the amount that will put as de-valuation on my property value. Please contact me regarding what my options are.

Thank you,

Shuja Ahmed

Resident/Owner of
35959 Nickel Street,
Union City, CA 94587
Phone: 510-364-5755 .

autoresponder

From: Doug Becker [doug.becker@gmail.com]
Sent: Monday, February 09, 2009 9:11 AM
To: eastwestconnector
Cc: ccouncil@ci.fremont.ca.us
Subject: Comments on DEIR for East-West Connector Project

To Whom It May Concern:

I am writing today to comment on the Draft Environmental Impact Report for the Alameda County Transportation Authority East-West Connector Project, SCH # 2007102078. I regret that I do not have more discretionary time available to study the DEIR and its appendices in more detail, and I apologize in advance for any inadvertent errors or omissions on my part, but nevertheless I felt compelled to write on the basis of my findings to date given that I am submitting this comment at the deadline for comments.

I live directly adjacent to the proposed alignment, in Fremont near the intersection of Paseo Padre Parkway and Cornish Drive (existing roadway, "Phase 1"). All my comments in this letter, unless otherwise specified, concern the section of the alignment in that area -- on Paseo Padre between Decoto Road and the new intersection.

Although in general I am impressed by the thoroughness of the DEIR, I have a significant concern about noise modeling, and by extension possibly vibration and air quality modeling as well. My concern about noise modeling is twofold: an apparent underestimation of noise attributable to additional operational traffic in the year 2035, and the model's lack of note of possible changes in character of the traffic itself along the segment after the project is completed.

The DEIR deals with the impact of future operational traffic volumes on noise in this area in addressing impact NOI-3, and more directly to my concerns, in table 3.9-5 on page 3.9-18. In that table it is stated that for measurement point ID LT-2 -- close to my home -- execution of the proposed project would result in only a 2 dBA project-related peak-hour increase in traffic noise in 2035, versus the peak-hour noise of the roadway in 2035 without having executed the project at all.

To me, a layperson, this is a puzzling result. Per Appendix Q, tables 4 and 5 (page 6), "SE of Decoto" data point, peak hour traffic levels are expected to increase by between 31.8% (PM peak hour) and 56.5% (AM peak hour) in 2035 versus not having executed the project at all in that year. Indeed, these numbers support the construction of the two additional lanes on Paseo Padre -- for a total of six -- as proposed in the DEIR.

On an intuitive basis, it is hard to believe that such significant increases in traffic levels would result in only imperceptible changes in existing noise levels (per the guidance on page 3.9-2, line 2). I also find it questionable that the modeled noise increases, despite the significant increase in traffic, are found to be just 1 dBA below the threshold where mitigation would be required. Note that increasing noise along this particular section of the alignment is doubly bad, in that the existing noise levels already exceed land use compatibility standards for residential uses, as the DEIR notes on page 3.9-18, line 4.

Given this questionable finding regarding the noise model, I wonder also about the vibration and air quality models.

Second, I am concerned that when the Connector is complete, existing truck restrictions along this segment may be modified or rescinded. As it stands today, there is a clearly marked restriction in place along this segment that prohibits trucks weighing more than 5 tons from using it. If the Connector is built, will this restriction be modified, or even rescinded entirely? The DEIR does not seem to address this, and perhaps it is outside the scope of it. But should it not be considered as a possible logical consequence of the project?

If this happens, the models for noise, vibration, and air quality in this area would

13-1

13-2

13-3

definitely be incorrect (they would definitely underestimate impacts), and would presumably have to be reseeded with the new traffic data to be meaningful.

13-3
cont'd

One final note of concern: it is not clear to me why the intersection of Cornish and Paseo Padre is not considered at the same level of detail as other intersections along the alignment in the DEIR. Indeed, Cornish itself is only mentioned once in the DEIR. This seems to be an oversight in the DEIR.

13-4

Unlike some of my fellow residents, I cannot definitively say whether this project as a whole is needed or not. I trust in the relevant agencies and governments to model future traffic needs as best they can. But at least the noise model seems suspect to me in this case.

13-5

I furthermore humbly tender a recommendation if in fact noise levels in this area rise above the DEIR's current model -- and, actually, even if they don't. As many residents along the southwestern side of this segment know, the existing soundwalls are in a poor state of repair and many have already fallen down or are leaning. These walls are the responsibility of the homeowners on whose property they are located. Replacing these walls can be costly for homeowners and can result in inadvertent or deliberate City of Fremont ordinance violations and aesthetic unpleasantness when they are replaced by non-similar walls or fences. In fact, the City has specifically addressed this issue with affected homeowners due to inconsistent homeowner compliance with the relevant ordinance.

I believe it would be an excellent goodwill gesture by ACTA -- if not in fact required by flaws in the noise and vibration models -- to replace soundwalls along this segment as part of the project. Although I hesitate to recommend project changes that are obviously self-serving (I am a homeowner with an older wall), I believe this proposal may have benefits for the project as well.

13-6

I propose new soundwalls along this segment, possibly combined with berms, rather than forced air (air conditioning), for several reasons. First, the walls are required anyway. I imagine few homeowners would elect to have no soundwall / fence whatsoever between their homes and Paseo Padre Parkway. And few, I would venture to guess, are eager to pay to replace the existing walls in the coming months and years. Second, the walls insulate both outdoor AND indoor areas from sound; air conditioning only reduces indoor noise levels. Third, replacing these walls with those similar to the soundwalls proposed for the new roadway segment would also make the appearance of the alignment more consistent, and minimize City of Fremont municipal code violations for years to come. Note that Paseo Padre is considered a scenic route by Alameda County and the City of Fremont, per lines 24 and 25 on page 3.1-15. And finally, exterior noise levels in this area are (even before the project begins) already over acceptable thresholds, as the DEIR states.

I could understand if there are logistical problems with replacing the existing soundwalls along this segment, but are these significantly greater than those related to the sound mitigation that is required as part of mitigation measures NOI-7 and NOI-8 (for the new roadway)? If soundwalls are not feasible logistically in this area, however, I would at least support berms and / or forced air modifications to reduce traffic noise.

I would also highly recommend paving this section with "quiet" pavement types as specified on page 3.9-29, lines 23 and 24, to further reduce noise.

13-7

Thank you very much for your time and consideration, and I look forward to your response.

Sincerely,
Douglas Becker
3168 Fairfax Court
Fremont CA 94536
doug.becker@gmail.com

autoresponder

From: Ashnia Kumar [bigb4u2000@hotmail.com]
Sent: Sunday, January 18, 2009 1:16 PM
To: eastwestconnector
Subject: Comments on DEIR and the whole project

Following are my comments.

1. There is no clear ROI stated comparing the alternatives. The report shows that the proposed project has a lot of factors that will have an impact less than significant with mitigation. There will be additional costs incurred to implement these mitigation measures. As it is, in a budget constrained environment in an economic downturn of severe magnitude, there is no guarantee that these mitigation measures will be ever implemented. In that case, many of these factors will have a significant negative impact on the environment, wild life and families living along the proposed corridor.

14-1

2. There is a definite need to re-evaluate the basic assumption of the traffic increase in 2035. It looks like a linear increase of population and traffic has been considered till 2035, which is not entirely true. The housing / population can expand depending on housing land availability and there is not much available for such an increase. As a result the projected growth rate in traffic for 2035 is not really valid. It does not take into consideration the growing awareness of people to use more and more public transport and other environmentally friendly alternatives like car pooling etc.

14-2

It was also noticed that several conclusions drawn on quantitative data (not provided for all the factors considered) are completely contrary to established findings and qualitative data appears to be heavily biased in favor of the proposed project.

14-3

In summary, considering the deep economic downturn the whole country is in (California specially), I find spending money on this project to be highly irresponsible and objectionable. There does not appear to be a real need for this project and it has always been strongly opposed several times in various town hall meetings. The fact that project has not been implemented for several decades since its inception is a clear testimony of the worthlessness of this project. I suggest scrapping this project altogether and using the funds to some better purpose in cash strapped California.

14-4

Ashish Bhatnagar, Ph.D.
 Fremont, CA

Windows Live™: Keep your life in sync. [Check it out.](#)

autoresponder

From: Chawla, Pawan M [Pawan_Chawla@apllogistics.com]
Sent: Friday, January 02, 2009 3:56 PM
To: eastwestconnector
Subject: East-west connector
Importance: High

I own 35522 Dee PI, Fremont, 94536 property. I will be directly impacted due to

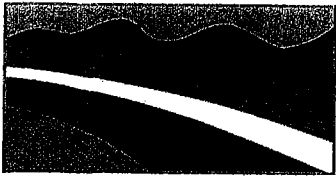
pollution & noise and will definitely result in further reduction to my property value. I would like to reject this proposal.

Regards

Pawan

SeeChange team

15-1



East-West Connector
IMPROVING COMMUNITY MOBILITY

COMMENT SHEET

Public Hearing
Wednesday, January 14, 2009
Kennedy Community Center
1333 Decoto Road, Union City, CA
6:30 – 8:30 PM

Name: Dino Ciarlo Affiliation: Home owner
Address: 3215 Decoto Rd Phone: (925) 519-4208 (cell)
City/State/Zip: Fremont, CA 94555 Email: dinociarlo@comcast.net

I would like to submit the following comments on the East-West Connector Project:

I still say the best plan is to go through
the historic Parkway. why turn at Paseo
Padre? Use the existing right of way from
Paseo Padre to I880!

16-1

(Please use reverse side if additional space is needed.)

Comments must be received by 5:00 p.m. Monday, February 9, 2009 through one of the following means:

Mail: EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607

Email: Eastwestconnector@circlepoint.com

Fax: (510) 268-8499

Thank you for participating in tonight's open house.

autoresponder

From: Robert Czerwinski [bobcz007@comcast.net]
Sent: Monday, February 09, 2009 4:53 PM
To: eastwestconnector
Cc: 'Mueller, Jane'; melodyek@comcast.net; 'Bacon, Vinnie'; 'Khattak, Rangin'; 'Gus Morrison'; salyen_lele@yahoo.com; k8bpn@comcast.net; 'Kaven, Mae'; 'Terry Tang'; satyen_lele@yahoo.com; hormozyoukhaneh@yahoo.com; 'Brett & Patti'; hari.ashvini@gmail.com; ann.annwong@gmail.com; debracz@stanford.edu
Subject: Comments about EWC Environmental Document

Stefan Garcia, EWC Project Director,

Ref: Augment to my Court Recorder comments at the Union City Open House and Citizens for Neighborhood Integrity's recent email response.

1986 Measure B funded the Route 84 Extension and now the East-West Connector's main purpose was to decrease East-West transit time between 880 and Mission Blvd.

- 1) Many metrics are needed to determine the ROI of our tax dollars and also compared to the Alternative Economic Value. A better ROI is helping to fund BART south of the present Fremont Station.

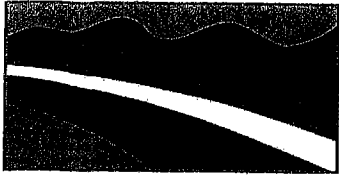
I have asked numerous times over the years to compare in the year of 2015 between 880 to Mission Blvd transit times:

880 to Mission Blvd via the existing Decoto Road
 versus
 880 to Mission via the East to West proposed road.

- | | |
|---|------|
| 2) Danger to the Valley's Drinking Water | 17-2 |
| 3) Auto air pollution due to the many added traffic lights | 17-3 |
| 4) What is the \$value of selling ALL the land (at least in Fremont) and helping to fund BART | 17-4 |

Regards,

Bob Czerwinski – Fremont Neighbor of the Year and a Director of the Citizens for Neighborhood Integrity.



East-West Connector
IMPROVING COMMUNITY MOBILITY

COMMENT SHEET

Public Hearing
Wednesday, January 14, 2009
Kennedy Community Center
1333 Decoto Road, Union City, CA
6:30 – 8:30 PM

Name: Mike Davis

Affiliation: _____

Address: 2507 Begonia St

Phone: 510 921-6595

City/State/Zip: Union City, CA

Email: _____

I would like to submit the following comments on the East-West Connector Project:

I live at "2507 Begonia Street" in Union City.

Issue: The proposed bridge across the old Alameda Creek where my house is situated. I recommend that the sound wall be on the bridge and not along the houses. There are many big trees behind my house & they would have to be removed. Also, there is not enough land behind my house for a sound wall. The ground behind the house is ~~also~~ eroding. I recommend that the sound wall be placed on the bridge.

(Please use reverse side if additional space is needed.)

Comments must be received by 5:00 p.m. Monday, February 9, 2009 through one of the following means:

Mail: EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607

Email: Eastwestconnector@circlepoint.com

Fax: (510) 268-8499

and not along
the
property
line.

Thank you for participating in tonight's open house.

Chris Colwick

From: LOAN DO [congloando@comcast.net]
Sent: Thursday, December 18, 2008 8:24 PM
To: eastwestconnector
Subject: Draft Environmental Impact Report

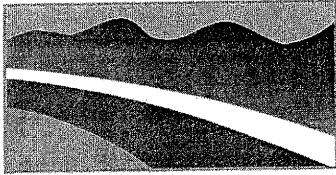
Dear Sir:

Even though the proposed project is to reduce local traffic congestion and travel time for some commuters, it does increase the traffic and noise in our residential area, thus reducing the value of all properties in this area. If we had had any knowledge of this project before we purchased the property, we would not have even considered moving to this neighborhood.

19-1

Sincerely,

Cong & Loan Do
1109 Silver St.
Union City, CA 94587



East-West Connector
IMPROVING COMMUNITY MOBILITY

COMMENT SHEET

Public Hearing
Wednesday, January 14, 2009
Kennedy Community Center
1333 Decoto Road, Union City, CA
6:30 – 8:30 PM

Name: Terence Fung Affiliation: None
Address: 1894 Flagstone Dr Phone: 510-290-5681
City/State/Zip: Union City, CA 94587 Email: _____

I would like to submit the following comments on the East-West Connector Project:

It will be really helpful for bikers if there is
a separate bike lane/trail that will be
connected to the Alameda creek trail from
Alvarado Nile Rd & Mission Blvd.

20-1

(Please use reverse side if additional space is needed.)

Comments must be received by 5:00 p.m. Monday, February 9, 2009 through one of the following means:

Mail: EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607

Email: Eastwestconnector@circlepoint.com

Fax: (510) 268-8499

Thank you for participating in tonight's open house.

autoresponder

From: gigsb [gigsb@comcast.net]
Sent: Tuesday, December 23, 2008 5:15 PM
To: eastwestconnector
Subject: DEIR

ALL THE PRIMARY OBJECTIVES DO NOT MAKE SENSE TO US.
THEY ARE NICELY STATED BUT MEAN NOTHING AND ACTUALLY THE OPPOSITE ARE TRUE.
IMPROVE AIR QUALITY? THINK AGAIN. TRAFFIC CONGESTION? ISN'T THIS
JUST RELOCATING CONGESTION? TRAFFIC FOR BUSINESSES,
WHAT BUSINESSES?? THESE ARE MOSTLY RESIDENTIAL AREAS AFFECTED. WE
DON'T NEED MORE FOOT-TRAFFIC. WHAT HAPPENED TO THE ENVIRONMENT SURVEY,
WHO MANIPULATED THE RESULT AND DISREGARDED THE WIDE-LIFE HABITAT.

21-1

21-2

THANKS. THAT'S JUST MY COMMENT.

Gigs B.

autoresponder

From: EJANDGB@aol.com
Sent: Thursday, February 05, 2009 9:22 AM
To: eastwestconnector; EJANDGB@aol.com
Subject: Response to EWC Environmental Document
Attachments: ACTA ENVIRONMENTAL IMPACT REPORT III.doc

Dear Mr. Garcia:

Please find attached my concerns involving the facts of your report.

Thank you,

G.B. Johnson

February 4, 2009

**EAST-WEST CONNECTOR PROJECT
 ACTA ENVIRONMENTAL IMPACT REPORT'S
 Failure to recognize negative impact upon
 4440 DeCoto Road, Fremont, California**

A review of this report has left some questions unanswered regarding the impact the project will have on the property located at 4440 DeCoto Road and the ability of the owners to maintain the current income from this property (a house rental). This home is 1940 vintage construction without central air conditioning, nor wall, ceiling or floor insulation. It is in excellent condition, currently rented for \$1600/ month.

There is an assumption in the environmental report that after a brief period of unavoidable inconveniences during construction, the property owner will suffer only minor impact from the construction of a 6 lane thoroughfare 2 feet from the home's front door porch. This report minimizes the impact to the property and the continued ability to be a viable rental. 22-1

This would lead a reasonable person to believe that the drafters of this report were negligent or were directed to take advantage of the property owner by ignoring issues which are apparent to even the most casual observer. It is apparent that there is a guiding principle of keeping construction costs at minimum. A request for a review of this environmental report and its conclusions, by an unbiased, impartial third party which holds an oversight position is not out of the realm of possibility. Unfortunately, this report is so biased that it has alerted the owners of the subject property to expect only the worst from the government agencies involved.

Background: In the City of Fremont's General Plan, Health and Safety Element there is a 60dBA Ldn is the maximum acceptable noise level for new residential construction. This may be increased to 65dBA Ldn at the discretion of the City Council. A maximum 45dBA Ldn level for the interior of residential buildings is required. The City of Fremont has established what they consider to be safe limits for residential property. Apparently, these standards can only be ignored for the convenience of the Government. Our family bought this property in 1966 when DeCoto Road was a two lane road with negligible road traffic and associated noise. The population in the Bay Area and associated vehicle traffic was a fraction of what it is today. The construction of 22-2

the existing 5 lane road exceeded the City of Fremont's own noise standards for new residential construction. The Noise Levels at the LT1 receiver located 90 feet from the center of DeCoto Road measuring the noise on DeCoto Road register 72 dBA Ldn. Existing noise levels exceed standards, the new road will only increase these levels over the years. These facts were ignored by the study.	22-2 cont'd
---	----------------

The most recent widening of DeCoto Road has financially encumbered the owners ability to improve the land as planned in a 1985 Preliminary Planning Review presented to the City by the Johnson Family (This PPR involved the building of nine townhouse homes). Additional expenses will now be required in soundproofing and air conditioning of these proposed rentals.	22-3
--	------

The Environmental Impact Report fails to address the following issues:

- | | |
|---|-------|
| <ol style="list-style-type: none"> 1. The construction of a 6 lane thoroughfare 2 feet from the homes front door porch will impact the homes ability to be rented. There will be lost rental income from the rental house during the unavoidable period of construction due to noise, dust, vibration and lack of privacy and security. 2. The costs of clean up after the current tenants leave, and associated rental advertisement and placement fees for new tenants following construction have not been addressed. 3. The myriad of costs to tenants when they need to be relocated including, but not limited to: lost time at work moving personal belongings, associated time loss in changing utilities, address for mail, etc. The tenants will need to be reimbursed for their inconvenience and expenses. 4. The impact of the wider highway (six lanes) will continue to impact the property. It will reduce the rent or, more likely, the viability of the house to be rented to anyone but the most desperate and least credit worthy. Without a sound wall surrounding the house on three sides, the impact of noise, dust, vibration, additional light from traffic headlights, lack of privacy and security will leave the house virtually un-rentable. With a sound wall the house will have the same ambiance of a prison yard, again rendering the house difficult or impossible to rent. | 22-4 |
| <ol style="list-style-type: none"> 5. The continued ingress and egress from the two existing driveways for the house onto DeCoto Road, no speed analysis of traffic was included in the study. Additionally, associated logistical problems caused by the construction of the required sound wall have not been addressed, i.e. the sight distance requirements for safe exit at posted speed limit plus 10 miles per hour (typical excess speed for commuters traveling on the highway when not impeded by the traffic light). | 22-5 |
| <ol style="list-style-type: none"> 6. The payment to insulate the entire house, install central air conditioning and pay the utility bills for said air conditioning for the duration of the house structures useful life must be taken into account. | 22-6 |
| <ol style="list-style-type: none"> 7. The relocation of the existing multiple utility easements running between the existing roadway and the house. | 22-7 |
| <ol style="list-style-type: none"> 8. The safety from vehicle accidents into the property and residents, including children, without a structural barrier between the road, house, front and side yards. | 22-8 |
| <ol style="list-style-type: none"> 9. The continued safe delivery of U.S. Mail and newspapers to the front of the house as it currently exists. | 22-9 |
| <ol style="list-style-type: none"> 10. The replacement of old growth evergreen tree located in front of the existing house, as well as smaller trees along the right of way. 11. The modification of the standard requirements set by City of Fremont for setback requirements for residential homes from a street (especially a 6 lane thoroughfare and proposed bike lane). | 22-10 |

These issues need to be addressed by this report to satisfy my concerns. I would like to see a reasonable resolution to these issues so the long awaited road improvements can be completed. However, I can not allow the value of our land nor the income from our rental to be compromised for the convenience of the Government. This is a conveyance of our issues that surround the project; we desire to work with the government to resolve our issues in a fair manner.	22-11
---	-------

In my opinion the only way to be fair to the property owner and avoid excessive costs would be to pursue one of the following possibilities:	22-12
--	-------

PLAN "A"

1. The purchase of the condemned house and garage.
2. The removal of the structures and all associated subterranean infrastructure and utilities.
3. Construction of a sound wall the entire length of DeCoto Road and Cabrillo Drive with associated sidewalk, landscaping, curb and gutter, drainage, street lights, fire hydrants, utilities and any other required infrastructures for the development of the land for multiple family dwellings.
4. The design and installation of two driveways for the ingress and egress from/to DeCoto Road and the property, meeting new expansion requirements (these driveways are currently in use).
5. The payment for lost revenue until a replacement income property can be constructed and rented.
6. The payment of City of Fremont fees and associated taxes on new construction to replace the rental house.
7. The Payment of costs associated with new utility services and installation costs to the rental.
8. The replacement of landscaping removed for the road widening project.
9. The guaranteed full cooperation of the City of Fremont allowing the property owner to made whole with the development of the one acre parcel of land as proposed in the 1980's.

22-12
cont'd

PLAN "B"

Purchase the land and structures outright. This would involve the purchase of 35036 Vincete Court, a single family dwelling and associated buildings. Some these buildings straddle the property line between the 4440 DeCoto Road property and 35036 Vincete Court with a combined area of 1.5 acres. The properties are inseparable without a lot line adjustment. Both properties have mortgages associated with them. Lean holders would have to agree to any property line movement which is time consuming.

PLAN "C"

The moving the proposed roadway 8-10 feet to the north side of the boundary for the right-of-way (eliminating a sidewalk and minor landscaping) would allow for the required widening of the road with a greatly reduced impact on the 4440 DeCoto Road property.

An honest, complete and fair review of these concerns and solutions will aid in the completion of the project. The more cooperation and communication surrounding these concerns between all parties will reduce delays and expenses charged to the project budget. I reserve the right to be heard in court pending the responses from all concerned government agencies to the listed issues.

Sincerely,
G.B. Johnson
41268 Vargas Road
Fremont, CA 94539
ejandgb@aol.com

[Great Deals on Dell Laptops. Starting at \\$499.](#)

autoresponder

From: Jo Ann Lew [jo_ann_lew@hotmail.com]
Sent: Monday, February 09, 2009 1:27 PM
To: eastwestconnector
Cc: Jo Ann Lew
Subject: Comments on Draft EIR for East-West Connector Project

To: Stefan Garcia, EWC Project Manager

I support this project. Here are my comments regarding the Draft EIR for the East-West Connector Project.

- | | |
|---|------|
| 1. The project appears to be a very costly considering it is only three (3) miles long. I recommend economizing on construction costs wherever possible and completing the project as soon as possible. | 23-1 |
| 2. I would like to see ample opportunities for small, local businesses to participate in the construction of this project. | 23-2 |
| 3. The report anticipates significant impacts on traffic at the Decoto Road and I880 ramps. No mitigation measures were proposed. I suggest traffic flow be controlled along the new Connector to mitigate the traffic impacts during heavy commute hours. I also suggest signage to direct local users to alternate routes such as Mission Blvd. and Paseo Padre in lieu of I880 for traveling north or south. | 23-3 |
| 4. Table 2-2 on page 2-25: the first sentence, 2nd line, of the Note contains an error – "had this point" should be "at this point." | 23-4 |
| 5. With the construction of a new roadway over the Alameda Creek Flood Control Channel and widening of Paseo Padre and Decoto come opportunities to beautify these areas and to make them safer for pedestrians and bicyclists. I recommend colorful, low landscaping as a crime prevention measure along the trails and streets. I also recommend heavier landscaping with trees and shrubs to soften or hide the sharp lines of the new and modified roads, particularly the new road over the Alameda Creek Flood Control Channel. | 23-5 |

Thank you for the opportunity to comment on the report.

Jo Ann Lew
 Planning Commissioner
 City of Union City

See how Windows connects the people, information, and fun that are part of your life. [See Now](#)

January 27, 2009

EWC Environmental Document
 Stefan Garcia, EWC Project Manager
 c/o CirclePoint
 555 12th Street, Suite 290
 Oakland, CA 94607

Subject: Alameda County Transit Authority East-West Connector Project – Draft
 Environmental Impact Report (SCH# 2007102078)
 Public Comment Period

Dear Mr. Garcia:

Thank you for providing the public with the opportunity to comment on the Draft EIR for the East-West Connect Project. I can see from it being such a lengthy document, that a lot of time and effort went into its preparation. Within the same breath, I would like to mention that I was disappointed in some of the gaps that this DEIR contains. In summary, I found that the overall net benefit of the proposed project does not actually provide a “net benefit” with regards to traffic, but it is rather the “superior alternative” as defined under CEQA. My comments on the DEIR will be in the order as the document was presented.

Table ES-3. Summary of Impacts and Mitigation Measures for the Proposed Project: East-West Connect Project

Biological Resources

Many of the comments with regards to “Significance Determination” have been rated as “Less than Significant” or “Less than Significant with Mitigation”. There is the appearance that the determination has not yet been complete. Costs and timing associated with the proposed project could change significantly if it is later determined that the alignment needs to be changed, other mitigation is required, project design parameters needs to be changed, etc. due to an over-looked biological resource issue. The field investigation for the entire alignment needs to be complete and it needs to be reflected in the Final EIR.

24-1

Geological Resources

All “Significance Determination” has been rated “Less than Significant” yet I see no indication where borings have taken place to make that determination. Again, this could have a significant impact on the cost, timing, and design of the project if this has not been complete. Soil borings need to be complete and incorporated into the alignment design before the Final EIR is complete.

24-2

Land Use and Planning

The “Significance Determination” for the “Potential Conflict with the Fremont General Plan” and the “Potential Conflict with Union City’s General Plan” are noted as “Less than Significant” and that no mitigation measures are required. It should be noted that the proposed project is not consistent with Fremont’s or Union City’s General Plan and the General Plans, with regards to the project, needs to be updated.

24-3

Noise and Vibration

With regards to “Exposure of Noise-Sensitive Land Uses to Operational Noise from Vehicles on New Roadway” whereas the Mitigation Measure is “Conduct Survey for Presence of Air-Conditioning at Residences Adjacent to the New Roadway”, please explain. First, I am not clear as to what this mitigation measure means. Secondly, I don’t see how a “survey” could even be a mitigation measure. There needs to be more explanation of what the action is depending upon the results of the “survey”.

24-4

Transportation and Traffic

This section underlines this biggest problem with the proposed project as compared to the no project alternative. The 2015 analysis of the impacts on local intersections show that there will be a net of eight (8) intersections with “Reduction in Operations” (12 improved and 20 reduced). Also noted under the 2015 analysis is that the reduction in operations at eighteen (18) intersections is “Significant and Unavoidable” and that there is no mitigation being proposed. The 2035 analysis of impacts on local intersections show that there will be a net of three (3) intersections with “Improvement in Operations” (21 improved and 18 reduced). Also noted under this 2035 analysis is that the reduction in operations at sixteen (16) intersections is “Significant and Unavoidable” and that there is no mitigation being proposed.

24-5

Had this not been a project intended to improve traffic flow, I would have expected to see this kind of impact. Unfortunately, this is a transportation project intended to improve traffic flow. Although the proposed project appears to save travel time between Mission Blvd. And Interstate 880, it definitely has a negative impact on many intersections in both Fremont and Union City.

Table ES-6. Specific Comparison of Alternatives Impacts to Proposed Project Impacts

With respect to the transportation and traffic section, specifically TRA-4 through TRA-7, the net impact on intersections for the 2015 analysis is a reduction in operation at nine (9) intersections (12 improved and 21 reduced). For the 2035 analysis, the net impact on intersections is an improvement in operation at one (1) intersection (21 improved and 20 reduced).

24-6

These are quite disturbing numbers for a proposed project that is intended to improve travel time and improve traffic flow between a small section of Fremont and Union City.

Figure 2.8 Proposed Bridges at Alameda Creek Flood Control Channel and Old Alameda Creek

The bridge design over the Alameda Creek Flood Control Channel is shown with six (6) sets of pilings within the creek bed. Alameda Creek Flood Control Channel is the City of Fremont's largest flood control channel. With its current design and current bridge crossings, it is capable of handling nearly a 350-year storm event. Has this proposed bridge crossing been analyzed with respect to impacts on floodwaters? Any physical obstruction within the creek bed has an impact on flow yet I did not see any analysis within the DEIR – this could be a fatal flaw. Please incorporate this analysis within the Final EIR.

24-7

Alameda Creek Flood Control Channel Bridge – page 2-21

This section notes that twenty-four (24) concrete piles will be installed with a diesel hammer, yet nowhere in the noise and vibration analysis is this considered. Diesel hammers exhibit quite a bit of noise and vibration and this should not be overlooked in the analysis. Please incorporate this analysis in the Final EIR.

24-8

Old Alameda Creek Bridges – page 2-22

Here there is no reference as to how the proposed forty-two (42) piles will be installed. Again, if by diesel hammer, a noise and vibration analysis needs to be considered. Please incorporate this analysis in the Final EIR.

24-9

Phase 2: Construction of New Roadway Segment (Paseo Padre Parkway to Alvarado-Niles Road) – page 2-24

The existing flood control levee is one of the proposed access/service roads for the phase 2 construction. What are the weight limits of this flood levee for construction vehicles? Since it is an earthen levee, what are the plans for dust mitigation for the adjacent residences? Lastly, what will be the mitigation for the

24-10

trail usage on this levee? Please incorporate the answers to these questions in the Final EIR.

24-10
cont'd

Figure 3.1-8 City of Fremont Unique Visual Resources

This map shows all of the Cargill Salt ponds within the Don Edwards San Francisco Bay National Wildlife Refuge (DESFBNWR) as “Waterfront Views”. This can be misleading to say that the salt ponds are waterfront views let alone to say that it is water – these are salt brines.

24-11

Section 3.1. Aesthetics – Fremont General Plan

This section states that - Two types of City-designated scenic resources are visible from or present near the project alignment: the “visible hill face” and “open space views.” “However, the proposed project does not entail modifying these designated resources.” Although the proposed project does not “entail” modifying these designated resources, it will in fact have an impact on the “visible hill face” and “open space views”. This should be reflected in the Final EIR.

24-12

Section 3.3. Biological Resources

Impact BIO-3: Loss of or Disturbance to Western Burrowing Owls or their Nesting and Foraging Habitat (Less than Significant)

This section states, “there are no nesting owls or owl colonies in the project vicinity that could be foraging in the annual grasslands along the project alignment...” Western Burrowing Owl survey will need to be conducted prior to construction. The presence or lack of presence at the time of this DEIR does not preclude their presence at the time of construction. Please reflect this in the Final EIR.

24-13

Section 3.7. Hydrology and Water Quality

Project Impacts and Mitigation Measures

This section states that a majority of the proposed project lie within Zone X, which is outside the 100-year flood zone. This section then goes on to discuss the impacts of this project to ground water recharge, but it does not discuss the impacts of this project to carrying flood flows down Alameda Creek. This needs to be incorporated in the Final EIR.

24-14

Figure 3.9-2. Noise Wall Location and Height if Sited at Edge of Roadway

Please explain why the eight (8) foot sound wall stops short of the Alameda Creek Flood Control Channel. The residential dwellings to the east of the East-West Connector where no wall is shown are the same distance from the new section as the residential dwellings where the wall is shown. The eight (8) foot sound wall should be carried (at least on the east side) all the way to Alameda Creek Flood Control Channel.

24-15

Figure 3.12-1. Traffic Analysis Intersections

One of the largest gaps, insufficiencies, and potentially fatal flaw of this DEIR is the fact that neither the Chaplin Dr./Isherwood Way nor the Barnard Dr./Isherwood Way intersections were analyzed. These two intersection are obviously within the study area and should be included in the study. Please include the impacts to these two intersections in the Final EIR.

24-16

Section 3.12. Transportation and Traffic

In general, it is disappointing that the proposed project is an alternative that “Overall, the system-wide reductions in delay and increase in travel times that are projected to result from the proposed project are expected to benefit the system-wide efficiency of transit operations.” It is as if ACTA is “settling” on an alternative that “checks the box” rather than making the right proposal for the long-term, which is Alternative 1 – the historical alignment. It is clear that the proposed project will have a net negative impact on more intersections than a net positive impact.

24-17

Table 4-1. List of Project Considered in Cumulative Impact Analysis

Project number 17 in Union City, Station District; show the project description as 700 multifamily units. This site is nearly complete and they are advertising for 1500 multifamily units. The impacts with regards to this change need to be analyzed and this information needs to be incorporated in the Final EIR.

24-18

5.1.1. Project Objectives

One of the listed project objectives is to “reduce local traffic congestion”. The DEIR clearly shows that local congestion will increase at more intersections than will decrease under the proposed project. It was also noted in both the 2015 and the 2035 analysis that there are more intersections with a reduction in operations with “significant cumulative impacts” with no proposed mitigation measures.

24-19

5.3.3. Historic Parkway

It is noted that the historic parkway alternative received substantial community opposition primarily due to noise, air quality, cut-through traffic through local neighborhoods, biological impacts on the Old Alameda Creek, and the loss of open space. I think it is fair to say that the proposed project will not eliminate any of these concerns but rather shorten a couple of the impacts. The same type of opposition will be present under the proposed project.

24-20

In summary, the DEIR has gaps in it that need to be closed prior to the issuance of the Final EIR. The most significant gap in the failure to analyze the impacts at the Chaplin Dr./Isherwood Way and Barnard Dr./Isherwood Way intersections. I also feel that the proposed project falls short of providing the public with the most efficient travel path between Mission Blvd. and I-880. The proposed project alignment would not even allow for a future extension from Paseo Padre Expressway to I-880. The proposed alignment of the bridge crossing over Alameda Creek Flood Control Channel prohibits this future extension. Lastly, with this project being \$100 million short of being fully funded and with the current economic crisis of both the State of California and the United States of America, I think there are much more important regional infrastructure and transportation projects that need to be addressed before we spend \$211 million to decrease the travel time between Mission Blvd. and Decoto Road by 2 ½ minutes (that's \$100 million/minute).

24-21

24-22

24-23

Again, thank you for taking the public's comments into consideration and I look forward to your response.

Sincerely,



Pat Mapelli
35686 Nuttman Lane
Fremont, CA 94536

Cc: Mayor Bob Wasserman
City of Fremont Council Members
Mission Lakes Homeowners
City of Fremont Planning Commissioners

autoresponder

From: mitchvalue@aol.com
Sent: Friday, February 06, 2009 3:53 PM
To: eastwestconnector
Subject: East-West Connector "Comment Sheet"

Gentlemen:

I am submitting by this email, and by fax, the following comments in response to the request for comments at the January 13, 2009 "East-West Connector Public Hearing", held in Union City.

I am the owner of Appian Plaza, a strip retail center located at 101-125 Appian Way, Union City, which is the northeast corner of Mission Boulevard and Appian Way.

Appian Plaza is accessed by a curb cut on Mission Boulevard and a curb cut on Appian Way. I do not anticipate, or want, change of any significance, to the existing access to Appian Plaza.

Please contact me if you have any questions or comments.

Bruce Mitchell
P.O. Box 110
Los Gatos, CA 95031-0110
408-540-4062
mitchvalue@aol.com

[Great Deals on Dell Laptops. Starting at \\$499.](#)

25-1

BRUCE MITCHELL
P.O. BOX 110
Los Gatos, CA 95031-0110
(408)540-4062 (phone)
mitchvalue@aol.com

To: STEFAN GARCIA, EUC PROJECT MANAGER date: 02-06-09

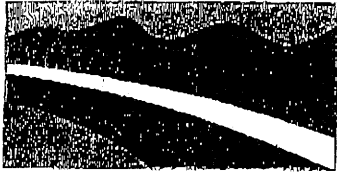
Company: CINCE PAPER

Fax #: 510-268-8499 Phone #: Nor Provided Page: 1 of 3

Subject: EUC ENVIRONMENTAL DOCUMENT

ATTACHED IS A "COMMENT SHEET"
REGARDING THE ABOVE PROJECT.

Ben Mitchell



East-West Connector
IMPROVING COMMUNITY MOBILITY

COMMENT SHEET

Public Hearing
Wednesday, January 14, 2009
Kennedy Community Center
1333 Decoto Road, Union City, CA
6:30 - 8:30 PM

Name: BRUCE MITCHELL

Affiliation: OWNER, APPIAN PLAZA
101-125 APPIAN WAY

Address: P.O. Box 110

Phone: 408-540-4062

City/State/Zip Los Gatos, CA

Email: mitchdave@aol.com

95031-0110

I would like to submit the following comments on the East-West Connector Project:

I AM THE OWNER OF APPIAN PLAZA,
A STRIP RETAIL CENTER LOCATED AT
101-125 APPIAN WAY, UNION CITY, WHICH IS
THE NORTHEAST CORNER OF MISSION BOULEVARD
AND APPIAN WAY.

APPIAN PLAZA IS ACCESSED BY
A CURB CUT ON MISSION BOULEVARD
AND A CURB CUT ON APPIAN WAY.

(Please use reverse side if additional space is needed.)

Comments must be received by 5:00 p.m. Monday, February 9, 2009 through one of the following means:

Mail: EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607

Email: Eastwestconnector@circlepoint.com

Fax: (510) 268-8499

Thank you for participating in tonight's open house.

1012

I DO NOT ANTICIPATE, OR WANT,
CHANGE OF ANY SIGNIFICANCE, TO THE
EXISTING ACCESS TO APPIAL PLAZA

PLEASE FEEL FREE TO CONTACT ME
~~IF~~ IF YOU HAVE ANY QUESTIONS
OR COMMENTS.

BRUCE MITCHELL

P.O. Box 110

LOS GATOS, CA 95031-0110

408-540-4062

mitchebue@aol.com

Chris Colwick

From: Mavis Sare [mmsare@lbl.gov]
Sent: Monday, December 15, 2008 9:46 AM
To: eastwestconnector
Subject: Question

Follow Up Flag: Follow up
Flag Status: Red

Hi,	
I live at 34883 Gladstone Place in Fremont. My home backs onto Decoto Road.	26-1
With the East/West project is there a chance that I will lose some of my	
back yard? Also	
will the project pay for higher sound walls? Currently we just have a 6ft wall and it is	26-2
not high enough for the traffic and pedestrians right now.	
Thanks	
Mavis Sare	

autoresponder

From: Yukai Shi [yukai_shi@hotmail.com]
Sent: Tuesday, December 23, 2008 4:50 PM
To: eastwestconnector
Subject: Comment on the DEIR
Importance: High

Steven Shi
 23 December 2008

EWC Environmental Document
 Stefan Garcia, EWC Project Manager
 c/o CirclePoint
 555 12th Street
 Oakland, CA 94607
eastwestconnector@circlepoint.com

To whom it may concern,

As a homeowner and resident of the Monte Vista Community of Union City (at Monterra Circle), we strongly oppose this East-West Connector Project building a four-lane express road passing by right next to our property.

27-1

First of all, this roadway would definitely introduce an extremely high volume of traffic flow right next to our property, and the streets around us. High traffic volume will bring up the absolute numbers of the traffic accidents, and reckless driving behaviors pass by our neighborhood, if you factor in the same probability. Our residential area would turn into a less than safe area immediately after the road is built.

27-2

Secondly, the noise level of our residence would definitely go up after this roadway is built. The Monte Vista Community would definitely be the first victim of the very high noise level from that proposed four-lane express roadway. High noise level will definitely affect our daily life. Noise will cause sleep problems, will lower our living standard, etc. Also, it is one of the biggest environmental concerns that relates to the residential area.

27-3

Thirdly, as the traffic expects to go up in the foreseeable future, the air pollutants will also be spreaded over to our property. The total suspended particles, the carbon monoxide, carbon dioxide, sulfur dioxide, etc, anything that comes out of the muffler from moving vehicles are expected to rise dramatically. These infamous pollutants are the major cause of health problems.

27-4

Fourthly, the roadway will take away the existing farming land next to Quarry Lakes Regional Recreation Area. This has been a known refuge place for all kinds of birds can be found all over the Bay Area, and providing hays for the horses that are living there. The existing eco-system will be destroyed and cannot be restored. We will be missing a nice cozy farming land for the local community replaced by an unnecessary four-lane expressway.

27-5

Fifthly, the safety concerns of our kids' playing in our neighborhood will also be elevated. We not only would concern the safety issues of the kids' playground, but also worrying about the reckless automobiles plowing into our community.

27-2
cont'd

Last but not least, our property value will definitely drop. If we combined these factors mentioned, it is very easy to derive, that our property will definitely goes down as no one would like to lower

27-6

their living standard, and would like to spend their precious life time in this noisy, polluted, and less kids-friendly place.

27-6
cont'd

Based on all reasons I mention above, we strongly oppose to this East-West Connector Project.

Best regards,
Steven Shi

Send e-mail faster without improving your typing skills. [Get your Hotmail® account.](#)

autoresponder

From: Doug Sojourner [Doug.Sojourner@sandisk.com]
Sent: Monday, February 09, 2009 12:42 PM
To: eastwestconnector
Subject: Procedural question regarding EIR for East West Connector project.

Dear Mr. Garcia,

My understanding is that the final EIR will be prepared based on the input received on the Draft.

Will that be after the design is finalized? Will there be any assessment of the environmental impact of the actual design, which includes the actual mitigation measures chosen?

Thanks for you time and effort on this project,

Doug Sojourner

28-1

autoresponder

From: Doug Sojourner [Doug.Sojourner@sandisk.com]
Sent: Monday, February 09, 2009 2:18 PM
To: eastwestconnector
Cc: doug@sojournings.org; Cindy Sojourner
Subject: Input on East West Connector Draft EIR

Dear Mr. Garcia:

I have several comments regarding the Draft EIR for the East West Connector project.

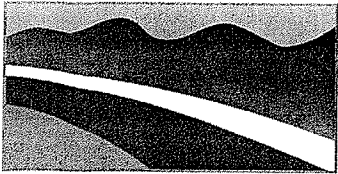
- | | |
|--|------|
| 1. First, I would like to express my appreciation for the amount of information and detail in this report. I had a number of concerns which I have not listed here because as I delved into the report and appendices those concerns were addressed in detail. | 29-1 |
| 2. To make informed decisions based on this document, it is important to have information on how effective the various proposed mitigations are. For example, in discussing the night time lighting for construction of the tunnel under the BART and train tracks, the proposed mitigation is to discuss this with the people living near by. I think this would provide minimal mitigation (though I don't contest that it might be the best mitigation possible). I'm sure mitigations for other adverse effects are more effective -- but for many of them it is hard to judge without expert knowledge. Therefore it is important for this expert knowledge to be included where mitigations are proposed, as well as an indication of the basis for the estimate of effectiveness, and any uncertainty in that estimate. Ideally this would be based on measurements from past projects, but understandably some will be based on the judgment of the individuals performing the analysis -- it would be good to know which was involved in each case. | 29-2 |
| 3. In the traffic analysis, all the trip times seem to relate to East/West traffic only. I understand that is the purpose of this project -- however it will certainly affect North/South traffic as well (for example from Mowry/880 to Mission/Whipple; or from Mowry/880 to Mission/Niles Canyon). It would be good to include information on the positive or negative effects of the various projects on these flows, since they are also affected. This is especially true if the impacts for the different projects on these flows are significantly different, or if there are significant negative impacts. If the impacts for the proposed project on these paths is positive it would presumably not impact any decisions (though it would certainly be good to have as part of the justification). | 29-3 |
| 4. One of the advantages of the proposed project is that it would "maximize the use of publicly-owned rights-of-way in the Historic Corridor for transportation purposes." Are there restrictions which prevent the use of this corridor for other purposes? If not, then this particular benefit should be weighed against other uses (for example, expanding Quarry Lakes Regional Park; or other (non-transportation) types of development. If there are restrictions, they should be noted. | 29-4 |
| 5. Another advantage listed in the Executive summary is "implement planned transportation improvements." However, since these are already planned, they are not specifically benefits of this project. Presumably they would occur whether this project is implemented or not. | 29-5 |
| 6. Experience of the past year shows that traffic growth is significantly sensitive to gasoline prices when they rise to the levels experienced in 2008. While prices have dropped since, they are beginning to rise again. Future estimates are that new reserves will be more expensive to develop than current reserves, which will contribute to further increases in price. Additionally, developing nations (China in particular) have rapidly increasing demand for petroleum products. This increased demand will also lead to higher prices. Therefore estimates based on earlier growth patterns are certain to overestimate congestion and traffic delay as a significant number of people shift to car pools, public transportation, and other means of reduced travel. The final EIR should include, in addition to the standard models, an additional growth pattern that attempts to estimate these effects. | 29-6 |
| 7. Similarly, but much more importantly, there is an urgent need to reduce greenhouse gasses. A reasonable estimate of the reduction required (based on earlier estimates of climate change which it now appears may be on the low side) is the Kyoto Protocol. [While the United States has not agreed to this protocol, it is none the less a reasonable estimate of what is required, and a more environmentally responsible | 29-7 |

administration is likely to set goals relative to this standard.] This protocol calls for a 5.2% reduction in greenhouse gasses relative to 1990 levels by 2012. This amounts to about a 30% reduction (more for the United States, as the goal set for the U.S. is actually 7%) relative to projected use if no action is taken. Even with carbon credits, and even assuming that we fall significantly short of our goals in 2012, it is clear that this dictates a significant reduction in consumption in the 2015 time frame, and dramatically more in the 2035 time frame. As such, planning for growth that ignores this vitally important issues is, quite frankly, irresponsible. To enable responsible decision making, it is important that the EIR include estimates of traffic loads under these significantly reduced (and potentially negative) growth models.

29-7
cont'd

Thank you for your consideration,

Douglas Sojourner



East-West Connector
IMPROVING COMMUNITY MOBILITY

COMMENT SHEET

Public Hearing
Thursday, January 15, 2009
Warwick Elementary School
3375 Warwick Road, Fremont, CA
6:30 – 8:30 PM

Name: Laura Winter Affiliation: Neighbor
Address: 37418 Parish Circle Phone: _____
City/State/Zip: Fremont, CA 94536 Email: _____

I would like to submit the following comments on the East-West Connector Project:

Please build this project. We need the East-West access so we can get across town, either to visit friends go ~~to~~ shopping, and reduce the time we spend in our cars.

We have talked about it enough, we have spent much more money than we should have, and it is time to get it done.

30-1

(Please use reverse side if additional space is needed.)

Comments must be received by 5:00 p.m. Monday, February 9, 2009 through one of the following means:

Mail: EWC Environmental Document
Stefan Garcia, EWC Project Manager
c/o CirclePoint
555 12th Street, Suite 290
Oakland, CA 94607

Email: Eastwestconnector@circlepoint.com

Fax: (510) 268-8499

Thank you for participating in tonight's open house.

From: melodyek@comcast.net [mailto:melodyek@comcast.net]

Sent: Saturday, February 07, 2009 11:54 AM

To: eastwestconnector@circlepoint.com

Cc: Bacon, Vinnie; Czerwinski, Bob; Mueller, Jane; Khattak, Rangin; Gus Morrison; salyen_lele@yahoo.com; k8bpn@comcast.net; Kaven, Mae

Subject: Comments about EWC Environmental Document

To Stefan Garcia, EWC Project Director

Please accept these comments on your Environment Document. I'll be sending a hard copy through the regular mail as well, to make sure you receive our comments. It should arrive on Monday.

Thank you,
Melodye Khattak
for the Citizens for Neighborhood Integrity

Comments on the DEIR from the Citizens for Neighborhood Integrity Group

General Comments

- | | |
|---|------|
| <ul style="list-style-type: none"> • Current Cost - What is the current projected cost of the project? | 31-1 |
| <ul style="list-style-type: none"> • Land sale estimates - Will the Caltrans land sale bring in enough to cover project shortfalls? What is the current estimated value of this land? When is the estimated time when the land will go up for sale? | 31-2 |

Executive Summary

- | | |
|---|------|
| <ul style="list-style-type: none"> • Very first line of the Executive Summary is prejudicial towards the project! Says that the project “would provide improved east-west access” when, in fact, only the supporters of the project believe so. Prejudicial comments are prevalent throughout the DEIR. An EIR shouldn’t be slanted towards one side or the other, but this one is. | 31-3 |
| <ul style="list-style-type: none"> • p. ES-2-3: Supporting objectives talk about developments, businesses, and transit facilities in Union City and Fremont (and “the vicinity”), but this roadway is for Union City and over-the-hills commuters, NOT Fremont. | 31-4 |
| <ul style="list-style-type: none"> • p. ES-11: See second and fourth columns for the second question on the page, “Provide a more direct east-west link in the transportation network?” Incorrect statement in second column. Alternative 1 would provide HALF of the new roadway, not a SHORT segment. (Although many of the maps are not drawn to scale, I’d guess that Mission to Alvarado-Niles is about the same distance as Alvarado-Niles to Paseo Padre.) The rest of the planned roadway already exists. Also, the fourth column talks about the project providing a DIRECT east-west link. In fact, the ONLY direct route east to west is Decoto, from 880 to Mission. Let’s not call a spade a diamond. | 31-5 |

Introduction (1)

- | | |
|---|------|
| <ul style="list-style-type: none"> • Figure 1-1: Map is misleading. It doesn’t show the full extent of the neighborhoods, how close the roadway will be to existing houses, and how many houses would be affected. | 31-6 |
|---|------|

Aesthetics Section (3.1)

- | | |
|--|------|
| <ul style="list-style-type: none"> • All of the discussions in the EIR about mitigation efforts (walls, berms, residential fences and vegetation) completely ignore the fact that most of the houses that overlook the new roadway are 2-story houses. Walls, berms, fences, and vegetation can’t blot out an eyesore if you can look over them from upstairs rooms and count every car and truck zooming by. | 31-7 |
|--|------|

Air Quality Section (3.2)

- | | |
|--|------|
| <ul style="list-style-type: none"> • In an earlier iteration of this project, the Bay Area Air Quality Management District sent a letter that said, in essence, that this project, then at just over \$100,000,000 cost, was not worth the money for the meager air quality improvement it provided. Can this letter be | 31-8 |
|--|------|

included with this EIR as a basis of comparison to whatever BAAQMD provides in response to this EIR?	31-8 cont'd
<ul style="list-style-type: none"> This section of the DEIR is highly technical, written in both technical language and in an overly complex manner. It goes on for 46 pages and comes to a conclusion that there are unavoidable, acceptable construction impacts and a very minor worsening of air quality as a result of the project. Since an EIR is written to provide the public and the decision makers the information upon which to base a final decision on the project, this section would be better either rewritten to make it more understandable or it should provide an executive summary. 	31-9
<ul style="list-style-type: none"> We strongly recommend that the city councils of Fremont and Union City continue the DEIR study because the draft report is insufficient in at least two important areas, Chapter 3, Section 3.2 Air Quality and Chapter 4, Other Analysis Required by CEQA. The work done is commendable in providing baseline data and information, i.e., stating State & Federal standards for ozone, carbon monoxide, toxic air contaminants, noise and vibration, etc. so that when these standards are exceeded, the public can expect the traffic on the corridor be restricted or stopped legally. <p>The Fremont-Chapel Way (Air) Monitoring Station identified Ozone as exceeding standards, the Clean Air Act states DOT cannot fund projects that don't conform to standards, DEIP (3.2-27) said EAP has identified problems with MOBILE6.2 as an obstacle to quantitative analysis of toxic air contaminants, etc. One implication is statistical projections of vehicle emission of contaminants into our air would be beyond standards and involve large standards of deviation, placing sensitive receptors at risk.</p> <p>Chapter 4 did not provide upper limits to what is acceptable vis-à-vis standards; therefore, there is no threshold as to when traffic can be limited or stopped legally when noise and vibration becomes severe. It implied that noise and vibration is expected to be severe because it listed mitigation efforts, i.e., sound walls or berms, identified baseline levels and said increases of over 1dbA are expected but did not project how much over 1dbA and how one would qualify for 'mitigating' doors and windows except on a 'case by case' basis. Chapter 4 provided current dbA levels in outside residential and park areas but no such baselines for inside buildings and homes with windows open or closed. It provided street addresses of where dbA levels were obtained, which is commendable because persons living at those address may then borrow a decibel meter to measure current levels with their windows open and closed and calculate their own projections.</p>	31-10
<ul style="list-style-type: none"> p. 3.2-1 describes the Fremont-Chapel Way monitoring station as one of the sources of information. That intersection is 4.2 miles from the closest point of the project, essentially downwind from it. It would seem that some sampling data from the project site would be appropriate to determine if the monitoring site is truly representative of the air quality at the project site. Such sampling should be taken across a variety of weather circumstances. 	31-11
<ul style="list-style-type: none"> Page 3.2-2, Climate and Topography, describes a project alignment in Livermore and then goes on for three paragraphs describing Livermore and the Livermore Valley. Someone should have edited this section when they pasted in the boilerplate for the 	31-12

following paragraphs. How can we depend on the data when the writer seems to believe the project is in a distant corner of the county, far from the actual proposed location?	31-12 cont'd
<ul style="list-style-type: none"> p. 3.2-30, lines 8-21, see especially lines 16-18: “(As noted above, the current emissions model is not capable of serving as a meaningful emissions analysis tool for smaller projects.)” <p>In other words, because we have no way of analyzing possible emissions, we will just assume that they will not be a problem. As noted in the report, MSATs are linked to health problems; therefore, it is essential that a way of measuring them—in “small” projects—is found so that a conclusion based on facts, not assumptions, can be made.</p>	31-13
<ul style="list-style-type: none"> p. 3.2-37, Table 3.2-7: New bottlenecks would be formed with the East-West Connector, e.g., at the proposed new traffic lights and at the end of the connector, when it would dump onto Mission Blvd. Analyzing the current intersections is a specious indicator of conditions at proposed intersections. 	31-14
<ul style="list-style-type: none"> p. 3.2-37, CO Chart has minor errors in street names. The first intersection should be Niles Blvd at Nursery, not Alvarado at Nursery. Also, the fourth intersection should be Decoto at Alvarado-Niles. 	31-15
<ul style="list-style-type: none"> p. 3.2-37, CO Chart should be structured in a similar manner to the Traffic Chart which shows the traffic levels today, the 2015 levels with no project, and the levels with the project. This allows the reader to better understand the effects of the project. A chart of air quality depicting today’s AQ, the expected AQ in 2015 with no project, and the AQ if the project is completed. 	31-16
<ul style="list-style-type: none"> p. 3.2- 46, lines 8- 15, especially the following: The localized increases in MSAT emissions would likely be most pronounced along the new roadway sections that would be built. However, even if these increases do occur, they too will be substantially reduced in the future as a result of the implementation of EPA’s vehicle and fuel regulations. <p>As noted earlier, EPA projects that emissions will be lowered within 20 years. Basing an action today on something that may or may not happen in the future is risky. Also, within the 20 years’ time many health problems could arise.</p>	31-17
<ul style="list-style-type: none"> General Comment: In the technical information presented, there is a description of a panoply of impacts on air quality, yet the only two addressed in making a determination are CO and Greenhouse Gas Emissions. What about all the others discussed in the text? 	31-18
<ul style="list-style-type: none"> General Comment: Since the conclusion of this section says the benefits to AQ are due to a reduction in VMT (a maximum of one mile for any user, based on the longest section, Appian Way/Mission to Decoto/Paseo Padre,) shouldn’t the evaluation of air quality include a comparison to alternatives to the automobile so there can be an assessment of the value of this huge expenditure of funds for the automobile compared to an expenditure, similar or less, made to improve transit alternatives to the automobile? 	31-19
<ul style="list-style-type: none"> General Comment: The EIR does not discuss TSM, Transportation Systems Management, as an alternative to the project since TSM was studied in an earlier version of this project. Although it wasn’t included, shouldn’t the conclusions be promulgated in this document so there can be a direct comparison to no project and the proposed project? 	31-20

<ul style="list-style-type: none"> General Comment: Given the fact that the wind usually blows from the north-west, building a roadway north and west of major neighborhoods in Fremont and Union City guarantees that air pollution from the constant road traffic will pollute hundreds of homes and thousands of citizens day and night. 	31-21
<ul style="list-style-type: none"> The incredible number of stoplights generated by this project will increase the pollution (both air and noise) as cars speed up to make the next light and then slam on their breaks as they miss it. 	31-22
<ul style="list-style-type: none"> Looks like every effort was made to study air quality at intersections (even some far away from the project!), but what about air quality between intersections, where the ADULTS and CHILDREN live, play, and sleep? The air quality in the neighborhoods is what really counts. Where are those studies? 	31-23

Biological Resources Section (3.3)

<ul style="list-style-type: none"> When the Quarry Lakes Park was being graded and prepared for its current “groomed” look, every tree and bush in the entire area were torn down and hauled away. The birds and animals were either slaughtered by the earth movers or were forced to hide in the as-yet undisturbed Old Alameda Creek. The EIR focuses on nesting migratory birds but doesn’t seem to recognize the large assortment of animals and birds that now make their homes in the Creek. <p>The Old Alameda Creek will now face considerable removal of trees and shrubs as the area is prepared for the new roadway, resulting in further loss of bird and animal habitat. And what will two permanent bridge crossings, and their resulting noise and chaos day and night, do to the homes of these birds and animals? Does an animal or bird have to be on an endangered list to catch the attention of the “specialists” creating this EIR? It seems that these birds and animals have already been endangered by the loss of their original habitat, the old Quarry. This new roadway will be a permanently damaging environment for them, and I don’t see any mitigation measures offered or concerns mentioned in the EIR.</p> <p>Trees, shrubs, and grasslands have some significance as habitats for wildlife. Don’t dismiss their importance just because they are non-native and not endangered.</p> <ul style="list-style-type: none"> See also bullet under Cultural Resources Section (3.4). 	31-24
---	-------

Cultural Resources Section (3.4)

<ul style="list-style-type: none"> The historic Alameda Creek channel and an historic property known commonly as Peterson Farm lies within the project area. The project directly threatens the willow scrub on the banks of the channel and herbaceous wetlands within the channel bottom. Peterson Farm has been determined eligible for inclusion in the NRHP under criteria A and C, and in CRHR under criteria 1 and 3. Building the corridor will divert significant traffic flow within feet around these historic, biological, and cultural resources. The study fails to identify the impact on air quality around the new roadway that will be constructed around these properties and the vibration effects, both during construction and operation of the new roadway. The vibrations can have a significant impact on the integrity of the structure of Peterson Farm. It will definitely have an adverse effect on the biological 	31-25
	31-26

habitat and resources in Alameda Creek Channel and other creeks and fold channels in the project area. The vibrations impact report in Appendix 0 in the EIR fails to study any effect on these historic, cultural, and biological resources.

31-26
cont'd

Geology, Soils, and Seismicity Section (3.5)

- I don't see anything in the EIR that discusses the tons of cement, asphalt, and other roadway materials that were dumped in the North corner of the empty land next to where the Old Alameda Creek makes a nearly 90 degree turn toward the Southeast. The roadway "junk" was used to fill in a number of deep pits that were left after the quarry was closed, and I believe that the proposed roadway would pass directly over these filled pits. What is the danger of the area settling or leaching chemicals into the groundwater, especially if the area is disturbed by roadway construction?
- This project involves massive disruption of the soil close to the aquifer. Mitigation to prevent contamination of drinking water is not discussed. The argument given to me by Mr. Garcia that there is a layer of clay so going under the railroad and BART tracks in Union City does not pose any threat to drinking water, is not substantiated by the EIR. The EIR states that the soil is porous and that potential ground failure would cause lateral spreading. Differential settlement is high, posing a very real threat to drinking water contamination in the tri-city area. I suggest that the EIR investigate the soil conditions by digging out samples and analyzing the soil in the entire area rather than quoting undocumented soil and geological literature.
- Earthquake damage is mentioned in the Executive summary as "less than significant". However, in the Geological discussions the possibility of liquefaction and other earthquake problems are listed as "very high". The Draft EIR assumes that the design will mitigate against these effects but with no supporting data. Test borings will occur in a later phase of the construction. **These should be done before the final EIR so that all risks can be ascertained and project costing determined. Will test borings occur before the final EIR is prepared?**
- p. 3.5-2: The reported sub-soils pertaining to the new roadway are reported as predominantly clay underlined by sand and gravel near the Mission Blvd.; however, Figure 3.5-1 shows that the subsoil consists of Alluvial Fan Deposits (Qh_{af}) north of this site. Also, near the Mission Lakes area the subsoil is natural levee deposits (Qh_l), which is termed as loose, well-sorted sandy or silty clay. It sounds like porous sub-soil. No literature and geological references are cited for the conclusion.
- p. 3.5-3: The verification of subsurface soil conditions are to be undertaken during the planning and estimation phase of the project. I think we need this information at this stage before the project is initiated. This section and many other sections of the EIR are full of contradictory, incoherent, and unsubstantiated conclusions. No credible analytical data has been given to substantiate the conclusions.
- p 3.5-4: There is a 62% probability of a strong earthquake along the active faults in the vicinity of the project, resulting in strong ground shaking, surface fault rupture, and liquefaction throughout the project alignment. The EIR mentions moderately high ground shaking, yet in the same paragraph it states that the potential for fault rupture is relatively low. Which is correct? Contradiction after contradiction within the EIR does not give one

31-27

31-28

31-29

31-30

31-31

confidence in the document.	
Paragraph four states that liquefaction susceptibility between Paseo Padre Parkway and Alvarado-Niles Road is mapped as very high, yet no boring data is available in this segment. The EIR states that additional investigation would be undertaken to verify the liquefaction potential in this area. In the absence of any credible data, the project cannot continue until satisfactory answers to the many unanswered questions are found and documented. The EIR must show that our drinking water is safe before the EIR is even voted upon.	31-31 cont'd
<ul style="list-style-type: none"> p. 3.5-5: The soil permeability in the vicinity of the project ranges from moderately low to high, and it is poorly drained to well-drained. Which terms apply to which areas? 	31-32
<ul style="list-style-type: none"> p. 3.5-6: Have any permits been obtained from San Francisco RWQCBs? Under the NPDES Phase II rules, construction activity disturbing one acre or more requires the state's General Construction permit. Also, has the ACWD (the local agency) been involved in the EIR? 	31-33
<ul style="list-style-type: none"> p. 3.5-12 (Impact GEO-3): Again, potential structural damage and injury due to liquefaction is termed as insignificant. ACTA should require additional geotechnical investigations for the project to verify the liquefaction potential of the project BEFORE the EIR is approved. That is, the boring must be completed before the EIR can be approved. You cannot approve a project and then start finding potential flaws later. 	31-34
Hazards and Hazardous Materials Section (3.6)	
<ul style="list-style-type: none"> p. 3.6-6: The section that discusses the Pacific States Steel Corp. Phase II property in Union City (the State of California Superfund site) was purchased for use as a disposal area for slag material and industrial waste; some remedial actions were undertaken and it was considered clean. However, the fourth paragraph states that further investigations would be required to ensure the construction and operational safety of the proposed project, suggesting that the site is not really clean. Before any construction, the studies must confirm that the site is clean of contaminants such as lead, zinc, cadmium, chromium, nickel, and TPH that have been detected in slag piles and ponds on site. 	31-35
<p>Considering the enormous consequence if the groundwater supply were to be contaminated, this section should include more detailed information about the aspect of the project that calls for depressing the roadway to create a grade separation at the railroad and BART tracks. Specifically, we understand that the DTSC certification issued in 2006 determining that "cleanup of all hazardous substances on the site is complete" related only to the residential areas of the PSSC property and that there still remains TPH soil contamination along the edge bordering the proposed railroad and BART grade separation. Please discuss the following:</p> <ul style="list-style-type: none"> How will it be determined whether contamination extends within the proposed roadway alignment? How would that contamination be addressed? What mitigation would be required in view of proximity to the Hayward Fault, the potential for rupture of the membrane and clay envelope, and disruption of other remediation measures? 	

<ul style="list-style-type: none"> ○ Would the potential mitigation measures have a significant impact on the total project cost? ○ Can mitigation permanently contain the contaminants? 	31-35 cont'd
<ul style="list-style-type: none"> • Since this groundwater issue is not addressed directly in the Hydrology and Water Quality section, it would be useful to insert a cross-reference in 3.7 to this part of 3.6. 	31-36
<ul style="list-style-type: none"> • p. 3.6-6: Cattellus--Union City (EDR 8 on Figure 3.6-1b) was listed on DTSC Envirostor data base. The potential contaminants of concern include lead, pesticides in rinse waters, contaminated soil, and halogenated solvents. No remediation of these contaminants has been done, yet the land has been developed. The property supposedly offers no risk during construction. With so little information available, how can we be sure? We don't want another Love Canal scenario. 	31-37
<ul style="list-style-type: none"> • p. 3.6-13: Under CEQA guidelines (14 CCR 1500 <i>et. seq.</i>), this project will cause significant impact concerning hazards and hazardous materials. As proposed, the proposed project will have five signal lights (including three new ones) on Paseo Padre between Decoto and Isherwood, causing a significant increase in pollution (noise, airborne pollutants) and put public safety at risk. It will greatly affect the quality of life for Fremont residents, particularly for school children and people interested in walking to the trails and parks. Additional stoplights and traffic will also impair emergency response and emergency evacuation. <p>An elementary school and high school are less than a mile from this project, which need to be taken into account under CEQA guidelines.</p>	31-38
<ul style="list-style-type: none"> • p. 3.6-16: The EIR Phase 1 Site Assessment determined that there are potential hazardous materials in the vicinity of the project, mainly due to former Pacific Steel Corporation and Union City Corporation Yard activities, which is a significant impact. The Phase II Site Assessment will precisely determine the location of hazardous materials in the area so that the proposed roadway can avoid those areas. Shouldn't this assessment be performed before approval of the EIR? How does ACTA even know if there is a pollution-free area to build a road in this area of Union City? 	31-39
<ul style="list-style-type: none"> • p. 3.6-17: In the mitigation measures, the EIR states that if significant hazardous materials are encountered during the project construction, they will be satisfactorily mitigated. How can the EIR make this claim if ACTA doesn't even know what they have to mitigate? 	
<ul style="list-style-type: none"> • There are three wells within 0.25 miles of this project, but the health of these wells has not been discussed. The Superfund Amendment and Reauthorization Act mandates that citizens and the community have a Right-to-Know the problems. The EIR should reveal the water analysis data from these wells to prove that no contamination has seeped through to our drinking water. 	
<ul style="list-style-type: none"> • In 2008, the ground water monitoring efforts reported elevated concentrations of total petroleum hydrocarbons. The type of these hydrocarbons has not been reported. We need to know whether these are carcinogens or other unacceptable pollutants that could cause health problems. This type of investigation cannot be postponed; it must take place and the outcome revealed before the project is started. 	31-40

Hydrology and Water Quality Section (3.7)

- | | |
|---|-------|
| <ul style="list-style-type: none">• p. 3.7-20: Impact HWQ-4 discusses the way in which previous diazinon impairment of Alameda Creek Flood Control Channel results in no remaining capacity to accommodate additional quantities of this contaminant. The section concludes that since diazinon was phased out of use in 2001, and urbanized environments such as this would not typically have a diazinon impairment, therefore, the impact is less than significant. Were any tests conducted to determine whether Alameda Creek Flood Control Channel is in fact typical in this regard? How was it determined that the impact is less than significant? | 31-41 |
| <ul style="list-style-type: none">• Fish and Game approvals – the draft EIR mentions that F&G has been consulted. Have they approved the project as currently planned? If not, will this be completed before the final EIR is released? Is this required BEFORE the final EIR? | 31-42 |

Land Use and Planning Section (3.8)

- | | |
|--|-------|
| <ul style="list-style-type: none">• p. 3.8-2: The EIR mentions that the land for the proposed new roadway has been “reserved for roadway development since 1958”. True, it was first reserved for a road in 1958, but for a majority of the 1980’s the highway plans were rescinded (and published as “rescinded” in maps printed at that time). Many of the Mission Lakes residents purchased their homes during that decade, a subdivision that was allowed to develop because there was NO highway or roadway planned at that time, and land that ordinarily might be used for a highway on-ramp was available for residential purposes. If you are going to discuss history, you might as well make it accurate. | 31-43 |
| <ul style="list-style-type: none">• Also p. 3.8-2, line 29: The area adjacent to the new roadway between Paseo Padre and Mission Boulevard is described as “an area that is primarily undeveloped”. However, there are housing developments on both sides of the proposed roadway. | 31-44 |
| <ul style="list-style-type: none">• p. 3.8-6, line 24: The new roadway is to be in an area designated as I-OS. There is no mention later in the document of any replacement to this loss of open space. | 31-45 |
| <ul style="list-style-type: none">• p. 3.8-9 and 3.8-15: It is important to point out that Fremont has noted in its General Plan that the freeway extension of SR 84 to Mission Blvd. is not a “done deal” and that various alternatives are being considered. On the other hand, the Union City General Plan, in a “head-in-the-sand” reaction refuses to recognize that the proposed SR 84 is in doubt, with one of the two involved cities opposing it for a number of years. Instead, they plan their entire city development without any consideration that the roadway might not happen. | 31-46 |
| <ul style="list-style-type: none">• p. 3.8-20, Goal LU-4: The argument that the roadway has a “low profile” that will make it “more compatible” with the open space environment is ludicrous. The project is a four-lane roadway! Are we to assume that an “open space environment” will experience a ‘less than significant’ impact if a four-lane roadway is run right through the middle of it? <p>This section also argues that this land has been reserved for roadway development for several decades. It does not matter what was the historical designation of the land. The question should be what is the best use of the land right now and how will it best conform to the existing land use designations.</p> | 31-47 |

<ul style="list-style-type: none"> p. 3.8-20, Objective OS-2: It is very unlikely that the proposed mitigation effects will mitigate the impacts of a four lane roadway to a less than significant level. Obviously, protecting the area to the “greatest extent feasible” would be to not build the facility at all and leave the open space as it is. 	31-48
<ul style="list-style-type: none"> p. 3.8-21, Objective OS-2.3: The objective is to conserve natural areas within the city. Arguably, every natural area is a “unique natural area”. It says that these areas “shall be managed to protect and enhance wildlife habitats”. Clearly, building the roadway would not protect nor enhance the wildlife habitats in this area. 	31-49
<ul style="list-style-type: none"> p. 3.8-23, Goal NR-13: The DEIR again assumes that preservation of open space can be done by creating a four-lane roadway. Looking across a wide roadway is not usually what people have in mind when they think of open space. Preserving views by not planting tall trees will probably do a worse job of maintaining a natural, open space feel than the roadway would. 	31-50
<ul style="list-style-type: none"> p. 3.8-35, Goal NHR-A.1: It is very unlikely that the proposed mitigation effects will mitigate the impacts of a four lane roadway to a less than significant level. It is well known that attempting to move an existing habitat causes a significant effect on the overall habitat. The creation of a bridge over the creek will clearly impact the surrounding plant and wildlife species. 	31-51
<ul style="list-style-type: none"> Union City Arroyo Park: There will be a loss of parkland due to the rerouting of Quarry Lakes Drive. Will additional land be made available to compensate for this loss? 	31-52
<ul style="list-style-type: none"> Another bit of history that should be mentioned in the EIR is the fact that Fremont planned for future growth by planning for a widened Decoto Rd. Union City, on the other hand, allowed development to occur up to the edges of a narrow Decoto Rd. in their city, without any regard for future growth. Decoto, of course, is the TRUE “straight shot” from 880 to Mission. Fremont is now suffering from the lack of planning on the part of Union City planners. 	31-53

Noise and Vibration Section (3.9)

<ul style="list-style-type: none"> A number of residential properties in the project area are multi-level. The DEIR fails to identify projected noise levels at various levels of these properties after completion of the project. The report also fails to identify the impact on the noise levels of the two options of the sound wall along the new roadway between Paseo Padre and Mission Blvd. at various heights of the residential properties. 	31-54
<ul style="list-style-type: none"> The biggest concern about noise and vibration seems to focus on construction periods. But with the prevailing winds blowing the noise toward the residential areas, how are you going to mitigate the sounds of traffic all day and all night, every day? Construction will end some day, but a noisy roadway will never be silent, disturbing people and wild creatures alike. 	31-55
<ul style="list-style-type: none"> Will low noise pavement be used throughout the project? This should be a requirement. There is no estimation of noise levels at the second story of homes along the corridors especially along Barnard. What/when will this data be available and what mitigation is assumed? The Fremont Council assured us that they would require that the costs of mitigation be assumed by the project funds. There seems to be some possibility that the 	31-56

noise in second story homes in the Chaplin area would be considered unavoidable and not covered due to problems with “pooling of funds”. Is this correct?	31-56 cont'd
<ul style="list-style-type: none"> Throughout this section, one of the mitigation measures is to “Prepare a Community Awareness Program for Project Construction”. What kind of mitigation is this? Just tell the neighborhoods that it’s going to be noisy, and that takes care of the problem? 	31-57
<ul style="list-style-type: none"> p. 3.9-4, Table 3.9-1: Noise from BART and the train tracks is seldom noted in this table as a “primary noise source”, although they are substantial sources of noise for most people along Barnard Dr. Few people along this street have air conditioning, unless their houses have been upgraded, and on warm nights—of which we have many during the summer—the open space behind our street allows considerable noise to enter our open second-story windows (where the bedrooms are). I’ve awakened many times, convinced that a BART train or railroad train was heading right into my house. This table needs a reality check. <p>Also, moving Quarry Lakes Dr. closer to the Old Alameda Creek will increase noise from it as well, not to mention the proposed roadway disturbances, with or without sound walls. We’ve already added double-paned windows to our house, but they are no help when the windows are open. Maybe you should consider add air-conditioning for us as a mitigating measure.</p>	31-58
<ul style="list-style-type: none"> p. 3.9-18: Table 3.9-5 looks fishy to me. How convenient that with the project, none of the noise increases was more than 2 dBA! Figure assumptions for year 2035 are just a guess, with or without the project. We can’t assume that by 2035 we still won’t have discovered public transit, and we’ll still be in our cars. And I don’t believe that the existing peak-hour statistics are correct. I own a house that backs up to Paseo Padre Parkway, near where the proposed project will add another stoplight at Tamayo, and yet another stoplight a few hundred feet to the North, for the new roadway intersection. As loud as it is now in my backyard, I’m anticipating an uncomfortable increase in traffic noise if the proposed changes are made along Paseo Padre. And if you were being realistic in this section, you’d anticipate it too. <p>The same “fishiness” holds true for the other table in this section (Table 3.9-9) that mentions statistics for the year 2035.</p> <p>And where did you put your sound monitors in the yards along Paseo Padre and Decoto? Where people are going to be (on their patios, in their upstairs rooms overlooking the roads) or tucked in a corner next to the sound wall or fence, where most sound would be blocked? (This is how the sound studies were performed along Isherwood Way when residents complained about the traffic problems along that street.)</p>	31-59
<ul style="list-style-type: none"> p. 3.9-28: Sound walls or berms are recommended to protect against unacceptable noise levels along the new roadway. However, I don’t think that the EIR is realistic about the number of houses that will be affected by the noise. Sound walls are notorious for bouncing sound waves so that noise is heard much farther away than originally expected. Are you going to put monitors in the yards of ALL of the houses within a half-mile radius of the new road and test for noise BEFORE and AFTER the projected roadway is built, 	31-60

so that you can mitigate ALL of the problem households, not just the ones you assume will be affected?

31-60
cont'd

Population and Housing Section (3.10)

- This is a simple section that contains little information except that the roadway will encroach on 7 residential properties and displace one residence, currently owned and rented by CalTrans. Too bad that the EIR didn't bother to mention that many people residing next to the proposed roadway purchased their homes when the Highway 84 project was rescinded. (On my street, over 1/3 of the current residents fall within that category.) The resurrected roadway has affected OUR ENVIRONMENT significantly.
- The value of all the houses along the proposed new roadway will decrease in value. How will the residents be compensated for this loss?

31-61

31-62

Transportation and Traffic Section (3.12)

- General comment, Greenhouse Gas Emissions: Many cities such as Fremont and Union City are working to reduce greenhouse gas emissions. This will be done in large part by encouraging transit usage over automobile usage. The document doesn't analyze the impact that this roadway will have on people using their automobile as opposed to taking transit. The use of these funds to build an unnecessary roadway also prohibits these funds from being used for transit infrastructure.
- The project only widens Decoto Westbound of Paseo Padre after a short section. However, pouring many lanes of traffic down to only a few lanes will create a bottleneck and prevent the assumed traffic flow in the EIR. Also, assumptions of time-savings do not consider the numerous traffic lights now in the proposed plan. **What are the now projected time-savings with these lights and other traffic constrictions?**
- What will the speed limit be? The noise study assumes 35 mph. The noise levels should assume the highest speed (40-50 mph, including trucks) if there is no speed defined by Union City or Fremont City Councils.
- Will trucks be allowed? The noise level will be greater if trucks are allowed. What is the estimated dB level if trucks are allowed?
- p. 3.12-19, Transit Operations: The DEIR does not analyze how the project will impact the percentage of transit usage due to the project. The DEIR only mentions the Union City Multimodal Center in passing. This facility will integrate several rail services. The study should analyze how the provision of a new roadway will reduce the use of transit at this location.
- p. 3.12-27 (several questions/comments about the table beginning on this page)

31-63

31-64

31-65

31-66

31-67

I looked at the estimated delays at various intersections and wondered what would be the improvement for one who was most benefited by the project. I believe that would be someone who left Fremont on Mission Blvd., turned left onto the new road at Osprey/Appian Way, then turned right onto Paseo Padre and left again at Decoto Road. Today, that person would travel Mission to Decoto, turn left on Decoto, and proceed to

31-68

<p>880 or the Dumbarton Bridge. The theoretical improvement in time would only result in the section between Appian Way/Mission and Paseo Padre/Decoto.</p> <p>I plotted the average delays for each intersection and have attached a spread sheet (Attachment 1). Comparing the 2015 No Project scenario with the proposed project estimates showed a less than 4 minute average improvement in the morning peak and a 4 ½ minute improvement in the afternoon peak. This after the expenditure of more than \$200,000,000!</p> <p>Remember, this would be the maximum benefit in time savings. All other improvements would be less.</p> <p>As to Table 3.12-6: We need to ask the consultants to do what I did and include a table dealing with actual traffic improvements and some kind of cost/benefit analysis.</p>	<p>31-68 cont'd</p>
<p>In the table, they have listed various signalized or controlled intersections. They have included Paseo/Wyndham Drive in that list and describe horrendous backups, even level of service F now with 4 minute delays. I don't think Wyndham/Paseo is signalized and I cannot believe such delays today. They estimate that in 2015 without the project the delays would be too high to calculate in the AM and 15 minutes plus in the PM. That whole scenario along Paseo in the PM peak, items 16, 17, 18, 19, and 10, needs to be explained.</p>	<p>31-69</p>
<p>They have built this huge table including intersections far away from the project. They need to prepare a table that takes the 2015 conditions in Fremont as a base and describe how this project influences that base. It is not clear now as it is depicted. They should verbally describe how traffic will flow, especially in Fremont, if this project is superimposed, and things that will not change.</p>	<p>31-70</p>
<p>I didn't look hard, but I wonder if any of this "no project" analysis takes TSM into consideration? I cannot believe that any intelligent commuter would sit for the 2015 projections with no project. Commuters will find alternative ways around traffic backups.</p>	<p>31-71</p>
<p>Also, on the table, I don't think the estimates for delays are accurate where a left turn is required, like Appian Way/Mission and Paseo/Decoto. The derivation of those estimates should be requested.</p>	<p>31-72</p>
<p>All in all, this table should be made easier to understand by lay people or decision makers. Specific examples should be provided as part of the document.</p>	<p>31-73</p>
<ul style="list-style-type: none"> • p. 3.12-27, Table 3.12-6 and p. 3.12-39, Table 3.12-8: I don't see how this project will improve the intersections at Decoto/Paseo Padre or Decoto/Fremont Blvd. Whether cars travel on a new roadway between Mission and Paseo Padre or choose alternate routes if the project is not built, they will still have to pass through the Decoto/Paseo Padre and Decoto/Fremont Blvd. intersections. No way will a new roadway improve those intersections by one level of service, as the table shows. <p>Same comment for the Paseo Padre/Isherwood intersection. Cars coming North on Paseo Padre will STILL turn right on Isherwood Way to go to Union City. Drivers choose the first road they come to, as we all saw when traffic dramatically increased on Isherwood</p>	<p>31-74</p>

Way once the road cut through to Union City. NOBODY took the time to go to Decoto before turning right; they all turned on Isherwood. Likewise, all east-bound cars will still be turning on Isherwood rather than going another few hundred feet to turn on the new roadway.	31-74 cont'd
<ul style="list-style-type: none"> p. 3.12-31, Impact TRA-5: The whole idea of spending over \$220 million on the roadway is to improve traffic conditions in the area. But this impact shows that six years from now, 18 intersections will actually be worse off as a result of the project. 	31-75
<ul style="list-style-type: none"> p. 3.12-36, Impact TRA-6: The benefits of the project will supposedly be felt at 21 intersections twenty-six years from now. Obviously, the traffic model assumes significant new transportation demands between 2015 and 2035 for the results to be so different. The DEIR does not show the details of the traffic model and how much development will need to occur for the projection to be realistic. It's questionable whether this level of development will actually occur. 	31-76
<ul style="list-style-type: none"> p. 3.12-45 (Tables) and Figure 3.12-2: The figure is ridiculously complicated, and the supporting tables are unrealistic. The way they were explained to me is that the implementation of this project, which provides ½ of a new route between Mission and I-880 would reduce the travel times on ALL possible routes between the hills and the freeway. Now, if there was only one route between Mission and I-880, I can see how the travel time could be cut in half by adding a second route. But there must be a dozen different routes between these two points, and adding yet another route can't possibly reduce the average time by half, yet that's what these tables are showing (48% reduction, 56% reduction, 52% reduction, etc.) I don't know what so-called computer models are being used, but you are asking us to believe in sand castles in the sky. 	31-77
<ul style="list-style-type: none"> The traffic and transportation study included in Section 3.12, which shows 8 intersections in Fremont and 1 in Union City operating at the LOS below threshold D, was done in November 2007. Another study is required to verify that after the recent improvements, the intersections are still operating at LOS threshold worse than D. The Union City intersection at Decoto Road and Alvarado Niles Blvd., which anyway is exempt from LOS threshold D policy, has been improved structurally since November 2007. It is unclear at what LOS that intersection operated at AM and PM peak times. 	31-78
The four out of eight intersections in Fremont that are found to be operating at LOS worse than D are all along Decoto Road between Paseo Padre Parkway and I-880 and fall out of the scope of this project. The new traffic and transportation study must also include the impact of completing the East-West Corridor on the conditions at these intersections, as the new roadway will bring non-local traffic into the already congested intersections from South Fremont via Mission Blvd. and from Hayward via Alvarado-Niles and Mission Blvds. The improvements and new roadway built as part of this project must not have a bad impact on traffic conditions on intersections falling out of the scope of the project.	31-79
The traffic study further fails to show the benefit of constructing a new roadway through the Alameda Creek Flood Channel and Dry Creek area on the east side of Paseo Padre Parkway between Tamayo Street and Isherwood Way as opposed to only improving the intersections along Decoto Road and Paseo Padre Parkway. The study identified intersections along Paseo Padre Parkway between Decoto Road and Isherwood Way to be	31-80

<p>operating below LOS threshold D. Currently, Paseo Padre Parkway has 3 lanes in each direction between Isherwood Way and Thornton Avenue. The study does not include a comparison of benefits and costs between continuing 3 lanes each way further from Isherwood Way to Decoto Road vs. the new roadway on improving the congested intersections on Paseo Padre Parkway. The new roadway between Paseo Padre Parkway and Mission Blvd. does not seem to have any impact on the conditions at these intersections.</p>	<p>31-80 cont'd</p>
<p>Moreover, the new study requires an enhanced traffic forecast model. The model used in the current study expects the current distribution of traffic origination and pattern to hold upon the completion of the East-West Corridor project. The 2015 and 2035 forecasts, and presumed improvements, are based on this significantly flawed assumption.</p> <p>In fact, the completion of East-West Corridor will introduce an alternative for I-880, for the traffic heading South on Mission Blvd. to I-880 North and the traffic through Hayward - Industrial Expressway and SR92 - to I-880 South. This will be traffic originating outside the "local" area for this project and will make traffic conditions worse than the traffic model forecasts. This will be a problem created by the new roadway that will make conditions worse at the intersections along Decoto Road and Thornton, which do not fall within the scope of this project.</p>	<p>31-81</p>
<ul style="list-style-type: none"> Constructing this roadway will encourage more cars to cut through Niles Canyon and weave their way through the Union City and Fremont neighborhoods on their way to 880. We should be encouraging traffic to stay on freeways (e.g., 680 to 880 rather than disturbing residential areas. Skeptics will argue that Niles Canyon is already as clogged as it can get, but we haven't seen stop-and-go traffic throughout the Canyon yet---but we will! 	<p>31-82</p>
<p>Other Analyses Required by CEQA Chapter (4)</p> <ul style="list-style-type: none"> p. 4-17, last sentence on page: This project is said “not to induce growth beyond that which has been (typo) already been presented as part of Union City’s plans for future growth and development.” I would encourage the EIR firm NOT to take Union City’s plans for growth at face value. Union City has a POOR track record for planning rationally. Just because this proposed project fits with Union City’s plans doesn’t make the project itself rational. It’s time for someone to state the truth: We can’t pave over the entire East Bay to satisfy the drivers who want to drive solo. And we cannot build enough roads in Fremont to satisfy Union City’s desire to cover every open space with houses. See also Air Quality Section (3.2) 	
<p>Project Alternatives Chapter (5)</p> <ul style="list-style-type: none"> p. 5-7, 1st complete paragraph: During the EIR/EIS review process in 1994, the substantial community opposition was for the ENTIRE project, but particularly for the segment between Decoto near I-880 and Alvarado-Niles (that is, the segment in Fremont). The EIR misstates it as opposition mainly to the segment between Decoto near I-880 and Paseo Padre Parkway. Perhaps the proponents of this project would like everyone to think that the road segment next to Mission Lakes, which is being shoved down the throats of Fremont residents in this proposed project, has been more acceptable 	

<p>to the citizens and to the Fremont Council than the Brookvale segment of the road, but this is JUST NOT SO. A vast majority of the citizens who have participated in this whole process since 1986 have been against both pieces of the road in Fremont. So, please correct your erroneous wording in the EIR.</p>	<p>31-84 cont'd</p>
<ul style="list-style-type: none"> • p. 5-62, column 4, last statement regarding Union City BART station and businesses: It is obvious that this project is aimed at meeting Union City's perceived transportation needs; however, the roadway goes through Fremont and impacts only Fremont residents. A route going through only Union City is what is called for and should be designed. 	<p>31-85</p>
<ul style="list-style-type: none"> • p. 5-12, section 5.4.1: Alternative 1: Historic Alignment in Union City (up to Alvarado Niles Road) <p>This alternative was studied by ACTA in 2003 as the result of a joint meeting of the Union City and Fremont City Councils on in February 2003. At that time, the roadway improvement alternative was described as:</p> <ol style="list-style-type: none"> 1. Adoption of the same Route 84 alignment as the "build" alternative between Mission Blvd. and Alvarado-Niles Rd. 2. New segments of Route 84 (Alvarado-Niles Rd. to Decoto Rd.; Decoto Rd. to I-880) Widening of segments of Alvarado-Niles Rd. and Decoto Rd. from 4 lanes to 6 lanes. Improvements at various intersections along the proposed route. <p>It is understood that the Route 84 designation is no longer relevant. However, the Item 2 appears to be missing from discussion of this Alternative 1 in this draft document. It does not appear to be included in the referenced Appendix E (on compact disk). Why is that?</p> <p>After completing their analysis in 2003, ACTA staff met with the mayors of Fremont and Union City and then met with the city councils in January 2004 to present the results. At a joint meeting of the Union City and Fremont Councils, there was unanimous agreement to drop further consideration of this alternative due to the right-of-way impacts on properties in Union City and the unwieldy number of lanes that would need to be created at the Decoto Road and Alvarado-Niles Rd. intersection to handle projected traffic at an acceptable level of service. How does that compare to the intersection proposed for Decoto Road and Paseo Padre Parkway in this project? (It appears to be the same intersection, but because it is located in a Fremont residential area rather than a Union City business district, it is acceptable.)</p> <p>In what way do the impacts of this project's Decoto Road/Paseo Padre Parkway intersection differ? What were the impacts of the Decoto Road/Alvarado-Niles Rd. intersection subjected to previous analysis that made it unacceptable?</p>	<p>31-86</p>
<ul style="list-style-type: none"> • WE ARE OPPOSED TO THIS PROJECT. IF YOU WANT TO SELECT AN ALTERNATIVE, CHOOSE ALTERNATIVE 1, WHICH ALLOWS UNION CITY TO HAVE ITS ROAD. BUT DON'T FORCE FREMONT TO ACCEPT UNION CITY'S POLLUTION AND CHAOS JUST BECAUSE OF THEIR POOR PLANNING. 	<p>31-87</p>

Time from Mission/Appian Way to Fremont Blvd.

Signal	AM	2015	PM	2015	2015						
Appian/Way-Mission	Today		Today								
Left Turn on Decoto		23		41							
7th St		33		39							
11th St		38		50							
Union Square		36		37							
Alvarado-Niles		157		231							
Perry		26		31							
Paseo Padre		55		86							
Total Delay Seconds		368		515							
Minutes		6.13		8.58							
Project											
Signal	AM	PM									
Appian/Way-Mission		70		122							
Chesapeake Dr		20		10							
11th St		13		22							
Alvarado-Niles		72		31							
Quarry Lakes Dr											
Paseo Padre		18		78							
Wyndham		8		4							
Decoto Rd (left turn)		77		49							
Total Delay Seconds		278		316							
Minutes		4.63		5.27							

Seems not to anticipate an AM left turn

Seems low both AM & PM because of Paseo traffic and PM left turn

Seems low in AM due to left turn

1

2

3

4

ALAMEDA COUNTY TRANSPORTATION AUTHORITY

5

PUBLIC HEARING

6

7

EAST-WEST CONNECTOR

8

PROJECT

9

10

11

KENNEDY COMMUNITY CENTER

12

Union City, California

13

14

Wednesday, January 14, 2009 - 6:30 p.m.

15

16

17

18

19

20

21

22

23

24

25

REPORTED BY: DEBORAH FUQUA, CSR #12948

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

Ben Strumwasser, Facilitator/Principal -
CirclePoint

Stefan Garcia, Project Manager - Alameda County
Transportation Authority

PUBLIC OUTREACH:

Chris Colwick, Project Manager - CirclePoint

Tracy Cook, Project Associate - CirclePoint

COMMENTS (in order of appearance):

JOHN SHELTON

DAVID GARGES

ROBERT CZERWINSKI

---o0o---

1 Wednesday, January 14, 2009 6:59 o'clock p.m.

2 ---o0o---

3 P R O C E E D I N G S

4 (Introduction by Honorable Mayor Mark Green of Union
5 City followed with presentation by CirclePoint
6 Facilitator Ben Strumwasser and ACTA Project Manager
7 Stefan Garcia)

8 PUBLIC COMMENT

9 JOHN SHELTON: I am a land owner in the area of
10 the BART station. We own 25 acres there at the BART
11 station. And I've been a part of this area's
12 development for the last eight or ten years. And I
13 will tell you that the entire community badly needs
14 improvement in the flow-through traffic.

15 I've been a developer for 35 years. And the
16 congestion caused by lack of a through-way like this
17 affects commerce, affects commute times, affects
18 gasoline -- air quality. And a project like this is
19 strongly needed. It's been strongly needed, and it's
20 increasingly needed because of population growth in
21 this area and the increased density of the residential
22 development in this area, now so more than ever. We
23 need this project. However it needs to get done, the
24 community needs to get behind this and make it happen
25 at all costs.

P1-1

1 DAVID GARGES: David Garges, G-A-R-G-E-S. Get her
2 done. One concern is we'd like -- or I'd like or my
3 wife and I would like the medians on Mission Boulevard
4 landscaped. So that's from -- let's see. That's from
5 Whipple to Decoto on Mission Boulevard and from Decoto
6 on up to the Fremont city limit. That needs to be
7 re-landscaped. And the power poles along Mission need
8 to be buried. Get her done. Thanks.

P1-2

9 ROBERT CZERWINSKI: First name, Bob or Robert.
10 Last name C-Z-E-R-W-I-N-S-K-I.

11 I'm an active Fremont resident for the past 23
12 years. First, for the record, Citizens for
13 Neighborhood Integrity and Fremont Neighbor of the Year
14 Award myself, are against the proposed road in many
15 levels.

P1-3

16 Second, we will send our in-depth reply to the
17 Draft EIR before the deadline of February 9th. Stefan
18 asked -- many times I had asked, What is the delta in
19 time from 880 to Mission on the existing road versus
20 the new road? What are we buying for \$211 million?
21 And I'd like to have that for when the road is
22 completed versus way out there from the 2035 that they
23 have.

P1-4

24 That's all. Thank you.

25 (Proceedings concluded at 8:35 o'clock p.m.)

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF MARIN)

4 I, DEBORAH FUQUA, a Certified Shorthand
5 Reporter of the State of California, duly authorized to
6 administer oaths pursuant to Section 8211 of the
7 California Code of Civil Procedure, do hereby certify
8 that the foregoing proceedings were reported by me, a
9 disinterested person, and thereafter transcribed under
10 my direction into typewriting and is a true and correct
transcription of said proceedings.

11 I further certify that I am not of counsel or
12 attorney for either or any of the parties in the
13 foregoing proceeding and caption named, nor in any way
14 interested in the outcome of the cause named in said
15 caption.

16 Dated the 15th day of January, 2009.

17

18

19 DEBORAH FUQUA

20 CSR NO. 12948

21

22

23

24

25

1

2

3

4

ALAMEDA COUNTY TRANSPORTATION AUTHORITY

5

PUBLIC HEARING

6

7

EAST-WEST CONNECTOR

8

PROJECT

9

10

11

WARWICK ELEMENTARY SCHOOL

12

3375 Warwick Road

13

Fremont, California

14

Thursday, January 15, 2009 - 6:30 o'clock p.m.

15

16

17

18

19

20

21

22

23

24

25

REPORTED BY: DEBORAH FUQUA, CSR #12948

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES

Ben Strumwasser, Facilitator/Principal -
CirclePoint

Stefan Garcia, Project Manager - Alameda County
Transportation Authority

PUBLIC OUTREACH:

Chris Colwick, Project Manager - CirclePoint

Tracy Cook, Project Associate - CirclePoint

SPEAKERS/COMMENTORS:

Rangin Khattak

1 Thursday, January 15, 2009 6:30 o'clock p.m.

2 ---o0o---

3 P R O C E E D I N G S

4 (Introduction by Ben Strumwasser followed

5 with presentation by Stefan Garcia)

6 RANGIN KHATTAK: Good evening. My name is Rangin
7 Khattak. I live in Fremont, and I've been a part of
8 this project for the last 17, 18 years. I think
9 normally -- I come from scientific background. And
10 whenever we have a project, we stick to it, and we try
11 to make that project go. This is a scientist's way of
12 doing things.

P2-1

13 Similarly, an engineer is doing the same way.
14 As I see it right now, I'm sure that you guys have
15 already looked into what the cost of this so-called
16 truncated version of this road would be compared to the
17 1.3 miles, the whole spectrum, up to -- Decoto up to
18 Paseo Padre. Have you done that?

19 What's the comparative of this, the concept of
20 this going from Alvarado-Niles to Decoto versus from
21 Alvarado-Niles to Paseo Padre?

22 BEN STRUMWASSER: We'll put that question into the
23 comments.

24 RANGIN KHATTAK: So what I'm trying to say is that
25 practically for point 5 -- not even point 5 -- probably

P2-2

1 point 5 miles, you are spending \$210 million. I think
2 we got to be a little -- thinking in a sane way. It
3 doesn't mean that you are insane. But to spend for a
4 point 5-mile stretch \$210 million, getting a more
5 environmentally disturbing situation than compared to
6 the existing road which we do have from Alvarado-Niles
7 to Paseo Padre -- to Decoto, and you are creating --
8 you have rejected -- I think the idea was rejected
9 sometime way back based on Mr. Green's push that that
10 would create a lot of lanes to turn into Decoto.
11 Whereas you are creating the same situation when you
12 are turning the same traffic into Decoto at Paseo Padre
13 intersection.

P2-2
cont'd

14 I would like to know what the -- what the
15 advantages of the Paseo Padre-to-Decoto intersection,
16 making that point 5-mile road of \$210 million with a
17 large environmental impact, what the advantages are
18 going to be versus going through Alvarado-Niles all the
19 way to Decoto and then making a left if somebody is
20 going (gesturing) and whatnot. I think this is at the
21 moment what I would like somebody to give me a response
22 to it. I'm sure you already have. The rest I'll
23 probably be just submitting it in writing. Thank you.

Same as
P2-1

24 (Proceedings concluded at 7:39)

25

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF MARIN)

4 I, DEBORAH FUQUA, a Certified Shorthand
5 Reporter of the State of California, duly authorized to
6 administer oaths pursuant to Section 8211 of the
7 California Code of Civil Procedure, do hereby certify
8 that the foregoing proceedings were reported by me, a
9 disinterested person, and thereafter transcribed under
10 my direction into typewriting and is a true and correct
11 transcription of said proceedings.

12 I further certify that I am not of counsel or
13 attorney for either or any of the parties in the
14 foregoing proceeding and caption named, nor in any way
15 interested in the outcome of the cause named in said
16 caption.

17 Dated the 19th day of January, 2009.

18

19

20 DEBORAH FUQUA

21 CSR NO. 12948

22

23

24

25

Chapter 3

Responses to Comments

Chapter 3

Responses to Comments

Response to Letter 1 from California Department of Fish and Game

Response to Comment 1-1

This comment states that the California Department of Fish and Game (DFG) agrees with the comments submitted by the San Francisco Bay Regional Water Quality Control Board (RWQCB).

The comment regarding RWQCB's comments is noted. RWQCB's comments are contained in Letter 3 (in Chapter 2, Comments on the Draft EIR, in this document). For responses, refer to Response to Letter 3 in this chapter.

Response to Comment 1-2

This comment states that nesting bird season should be extended, so it begins February 1 and ends August 31 (instead of beginning March 15).

In response to DFG's comment, the text in the Draft EIR was revised, changing the nesting bird season from "March 15 to August 31" to "February 1 to August 31." Refer to Mitigation Measure BIO-3 in Section 3.3.3, Impact Analysis (in Chapter 3 of Volume 1 of the Final EIR). This change is not considered substantial and does not change any conclusions or significance determinations in the analysis.

Response to Comment 1-3

This comment states that the proposed wetland mitigation plan does not include sufficient detail for readers to understand if the plan will actually reduce impacts on a less-than-significant level and that more detail should be provided to satisfy CEQA requirements.

This comment is similar in its content to Comment 3-1c. Refer to Response to Comment 3-1c.

Response to Comment 1-4

This comment states that DFG may require a Streambed Alteration Agreement for any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include riparian resources) of a river or stream, or use material from a streambed.

The comment is correct. Table 2-3, Required Permits and Other Approvals, in the Draft EIR acknowledges that a Section 1602 Streambed Alteration Agreement from California Department of Fish and Game would be required for disturbance to Alameda Creek Flood Control Channel and Old Alameda Creek. Table 2-3 is located in Section 2.4, Required Permits and Approvals (refer to Chapter 2 in Volume 1 of the Final EIR).

Response to Comment 1-5

This comment recommends that impacts be avoided, unavoidable impacts be mitigated through minimization measures, and habitat be set aside in perpetuity as open space of an equal area and quality (or greater) than that which is lost.

A description of the impacts on biological resources (including habitat) and the required mitigation measures is included in Section 3.3, Biological Resources, of the Draft EIR (refer to Chapter 3 in Volume 1 of the Final EIR). Compensation for impacts on habitat is described in Mitigation Measure BIO-7: Prepare and Implement a Wetlands Mitigation Plan that Includes the Creation of New Wetlands, Waters of the United States and State, and Replacement and Enhancement of Willow Riparian Woodland and Scrub. For clarification, additional detail has been added to Mitigation Measure BIO-7. ACTA understands that the final scope of the mitigation would be negotiated with DFG as part of the permitting process.

Response to Comment 1-6

The comment states that the Draft EIR should require surveys be performed and specific mitigation and monitoring measures provided to ensure impacts on sensitive species and habitats are avoided or reduced to less-than-significant levels.

A discussion of the biological surveys (protocol-level, reconnaissance, and seasonal floristic, preconstruction) conducted in the area and for the proposed project is included in Section 3.3, Biological Resources, of the Draft EIR (refer to Chapter 3 in Volume 1 of the Final EIR).

Reconnaissance-level wildlife surveys were conducted in December 2007, specifically for the proposed project, and no special-status species were observed.

In 2008, the U.S. Fish and Wildlife Service (USFWS) requested that protocol-level surveys be conducted for the California red-legged frog; in January 2009, RWQCB requested surveys be done for California tiger salamander. For clarification, the results of these surveys are included in Section 3.3, Biological Resources, (refer to Chapter 3 in Volume I of the Final EIR). The results of the additional surveys did not result in new significant or substantially more severe impacts.

Response to Comment 1-7

The comment states that a current California Natural Diversity Data Base (CNDDB) report should be obtained and that even if the CNDDB lists no findings, it does not preclude a species presence. The comment also recommends consultation with the National Marine Fisheries Service (NMFS), USFWS, and DFG to discuss potential impacts on sensitive species.

A CNDDB search was conducted in 2008, which is sufficiently current. The CNDDB search was supplemented by additional surveys for species with potential to occur in the project area, including reconnaissance surveys in 2007, additional surveys in 2008, and protocol-level surveys for California red-legged frog (CRLF) in 2009).

Consultation with NMFS, USFWS, and DFG was initiated by issuing a Notice of Preparation (NOP) in October 2007, when preparing the biological resources analysis in 2008, and by distributing the Draft EIR for review and comment. Additionally, DFG participated in a February 2008 interagency meeting at the U.S. Army Corps of Engineers. Refer Table 6-1, Agency Consultation Conducted to Date, in the Draft EIR (refer to Chapter 6 in Volume 1 of the Final EIR). Additionally, consultation will occur with USFWS following the completion of the protocol-level CRLF surveys. If the protocol surveys are negative, then a letter of concurrence will be sought from USFWS that the proposed project would not result in take of CRLF. If CRLF are identified, then an incidental take permit would be sought under Section 7 of the Endangered Species Act using the U.S. Army Corps of Engineers permit as the federal nexus. Similarly, a letter of concurrence will be sought from NMFS to address avoidance of impacts on steelhead in the Alameda Flood Control Channel.

Response to Letter 2 from State of California Department of Transportation

Response to Comment 2-1

The comment states that the proposed project would impact on/off ramps at Ardenwood Boulevard/State Route (SR) 84 and Paseo Padre Parkway/SR 84, and the commenter would like a traffic analysis for these two intersections.

The information upon which this comment is based is from the travel demand model forecasts, which show an increase in demand for the Year 2035 AM peak hour of 801 vehicles at the onramp from Paseo Padre Parkway onto westbound SR84 and an increase in demand at the offramp from westbound SR84 to Ardenwood of 274 vehicles.

Regarding the intersection at Ardenwood/SR84 westbound ramps, the total change in demand at the intersection with the implementation of the proposed project would actually be 5 vehicles less than under the No Project Alternative. The increase in demand on the approach to the intersection coming from the off-ramp would be offset by a reduction in demand coming from northbound Paseo Padre Parkway of over 300 vehicles. Therefore, there would be no net degradation of operations at this intersection.

Regarding the intersection at Paseo Padre/SR84 westbound ramps, there are two relevant issues: capacity constraining, and behavior of the demand model.

Capacity Constraining

It is important to understand what the numbers on the travel demand forecast plots represent. These numbers are *demands*; at any one location, these are the number of vehicles that *desire* to use that facility, based on the calculations of the model. In some cases on some facilities, the demand is the same as the number of vehicles that eventually are able to use that facility. In the case of this proposed project, the demand on most of the facilities in the study area is much higher than the actual number of vehicles using the facilities. The reason for this difference is that the roadways that lead to the study area do not have sufficient capacity to carry all of the vehicles that desire to use the roadways within the study area. This is why a step described in the traffic study for the Draft EIR called “capacity constraining” was undertaken. In this important step, capacity of individual turning movements (left turns, through movements, right turns) was compared to demand at each intersection. In cases where the demand was greater than capacity, the volume of traffic proceeding to the next intersection was reduced by the amount of the demand that exceeded the capacity.

An example of the capacity-constraining process is for the Year 2035 AM peak-hour-with-project condition at the intersection of Mission Boulevard/Niles Canyon Road. At that intersection, the demand for vehicles traveling west and desiring to turn right onto northbound Mission Boulevard was found to be 1,372 vehicles, but the capacity (in the context of all of the other movements there) was only 798 vehicles. In that case, a reduction of 600 vehicles (adjustments were rounded to the nearest 50 vehicles) was carried northward along Mission Boulevard. Similar reductions were applied elsewhere in the study area. Because of these reductions to the volumes to be used for the operational analysis, the amount of vehicles reaching each intersection was significantly less than the demand (the desire for travel).

This process applies directly to the onramp at SR84/Paseo Padre in two ways. First, even if the travel demand model was perfectly correct in assigning an additional 800+ vehicles of demand to the on-ramp under the With Project case (see below for a discussion of the model's behavior in this regard), the actual volume to be used for operational analysis would be greatly reduced. The Caltrans staff involved in the discussion of this issue has correctly noted that the travel demand model appears to divert traffic from Decoto Road at the intersection with Paseo Padre, and then along Paseo Padre Parkway all the way to the interchange with SR 84. During the actual capacity-constraining process at that location, the demand volume for traffic traveling from northbound Paseo Padre Parkway through (instead of left onto Decoto Rd.) was reduced by 350 vehicles, due to capacity constraints at Mission/Niles Canyon, Mission/New Roadway, and other locations. Additionally, the demand volume from westbound Decoto Road turning right onto Paseo Padre Parkway (instead of continuing through on Decoto Road) was reduced for capacity constraining by 100 vehicles, making a total reduction of 450 vehicles. Given that the increase in traffic at that location (With Project versus No Project) as indicated by the demand model is 344 vehicles, it appears that the increase in traffic that would actually occur along the diversion route would not be significant.

Computer Travel Demand Model Behavior

In the assignment step of a travel demand model, the computer model uses many iterations to assign traffic to the roadways within its network. In the first iteration, it simply calculates the travel time using the speeds input for the various roadways, and assigns vehicles to the fastest path for each trip. The model then calculates a "congested speed," which is the expected speed on the various paths based on how much traffic has been assigned there. It then re-calculates the travel times and reassigns the traffic based on the new travel times. This is consistent with how motorists select travel routes. They choose a path they believe will be the fastest, and then try other routes if that path is too slow. Eventually, there is a balance of the various routes, just as in a travel demand model reaching the final assignment after its multiple iterations of these assignments. However, a problem can occur when the calculated congested speeds are very slow on parallel facilities. When speeds are very slow (i.e., under 5 mph), demand models have difficulty choosing between routes. Consider the following example:

There are two parallel routes: A Street which is 2.0 miles long, and B Street which is 2.3 miles long. If, during one of the iterations, the model calculates a congested speed of 1.1 mph for A Street and 1.3 mph for B Street, these speeds result in travel times of 109 minutes for A Street and 106 minutes for B Street. Because of these results, the next iteration of the model shifts traffic to the faster route of B Street. If this shift in traffic volume causes changes in the congested speeds to 1.3 mph for A Street (less traffic, higher speed) and 1.1 mph for B Street (more traffic, lower speed), this would change the travel times to 92 minutes for A Street and 125 minutes for B Street.

The point of the example is that very small changes in travel speeds (0.2 mph) can have a large effect on travel times when speeds are very slow. In these kinds of situations, travel demand models will often flip large volumes of traffic back and forth between parallel routes while trying to achieve equilibrium. In the transportation profession, these are called oscillations because the model is not in equilibrium, but is oscillating between two different assignment results. It is important to review output from models carefully to judge whether a change in traffic is due to such an oscillation or whether it is a legitimate change in traffic. In this case, because the congested speeds on SR84 and Paseo Padre Parkway are on the order of 1 mph, it is believed that this increase in traffic “diverting” to Paseo Padre Parkway is indeed an oscillation and not a legitimate diversion.

Another way to view the model’s behavior is to review the earlier horizon year, 2015, when the demand volumes from the model are more consistent with the volumes that could actually reach the various roadways (i.e., lower demand would not be capacity constrained as much as the later horizon year demand volumes). If the Year 2015 demand model volumes are reviewed, the change in volume on the subject ramp between No Project and With Project cases is only 10 vehicles (1,379 No Project; 1,389 With Project).

Plots showing the origins of volume using the Paseo Padre Parkway onramp for Year 2015 AM peak hour conditions are attached (following Response to Comment 2).

ACTA is confident that the analysis and the potential impacts of the proposed project have been adequately disclosed in the Draft EIR. Refer to Section 3.12, Transportation and Traffic, in Chapter 3, Volume 1 of the Final EIR in compliance with CEQA. No changes to the Draft EIR are required.

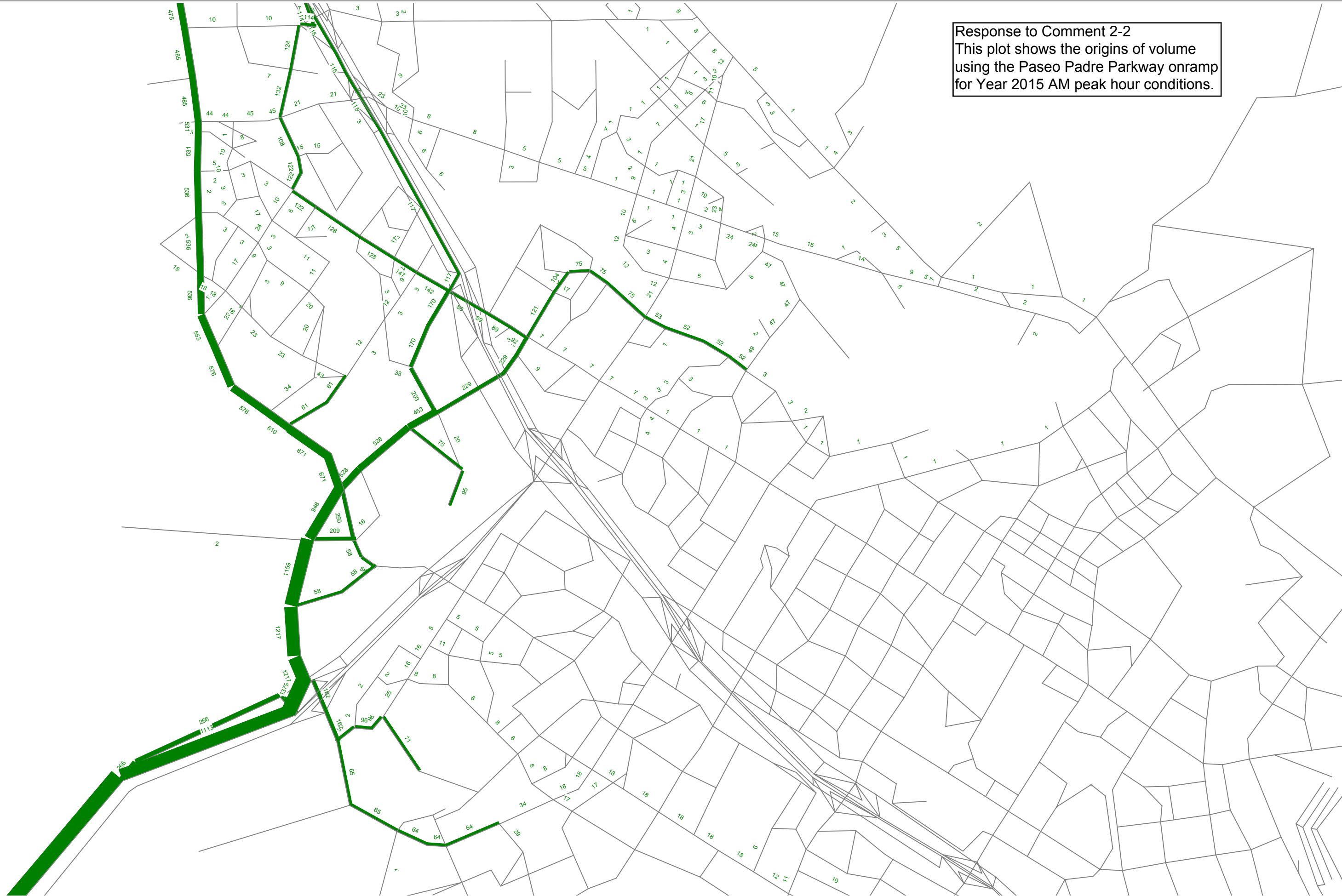
Response to Comment 2-2

The comment states that the proposed project should result in at least an acceptable level of service (LOS) D at the State Route intersections, and that freeway on/offramp intersections should be analyzed to eliminate any queuing onto the freeway.

The Draft EIR analyzed and identified potential road capacity improvements to be implemented as mitigation, where feasible. However, at the locations where significant and unavoidable operational impacts were identified, no feasible

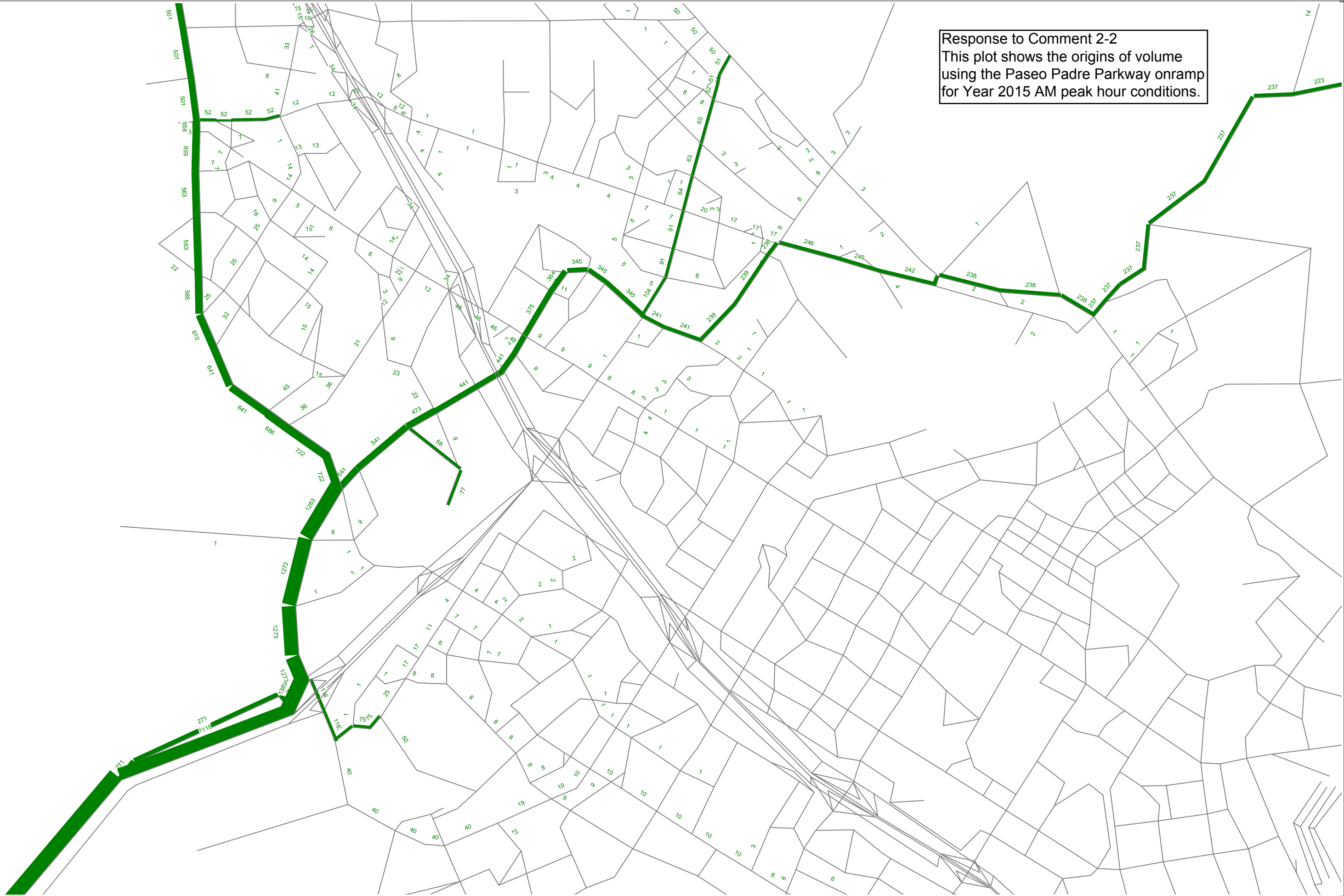
East -West Connector EIR - 2015 No-Project
Select link on wb Paseo Padre on-ramp to SR 84
AM Peak 1- Hour

Response to Comment 2-2
This plot shows the origins of volume
using the Paseo Padre Parkway onramp
for Year 2015 AM peak hour conditions.



East -West Connector EIR - 2015 WithProject
Select link on wb Paseo Padre on-ramp to SR 84
AM Peak 1- Hour

Response to Comment 2-2
This plot shows the origins of volume using the Paseo Padre Parkway onramp for Year 2015 AM peak hour conditions.



practical mitigation is available to reduce intersection impacts to less-than-significant levels. To fully mitigate for the reduction in operations, there would be a need to acquire additional right-of-way that would affect and potentially displace adjacent businesses or residences. This is discussed under the Impact TRA-5 and TRA-7 discussions. In addition, Table 3.12-7 summarizes the constraints at specific locations, including I-880 ramp intersections with Decoto and Thornton. For clarification, Table 3.12-7 has been revised to include constraints at I-880/Fremont. Impacts at all locations where mitigation is not feasible were disclosed in the Draft EIR as significant and avoidable. Refer to Section 3.12, Transportation and Traffic, in Chapter 3, Volume 1 of the Final EIR.

Response to Comment 2-3

This comment notes that the Livermore Municipal Airport and the Moffett Federal Airfield are within the 20-mile buffer of the proposed project.

The comment regarding the two airfields is noted. The Setting discussion in Section 3.12, Transportation and Traffic, has been revised to include reference to these two airports (refer to Chapter 3 in Volume I of the Final EIR). However, this does not change the impact analysis.

Response to Comment 2-4

This comment states that ACTA is encouraged to continue coordination with the Caltrans project manager for all East-West Connector project issues and provides contact information.

The comment is noted. ACTA will continue to work closely with Caltrans during project design, environmental review, and permitting. No specific concerns with the Draft EIR or analysis have been identified. Therefore, no changes to the Draft EIR are required.

Response to Comment 2-5

This comment states that any work or traffic control within the state right-of-way requires an encroachment permit issued by Caltrans. The process for issuing this permit includes incorporating traffic-related mitigation plans into the construction plans. This comment also provides information on how to submit an application for an encroachment permit.

The comment is noted. Table 2-3, Required Permits and Other Approvals, in the Draft EIR identifies that an encroachment permit from Caltrans is needed for intersection improvements affecting Mission Boulevard at the east end of the project alignment (refer to Chapter 2 in Volume 1 of the Draft EIR). No specific concerns with the Draft EIR or analysis have been identified. Therefore, no changes to the Draft EIR are required.

Response to Letter 3 from California Regional Water Quality Control Board

Response to Comment 3-1a

This comment states that the description of the wetlands mitigation site (in Chapter 2, Project Description) does not mention mitigation for impacts on linear aquatic features (specifically 1,100 feet of Line M Channel), that the California Regional Water Quality Control Board (RWQCB) requires impacts on linear features be mitigated through creation or enhancement of linear features, and that Line M Channel provides habitat values and water quality treatment that would be lost if the channel were placed in a box culverts.

The wetlands mitigation plan does include compensation for linear feet through the enhancement of an existing segment of Old Alameda Creek and through the creation of a new 1,100-foot open channel adjacent and connecting to current upstream end of Old Alameda Creek. The description of the wetlands mitigation site (as part of the proposed project in Chapter 2 of the Draft EIR) was intended to be conceptual with more detail presented in the biological resources section as a result of the analysis (Chapter 3, Section 3.3 Biological Resources, of the Draft EIR).

Regarding lost habitat value in the Line M Channel, the biological resources analysis did not determine that the Line M Channel (which is a ditch lined with nonnative annual grasslands) provides high habitat values; however, any habitat value would be compensated through the creation of the 1,100-foot open channel and through enhancement of Old Alameda Creek and the wetlands mitigation site.

Regarding lost water quality treatment, the engineers and water quality specialists believe that diverting half of the Line M Channel flow through a pipe to Old Alameda Creek would provide the same or better water quality treatment than having it flow in the current Line M Channel ditch for the following reasons. The water quality benefits of the affected reach of Line M Channel are questionable because the channel is degraded and the contact point is minimal during high flow treatment. There is inline treatment of this water (through the remnant vegetated swale upstream) for the majority of the runoff before it turns into the affected reach of Line M Channel. Approximately 50% of this flow will be diverted into the 84-inch diversion pipeline and routed to Old Alameda Creek where more effective biofiltration can occur prior to flows entering the Alameda Creek Flood Control Channel.

There is also a smaller amount of drainage from recently completed projects that discharges into Line M Channel from subdivisions with limited treatment. Under

the propose project, this drainage stream would be treated with mechanical filtration units prior to entering the diversion pipe.

The biofiltration function of Old Alameda Creek would be further improved by extending its total length approximately 1,100 linear feet with new channel construction. This new channel would have geometric and geomorphic properties similar to the existing reach of Old Alameda Creek. These meanders, low benches, and overall width would be more complex and greater than the existing open Line M Channel that would be filled. This greater complexity would improve the ecologic function of the overall system, and increase biofiltration capacity and connectivity to existing valuable aquatic habitat. This would result in more effective biofiltration treatment of the water before it enters Alameda Creek Flood Control Channel, which is the ultimate goal. Further, by eliminating the flooding that occurs along Line M Channel, which would be accomplished by including the Line M Channel diversion pipeline, the contaminant loading to Line M Channel flows would be reduced.

For clarification, the text in Section 2.2.2, which discusses the wetlands mitigation site in very general terms, has been revised to clarify that the site includes compensation for linear aquatic features. The text, Table 3.3-2, and Figure 3.3-1 in Section 3.3, Biological Resources, have been revised to clarify with more detail the compensation for impacts on wetlands and riparian habitat, including Line M Channel. The text in Section 3.7, Hydrology and Water Quality, has been revised to explain why the impact of the modifications to Line M Channel are less than significant. Refer to Chapters 2 and 3 in Volume 1 of the Final EIR.

Response to Comment 3-1b

This comment states that there are significant barriers to receiving permits for converting Line M Channel to a culvert, and that post-creation maintenance and monitoring of the wetlands mitigation site would require 20 years.

The comment regarding the potential difficulty of obtaining a permit is noted. The Mitigation and Monitoring Plan (MMP) prepared to support the permitting process will outline a post-creation monitoring plan for the proposed project. The MMP will include performance measures, success criteria, adaptive management measures, and a schedule for monitoring site characteristics such as plant survival, percent cover of native and nonnative plant species, hydrology, and channel morphology. The specifics of the plan will be developed by ACTA in collaboration with the resource and regulatory agencies as part of the permitting process, but it is anticipated that the mitigation project will be monitored for a period of 10 years. If certain aspects of the mitigation project do not meet the established success criteria, adaptive management and additional monitoring may be required until these criteria have been met. Once established, the mitigation site would be self-sustaining.

No changes to the Draft EIR are required.

Response to Comment 3-1c

This comment states that the conceptual wetlands mitigation plan does not provide enough detail for the state to issue water quality certification and that more detail should be provided to satisfy CEQA requirements.

ACTA understands that the permitting process requires more detailed design of all project components and mitigation, and will work with RWQCB to provide information required at that time, after the Final EIR has been certified and the project approved. For the purposes of the CEQA analysis, ACTA and their consultants believe that adequate detail has been provided in the document. For clarification, the text in Section 3.3, Biological Resources, and Section 3.7, Hydrology and Water Quality, has been revised to better explain the wetlands mitigation plan and how the impacts on waters of the State are being mitigated. Also for clarification, Table 3.3-6 and Figure 3.3-3 have been revised to more clearly describe how the waters of the State and riparian impacts have been compensated. Refer to Chapter 3 in Volume 1 of the Final EIR.

Response to Comment 3-2a

The comment states that the EIR should include appropriate mitigation (acres and linear feet) for the fill of Line M Channel and the outfall structure and rock slope protection for the Line M Channel diversion pipeline.

Regarding compensation for the fill of Line M Channel, refer to response 3-1a above. For clarification, additional information has been provided regarding the outfall structure and rock slope in Mitigation Measure BIO-7 in Section 3.3, Biological Resources. Refer to Chapter 3 in Volume 1 of the Final EIR.

Response to Comment 3-2b

The comment states that project information presented at the February 13, 2008, interagency meeting did not adequately disclose that 1,100 feet of Line M Channel would be completely culverted.

This comment is noted. The details of the Line M Channel diversion were developing and were not known at the time of the February 13, 2009, interagency meeting.

This comment does not pertain to the adequacy of the Draft EIR and, no changes to the Draft EIR are required.

Response to Comment 3-3

The comment states that Table 2-3, which lists required permits and approvals, should include additional reasons for the California Department of Fish and Game (CDG), RWQCB, and the U.S. Army Corps of Engineers (Corps).

Table 2-3, Required Permits and Other Approvals, indicates the anticipated permits based on the proposed project, environmental impacts identified, and experience with the permitting process. The permitting process would occur after the CEQA process if the proposed project is approved, and the required permits would be finalized at that time. The table has been revised to include the additional reasons for the RWQCB, but not for CDG and Corps. No additional changes to the Draft EIR are required.

Response to Comment 3-4

This comment inquires about the nature of the structure appearing in Figure 3.1-13, Visual Simulation #5, in the Draft EIR.

Visual Simulation #5 depicts the eastern bridge over Old Alameda Creek, as well as the realignment of the existing trail that would pass beneath the bridge to maintain pedestrian and bicycle circulation. The structure shown is the eastern bridge, which is a clear span bridge, supported by abutments on pile foundations on each bank. Also shown is the pedestrian/bicycle path swooping down from the roadway, around the abutment, and under the bridge. For clarification, the simulation was revised to more accurately show that the bridge is a clear span. The viewpoint of Visual Simulation #5 is shown in Figure 3.1-1c (Chapter 3, Volume 1 of the Final EIR).

Response to Comment 3-5

This comment states that the Draft EIR, including Table 3.3-2, should be revised to include potentially jurisdictional waters of the State, including linear features.

For clarification, Table 3.3-2 and text in Section 3.3, Biological Resources, and throughout the document have been revised to clarify jurisdictional waters of the United States and State, including linear features. The wetlands mitigation plan presented in Mitigation Measure BIO-7 includes compensation for both impacts on acres and linear feet; additional detail has been added for clarification. Refer to Section 3.3, Biological Resources (Chapter 3 in Volume 1 of the Final EIR).

Response to Comment 3-6

The comment states that New Basin, which was determined not to be under Corps jurisdiction, may be under state jurisdiction. The Draft EIR should clearly distinguish between state and federal jurisdiction.

Regarding clarification between state and federal jurisdiction, refer to response to Comment 3-5.

As described in Section 3.3, Biological Resources, under Aquatic Resources, New Basin is located between Green Street and the BART tracks. It was constructed in 2006 to serve as stormwater detention for the KB Homes development just south of the recently constructed Green Street bridge. The basin was constructed in uplands on the site of a former iron works. In addition to receiving stormwater from adjacent developments, water is drained into the basin from the Line M Channel and is pumped back into the Line M Channel. It is surrounded by steep banks vegetated with nonnative annual grassland. Botanists specializing in wetlands and Corp representatives determined that New Basin has nonjurisdictional features because it does not provide any beneficial uses aside from stormwater storage. It has limited or no habitat value, is isolated and not connected, and needs to be pumped out. Its function is just retention, which would be provided in Old Alameda Creek when 50% of the Line M Channel flow is diverted. It is understood that RWQCB may ultimately decide to claim New Basin as under state jurisdiction, in which case ACTA believes compensation for function would be achieved at the wetlands mitigation site along Old Alameda Creek.

No changes to the Draft EIR are required in response to this portion of the comment.

Response to Comment 3-7

The comment states that California tiger salamander (CTS) has been detected in a seasonal pond in the UPRR alignment in Fremont; and because this habitat is similar to habitat along Old Alameda Creek, CTS should be discussed in the EIR.

In preparing the Draft EIR analysis, a wildlife biologist conducted reconnaissance level surveys of the project area and did not identify suitable habitat for CTS in the study area. However, in response to this comment, a wildlife biologist conducted an additional site assessment for CTS in the study area in February 2009. The biologist confirmed habitat could exist in the study area in Basin 2C and Old Alameda Creek, although upland habitat value was marginal. Section 3.3, Biological Resources, Table 3.3-5 has been revised to acknowledge a moderate chance of occurrence of CTS in the study area, and the Setting has been revised to include CTS life history information and possible occurrence of CTS in the study area. Potential impacts on CTS and appropriate mitigation is included in Impact BIO-4 and Mitigation Measure BIO-2, which

will require preconstruction surveys for CTS. Refer to Chapter 3, Volume 1 of the Final EIR.

These revisions do not represent a new significant or substantially more severe impact.

Response to Comment 3-8

This comment provides text regarding RWQCB's authority over wetlands and waterways under both the federal Clean Water Act and the state Porter-Cologne Act, to be added to the Regulatory Setting discussion in Section 3.7, Hydrology and Water Quality.

As requested, the text has been added to the Regulatory Setting discussion (under State/Porter-Cologne Water Quality Control Act) in Section 3.7, Hydrology and Water Quality (Chapter 3, Volume 1 of the Final EIR).

Response to Comment 3-9

This comment states that the RWQCB staff recommends modifying mitigation measures Mitigation Measures BIO-4 and BIO-5 to specifically address avoiding acoustic damage to all fish species, including steelhead, because of pile driving in the Alameda Creek Flood Control Channel and in Old Alameda Creek. Complete dewatering of the channel around the pile driving equipment may be necessary to protect aquatic life from injury or mortality associated with pile driving.

The discussion for Impact BIO-6: Disturbance to Anadromous Steelhead and their Habitat from Construction Activities at Alameda Creek Flood Control Channel (Less than Significant with Mitigation) in Section 3.3, Biological Resources, has been revised to clarify timing and presence of adult and juvenile steelhead in the study area during construction and to clarify that pile driving would be done in a dry area of the channel. Pile driving would be done in the dry (around the piles), which attenuates sound from carrying through the water and harming fish. A migratory path would be provided by diversion of water around the pile so fish can move out of the area during pile driving activities.

Response to Comment 3-10

This comment states that temporary impacts on willow riparian woodland and scrub should be quantified and locations where proposed mitigation measures can be fully implemented should be identified in the Draft EIR.

For clarification, the discussion for Impact BIO-9: Permanent Loss and Temporary Disturbance of a Sensitive Community – Willow Riparian Woodland

and Scrub has been revised to clarify the amount of willow riparian woodland and scrub that would be temporarily affected by construction. Mitigation Measure BIO-7 has been revised to clarify how and where this impact would be mitigated.

These changes in the Draft EIR are designed to clarify and modify the information already in the document and do not result in any new or substantially more severe impacts.

Response to Comment 3-11a

This comment states that the conceptual mitigation plan does not include enough detail to determine if it would sufficiently mitigate impacts.

Refer to Response to Comment 3-1c.

Response to Comment 3-11b

This comment states that proposed quantities of wetland mitigation may be insufficient and that mitigation may be needed for the temporal loss of habitat (between the time the habitat is impacted and the time it takes for the mitigation site to be a fully functioning habitat). The comment also states that mitigation should be increased because the mitigation is being constructed offsite and because of uncertainty associated with the successful creation of any wetland mitigation site.

The text, Table 3.3-2, and Figure 3.3-1 in Section 3.3, Biological Resources, have been revised to clarify the compensation for impacts on wetlands and riparian habitat, including temporal losses of habitat. The wetlands mitigation site is located on site, as shown in Figure 3.3-1, and is not considered an offsite location as stated in the comment. The compensation ratios were developed by wetlands botanists and restoration ecologists who evaluated the impacts and developed the mitigation plan; therefore, the lead agency believes they are sufficient. Also refer to Response to Comment 3-11d.

Response to Comment 3-11c

This comment states that it appears the mitigation plan would remove a substantial amount of existing riparian vegetation along Old Alameda Creek, and mitigation must be provided for impacts associated with creating the mitigation site.

The text, Table 3.3-2, and Figure 3.3-1 in Section 3.3, Biological Resources, have been revised to clarify with more detail the compensation for impacts on

wetlands and riparian habitat, including impacts from creating the wetlands mitigation site.

Response to Comment 3-11d

This comment states that the mitigation plan needs more detail to demonstrate that it is hydrologically feasible, that it can mitigate for impacts on Alameda Creek Flood Control Channel, Old Alameda Creek, Line M Channel, Basin 2C, New Basin, and impacts at the mitigation site, and that it mitigates for impacts on linear features. The commenter also states that including this information in the Final EIR is inappropriate since it should have been provided for public review.

The text for Mitigation Measure BIO-7, and Table 3.3-2 and Figure 3.3-1 in Section 3.3, Biological Resources, have been revised to clarify with more detail the compensation for impacts on Alameda Creek Flood Control Channel, Old Alameda Creek, Line M Channel, Basin 2C, New Basin, and impacts from creating the mitigation site. Additional information has been provided to clarify the hydrological feasibility of the mitigation plan.

Regarding compensation for aquatic linear features (Line M Channel, which is 1,100 feet long), the mitigation plan includes 1:1 compensation by creating 1,100 linear feet and by enhancing and improving the value of an existing creek (Old Alameda Creek). This compensation is considered appropriate by the wetlands botanists and restoration ecologists who conducted the study because the value of existing Line M Channel is considered marginal

Regarding compensation for New Basin, the wetlands mitigation plan does not include compensation for New Basin because it is the professional opinion of the wetlands botanists who conducted the analysis that New Basin is a nonjurisdictional feature because it has limited or no habitat value, is isolated and not connected, and needs to be pumped out. The function of New Basin is just retention, which would be provided in Old Alameda Creek. If New Basin is determined to be under jurisdiction of the state, ACTA believes that the wetlands mitigation site along Old Alameda Creek (Mitigation Measure BIO-7) would serve to compensate for its loss.

These changes in the Draft EIR clarify and modify the information already in the document and do not result in any new or substantially more severe impacts.

Response to Comment 3-11e

This comment states that the amount of mitigation for Basin 2C should be increased because RWQCB expected that the created wetland would be preserved in perpetuity.

The wetlands mitigation plan described in Mitigation Measure BIO-7 represents 2:1 compensation for Basin 2C and is considered appropriate by the wetland botanists and restoration ecologists. The quality of the existing wetlands is marginal, and the replacement wetlands at the wetlands mitigation site along Old Alameda Creek would be higher quality and would enhance existing wetlands and riparian habitat. When evaluated on its own, Basin 2C was not considered to have wetlands characteristics and was determined jurisdictional because it was created to be a wetland mitigation site. As described in Section 3.3, Biological Resources (3.3.2 Setting, Aquatic Resources), Basin 2C was constructed in 1999 to serve as a stormwater detention basin for the Park Ridge Phase II and III residential development project. The source of water for the basin appears to be stormwater runoff from the adjacent residential areas. Should the basin fill, overflow would enter the Line M Channel via a lower section of the berm along the channel. The vegetation is dominated by grasses and annual and perennial forbs and is a mosaic of areas dominated by wetland (hydrophytic) species and areas dominated by upland species.

Response to Comment 3-12a

This comment states the Line M Channel and Basin 2C are waters of the State and that New Basin may be a water of the State. The Draft EIR does not discuss alternatives to the fill of these features and should have evaluated alternatives to the fill of these waters.

The text in Section 3.3, Biological Resources, identifies waters of the United States and waters of the State; however, in some places it stated waters were “jurisdictional” without indicating whether the jurisdiction is state or federal. The text has been revised to clarify the jurisdiction.

The Draft EIR does include alternatives to filling these waters in Chapter 5, Project Alternatives. As required by CEQA, this chapter considers project alternatives that reduce significant impacts. The alternatives analyzed include Alternative 2, Previously Studied Transportation System Management, and Alternative 3, No Project; and both alternatives do not include filling these waters. No revisions to the Draft EIR are required.

Response to Comment 3-12b

This comment states the discussion of the Line M Channel refers to 0.23 acre and it is not clear if that refers to the entire service area of the channel. The comment states that Line M Channel provides some aquatic habitat value and helps remove pollutants from urban runoff in the watershed, that filling the channel is a significant impact that cannot be authorized by RWQCB without demonstrating that such fill is unavoidable, and that compensation for filling Line M Channel (1,100 linear feet) should be 2,000 to 3,000 linear feet.

The text in Section 3.3, Biological Resources, has been revised to clarify that the acreage of Line M Channel includes the entire surface area of the channel.

Regarding the lost habitat value and water quality treatment, refer Response to Comment 3-1a.

The impacts of filling the 1,100-foot segment of Line M Channel that is currently an open ditch would be compensated by implementing Mitigation Measure BIO-7, which includes the wetlands mitigation plan on Old Alameda Creek that compensates for this loss. The plan includes the creation of 1,100 linear feet of new open channel that connects to existing Old Alameda Creek, and the enhancement of the existing Old Alameda Creek. The wetlands botanist and restoration ecologist believe 1:1 replacement of this linear feature is appropriate mitigation because of the minimal habitat quality and function of the existing feature, because it would be replaced 1:1 with a feature providing improved habitat quality and function, because there would also be enhancement of the existing Old Alameda Creek, and because of the overall benefits of reducing flooding. It should be noted that the lost acreage is being replaced at a 2:1 ratio. For clarification, the text in Section 3.3, Biological Resources (as well as Table 3.3-6 and Figure 3.3-1 and the text in Section 3.7, Hydrology and Water Quality, have been revised to clarify the discussion of how the impacts on Line M Channel and other features are specifically being mitigated.

Response to Comment 3-12c

This comment states that, since the Draft EIR did not include mitigation for Line M Channel as a linear feature, a revised Draft EIR should be circulated to give the public an opportunity to evaluate the adequacy of the proposed mitigation.

The wetlands mitigation plan does include compensation for linear feet through creation of a new open channel adjacent to a segment of Old Alameda Creek and the enhancement and expansion of an existing segment of Old Alameda Creek. The mitigation plan presented in the Draft EIR was intended to be conceptual so the details could be coordinated with RWQCB and other agencies. The text of Impact BIO-11 and Mitigation Measure BIO-7, as well as Table 3.3-6 and Figure 3.3-1, have been revised to clarify in more detail how the impacts on Line M Channel and other features would be mitigated.

These changes in the Draft EIR are designed to clarify and modify the information already in the document and do not result in any new or substantially more severe impacts. Thus, recirculation of the Draft EIR is not required.

Response to Comment 3-12d

This comment states that proposing mitigation for filling a channel involves designing a geomorphically stable creek channel, and is a complex process that

should be based on the collection of at least 5 years of data. The comment states that any channel creation would require at least 20 years of post-construction monitoring, that contingency measures with adequate funding should be developed, and that the project proponent would remain financially liable until the mitigation achieves its success criteria.

The wetlands mitigation plan includes creating approximately 1,100 linear feet of new open channel along the north bank of Old Alameda Creek and 10.4 acres of associated open water, wetland, and riparian scrub/woodland habitat (Mitigation Measure BIO-7 in Section 3.3). The secondary open channel will convey flow from the realigned Line M Channel into Old Alameda Creek. Detailed mitigation design will require a thorough evaluation of hydrologic, hydraulic and geomorphic processes for Old Alameda Creek and the proposed secondary channel, as well as identification and assessment of other streams in the area that could provide suitable references for design of the secondary channel. As described in the response to Comment 3-1b, a 10-year post-creation monitoring plan will be developed and implemented by ACTA for the mitigation project.

Response to Comment 3-13

This comment states that the loss of water quality treatment provided by Line M Channel and the detention basins is not addressed in the discussion of Impact HWQ-3 (Increased Runoff from New Impervious Surface and Adverse Impacts on Surface Waters); and the proposed project should provide mitigation.

Approximately 50% of this flow would be diverted into the 84-inch diversion pipeline and routed to Old Alameda Creek where more effective biofiltration can occur prior to flows entering the Alameda Creek Flood Control Channel.

There is also a smaller amount of drainage that discharges into Line M Channel from recently completed subdivisions with limited treatment. Under the proposed project, this drainage stream would be treated with mechanical filtration units prior to entering the diversion pipe.

The engineers and water quality specialists believe that diverting half of the Line M Channel flow through a pipe to Old Alameda Creek (Old Alameda Creek) is the same or better than having it flow in the current Line M Channel ditch and the detention basins for the following reasons. The water quality benefits of the affected reach of Line M Channel are questionable because it is degraded and the contact point is minimal during high flow treatment. There is inline treatment of this water (through the remnant vegetated swale upstream) for the majority of the runoff before it turns into the affected reach of Line M Channel and reaches the open ditch and detention basins. There is also a smaller amount of drainage that discharges into Line M from recently completed subdivisions with limited treatment. With the proposed project, this drainage stream would be treated with mechanical filtration units prior to entering the diversion pipe. Additionally, there would be more effective biofiltration treatment of the water if it flows through the new open channel and extends through Old Alameda Creek before it

Alameda Creek Flood Control Channel, which is the ultimate goal. Further, by eliminating the flooding that occurs along Line M Channel, which would be accomplished by including the Line M Channel diversion pipeline, the contaminant loading would be reduced.

Response to Comment 3-14

This comment states RWQCB's preference for landscaped-based stormwater treatment devices over tree well filtration devices and requests that tree well devices be used only in locations where landscape-based treatments are unsuitable. The comment states that while the project's proposed treatment devices may be acceptable, the Draft EIR does not present field data sufficient to make that determination at this time. Finally, the comment states that RWQCB has the authority to approve all post-construction stormwater management plans for the project.

The comment regarding RWQCB's preference for landscape-based stormwater treatment devices is noted. The proposed project would rely on landscape-based treatment, and only proposes tree wells at locations where bioswales or infiltration basins are not feasible, such as in areas where curbs and gutters would make it difficult to daylight collected stormwater into swales. Tree wells are proposed because their removal principle is similar to bioretention systems. As noted in this comment, soil testing to determine final design of the project's stormwater system remains underway, and is not available for presentation in the Final EIR. However, the information regarding stormwater drainage that has been incorporated into the Water Quality Study Report (Volume 1, Appendix M) and Section 3.7, Hydrology and Water Quality, is sufficient for assessment of the project's environmental impacts and identification of any mitigation measures that may be necessary to reduce these impacts to less-than-significant levels. Please also note that as design progresses, ACTA and its consultants are working with representatives of Fremont and Union City to design non-proprietary tree filters with the intention that they be acceptable to RWQCB. Finally, ACTA acknowledges RWQCB's approval authority for the project's post-construction stormwater management plans, and would coordinate as necessary to gain RWQCB approval.

Response to Comment 3-15

This comment states that in addition to waters of the United States (which are under Corps jurisdiction), the Wetland Delineation for the East-West Connector Project (Appendix H of the Draft EIR) should also address potential waters of the State (under RWQCB jurisdiction). Linear features, which include the entire area between the top of each bank, should be included as potential waters of the State. Any structures in these areas may have impacts on these waters, requiring adequate mitigation. Basins subject to regular inundation and basins with

wetland soils, vegetation, and hydrology should also be treated as potentially jurisdictional.

The Draft EIR indicates potential jurisdictional waters of the State. For clarification, Table 3.3-2 and text in Section 3.3, Biological Resources, have been revised to clarify federal and state jurisdiction. The intent of the Wetland Delineation (Appendix H of the Draft EIR) was not to delineate waters of the state but only waters of the United States under Corps jurisdiction; therefore, no revisions are required.

Regarding the potential jurisdiction of the stormwater detention basins (Basin 2C and New Basin), refer to Responses to Comments 3-6, 3-11d, and 3-11e.

Response to Comment 3-16

This comment suggests that the Hydrology and Hydraulics Study (Appendix I) should be revised to include the proposed project's impacts on the channel stability of Alameda Creek, including increase scour due to the addition of bridge bents in the channel.

Appendix I has been revised to include an analysis of the project's impacts on channel stability. This updated analysis has been incorporated into Section 3.7, Hydrology and Water Quality, of the Draft EIR. (Chapter 3, Volume I of the Final EIR). The updated analysis does not identify any new significant impacts or increase the severity of any previously identified impacts.

Response to Comment 3-17

This comment states that the proposed project should be redesigned to remove all structures from the low-flow channel of the Alameda Creek Flood Control Channel.

A single span bridge crossing at the Alameda Creek Flood Control Channel is not feasible. The soffit of the proposed bridge, which would connect with the existing Paseo Padre Parkway on the west side, has to be sufficiently high to provide the minimum freeboard during heavy flows, as required by the Corps of and Alameda County Flood Control and Water Conservation District. In order to conform to the existing grade at Paseo Padre Parkway and to provide the necessary freeboard while maintaining an acceptable vertical gradient on the bridge, the depth of the bridge deck has to be fairly shallow, therefore requiring a multispans structure with bents in the low flow channel.

The comment does not pertain to the adequacy of the Draft EIR and no revisions to the Draft EIR are required.

Response to Comment 3-18

This comment states that the Draft EIR does not provide details on the outfalls (how many, surface area) into Old Alameda Creek and any associated bank armoring.

Outfalls to Old Alameda Creek would be required for Line M Channel diversion pipeline and the infiltration basins, and these are described in the Draft EIR. The outfall for the Line M Channel diversion pipeline is described in Section 2.3.2 Construction Methodology, which indicates the outfall structure would be comprised of a 36-inch outfall pipe and 110-square-foot rock slope protection area (Chapter 2 in Volume 1 of the Final EIR). The outfalls for the infiltration basins are described in Section 2.2.2 New Roadway and Other Infrastructure Improvements, Mitigation Measure HWQ-5: Construct the Tree Wells and Infiltration Basins to Implement the Hydrograph Modification Management Plan for Stormwater Runoff, and Figure 3.7-4 in Section 3.7, Hydrology and Water Quality (Chapters 2 and 3, respectively, in Volume 1 of the Final EIR).

For clarification, the text in Mitigation Measure BIO-7 (Section 3.3 Biological Resources) has been revised to include more detail on the Line M Channel diversion pipeline outfall, and the text in Mitigation Measure HWQ-5 (in Section 3.7 Hydrology and Water Quality) has been revised to provide more information on the infiltration basin outfalls. The potential impacts of these outfalls were considered in the biological resources analysis, and appropriate mitigation has been included in Mitigation Measures BIO-7 and BIO-8. Additional text has been added to the impact discussions for clarification. Refer to Sections 3.3 and 3.7 in Chapter 3, Volume 1 of the Final EIR.

Response to Comment 3-19

This comment states that Appendix M, Draft Water Quality Study Report for the East-West Connector Project, includes language about permits that would be required and that permit requirements would ensure a less-than-significant impact on onsite drainage patterns. The comment states that obtaining these permits is a legal requirement, not a mitigation measure, and the project proponent is responsible for developing appropriate mitigation measures in the Draft EIR.

The comment is correct. The language referenced in the comment is from the Draft Water Quality Study Report (Appendix M), not the Draft EIR. The Draft EIR identifies anticipated permits and approvals required for the proposed project in the project description and does not state that these are mitigation measures (refer to Chapter 2, Project Description, Section 2.4, Required Permits and Approvals). The Draft EIR identifies potential impacts and appropriate mitigation measures in Chapter 3, Environmental Setting and Impact Analysis. Potential hydrology and water quality impacts are addressed in Section 3.7, Hydrology and Water Quality. No changes to the Draft EIR are required.

Response to Comment 3-20

This comment states that the response to question “d” on page 30 of Appendix M, Draft Water Quality Study Report, fails to note that diverting Line M Channel to a culvert, which is part of the proposed project, is itself a substantial alteration of an existing drainage pattern.

Comment noted. Although language specifically identifying the Line M Channel diversion as an alteration of the existing drainage pattern is not included in this particular section of Appendix M, the Draft EIR does acknowledge the diversion of Line M Channel to a culvert and addresses the impacts in Impact HWQ-3: Increased Runoff from New Impervious Surfaces and Adverse Impacts on Surface Waters in Section 3.7.3, Hydrology and Water Quality (Chapter 3, Volume 1 of this Final EIR). The absence of this statement in the appendix does not invalidate the discussion provided in the Draft EIR. It should also be noted that this proposed change in the drainage pattern by installing a diversion pipe for Line M Channel is intended to address a current flooding problem and produce an overall improvement in the surrounding area’s drainage pattern. No changes to the Draft EIR are required to address this comment.

Response to Comment 3-21

This comment states that Appendix M, Draft Water Quality Study Report, states that the flow rate and amount of surface water runoff would be negligible compared to the overall watershed. The comment further states that this is a fundamental misunderstanding of impacts with respect to nonpoint source pollution and hydromodification because it is the cumulative impact of many individually less significant projects that significantly impairs water quality and erodes the channels of receiving waters.

The Draft EIR identifies Impact HWQ-3: Increased Runoff from New Impervious Surfaces and Adverse Impacts on Surface Waters. Required mitigation includes Mitigation Measure HWQ-5 (Construct the Tree Wells and Infiltration Basins to Implement the Hydrograph Modification Management Plan for Stormwater Runoff) and Mitigation Measure HWQ-6 (Incorporate Site-Specific Water Quality Treatment Devices into Site Drainage Plans to Meet Water Quality Standards and Maintain Beneficial Uses). Refer to Section 3.7, Hydrology and Water Quality, in Chapter 3, Volume 1 of the Final EIR.

Cumulative impacts are addressed in Section 4.1.2, Cumulative Impacts by Resources of the Draft EIR. The hydrology discussion in that section acknowledges the cumulative development that has and continues to occur in the watershed, and identifies that all of this cumulative development is subject to Provision C.3 of Alameda County’s National Pollutant Discharge Elimination (NPDES) permit, designed to limit cumulative watershed impacts (Chapter 4, Volume 1 of the Final EIR.) CEQA states that the cumulative impacts discussion should focus only on significant impacts resulting from the project’s incremental

impacts and the impacts of other projects. If the environmental conditions would essentially be the same with or without the proposed project's contribution, then it may be concluded that the impact is not significant. Because the individual impacts of the proposed project would be reduced to a less than significant level and because there are requirements in place with the NPDES process that would minimize the contribution of other projects, the proposed project is not considered to result in a considerable contribution to a significant impact, and therefore, is not considered to have a significant cumulative impact.

No changes to the Draft EIR are required to address this comment.

Response to Comment 3-22

This comment states that the Draft EIR lacks a sufficiently adequate discussion of impacts and proposed mitigation measures to support the issuance of Section 401 Water Quality Certification or waste discharge requirements (WDRs) because several impacts are not addressed or mitigation measures are conceptual or absent. The comment includes a list of areas RWQCB states require further evaluation, states the Draft EIR should be revised to include a more detailed mitigation proposal for public review, and states that provision of this information in a Final EIR is inappropriate.

The comments have been addressed in the responses above and are briefly re-addressed below. In summary, design details would evolve after completion of the Final EIR and during the permitting process. For clarification, portions of the Draft EIR have been revised to provide more information in response to the Board's comments, but the Draft EIR is considered adequate and complete, and no recirculation is required.

- Concern: Quantification of temporary impacts on willow riparian woodland and scrub and identification of the locations where proposed mitigation measures can be fully implemented. Response: For clarification, text, Table 3.3-6, and Figure 3.3-1 in Section 3.3, Biological Resources, have been revised.
- Concern: A more detailed mitigation proposal is necessary for permanent impacts on willow riparian woodland, scrub, and wetlands. Responses: For clarification, text, Table 3.3-6, and Figure 3.3-1 in Section 3.3, Biological Resources, have been revised.
- Concern: A mitigation proposal is necessary for impacts on the Line M Channel; this mitigation proposal must provide adequate mitigation in terms of linear feet. Response: For clarification, text, Table 3.3-6, and Figure 3.3-1 in Section 3.3, Biological Resources, have been revised.
- Concern: Mitigation is necessary for the lost runoff treatment capacity that would result from fill of Line M Channel and the two basins. Response: Response to Comment 3-1a above explains why additional mitigation is not necessary.

- Concern: Project designs that avoid fill of the Line M Channel, which faces significant barriers to receiving permits, should be evaluated. Response: The alternatives analysis in Chapter 5, Project Alternatives, includes Alternative 2, Previously Studied Transportation System Management, and Alternative 3, No Project; both of which do not include filling these waters.
- Concern: All impacts on potential waters of the State and appropriate mitigation should be presented. Response: The impact analyses in Section 3.3, Biological Resources, and Section 3.7, Hydrology and Water Quality, adequately address impacts on potential waters of the State. For clarification, some text revisions were made.
- Concern: Post-construction stormwater best management practices (BMPs) should rely entirely on landscape-based treatment. Response: Landscape-based treatment has been incorporated where feasible.
- Concern: The hydraulic analyses should include impacts on channel stability. Response: The Old Alameda Creek channel received high flows historically and is considered geomorphically stable. Refer to Response to Comment 3-16.

Concern: Bridge design should avoid placing structures in the low flow (active) channel. Response: This is not feasible for design reasons. Refer to Response to Comment 3-17.

Response to Letter 4 from Alameda County Congestion Management Agency

Response to Comment 4-1

This comment states that if the East-West Connector becomes a State Route, it would become a CMP (Congestion Management Plan) route for which Alameda County Congestion Management Agency (ACCMA) would monitor the Level of Service (LOS).

The proposed project would not become a state route, but rather would be a local roadway, as indicated in Chapter 2, Project Description, Section 2.1 Project Location and Setting. Upon completion, the proposed project would become part of the local city street network within Union City and Fremont, except at the east end, where Caltrans would retain jurisdiction for the improvements constructed within the Mission Boulevard right-of-way.

This comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Comment 4-2

This comment states that the proposed project is in the Countywide Transportation Plan.

The comment is noted. For clarification, the text in Section 3.8.2, Regulatory Setting has been revised to indicate the project is the ACCMA's Countywide Transportation Plan. Refer to Chapter 3 in Volume 1 of the Final EIR.

Response to Letter 5 from Alameda County Water District

Response to Comment 5-1

This comment requests that Section 2.2.1 of the Draft EIR be revised to specify that project-related utilities modification in Decoto Road and Paseo Padre Parkway would entail moving water facilities to conform to the new roadway.

For clarification, Section 2.2.1, Existing Roadway Improvements, has been revised to include the requested revisions, stating that utilities modification in Decoto Road and Paseo Padre Parkway would entail moving water facilities. Refer to Chapter 2 in Volume 1 of the Final EIR.

Response to Comment 5-2a

This comment requests clarification in Section 2.2.2 of the Draft EIR regarding the water source for proposed landscaping in the new roadway, and requests early coordination with Alameda County Water District (ACWD) regarding project design for water facilities placed in the new roadway.

For clarification, Section 2.2.2, New Roadway and Other Infrastructure Improvements, has been revised to indicate that the landscaping in the roadway would include appropriate irrigation and that ACTA would coordinate with ACWD regarding water facilities placed in the new roadway. Refer to Chapter 2 in Volume 1 of the Final EIR.

Response to Comment 5-2b

This comment requests that the proposed project include provision of stormwater treatment devices to remove or attenuate contaminants from roadway runoff that may directly enter Alameda Creek Flood Control Channel.

The project description states: “Stormwater runoff from the new roadway would be collected and conveyed through the use of underground conduits to outfall structures at several locations adjacent to the roadway and into infiltration basins. These basins would provide primary treatment for runoff before it infiltrates into the ground or, during a large storm event, enters Old Alameda Creek. The outfall structures and infiltration basins would be located on existing nonnative grassland areas adjacent to the new roadway between the Old Alameda Creek Flood Control Channel and Alvarado-Niles Road.” Refer to Section 2.2.2, New

Roadway and Other Infrastructure Improvements, Chapter 2, in Volume 1 of the Final EIR.

For clarification, additional detail is provided in Section 3.7, Hydrology and Water Quality, which identified a significant impact on water quality related to surface runoff from the new roadway (Impact HWQ-3). Mitigation Measure HWQ-5 requires construction of tree wells and infiltration basins to detain runoff, and Mitigation Measure HWQ-6 requires incorporation of site-specific water quality treatment devices into site drainage plans. The treatment devices specified in the forthcoming plans pursuant to Mitigation Measure HWQ-6 will not only account for impacts on surface waters in Alameda Creek Flood Control Channel, but also on the groundwater basin percolation provided by these surface waters. With incorporation of these measures, Impact HWQ-3 would be reduced to a less-than-significant level. ACTA will coordinate with ACWD as design progresses on these stormwater treatment devices.

Response to Comment 5-3

This comment states that bridge construction or other work involving Alameda Creek might place constraints on normal water operations, and ACWD requests ACTA to provide as much advance notice as possible of any planned activities in Alameda Creek to minimize impacts on water delivery schedules.

ACTA will provide advance notice to ACWD of any activities that will take place in Alameda Creek. This comment does not concern the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Comment 5-4

This comment states that the additional bridge crossings of the Alameda Creek Flood Control Channel and Old Alameda Creek pose increased risks for direct release of fuel or other contaminating chemicals into the waterway, and that appropriate safeguards and controls should be incorporated into the design of the bridges to help prevent the direct release of the contaminated runoff.

Section 3.7, Hydrology and Water Quality, of the Draft EIR identified a significant impact on water quality related to surface runoff during construction (Impact HWQ-2). Mitigation Measure HWQ-4 calls for preparation and implementation of a hazardous materials spill prevention and control plan, which will prevent spills of contaminants into Alameda Creek Flood Control Channel, and reduce Impact HWQ-2 to a less-than-significant level. Refer to Chapter 3 in Volume 1 of the Final EIR. No changes to the Draft EIR are required to address this comment.

Response to Comment 5-5

This comment requests that ACTA coordinate with ACWD regarding the proposed use of an ACWD property for construction staging on this proposed project, and states that a formal agreement between the two parties is required before such use can commence.

The comment is noted. ACTA will contact ACWD as project design progresses regarding acquisition or a formal agreement for use of the subject ACWD property for construction staging.

This comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Comment 5-6

This comment states that any work involving construction of or modifications to the public water system require approval of an improvement plan by ACWD and must be conducted under a Permit for Water Main Construction issued by ACWD. This comment also suggests text to be added under “Alameda County Water District, Reason Required” in Table 2-3, Required Permits and Other Approvals.

This comment is noted. For clarification, the suggested text was added to Table 2-3 in Section 2.4 Required Permits and Approvals. Refer to Chapter 2 in Volume 1 of the Final EIR.

Response to Comment 5-7

This comment suggests text to be added under “Alameda County Water District, Reason Required” in Table 2-3.

This comment is noted. For clarification, the suggested text was added to Table 2-3 in Section 2.4 Required Permits and Approvals. Refer to Chapter 2 in Volume 1 of the Final EIR.

Response to Comment 5-8

This comment indicates that additional wells are located within a 0.25-mile radius of the project area, beyond the three wells identified in Section 3.6 of the Draft EIR.

As presently planned, the proposed project would implement a Phase II Environmental Site Assessment as a mitigation measure (refer to Mitigation

Measure HAZ-2 in Section 3.6, Hazards and Hazardous Materials, in Volume 1 of the Final EIR). The scope of the Phase II Environmental Site Assessment would be developed following determination of the exact roadway alignment. The scope of the Phase II study would include, among other tasks, conducting additional research and investigation regarding the location of water supply wells as well as other suspected subsurface improvements within the vicinity of the project alignment that may be affected by the proposed project.

No changes to the Draft EIR are required

Response to Comment 5-9

This comment suggests that Section 3.6, Hazards and Hazardous Materials, does not accurately describe the extent of soil contamination in the vicinity of the Pacific States Steel Corporation (PSSC) property and the proposed project's potential to encounter total petroleum hydrocarbon (TPH)-affected soil near the proposed BART and UPRR grade separations.

The ACWD comment correctly indicates that remnant TPH-affected soils do remain in place along the BART and UPRR Grade Separation. These areas of impact were the result of localized historic releases. One location, referred to as Deep TPH No.4, is located north of the current alignment and below the existing Waste Containment unit at the Pacific States Steel Corporation (PSSC), and existing conditions have been studied and are being monitored by others for two wells (19a and 19b).

The second location referred to as Deep TPH No.6, is located within the current alignment; however, subsequent studies conducted during remediation of the PSSC site suggested that soil concentrations at this location are below regulatory thresholds.

The affected soils at these locations are not judged to represent a significant risk to the project. Specific soil handling requirements, if any, would be determined following implementation of the Phase II Environmental Site Assessment, which will be implemented by this proposed project. Refer to Mitigation Measure HAZ-2 in Section 3.6 Hazards and Hazardous Materials, Chapter 3, in Volume 1 of the Final EIR.

No changes to the Draft EIR are required.

Response to Comment 5-10

This comment restates information regarding known and documented TPH impacts on groundwater in the project vicinity due to historic releases at the PSSC site, and indicates that TPH-affected groundwater will need to be addressed during excavation and any planned dewatering activities for the

project. Further, the comment restates ACWD requirements that a work plan be submitted for review and approval for all chemical investigations.

The potential for soil and groundwater contamination to be encountered within the project alignment is discussed Section 3.6, Hazards and Hazardous Materials, in the Draft EIR. ACTA will prepare a Phase II Environmental Site Assessment (ESA), which is described in Impact HAZ-2 and Mitigation Measure HAZ-2. Refer to Section 3.6 Hazards and Hazardous Materials, Chapter 3, in Volume 1 of the Final EIR.

The Phase II ESA will provide additional detail regarding the potential for contamination and the measures necessary to account for these conditions. Mitigation Measure HAZ-2 also includes preparation of a Soil and Groundwater Management Plan, which will specify necessary measures for handling potential contamination. As required for any specific Phase II ESA conducted in ACWD jurisdiction, the scope of work would be submitted to ACWD and other jurisdictional entities for their review and comment prior to implementation. For clarification, the text in Mitigation Measure HAZ-2 has been revised to reiterate this.

Response to Comment 5-11

This comment states that further investigations would be required at the PSSC property to address potential soil and groundwater contamination, and that a work plan must be submitted to ACWD for their review and approval.

This comment is noted. For clarification, Mitigation Measure HAZ-2, which describes the need to prepare a Phase II ESA and a Soil and Groundwater Management Plan for the proposed project, has been revised to discuss the related need to acquire a Drilling Permit from ACWD, and that this process entails submittal to and approval of ACWD of a work plan for chemical investigation. Refer to Section 3.6, Chapter 3 in Volume 1 of the Final EIR.

Response to Comment 5-12

Similar to Comment 5-11, this comment reiterates the need for work plan submittal to ACWD prior to conducting soil and groundwater investigations.

This comment is noted. For clarification, Mitigation Measure HAZ-2, which describes the need to prepare a Phase II ESA and a Soil and Groundwater Management Plan for the project, has been revised to describe preparation of a work plan for soil and groundwater investigations. Refer to Section 3.6, Chapter 3 in Volume 1 of the Final EIR.

Response to Comment 5-13

This comment suggests the presence of additional abandoned wells along the project alignment beyond those explicitly identified in Section 3.6 of the Draft EIR, and requests that the Draft EIR be modified to discuss coordination with ACWD on identification of additional wells and proper destruction of the wells during construction, pursuant to ACWD specifications.

ACWD is already identified in the Phase I and the Draft EIR as the jurisdiction to contact regarding existing or historic water supply wells. For clarification, Mitigation Measure HAZ-2 has been revised to indicate that any wells (not just agricultural wells) that are discovered during project construction would be properly abandoned and removed, and that this would be conducted in coordination with ACWD. The text in this mitigation measure has also been revised for editorial purposes to clarify language. Refer to Section 3.6, Hazards and Hazardous Materials, Chapter 3 in Volume 1 of the Final EIR.

Response to Comment 5-14

This comment states that ACWD should be included in the notification and reporting procedures if hazardous materials, underground storage tanks, soil contamination, or groundwater contamination is encountered during excavation or construction activities.

This comment is noted. For clarification, Mitigation Measure HAZ-2 has been revised to state that ACWD would be included in the reporting procedures. Refer to Section 3.6, Hazards and Hazardous Materials, Chapter 3 in Volume 1 of the Final EIR.

Response to Comment 5-15

This comment requests that the ACWD be notified in the event of a hazardous materials spill during project construction.

This comment is noted. For clarification, Mitigation Measure HWQ-4 has been revised to specify that ACWD will be notified in the event of a hazardous materials spill during project construction. Refer to Section 3.7, Hydrology and Water Quality, Chapter 3 in Volume 1 of the Final EIR.

Response to Comment 5-16

This comment requests clarification in Section 3.7.1 that the project area is in the Below Hayward Fault subbasin, and not the Above Hayward Fault subbasin.

The comment is correct. Section 3.7.1 has been revised accordingly. Refer to Section 3.7, Hydrology and Water Quality, Chapter 3 in Volume 1 of the Final EIR.

Response to Comment 5-17

This comment suggests that the Draft EIR contains a discrepancy regarding the potential for project construction to entail dewatering, and explains ACWD protocol for measuring, reporting, and paying fees for the amount of groundwater removed during construction. The comment also requests that ACWD be granted review and comment privileges for project construction plans and specifications.

This comment is correct. The Draft EIR states that the intent of grade-separation construction is to avoid “continuous dewatering.” This comment is also correct in noting other references to potential dewatering that may be required during project construction (in Section 3.6 and 3.7). The discussions referenced here are not mutually incompatible. As stated in the project description in Section 2.3.2 of the Draft EIR, excavating for the grade-separation construction is not anticipated to require continuous dewatering. However, this does not preclude dewatering from being necessary to construct other portions of the proposed project, including the construction of Line M diversion pipe. For clarification, a discussion of dewatering has been added to Section 2.3.2 (refer to Chapter 2 in Volume 1 of the Final EIR). This discussion specifies that groundwater extraction from the Niles Cone is subject to measurement and reporting to ACWD and assessment of a replenishment fee payable to ACWD. Regarding ACWD’s request to review and comment on construction specifications prior to bid advertisement, ACTA will honor this request.

Response to Comment 5-18

This comment requests that Mitigation Measure HWQ-6 be revised to specify that stormwater control measures will be implemented on the project’s proposed roadway bridges.

For clarification, Mitigation Measure HWQ-6 has been revised as suggested. Refer to Section 3.7, Hydrology and Water Quality, Chapter 3 in Volume 1 of the Final EIR.

Response to Comment 5-19

This comment requests that Section 3.11 of the Draft EIR—specifically Mitigation Measure PSR-1—be revised to include additional information regarding ACTA’s coordination with ACWD when preparing project-related

utility improvement plans, and recommends revisions to specify state and ACWD standards related to utility construction that ACTA must follow.

ACTA acknowledges ACWD's jurisdiction over water distribution infrastructure and water service within the project area and will honor ACWD's request for early coordination regarding utility modification, temporary disconnection, and other impacts on ACWD facilities and services. Mitigation Measure PSR-1 states that ACTA will conduct a detailed study of utility locations and implement measures necessary to prevent impacts to existing utilities, including acquiring and complying with excavation and encroachment permits. Pursuant to this mitigation measure, ACTA will coordinate with ACWD to the fullest extent necessary and will acquire all relevant permissions prior to commencing construction in areas that may affect ACWD facilities. Mitigation Measure PSR-1 has also been revised in response to ACWD's request to clarify that project utilities modification or construction would meet all relevant standards maintained by the California Department of Public Health and ACWD.

Response to Comment 5-20

This comment states that the proposed project extends through ACWD property, and that ACTA should begin discussions regarding acquisition of right-of-way for this project with ACWD as soon as possible.

This comment is noted. ACTA will contact ACWD regarding acquisition of the right-of-way as early in the process as is feasible. This comment does not pertain to the adequacy of the Draft EIR; therefore, no revisions to the Draft EIR are required.

Response to Letter 6 from East Bay Regional Parks District

Response to Comment 6-1

This comment suggests that the project-related lowering of the Alameda Creek Trail, which extends along the Alameda Creek Flood Control Channel, was inadequately described in the Draft EIR project description, and that the environmental impacts on the trail were inadequately analyzed in the Draft EIR. The proposed project would essentially bifurcate the Alameda Creek Trail where it crosses the Alameda Creek Flood Control Channel. One leg of the bifurcated trail would connect to the sidewalk/trail at the street level, and the other leg would be lowered and continue under the new flood control channel bridge. The street level leg of the bifurcated trail would remain serviceable under all weather conditions. The lowered leg of the trail would be constructed to provide minimum headroom of 10 feet to provide access for maintenance vehicles and equestrian users. This is similar to the trail layout where it crosses Decoto Road to the north and Isherwood Way to the south. As the comment stated, the lowered leg of the trail would be subject to flooding during heavy storm events. In fact, during such events the trail would be closed at other locations, including the Decoto crossing to the north and Isherwood crossing to the south. Therefore the impact on users from the proposed project would be limited, and the project would provide a safe alternative route through the use of the street-level leg of the trail.

The Draft EIR adequately describes the proposed trail; however, some additional text has been added for clarification. Refer to the description under Alameda Creek Flood Control Bridge in Section 2.2.2 and under Impact PSR-4 in Section 3.11, Public Services, Utilities and Recreation (Chapters 2 and 3 in Volume 1 of the Final EIR

Response to Comment 6-2

This comment describes the degradation of trail facilities that can result from flood events, suggests that these conditions can cause safety hazards, and discusses the precautions the East Bay Regional Parks District (EBRPD) must take to prevent hazardous conditions. Finally, this comment requests that the proposed project be designed to avoid impacts on the Alameda Creek Trail or to incorporate mitigation to relocate and/or protect the trail. The comment also expressed concern as to whether the trail would be destroyed during storm events. Many trails have been successfully constructed and operated under similar situations, including the other crossings at Decoto Road to the north and Isherwood Way to the south. The design details of the lowered trail would be

developed in consultation with EBRPD to ensure that any legitimate concerns can be fully addressed. It is our understanding that the Decoto and Isherwood crossings are equipped with gates, which would be closed during anticipated inundation and then cleaned after such events. It is expected that the lowered leg of the trail would be operated in a similar manner.

Response to Comment 6-3

This comment seeks clarification as to whether the project-related modifications to the Alameda Creek Trail (which extends along the Alameda Creek Flood Control Channel) would allow maintenance of EBRPD Class I trail standards, and suggests that not maintaining these standards would be a significant impact on recreation, public services, and traffic.

The proposed project would maintain the stated EBRPD specifications for Class I trail facilities in the project-related modification of the Alameda Creek Trail. This has been clarified in Section 2.2.2 of the project description (refer to Chapter 2 in Volume 1 of the Final EIR).

Response to Comment 6-4

This comment suggests that the proposed project's construction-related impacts regarding availability of the Alameda Creek Trail were inadequately analyzed in the Draft EIR, that the Draft EIR should be revised to further specify what will be required in the traffic control plan to ensure that access during construction to EBRPD facilities is maintained to the greatest feasible extent, and that the safety of potential detour routes should have been evaluated in the Draft EIR.

The temporary construction-related impacts on existing bicycle and pedestrian trails, including EBRPD facilities, are addressed in Impact PSR-4: Adverse Physical Effects on Existing Recreational Facilities in Section 3.11 of the Draft EIR (refer Chapter 3 in Volume 1 of this Final EIR). This was identified as a significant impact that would be mitigated to a less-than-significant level by implementing the comprehensive traffic control plan that will be prepared for the project (Mitigation Measure TRA-1) and by informing trail users via the community awareness program (Mitigation Measure NOI-2). For clarification, Mitigation Measure TRA-1 has been revised to include additional detail on safe detours for EBRPD facilities and maintenance of safe access to Quarry Lakes Regional Recreation Area throughout project construction. The specific locations of trail detours cannot be provided at this time because final construction design has not been completed; however, these additions to Mitigation Measure TRA-1 will ensure that EBRPD is involved in planning satisfactory trail detours and that detours will be located so as to minimize temporary hazards to trail users to the greatest feasible extent. No further changes to the Draft EIR are required.

Response to Comment 6-5

This comment seeks clarification on whether the environmental analysis presented in individual sections within Chapter 3 of the Draft EIR considers the impacts of the wetland restoration plan proposed as mitigation for project impacts on biological resources and hydrology.

The wetlands mitigation plan, which is presented conceptually in the project description and described further in Mitigation Measure BIO-7, would result in secondary impacts. The secondary impacts are acknowledged in the paragraph under Table 3.3-6 in Section 3.3, Biological Resources, and are considered in other sections of the Draft EIR. For clarification, Section 3.3, Biological Resources, and Section 3.4, Air Quality, have been revised to specify the impacts related to the wetlands mitigation plan (Mitigation Measure BIO-7) and the hydromodification plan (Mitigation Measure HWQ-5). Refer to these sections in Chapter 3, Volume 1 of the Final EIR. The additional information does not result any new or substantially more severe impacts.

CEQA requires that the Draft EIR include a discussion of the environmental impacts of implementing the mitigation measures, but the discussion of a mitigation measure's significant impacts may be less detailed than those of the proposed project (CEQA Guidelines sec. 15126.4(a)).

Response to Comment 6-6

This comment suggests that the proposed project's impacts on "nonsensitive habitat" should be considered in light of nonsensitive habitat's adjacency and relationship to sensitive habitat, and the amplification of "edge effects" and reduction of sensitive habitat value should be evaluated. Secondly, this comment suggests that the proposed project be considered in light of Policy LU-4.4 in the City of Fremont General Plan, which requires that development projects "conserve the open space character of the site," and that the EIR should examine the cumulative effect of removing open space from the urban core, and that mitigation ratios for habitat impacts should account for this impact.

Section 3.3, Biological Resources, of the Draft EIR presents a comprehensive examination of the project's biological resources impacts pursuant to significance criteria appearing in Appendix G of the State CEQA Guidelines and based on professional practice. One of these criteria asks whether a project would have a "substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game (CDFG) or the U.S. Fish & Wildlife Service (USFWS). Section 3.3 does include analysis of both sensitive and non-sensitive habitats (Impact BIO-9 and BIO-7, respectively). The analysis of Impact BIO-7 finds impacts on the nonsensitive onsite habitats of nonnative annual grassland and urban landscaping less than significant because of its limited wildlife habitat value and its relative commonness in the region.

Cumulative impacts on nonnative grassland are discussed in Section 4.1.2 of the Draft EIR, and were found to be less than significant. Furthermore, the proposed project entails enhancement of the natural area in the vicinity of the corridor by creating a wetlands mitigation site along the southern segment of Old Alameda Creek (refer to Mitigation Measure BIO-7). Refer to Sections 3.3.3 (Chapter 3) and 4.1.2 (Chapter 4) in Volume 1 of the Final EIR. No revisions to the Draft EIR are needed to address this comment.

In response to the portion of the comment addressing City of Fremont General Plan Policy LU-4.4, the Draft EIR examined the project's consistency with this goal in Table 3.8-3 (Chapter 3). This table has been revised in the Final EIR to remove the remarks about the project not amounting to development, and to explain further that the proposed project has been designed to conserve the character of the surrounding land to the greatest extent feasible. The conclusion reached regarding the project's consistency with this policy has not been revised, as the project implements a roadway in an area that is acknowledged in the Fremont General Plan as a Transportation Corridor. Although the land is designated Institutional Open Space in the General Plan, it should not be construed as an "open space resource" of Fremont because of its intention for roadway development, which is also acknowledged in the general plan. Also note that in two letters commenting on the Draft EIR, the City of Fremont did not take issue with the analysis of the proposed project's consistency with this policy.

Response to Comment 6-7

This comment states that geotextile products that have plastic webbing or mesh should not be used in the project area due to the possible entrapment of amphibians in the project area.

Erosion control measures are included in Mitigation Measure HWQ-1 (Comply with National Pollutant Discharge Elimination System Requirements and Develop and Implement a Stormwater Pollution Prevention Plan), which mitigates impacts on biological resources (Section 3.3) and water quality (Section 3.7). The mitigation measure addresses materials used for erosion control. For clarification and in response to this comment, the text in this mitigation measure has been revised to clarify that the materials used to control erosion should be made of natural fibers and of sufficient diameter to avoid trapping amphibians.

Response to Comment 6-8

The comment states that the EIR should discuss the applicability of Section 4(f) of the Department of Transportation Act of 1966 and Section 6(f) of the Department of Interior Land and Water Conservation Fund Act of 1965 as they relate to the Quarry Lakes Regional Recreation Area and the Alameda Creek

Trail. It further states that Section 4(f) requires that Department of Transportation agencies cannot approve the use of land from the recreation area unless there is no feasible and prudent alternative to the use of land, and the action includes all possible planning to minimize harm to the property resulting from use.

Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. 303) states, “The Secretary [of Transportation] may approve a transportation program or project” only if “there is no prudent and feasible alternative to using that land” and “the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.” The project’s proposed roadway would become part of the local city street network (within the cities of Union City and Fremont). The proposed project is not a federal road project requiring approval of the Secretary of Transportation, and is not anticipated to use federal funding. As discussed in Chapter 1, Introduction, ACTA, Caltrans, and the Cities of Fremont and Union City entered into a Memorandum of Understanding (MOU) in March 2006, to, among other things, formalize the commitment of funding for the proposed project. As described in the MOU, the proposed project would be funded with AB1462 funds and previously committed local funds (Measure B and local matching funds). Since no federal funding or other U.S. Department of Transportation approval is anticipated for this project, Section 4(f) consultation is not required.

Section 6(f)(3) of the federal Land and Water Conservation Fund Act (16 U.S.C. 4601-8) states “No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation uses.” This comment letter does not specify whether Quarry Lakes Regional Recreation Area or the Alameda Creek Trail were created using funding pursuant to the Land and Water Conservation Fund Act. However, the proposed project would not convert either feature to nonrecreational uses. Therefore, were these projects created using such funding, the project would not require consultation pursuant to Section 6(f) of the act.

No changes to the Draft EIR related to the recreation analysis or Section 4(f) or 6(f) consultation is required.

Response to Letter 7 from Valley Transportation Authority

Response to Comment 7-1

This comment asks if the implementation of the proposed project would change traffic volumes on several major roadways in Santa Clara County, including Dixon Landing Road, Calaveras/237, Tasman Drive, and Montague Expressway (all in Santa Clara County) in 2015 and 2035.

None of the roadways projects listed by the Valley Transportation Authority (VTA) are within the study area of the analysis. The nearest roadway, Dixon Landing Road, is 7 miles from the southern limit of the study area (Mowry Avenue). Given the distance of these roadways from the project area, any change in traffic conditions resulting from the proposed project is expected to be insignificant.

No changes to the Draft EIR are required.

Response to Letter 8 from City of Fremont, City Manager

Response to Comment 8-1

This comment states that the evaluation of impacts on air quality should assess daily effects of the proposed project and alternatives rather than just peak-hour effects. Since impacts related to construction- and operations-period criteria pollutant and greenhouse gas (GHG) mass emissions, as well as impacts related to mobile source air toxics (MSAT) emissions were assessed with respect to daily emissions, as detailed on Section 3.2, Air Quality, of the Draft EIR, this comment is specific to the evaluation of localized carbon monoxide (CO) concentrations at congested intersection locations.

The localized impacts of project-related CO emissions were evaluated using the methodology prescribed in Appendix B of the CO Protocol, developed for Caltrans by the Institute of Transportation Studies at the University of California, Davis (Garza et al. 1997). Based on the U.S. Environmental Protection Agency (EPA) methodology for evaluating worst-case CO concentrations at congested intersection locations, this evaluation methodology relies on peak-hour traffic volumes to ascertain worst-case localized CO concentrations. Localized CO concentrations at all other times of the day would be less than those identified during the peak hour periods, as there would be fewer emissions sources (i.e., emitting vehicles). No changes to the Draft EIR are required.

Response to Comment 8-2

The comment states a belief that the triple left-turn lanes proposed for northbound Paseo Padre Parkway onto westbound Decoto Road are not necessary, and that dual left-turn lanes will be sufficient.

Following a request by Fremont staff in October, 2008, an analysis was conducted to address this issue. The results of the analysis showed that the third left turn lane would provide marginally better operations in year 2035 (see table below). However, in the PM peak hours, it would improve the level of service (LOS) from LOS E to LOS D.

YEAR 2035 Measure of Effectiveness	AM Peak Hour		PM Peak Hour	
	With Triple Lefts	With Dual Lefts	With Triple Lefts	With Dual Lefts
Delay (sec/veh)	75	82	54	65
Level of Service	LOS E	LOS F	LOS D	LOS E
NB Left Queue (ft.)	340	564	288	451

The Draft EIR includes three left-turn lanes to provide a more conservative analysis and to account for the maximum possible negative impacts. It is anticipated that traffic volumes would be lower at project completion (assumed at year 2015). The intersection is located within and will be operated by the City of Fremont. A determination can be made during the design phase whether to design the proposed project with two left-turn lanes while maintaining the possibility for the inclusion of a future third left-turn lane, if the City of Fremont so chooses.

No changes to the Draft EIR are required.

Response to Comment 8-3

The comment states that the City prefers Quarry Lakes Drive realignment Option 1, which is the three-way intersection shown in Figure 2-7a, because Option 1 would have a better average LOS than Option 2, which is a four-way intersection. They are also concerned that Option 2 would divert more traffic onto Isherwood Way, a neighborhood street, which would be contrary to City goals. Additionally, Options 1 and 2 both include closing the segment of Osprey Drive that connects to Alvarado-Niles Road, and the City would like ACTA to consider leaving the Osprey Drive/Alvarado-Niles Road connection in place, but restricting operations to right turns only.

The comment regarding the City's preference for Option 1 and for maintaining the Osprey Drive/Alvarado-Niles Road connection is noted. It is true that, if the average delay between AM and PM peak hours is calculated, that average is lower for Option 1 under year 2015 conditions. Examining the individual delays for the 2015 conditions also shows that the delay for Option 1 is 19 seconds per vehicle lower than for Option 2 during the AM peak hour, and 8 seconds per vehicle higher than Option 2 during the PM peak hour. However, if the corresponding delays for Year 2035 are examined in the same way, Option 2 would perform slightly better than Option 1. Under Year 2035 conditions, the calculated delays for the AM peak hour are identical, but Option 1 would yield an average delay of 9 seconds higher than Option 2.

Regarding the issue of cut-through traffic, a review of the projected volumes for both options does indicate a lower volume of traffic traveling on Quarry Lakes Road (which becomes Isherwood Way) for Option 1 than for Option 2.

Regarding the issues of keeping Osprey Drive connected to Alvarado-Niles Road, this is expected to introduce a large volume of traffic to Osprey Drive, which is a residential street, and is not recommended. Therefore, no additional analysis will be performed.

No changes to the Draft EIR are required.

Response to Comment 8-4

This comment seeks clarification on whether visual simulation #4 (Figure 3.1-12) is intended to show the view of the project site with or without incorporation of mitigation measure AES-5, which calls for the preclusion of tall trees from the portion of the project landscape plan between the two proposed bridges over Old Alameda Creek. The comment also suggests that this mitigation is not necessary because there are some eastern hillside views that would not be blocked by trees along the roadway, thus implying there would not be a significant impact. Lastly, the comment suggests that trees should be planted to avoid the visibility of prospective future residential development that Fremont may approve along this portion of the roadway corridor.

Visual simulation #4 (Figure 3.1-12 in Section 3.1, Aesthetics) depicts the project alignment as if Mitigation Measure AES-5 were not implemented and tall trees were planted along the roadway corridor. For clarification, a footnote has been added to the discussion of Impact AES-5 in Section 3.1 (refer to Chapter 3, Volume 1 of the Final EIR).

As illustrated in Figure 3.1-12, planting very tall trees could block views of the eastern hillsides that have been identified in Section 3.1 as important components of a scenic vista. Large-scale obstruction of these views has been identified as a significant impact due to the value of the scenic vista as perceived by recreational trail users. (Refer to the discussion for Impact AES-8: Obstruction of Scenic Vistas from Public Trails Adjacent to Old Alameda Creek in Section 3.1 of the Draft EIR.) This conclusion is based on a conservative interpretation of the general plan NR-14 policies related to maintaining views of scenic resources, and it is understood that the City considers this less-than-significant impact overall. Mitigation Measure AES-5 is not meant to preclude planting any trees along the roadway, but to preclude planting vegetation that would grow tall enough to substantially block these hillside views. Street trees may be accommodated within the project's landscape corridor. In light of this comment from the City, ACTA agrees that the 10-foot height limit incorporated into Mitigation Measure AES-5 would be too restrictive. It is ACTA's intent to provide ample landscaping in this area to—in the City of Fremont's words—"soften the urban edge," but it should also be noted that mitigation for this project should not be construed as mitigation for any future development that Fremont may undertake in proximity to the project alignment. ACTA intends to coordinate with the cities as landscape plans for the proposed project are finalized, in order to select species of trees or other vegetation types for this portion of the proposed project.

For clarification, Mitigation Measure AES-5 has been revised to specify that "extremely" tall vegetation will be avoided, to remove the 10-foot height restriction, and to indicate that ACTA will coordinate with the City of Fremont Planning Division in the preparation of the landscape plan. Refer to Section 3.1.3, Chapter 3, in Volume 1 of the Final EIR.

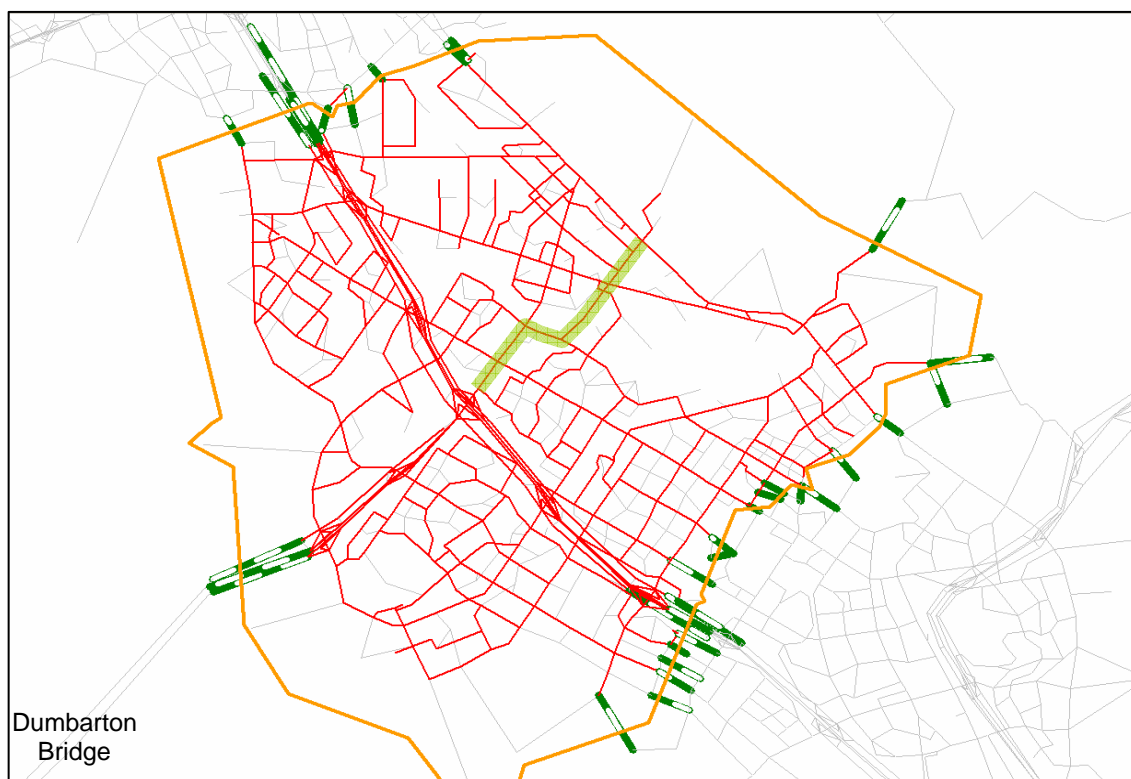
Response to Comment 8-5

The comment requests that the geographic area be clarified in which vehicle miles traveled (VMT), system-wide travel times, and system-wide hours of delay were quantified.

The area for which VMT and other similar measures of effectiveness were gathered consisted of an area bounded by the following:

- Industrial Parkway on the north
- San Francisco Bay on the west
- Mowry Avenue on the south
- Mission Boulevard on the east

A figure from the travel demand model with the actual polygon used to extract the model outputs is shown below. The project alignment is in green shading



Response to Comment 8-6

This comment notes that the proposed wetland mitigation site, adjacent to the Mission Lakes neighborhood, is in the City of Fremont, although the wetlands that would be affected are in the City of Union City. Because the City of

Fremont is not responsible for the impacts on the wetlands in Union City, it will not accept any maintenance responsibility for these wetlands and adjacent areas. This comment also asks what assurance there is that the mitigation measures—the wetlands mitigation sites—would be properly maintained in the future at no cost to the City of Fremont.

The proposed project would affect wetlands in both Fremont (at the three bridge crossings) and Union City (Line M and detention basin), and the wetlands mitigation plan is along Old Alameda Creek and includes land in both Fremont and Union City. Figure 3.3-1, Conceptual Wetlands Mitigation Plan, in the Draft EIR was intended to be conceptual, and it did illustrate more riparian vegetation in Fremont compared to Union City. For clarification, the wetland mitigation plan (described in Mitigation Measure BIO-7) and Figure 3.3-1 in Section 3.3, Biological Resources, have been refined and further developed to provide additional detail. The majority of the mitigation is on the Union City side of Alameda Creek. Refer to Chapter 3 in Volume 1 of the Final EIR.

As part of the project, ACTA will include funding for constructing and maintaining the mitigation site until it is established based on permitting criteria. It is anticipated that post-construction maintenance responsibilities will be the subject of future agreements between and amongst ACTA, the Cities of Fremont and Union City, and the Alameda County Flood Control and Water Conservation District. For clarification, the text in Mitigation Measure BIO-7 has been revised to clarify maintenance responsibilities. Refer to Section 3.3, Biological Resources, in Chapter 3, Volume 1 of the Final EIR.

Response to Comment 8-7

The comment states that the impact discussion for Impact CUL-5: Change to Historic Resources from New Roadway references the Fremont Register when the historic resource (Peterson Farm) is located in Union City.

The comment is correct. For clarification, Impact CUL-5 has been revised to reference the Union City Cultural Resources Survey, not the Fremont Register. Refer to Section 3.4, Cultural Resources, in Chapter 3, Volume 1 of the Final EIR.

Response to Comment 8-8

This comment requests that a new mitigation measure be added to explain how the proposed project would comply with Goal OS-4 (Distinctive gateways and roadway landscaping for Fremont) of the Fremont General Plan.

It is ACTA's intent to provide ample landscaping and an overall aesthetically pleasing design for all portions of the project alignment and to comply with local plans and policies. In the project description, it states that the new roadway

would include landscaping in the median and on the outside of the roadway; this would include a combination of trees, shrubs, and hardscape features; and a landscape plan would be prepared as part of the proposed project (refer to Section 2.2.2, Chapter 2, in Volume 1 of the Final EIR). In Mitigation Measure AES-2 (Prepare and Implement a Landscape Plan along the Project Alignment), it is stated that final design of the landscape plan will be conducted in consultation with the planning departments of Fremont and Union City (refer to Section 3.1, Chapter 3, in Volume 1 of the Final EIR). Additionally, in the Project Consistency Discussion in Table 3.8-3, it is stated that specific plans for gateway signs have not yet been proposed but future coordination between ACTA and Fremont would ensure that design and location of any gateway signs and accent planting within Fremont are acceptable to the City (refer to Section 3.8, Chapter 3, in Volume 1 of the Final EIR). The absence of a comprehensive landscape plan for the proposed project does not constitute a conflict with Fremont General Plan Goal OS-4. Therefore, this is not a significant impact, and no mitigation is necessary. No changes to the Draft EIR are required.

Response to Comment 8-9

This comment requests that the project consistency discussion for Fremont General Plan Goal NR-13 (in Table 3.8-3, Section 3.8 Land Use and Planning) specify the mitigation referenced. This comment also suggests that ACTA reconsider the discussion pursuant to the City's Comment 8-4 and Comment 9-5, which question the appropriateness of including mitigation that precludes tall trees from a portion of the alignment.

For clarification, the project consistency discussion for Goal NR-13 (in Table 3.8-3) has been revised to specify the mitigation measure referenced (Mitigation Measure AES-5) and the associated impact (Impact AES-8). Refer to Section 3.8, Chapter 3, in Volume 1 of the Final EIR.

With respect to the portion of this comment suggesting ACTA reconsider the discussion pursuant to the City of Fremont's Comment 8-4, refer to Response to Comment 8-4.

Response to Comment 8-10

This comment requests that the project consistency discussion for Fremont General Plan Policy T 1.2.2 (Table 3.8-3, Section 3.8 Land Use and Planning) demonstrate that it considered the potential for future limited street access, although individual driveway access is not planned.

For clarification, the text in this policy discussion has been revised to state that the project would not provide for access from individual driveways, which would be considered unsafe and inefficient; and that although no new access roads are proposed as part of the project, the project would not preclude that future access

roads are determined efficient and safe. Also note that the Section 5.1.3 discusses impacts related to potential future access points from the proposed roadway, as called for in the Memorandum of Understanding (MOU) (pages 5-3, lines 12-29).

Response to Comment 8-11

This comment refers to the interior noise analysis of which type of soundwall, roadside or property line, was contemplated when concluding the soundwall would not provide sufficient second story noise reduction.

A soundwall is only effective in reducing noise if the wall breaks the line of sight between the source and receiver. In this case the source is traffic on the roadway and the receiver is the second story location. The traffic noise model takes into account both the vertical and horizontal location of the roadway relative to receivers. If a view from the second story has a direct line of sight over the top of the barrier to traffic, the barrier will have little or no noise effect on reducing traffic noise at that second-story location. The detailed noise study that will be prepared as part of Mitigation Measure NOI-7 will, on a residence-by-residence basis, consider the effectiveness of placing soundwalls at either residential property lines or the roadway's edge, and how these walls would affect second-story noise levels.

For clarification, the impact discussion for Impact NOI-9 (paragraph 7) has been revised to explain why soundwalls would not necessarily be effective at reducing noise levels at second story elevations. Additionally, Mitigation Measures NOI-7 and NOI-8 have been revised to clarify that ACTA will commit to soundwalls, quiet paving, and other measures identified during the more detailed surveys, and will coordinate with and seek approval from the cities on final noise reduction measures. Refer to Section 3.9, Noise and Vibration, in Chapter 3 (Volume 1 of the Final EIR).

Response to Comment 8-12

This comment requests a discussion of options for “quiet” paving alternatives, their likely effectiveness on reducing noise, the feasibility that such measures can and will be employed at the time of construction, and their likely effectiveness in combination with soundwall types and heights to mitigate impacts. If the property line soundwall option is chosen for the new roadway, would a uniform wall be constructed along all properties or would individual properties be able to opt out of participation in having a wall constructed?

Quiet pavement technology has been rapidly developing in recent years and has been employed as a noise mitigation measure on a number of projects in California. Caltrans has been conducting detailed study on the effectiveness of quiet pavement over the last 10 years on I-80 near Davis. Information on Caltrans

quiet pavement research can be found at the following website:
<http://www.dot.ca.gov/hq/env/noise/publications.htm>.

Research conducted by Caltrans indicates that quiet pavement such as open graded asphalt can typically reduce noise relative to traditional dense graded asphalt by at least 3 decibels (dB) and that reductions of 6 to 8 dB can commonly occur. The noise-reducing effect of quiet pavement is independent of barriers. The pavement, in effect, reduces the noise at the source so that the benefits of quiet pavement and a barrier would be additive.

The Draft EIR identifies locations where construction of a soundwall is recommended as mitigation for noise impacts, based on preliminary traffic noise modeling. The final decision as to whether they would be constructed along the roadway, along properties, or constructed at all would be deferred to the local jurisdiction. The local jurisdictions may decide to involve the community in the decisions. However, because it is not effective to have gaps in a soundwall, affected residents would have to decide as a whole to forego entire segments of soundwalls.

For clarification, Mitigation Measures NOI-7 and NOI-8 have been revised to clarify that ACTA will commit to soundwalls, quiet paving, and other measures identified during the more detailed surveys, and will coordinate with and seek approval from the cities on final noise reduction measures. Refer to Section 3.9, Noise and Vibration, in Chapter 3 (Volume 1 of the Final EIR).

Response to Comment 8-13

This comment suggests that Mitigation Measure NOI-C1 (Contribute to City Funds to Implement Traffic Noise Reduction Treatments) is not feasible because the City of Fremont does not currently have a noise mitigation program in place or funds available to begin one.

The Draft EIR acknowledges the uncertainty associated with implementing this measure. The paragraph before Mitigation Measure NOI-C1 states: “....because there are currently no mechanisms in place for pooling funds to mitigate cumulative noise impacts, there is little or no certainty that these measures would be implemented.” Although fee-based mitigation is permissible under CEQA, the City would have to adopt a specific program under which fees would be assessed on prorated basis and then applied to alleviate noise impacts. Because no such program yet exists, the Draft EIR concludes that the cumulative noise impact of the proposed project (Impact NOI-C1) would be significant and unavoidable. No revision of the Draft EIR is necessary to respond to this comment. However, the Draft EIR has been revised to acknowledge that the noise reduction mitigation measures that would be implemented for the proposed project include quiet pavement, which would help partially reduce the project’s contribution to a significant cumulative noise impact (refer to the Noise discussion in Section 4.1.2, Chapter 4, Volume 1 of the Final EIR).

Response to Comment 8-14

This comment states that the City concurs that Option 2 with two access points for new homes behind Mission Lakes development (MOU Section 14(b)(ii)) does not constitute a feasible EIR alternative, but the City wants assurance from ACTA that the addition of two access points, if properly designed, can be safely accommodated from the new roadway if new development occurs.

If properly designed, two access points from the new roadway to future development behind the Mission Lakes development can be safely accommodated. No changes to the Draft EIR are required.

Response to Letter 9 from City of Fremont, Transportation and Operations Department

Response to Comment 9-1

This comment asks what percentage of the project cost is in the City of Fremont and in the City of Union City.

It is expected that 24% of the project cost would be in the City of Fremont and 76% of the project cost would be in the City of Union City.

This comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Comment 9-2

This comment states that the evaluation of impacts on air quality should assess daily effects of the proposed project and alternatives rather than just peak-hour effects. Impacts related to construction- and operations-period criteria pollutant and greenhouse gas (GHG) mass emissions, and impacts related to mobile source air toxics (MSAT) emissions were assessed with respect to daily emissions, as detailed on Section 3.2, Air Quality, of the Draft EIR. This comment is specific to the evaluation of localized carbon monoxide (CO) concentrations at congested intersection locations.

This comment is identical in its content to Comment 8-1. Refer to Response to Comment 8-1.

Response to Comment 9-3

This comment states that the traffic operation analysis for the Paseo Padre Parkway/Decoto Road intersection (shown in the upper right-hand corner of Figure 2-6 Proposed Intersection Geometrics) does not justify the three left-turn lanes shown for northbound Paseo Padre Parkway to westbound Decoto Road, and it suggests that text should be revised to show that two left turn lanes would be sufficient.

This comment is identical in its content to Comment 8-2. Refer to Response to Comment 8-2.

Response to Comment 9-4

This comment states that the City prefers Quarry Lakes Drive realignment Option 1, which is the three-way intersection shown in Figure 2-7a, because Option 1 would have a better average Level of Service (LOS) than Option 2, which is a four-way intersection. However, Option 1 includes closing the segment of Osprey Drive that connects to Alvarado-Niles Road, and the City would like ACTA to consider leaving the Osprey Drive/Alvarado-Niles Road connection in place, but restricting operations to right-turns only.

This comment is identical in its content to Comment 8-3. Refer to Response to Comment 8-3.

Response to Comment 9-5

This comment seeks clarification on whether visual simulation #4 (Figure 3.1-12) is intended to show the view of the project site with or without incorporation of mitigation measure AES-5, which calls for the preclusion of tall trees from the portion of the project landscape plan between the two proposed bridges over Old Alameda Creek. The comment also suggests that this mitigation is not necessary because there are some eastern hillside views that would not be blocked by trees along the roadway, thus implying there would not be a significant impact. Lastly, the comment suggests that trees should be planted to avoid the visibility of prospective future residential development that Fremont may approve along this portion of the roadway corridor.

This comment is identical in its content to Comment 8-4. Refer to Response to Comment 8-4.

Response to Comment 9-6

This comment states that it is unclear if baseline geographic setting used for comparing the vehicle miles traveled (VMT) calculations (in the traffic analysis for operational impacts) is strictly the corridor or the broader county transportation system.

This comment is identical in its content to Comment 8-5. Refer to Response to Comment 8-5.

Response to Comment 9-7

This comment notes that the proposed wetland mitigation site, adjacent to the Mission Lakes neighborhood, is in the City of Fremont, although the wetlands that would be affected are in the City of Union City. Because the City of

Fremont is not responsible for the impacts on the wetlands in Union City, it will not accept any maintenance responsibility for these wetlands and adjacent areas. This comment also asks what assurance there is that the mitigation measures—the wetlands mitigation sites—would be properly maintained in the future at no cost to the City of Fremont.

This comment is similar in its content to Comment 8-6. Refer to Response to Comment 8-6.

Response to Comment 9-8

The comment states that the impact discussion for Impact CUL-5: Change to Historic Resources from New Roadway references the Fremont Register when the historic resource (Peterson Farm) is located in Union City.

This comment is identical in its content to Comment 8-7. Refer to Response to Comment 8-7.

Response to Comment 9-9

This comment requests that a new mitigation measure be added to explain how the project would comply with Goal OS-4 (Distinctive gateways and roadway landscaping for Fremont) of the Fremont General Plan.

This comment is identical in its content to Comment 8-8. Refer to Response to Comment 8-8.

Response to Comment 9-10

This comment requests that the project consistency discussion for Fremont General Plan Goal NR-13 (in Table 3.8-3, Section 3.8 Land Use and Planning) specify the mitigation referenced. This comment also suggests that ACTA reconsider the discussion pursuant to the City's Comment 9-5 and Comment 8-4, which question the appropriateness of including mitigation that precludes tall trees from a portion of the alignment.

This comment is identical in its content to Comment 8-9. Refer to Response to Comment 8-9.

Response to Comment 9-11

This comment requests that the project consistency discussion for Fremont General Plan Policy T 1.2.2 (in Table 3.8-3, Section 3.8 Land Use and Planning)

demonstrate that it considered the potential for future limited street access, although individual driveway access is not planned.

This comment is identical in its content to Comment 8-10. Refer to Response to Comment 8-10.

Response to Comment 9-12

This comment states that in Section 3.9, Noise and Vibration, there is frequent reference to implementation of “reasonable and feasible” noise impact and mitigation measures. The comment requests that the concept of “reasonable and feasible” be better explained, expressing concern that if the project undergoes a funding shortfall, ACTA could determine that noise measures are no longer feasible due to lack of funding.

This comment refers to the term “reasonable and feasible,” as included in Mitigation Measures NOI-7, NOI-8, and NOI-9 in Section 3.9. The CEQA Guidelines defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental legal, social, and technological factors” (Guidelines Sec. 15364). As used in these measures, “feasible” relates specifically to the engineering feasibility (e.g., both cost and technical factors) of the measure. In other words, there may be engineering conditions that make a noise barrier infeasible. An example would be where a noise barrier is proposed over extensive underground utilities and the only way to construct the barrier would be to relocate the utilities. Additionally, the cost of a mitigation measure could make it infeasible. For example, a noise barrier that costs as much as the project itself clearly would not be reasonable. ACTA does not have specific thresholds for “reasonable” and “feasible”. Rather, these will be evaluated on a case-by-case basis for each measure identified in the subsequent noise analysis. This language has not been incorporated into the referenced mitigation measures to suggest that ACTA will not implement measures that sufficiently reduce noise impacts to less-than-significant levels, but rather to recognize that there are not unlimited funds to spend on noise mitigation. .

For clarification, Mitigation Measures NOI-7 and NOI-8 have been revised to clarify that ACTA will commit to soundwalls, quiet paving, and other measures identified during the more detailed surveys, and will coordinate with and seek approval from the cities on final noise reduction measures. Refer to Section 3.9, Noise and Vibration, in Chapter 3 (Volume 1 of the Final EIR).

Response to Comment 9-13

This comment refers to the interior noise analysis of which type of soundwall, roadside or property line, was contemplated when concluding the soundwall would not provide sufficient second-level noise reduction.

This comment is identical in its content to Comment 8-11. Refer to Response to Comment 8-11.

Response to Comment 9-14

This comment requests a discussion of options for “quiet” paving alternatives, their likely effectiveness on reducing noise, the feasibility that such measures can and will be employed at the time of construction, and their likely effectiveness in combination with soundwall types and heights to mitigate impacts. If the property line soundwall option is chosen for the new roadway, would a uniform wall be constructed along all properties or would individual properties be able to opt out of participation in having a wall constructed?

This comment is identical in its content to Comment 8-12. Refer to Response to Comment 8-12.

Response to Comment 9-15

This comment seeks clarification on why the year 2035 was used for analysis of the project’s noise impacts rather than 2015, when the project would begin.

It is standard to practice to evaluate traffic noise impacts under design year conditions (in this case 2035) rather than opening year conditions. This is the approach required by Caltrans and FHWA for state and federal highway projects. Predicted noise levels under opening year conditions will clearly be less than conditions under design year conditions. Accordingly, it is not appropriate to evaluate impacts or mitigation under the opening year condition because both impacts and mitigation would be understated relative to the ultimate design condition. Impacts and mitigation identified for the design year will address any impacts and mitigation that would be identified under the opening year.

Response to Comment 9-16

This comment suggests that Mitigation Measure NOI-C1 (Contribute to City Funds to Implement Traffic Noise Reduction Treatments) is not feasible because the City of Fremont does not currently have a noise mitigation program in place or funds available to begin one.

This comment is identical in its content to Comment 8-13. Refer to Response to Comment 8-13.

Response to Comment 9-17

This comment states that the City concurs that Option 2 with two access points for new homes behind Mission Lakes development (MOU Section 14(b)(ii)) does not constitute a feasible EIR alternative, but the City wants assurance from ACTA that the addition of two access points, if properly designed, can be safely accommodated from the new roadway if new development occurs. The comment also requests that a sentence be added to Section 5.5.4, Meeting MOU Requirements, to confirm that the Draft EIR has addressed all the specific items required in Section 14(a) of the MOU.

As stated in Response to Comment 8-14, if properly designed, two access points from the new roadway to future development behind the Mission Lakes development can be safely accommodated. No changes to the Draft EIR are required to respond to this portion of the comment.

In response to the City's request, ACTA has added a sentence confirming that the Draft EIR has addressed all the specific items required in Section 14(a) of the MOU, but feels the sentence is more appropriate in Section 1.3 where the MOU is introduced in the Draft EIR, rather than in Section 5.5.4, which is specifically about project alternatives. Therefore, the sentence has been added to the end of Section 1.3, Project Background, in Chapter 1, Introduction.

Response to Comment 9-18

The comment requests that a paragraph be added that states "If the proposed project is approved, ACTA will establish a policy committee to oversee the project development, particularly with regard to ensuring all mitigation measures are implemented and that appropriate landscaping is included."

In response to the City's request, ACTA will add the paragraph but feels it is more appropriate at the end of Section 1.3 rather than in Section 5.5.4. Therefore, the paragraph has been added to the end of Section 1.3, Project Background, in Chapter 1, Introduction.

Response to Letter 10 from Union Sanitary District

Response to Comment 10-1

This comment states that there appear to be no impacts from the proposed project on treatment facilities owned by the Union Sanitary District, because no building structures are proposed.

This comment regarding treatment facilities owned by the Union Sanitary District is noted. No specific concerns with the Draft EIR or analysis have been identified. Therefore, no changes to the Draft EIR are required.

Response to Comment 10-2

This comment indicates Union Sanitary District's ownership of several sewer pipelines located in the project vicinity, requests that existing utility holes in modified streets be adjusted to finished grade, and requests participation in review of construction plans throughout the design phase.

ACTA acknowledges Union Sanitary District's ownership of sewer lines throughout the project alignment and concurs with the District's request for participation in review of construction plans during the design phase. Mitigation Measure PSR-1 (in Section 3.11.3 of the Draft EIR) states that ACTA will conduct a detailed study identifying the locations of utilities along the project alignment. Pursuant to this study, ACTA will coordinate with utility providers including Union Sanitary to acquire all necessary encroachment permits and implement all measures necessary to account for the presence of existing utilities within areas affected by project construction. No changes to the Draft EIR are required to address this comment.

Response to Letter 11 from Union City

Response to Comment 11-1

This comment states that the Decoto Road/Alvarado-Niles Road intersection was improved in the past several months, it now functions at Level of Service (LOS) of D or better, and the recent improvements should be acknowledged in the environmental document.

The comment is correct in that the configuration of the intersection analyzed for the existing and future scenarios is the configuration that existed before the recent modifications took place. The traffic analysis for the environmental studies is required to use the most current information available as it exists at the time the Notice of Preparation (NOP) to prepare an EIR is issued or, if no NOP is issued, at time the environmental analysis is commenced (CEQA Guidelines 15125). The NOP for the proposed project was issued in October 2007. Unfortunately, the recently-completed intersection modifications were made in late 2008 and were not communicated to the traffic analyst and Draft EIR preparers. While this might technically excuse the environmental document from including the new configuration in the analysis, ACTA considered that it was important to conduct an evaluation of the new configuration to determine if the changed baseline condition would change any conclusions of the study.

There are two issues related to the new intersection configuration: LOS at Decoto/Alvarado-Niles, and any impact the change might have on adjacent intersections.

First, the calculation of average delay for the intersection itself (which determines the LOS letter grade – LOS A, LOS B, etc.) would be different with the new configuration. This issue might be important if it shows that the proposed project would worsen traffic operations at this location enough to constitute a significant impact, if no significant impact were identified using the original assumptions. The new intersection configuration and signal phasing was entered into the analysis tool (Synchro), and the intersection delay and corresponding LOS were calculated. The table below compares these results to the original results.

Comparison of Original* Delay and Level of Service Calculations with New Calculations

Scenario	Original Configuration					New Configuration and Phasing				
	No Project		With Project		Impact?	No Project		With Project		Impact?
	Delay	LOS	Delay	LOS		Delay	LOS	Delay	LOS	
2015 AM	231	F	254	F	Yes	87	F	144	F	Yes
2015 PM	200	F	174	F	No	61	E	70	E	No
2035 AM	266	F	188	F	No	106	F	92	F	No
2035 PM	320	F	388	F	Yes	87	F	134	F	Yes

*Original results from Tables 3.12-6 and 3.12-8 of DEIR

Under the original assumptions, significant impacts were identified for Year 2015 (AM peak hour) and Year 2035 (PM peak hour). With the new configuration, there are also significant impacts identified for the same scenarios. Therefore, there is no change to the conclusions of the technical studies.

Second, with the improved efficiency of the new configuration, would more vehicles be able to pass through Decoto/Alvarado-Niles to an extent that would result in a change to identified impacts at adjacent intersections compared to the impacts with the original configuration in place? This question can be answered with sufficient conclusiveness by comparing the volume constraints that were identified with the original configuration and what would be expected with the new configuration. By comparing the change from old constraint to new constraint for the No Project and With Project scenarios, we should be able to determine if any additional impact might occur.

The table below shows the volume of vehicles that would not be able to proceed beyond Decoto/Alvarado-Niles for the various scenarios, and calculates the difference. Since no study intersections are located north of Decoto/Alvarado-Niles, only the westbound, eastbound, and southbound directions are shown. The numbers in the table represent the difference in volume that would be able to pass through the intersection if there were no constraints and the volume that is able to pass through due to actual constraints. The only situation that might indicate a new impact from using the new configuration would be if the number in the difference column for the With Project case is significantly greater than for the No Project case. That is, if about 100 more vehicles proceed through the intersection in both No Project and With Project cases, any worsening operating conditions at an adjacent intersection would be the same. But if, say, 100 more could make it through for the No Project case and 200 for the With Project case, there could be an incremental worsening of operations caused by the proposed project.

Capacity Constrained Volumes Leaving Decoto/Alvarado-Niles

Numbers represent the number of vehicles unable to proceed through the intersection in the direction indicated, due to limited capacity.

	Westbound			Eastbound			Southbound		
	Old	New	Diff.	Old	New	Diff.	Old	New	Diff.
2015 AM NP	429	81	348	248	48	201	81	0	81
2015 AM WP	489	342	147	213	1	212	287	202	85
2015 PM NP	316	3	313	398	0	398	192	7	186
2015 PM WP	298	35	263	215	0	215	94	35	59
2035 AM NP	521	204	317	268	0	268	538	217	321
2035 AM WP	408	247	161	249	0	249	210	109	101
2035 PM NP	408	29	379	640	128	512	423	115	307
2035 PM WP	256	228	27	545	44	501	706	257	448

NP = No Project

WP = With Project

Some of the numbers do not add or subtract precisely, due to rounding.

From the table, it is apparent that only one case indicates that there *could* be a new impact due to more traffic making it through Decoto/Alvarado-Niles, the Year 2035 PM peak hour for traffic heading south along Alvarado-Niles Road away from the intersection. If the additional southbound volume is input into the intersection analysis for the next intersection to the south, Niles/Mann/Union Square, the No Project delay becomes 261 seconds per vehicle (compared to the 188 seconds per vehicle [sec/veh] reported in Table 3.12-8), while the With Project delay becomes 223 sec/veh (178 sec/veh in Table 3.12-8). Therefore, there would not be a new or substantially more severe impact caused by the additional volume passing through Decoto/Alvarado-Niles due to the intersection modification.

No changes to the Draft EIR are required.

Response to Comment 11-2

This comment states that any project design that would involve drainage of the Basin 2C area or realignment of Line M Channel should be coordinated with Alameda County Flood Control District as these facilities are within the 100-year flood boundary.

The comment is noted. ACTA and project engineers began coordinating with the Alameda County Flood Control District and the City of Union City during the preliminary design phase. Refer to Chapter 6, Agency Consultation, for information on agency consultation to date and for lead and responsible agency

participation in monthly project development team meetings. Coordination will continue if the proposed project is approved. No specific concerns with the Draft EIR or analysis have been identified. No changes to the Draft EIR are required.

Response to Comment 11-3

This comment states that Figure 3.7-2 of the Draft EIR is out of date because it shows an area (Tract 6999) as being within a floodplain area, and the Federal Emergency Management Agency (FEMA) has confirmed that this area is outside of the floodplain. (This comment contains a typographical error; the Draft EIR figure showing the floodplain in the vicinity of the project is 3.7-3.)

FEMA communications related to this change in the documented floodplain area in the project vicinity have been incorporated into Figure 6 of the Hydrology and Hydraulics Report (Appendix I, revised for the Final EIR), and Figure 3.7-3 has been revised in the Draft EIR to reflect these changes. This change does not affect the analysis of the proposed project's floodplain impacts.

Response to Comment 11-4

This comment states the City of Union City's support for the proposed project.

The comment regarding support for the proposed project is noted. No specific concerns with the Draft EIR or analysis have been identified. Therefore, no changes to the Draft EIR are required.

Response to Letter 12 from Shuja Ahmed

Response to Comment 12-1

This comment states the proposed project will lead to a lowering of the property value of the commenter's home.

CEQA does not require the analysis of economic impacts that might result from changes in property values. Impacts analyzed under CEQA must be related to a physical change in the environment (Guidelines Section 15131 and 15358[b]). Economic and social impacts are not considered environmental impacts under CEQA, and need only be evaluated if they would lead to a physical environmental impact. The physical impacts of the proposed project have been adequately evaluated in the Draft EIR. No changes to the Draft EIR are required.

Response to Letter 13 from Doug Becker

Response to Comment 13-1

This comment expresses concern that the noise analysis underestimates the proposed project's noise impact, and questions the conclusion that traffic-related noise is anticipated to increase slightly despite considerable increases in traffic volume.

Potential noise impacts were adequately analyzed in Section 3.9, Noise and Vibration, of the Draft EIR (refer to Chapter 3 in Volume 1 of the Final EIR). Within Section 3.9, refer to the explanation of decibels on the first page. The decibel scale is a logarithmic scale, which is not intuitive for most people. As stated at the beginning of Section 3.9, "If a sound's physical intensity is doubled, the sound level increases by 3 dB, regardless of the initial sound level." This means that a doubling of sound energy or, in the case of traffic, a doubling of traffic volume, results in a 3 dB increase in noise. In other words, a 100% increase in traffic volume would result in a 3 dB increase in noise from this traffic. As such, the 2 dB increase in noise is consistent with percentage increases of traffic in the range of 32 to 57%. A 3 dBA increase is just barely noticeable to the human ear and, accordingly, a 2 dBA increase such as is referenced in this comment would not be audible to most people.

The approach to traffic noise modeling incorporated into the Draft EIR is consistent with standard practice and is considered adequate for this assessment. Therefore, no revision of the Draft EIR is necessary to address this comment.

Response to Comment 13-2

This comment expresses concern that truck restrictions along the existing roadways in the alignment could be changed or repealed.

The proposed project does not include any changes to traffic controls (i.e., speed limits, truck restrictions) and would have no direct impact on or cause any direct change to existing truck traffic restrictions. Any such changes would be the responsibility and up to the discretion of the local jurisdiction (City of Fremont and City of Union City).

This comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Comment 13-3

The comment states that if existing truck restrictions on the alignment are modified or rescinded, the analyses for noise, vibration, and air quality would be incorrect.

The traffic analysis was focused on finding differences between No Project and With Project conditions. Because initial observations of existing traffic did not indicate an unusually high percentage of trucks in the traffic stream, specific counts for trucks were not conducted during the analysis. Instead, a typical default value for truck percentage was used for both No Project and With Project conditions. Given the low percentage of truck traffic, it is expected that the same level of impact (or benefit) would be found whether the truck traffic allowed on the new roadway or not.

No changes to the Draft EIR are required.

Response to Comment 13-4

The comment questions why the intersection of Cornish Drive and Paseo Padre Parkway is not considered at the same level of detail as other intersections along the alignment.

The analysis for an EIR is not required to include every intersection in the project area. Instead, intersections that are believed by technical transportation analysts to be potentially affected are typically selected for evaluation. In this case, the intersection of Paseo Padre Parkway/Wyndham Drive was selected because Wyndham Drive serves as a collector street for the surrounding neighborhood. As a collector street, impacts would be experienced by many people in the community as a whole. On the other hand, the intersection of Paseo Padre Parkway/ Cornish Drive was not selected because Cornish Drive serves primarily the homes only along Cornish Drive (and the connected small cul-de-sac).

No changes to the Draft EIR are required.

Response to Comment 13-5

This comment states concern about the noise model's appropriateness and accuracy and if the proposed project is needed.

Regarding the noise model, refer to Response to Comment 13-2 above. The comment about the need for the project is noted. No changes to the Draft EIR are required.

Response to Comment 13-6

This comment states that existing noise walls along Paseo Padre Parkway are in disrepair and recommends that ACTA, as part of the proposed project, repair these sound walls, in conjunction with constructing berms to reduce noise.

The comment regarding the existing condition of the walls is noted. The comment does not address the adequacy of the Draft EIR, and no changes to the Draft EIR are required.

Existing and with-project noise levels adjacent to Paseo Padre Parkway were analyzed in Section 3.9, Noise and Vibration, of the Draft EIR. Existing noise was found to exceed the relevant residential threshold along Paseo Padre Parkway, as shown in Table 3.9-1; but, as shown in Table 3.9-5 and discussed under Impact NOI-3, project-related traffic would not increase noise levels along this road beyond the 3 A-weighted decibel (dBA) threshold used to identify significant impacts. Because the proposed project would not result in a significant increase in noise along Paseo Padre Parkway, mitigation is not required.

Response to Comment 13-7

This comment recommends that the section of the proposed new alignment in the area on Paseo Padre Parkway between Decoto Road and the new intersection be paved with “quiet” pavement types to further reduce noise.

The comment regarding “quiet” pavement is noted. Also refer to Response to Comment 8-12. No changes to the Draft EIR are required. This recommendation will be considered by ACTA in the project implementation phase.

Response to Letter 14 from Ashish Bhatnagar

Response to Comment 14-1

This comment states that the Draft EIR did not provide a clear analysis of return on investment (ROI) comparison of the alternatives and that required mitigation would raise the costs of the proposed project over the costs of construction. This comment also states that there is no guarantee that the mitigation measures would be implemented in an economic downturn of severe magnitude

The comments regarding the ROI comparison of alternatives and that required mitigation will raise project costs pertain to the economic merits of the proposed project and not to the adequacy of the Draft EIR or ACTA's compliance with CEQA. CEQA does not require the analysis of economic impacts. Impacts analyzed under CEQA must be related to a physical change in the environment (Guidelines Section 15131 and 15358[b]). Economic and social effects are not considered environmental impacts under CEQA, and need only be evaluated if they would lead to a physical environmental impact. The physical impacts of the proposed project have been adequately evaluated in the Draft EIR. No changes to the Draft EIR are required.

However, ACTA will consider the adverse environmental impacts of the proposed project, as well as other issues not identified under CEQA, such as social, economic, legal, and other issues in weighing its decision to approve or disapprove the proposed project.

Regarding the guarantee of mitigation measures identified in the Draft EIR, ACTA must adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of project approval when it makes its findings on significant effects identified in the Draft EIR (CEQA Guidelines Sections. 15091[d], 15097). In addition to ensuring implementation of mitigation measures, monitoring is a means for providing feedback to agency staff and decision makers about the effectiveness of their actions. Most agencies have considerable authority under state laws or local ordinances to ensure compliance. These other legal enforcement procedures may be used to remedy violations of mitigation requirements discovered by monitoring.

These comments do not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Comment 14-2

The comment questions the basic assumption concerning the population growth rate and corresponding traffic increase in 2035 used in the traffic analysis. It states a belief that use of transit and the practice of car-pooling are not considered.

The travel demand model used to develop the forecasts for this proposed project is the Alameda County Congestion Management Agency (ACCMA) Countywide Model, which uses land use projections (population, number of households, number of jobs, and so on) prepared by the Association of Bay Area Governments (ABAG) and the San Joaquin Council of Governments (for San Joaquin County). These projections are not simply linear growth rates. The travel demand model uses the ABAG land use to calculate the number of person-trips by trip purpose for a typical weekday, as well as for peak hour periods. The model also calculates a “mode split,” which is a process that considers time and cost to assign some of these person-trips to transit (defined in the model as walking, bicycling, bus, BART, and rail) and car pools. The mode split calculation is done separately for each study year because the propensity of people to take transit as roadways become more congested over time would increase. The mode split was not rerun separately for the No Project and With Project scenarios, however, because a project of this type and with the expected availability of transit would not be expected to change the mode split a discernible amount. The methodology used in the analysis fully complies with CEQA guidelines and requirements.

No changes to the Draft EIR are required.

Response to Comment 14-3

This comment states that several conclusions based on quantitative data are contrary to established findings, and that qualitative data appear to be heavily biased in favor of the proposed project.

The comment did not provide any specific references or concerns for ACTA to address in this response. ACTA maintains that the Draft EIR adequately and thoroughly analyzed and disclosed potential impacts of the proposed project in compliance with CEQA. Therefore, no changes to the Draft EIR are required.

Response to Comment 14-4

This comment states that spending money on the proposed project is objectionable for several reasons, given the current economic climate, the lack of “real need,” strong opposition in various previous town hall meetings, and the

fact that the proposed project has not been implemented in “several decades” since it was first proposed.

The comment regarding opposition to the proposed project is noted. The comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required. ACTA will, however, consider this comment when it makes its decision to approve or deny the proposed project.

Response to Letter 15 from Pawan Chawla

Response to Comment 15-1

This comment expresses concern that the proposed project will lower the property value of the commenter's home and that pollution and noise will impact the commenter. The commenter opposes the proposed project.

Regarding decreased property value, CEQA does not require the analysis of the economic impact of a change in property values. Impacts analyzed under CEQA must be related to a physical change in the environment (Guidelines Section 15131 and 15358[b]). Economic and social impacts are not considered environmental impacts under CEQA, unless they would lead to an environmental impact. The physical impacts of the proposed project have been adequately in the Draft EIR. No changes to the Draft EIR are required.

With respect to pollution and noise concerns, potential air quality and noise impacts have been evaluated in the Draft EIR (refer to Sections 3.2, Air Quality, and 3.9, Noise and Vibration, respectively).

The comment regarding opposition to the proposed project is hereby noted. No changes to the Draft EIR are required. ACTA will, however, consider the comment when it makes its decision to approve or deny the proposed project.

Response to Letter 16 from Dino Ciarlo

Response to Comment 16-1

This comment states that a better approach than the proposed project would be to use the existing right-of-way from Paseo Padre Parkway to I-880, rather than to turn at Paseo Padre Parkway.

The comment supporting the historic alignment (which calls for using the reserved right-of-way between I-880 on the west and Mission Boulevard on the east) is noted. The comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required. ACTA will, however, consider this comment when it makes its decision to approve or deny the proposed project.

Response to Letter 17 from Robert Czerwinski

Response to Comment 17-1

The comment states that many metrics are needed to determine the return on investment (ROI) of our tax dollars. A better ROI is helping to fund BART south of the present Fremont Station.

Based on the results of the traffic analysis in Section 3.12 (Chapter 3 in Volume 1 of the Final EIR), the proposed project would reduce approximately 17,000 hours of congestion within the general project area in 2035. At approximately \$20 per hour of delay (per the Metropolitan Transportation Commission's Transportation 2030 Plan), this translates to \$340,000 per workday or \$71,400,000 per year assuming 210 workday per year. At a project cost of \$213 million, this translates to an annual rate of return of 34%. The BART extension to Warm Springs is fully funded with Measure B and other funds.

Since CEQA does not require economic impact analysis, this comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR area required.

Response to Comment 17-2

This comment suggests that the proposed project represents a danger to the Valley's drinking water supply.

According to information obtained from Alameda County Water District (ACWD), on average about 40% of the total water supplied to the residents of Fremont, Newark, and Union City comes from the Niles Cone Groundwater Basin. The Niles Cone Groundwater Basin is an alluvial aquifer system consisting of unconsolidated gravel, sand, silt, and clay. The shallowest regional aquifer in the Niles Cone Groundwater Basin is the Newark Aquifer, which is an extensive permeable gravel and sand layer typically encountered between 40 and 140 feet below ground surface (bgs), except in the forebay (Quarry Lakes), where it is at the surface. The Newark Aquifer is overlain in most of the subbasin areas by a thick layer of silt and clay called the Newark Aquiclude. Studies conducted in the project vicinity indicate that the Newark Aquiclude is present, and provides a protective buffer to the drinking water aquifer.

Since the aquifer constitutes a major drinking water source, ACWD has made a requirement on the final depth of cut for the project alignment to preserve the boundary between the Newark Aquifer and the Newark Aquiclude. ACWD has

stated that a minimum of 5 feet of Newark Aquiclude material is required to remain undisturbed above the aquifer boundary. Borings drilled near the proposed grade separation structures confirmed that the project alignment can be designed and constructed with no impact on the Aquiclude. During project design, additional studies will be implemented to further define the location and thickness of the Newark Aquiclude.

The Draft EIR adequately addressed this issue in Section 3.6, Hydrology and Water Quality (refer to Chapter 3 in Volume 1 of the Final EIR). The Phase I Environmental Site Assessment prepared for the proposed project, which was incorporated into Section 3.6, examined project impacts on water supply. Additionally, a Soil and Groundwater Management Plan, identifying specific measures necessary to address potential impacts during construction, would be prepared per Mitigation Measure HAZ-2: Implement Recommendations in the Phase I Environmental Site Assessment to Prepare a Phase II Environmental Site Assessment, a Health and Safety Plan, and a Soil and Groundwater Management Plan, and to Properly Abandon any Agricultural Wells.

No changes to the Draft EIR are required.

Response to Comment 17-3

This comment suggests that air pollution impacts related to the proposed project's many added traffic lights were not evaluated.

The impacts of localized air pollutant emissions at all intersection locations materially affected by project-related traffic volumes (i.e., intersections predicted to operate at Level of Service [LOS] C or worse) were evaluated in Section 3.2, Air Quality, of the Draft EIR. Refer to Impact AIR-2: Violation of Carbon Monoxide NAAQS or CAAQS.

No changes to the Draft EIR are required.

Response to Comment 17-4

The comment inquires about the value of selling all the land (at least in Fremont) to help fund BART.

The BART extension to Warm Springs is fully funded with Measure B and other funds.

Since economic impacts are not required to be evaluated under CEQA, the comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Letter 18 from Mike Davis

Response to Comment 18-1

This comment recommends that the soundwall near the proposed bridge across Old Alameda Creek be placed on the bridge itself and not along the property line of the houses.

The comment regarding placement of the soundwall is noted. Mitigation Measure NOI-7 in the Draft EIR presents two options for the noise barriers in this location, at the property line and at the edge of pavement (refer Figures 3.9-2 and 3.9-3 in Section 3.9, Volume 1 of the Final EIR). Both approaches are identified as being adequate to mitigation impacts to a less than significant level. As stated in Mitigation Measure NOI-7, a detailed analysis will be conducted during the project design to identify reasonable and feasible mitigation at this location. No changes to the Draft EIR are required.

Response to Letter 19 from Cong and Loan Do

Response to Comment 19-1

This comment states the proposed project would lead to a lowering of the property value of the commenter's home.

CEQA does not require the analysis of the economic impacts related to changes in property values. Impacts analyzed under CEQA must be related to a physical change in the environment (Guidelines Section 15131 and 15358[b]). Economic and social effects are not considered environmental effects under CEQA, unless they would lead to an environmental impact. The physical impacts of the proposed project have been adequately in the Draft EIR.

No changes to the Draft EIR are required.

Response to Letter 20 from Terence Fung

Response to Comment 20-1

This comment states an opinion regarding the benefit of creating a separate bike lane and trail connecting the Alameda Creek Trail from Alvarado-Niles Road and Mission Boulevard.

This opinion is noted. The proposed project would include a separate multiuse path along the new roadway between Paseo Padre Parkway and Mission Boulevard, as shown in Figure 2-5 of the Draft EIR. This path would connect to the Alameda Creek Trail.

No changes to the Draft EIR are required. ACTA will, however, consider the comment when it makes a decision to approve or deny the proposed project.

Response to Letter 21 from Gigs B

Response to Comment 21-1

This comment states that the project objectives do not make sense because they mean nothing until they are actually true. The comment questions if the proposed project would improve air quality, traffic congestion, and traffic for businesses as mostly residential areas are affected.

CEQA requires the EIR to include a clearly written statement of objectives, including the underlying purpose of the proposed project (Guidelines sec. 15124[b]). As stated in Section 1.2, Project Objectives (Chapter 1, Introduction), the primary project objectives are to reduce local traffic congestion and travel time, and to provide a more direct east-west link in the transportation network in Fremont and Union City. Secondary objectives expected to result from the primary objectives include improved air quality resulting from decreased local traffic congestion and improved access to businesses in the vicinity.

The project objectives were developed prior to the evaluation of the impacts, so it would be difficult to conclude with certainty that the proposed project would meet all the objectives prior to conducting the analysis. As discussed in Sections 3.2, Air Quality, and 3.12, Traffic and Transportation, the proposed project would result in increased traffic congestion at some locations and decreased congestion at other locations when comparing future conditions with the project and future conditions without the project. The study area for both air quality and traffic is much larger than the roadway alignment. The traffic study indicated that, system-wide, there would be decreased travel time (or vehicle hours) and reduction in congestion delay; thus, improvement in roadway operations is anticipated to have a beneficial impact on localized air quality and would improve access to many land uses. While most of the project alignment extends through residential areas, there are businesses along Decoto Road and in the larger traffic study area.

No changes to the Draft EIR are required.

Response to Comment 21-2

This comment states that more foot traffic (presumably in the Old Alameda Creek area) is not needed. The comment also asks “what happened to the environmental survey and who manipulated the result and disregarded the wildlife habitat.”

Regarding foot traffic, there is an existing paved trail along portions of Old Alameda Creek that currently allows foot traffic. Maintaining and improving pedestrian access to the Alameda Creek area and in the community in general are among the goals and policies of Fremont, Union City, and the East Bay Regional Park District.

Regarding the environmental survey and the results, the Draft EIR was prepared by ICF Jones & Stokes, a consulting firm that has been specializing in the preparation of objective environmental analyses in compliance with CEQA since 1970. ICF Jones & Stokes prepared the Draft EIR under contract to ACTA. All of the survey methods and results have been independently reviewed and evaluated by ACTA as required by Sec. 15084(e) of the State CEQA Guidelines. The Draft EIR is based on technical studies and surveys prepared by qualified specialists in all the areas analyzed. Identifying impacts on wildlife and other issue areas is based on methodology and guidelines clearly explained in each section of Chapter 3, Environmental Setting and Impact Analysis. For more information on ICF Jones & Stokes, please refer to www.jonesandstokes.com.

No changes to the Draft EIR are required.

Response to Letter 22 from G.B. Johnson

Response to Comment 22-1

This comment expresses concern that the proposed project will have an adverse impact on the property located at 4440 Decoto Road, including the proximity of the six-lane roadway and the continued viability of the property as a rental. The comment also states concerns that the report preparers were negligent or directed to ignore such issues, and requests an unbiased third party review.

The construction and operational impacts of increasing the number of lanes is adequately addressed in Chapter 3, Environmental Setting and Impact Analyses, of the Draft EIR. The commenter's general concerns are noted. No changes to the Draft EIR are required as a result of these comments.

Regarding the rental viability and the value of the property, CEQA does not require the analysis of economic impacts such as changes in property values or rental viability. Impacts analyzed under CEQA must be related to a physical change in the environment Guidelines Section 15131 and 15358[b]). Economic and social impacts are not considered environmental impacts under CEQA, unless they would lead to an environmental impact. The physical impacts of the proposed project have been adequately addressed in the Draft EIR. No changes to the Draft EIR are required.

Regarding the report preparers and a third party review, the Draft EIR was prepared by ICF Jones & Stokes, a consulting firm that has been specializing in the preparation of objective environmental analyses in compliance with CEQA since 1970. Additionally, the Draft EIR has been independently reviewed and evaluated by ACTA as required by Sec. 15084(e) of the CEQA Guidelines. The Draft EIR is based on technical studies and surveys prepared by qualified specialists in all the areas analyzed. The impact analysis is based on methodology and guidelines clearly explained in each section of Chapter 3, Environmental Setting and Impact Analysis. For more information on ICF Jones & Stokes, please refer to www.jonesandstokes.com. No changes to the Draft EIR are required. ACTA does not plan to conduct a third party review of the Draft EIR, nor is such review required.

Response to Comment 22-2

This comment suggests that the Draft EIR did not address the fact that the City of Fremont's current noise standards are being exceeded along Decoto Road, and that implementation of the proposed project would further increase these noise levels.

The noise analysis in Section 3.9, Noise and Vibration, of the Draft EIR used significance thresholds that are based on land use compatibility standards in the respective Health and Safety elements of the City of Fremont General Plan and the Union City General Plan. These standards are explained in Section 3.9.2, Regulatory Setting (Chapter 3, Volume 1 of the Draft EIR). The discussion of Impact NOI-3 discloses that the City of Fremont's land use compatibility standards are exceeded at all monitoring and modeling locations along the proposed project's existing roadway portion, as shown in Table 3.9-5. This includes locations along Decoto Road, which is the specific subject of this comment. The discussion of this impact also states that the proposed project would result in increased noise levels, but because the project-related increases in noise along Decoto Road and Paseo Padre Parkway are predicted to be less than 3 dB, the direct impact of the proposed project is considered to be less than significant. However, the discussion of cumulative noise impacts, under Impact NOI-C1 in Section 4.1.2, acknowledges that the cumulative noise impacts of the proposed project are significant and unavoidable (Chapter 4, Volume 1 of the Final EIR). This is because areas along Decoto Road and Paseo Padre Parkway currently exceed noise standards, and the proposed project is anticipated to increase noise in these areas by more than 1 A-weighted decibel (dBA).

Impacts were properly identified in the Draft EIR, and no revision to the Draft EIR is necessary to address this comment.

Response to Comment 22-3

This comment states that the most recent widening of Decoto Road has financially hindered the owner's ability to improve the land (for building nine townhomes) and that the proposed project would require additional expenses for further soundproofing and air conditioning the townhomes.

The comment regarding the impacts of previous road widening is noted. This comment is directed at past actions by the City of Fremont, and does not pertain to the adequacy of the Draft EIR or the proposed project's environmental impacts. Therefore, no changes to the EIR are required to address this portion of the comment.

The noise analysis in the Draft EIR fully considered the proposed project's noise impacts on residential property fronting Decoto Road. The results of the noise analysis indicate that the proposed project's direct noise impact is less than significant in this area, as discussed under Impact NOI-3 in Section 3.9.3 (refer to Chapter 3 in Volume 1 of the Final EIR). Installation of soundproofing and air conditioning is a discretionary decision by the property owner and not a result of the proposed project. Accordingly, no mitigation is required for direct impacts of the proposed project. Impacts and mitigation measures were adequately identified in the Draft EIR; therefore, no changes to the Draft EIR are necessary.

Response to Comment 22-4

This comment states that the proposed project would impact the rental viability of the commenter's property on Decoto Road and would create costs associated with renter turnover. The comment also states that without a soundwall, there would be noise, dust, vibration, and light impacts; and with a soundwall, the house would be difficult to rent.

Regarding rental viability and economic impacts, refer to Response to Comment 22-1.

Regarding a soundwall, the noise analysis concluded that there would not be a significant noise or vibration impact and that no soundwall is required for widening Decoto Road from four lanes to six lanes (Section 3.9, Noise and Vibration). The air quality analysis identified significant construction-related impacts and identified mitigation to reduce the dust (Section 3.2, Air Quality). The aesthetics analysis did not identify significant impacts related to widening Decoto Road (Section 3.1, Aesthetics). The amount of increased light from vehicles on Decoto Road would not be substantial and is not considered a significant impact.

No changes to the Draft EIR are required.

Response to Comment 22-5

This comment states that no speed analysis was conducted on Decoto Road, with respect to driveway ingress and egress. The comment also states that the logistical problems of constructing the required soundwall (i.e., the site distance) have not been addressed.

Access to existing development located along the project corridor would be maintained with the project in place; thus, there is no access impact for the Draft EIR to address. No soundwalls are proposed along Decoto Road. Any structures that are proposed, including soundwalls, would be designed and placed in accordance with city development regulations, which include regulations that guide how adequate sight distance would be maintained.

No changes to the Draft EIR are required.

Response to Comment 22-6

This comment states that the Draft EIR failed to address the cost of insulating the house, installing central air conditioning, and paying utility bills for the duration of the house's useful life.

Refer to Response to Comment 22-1 regarding costs incurred, and Response to Comment 22-3 regarding noise impacts from widening Decoto Road.

No changes to the Draft EIR are required.

Response to Comment 22-7

This comment states that the Draft EIR failed to address the relocation of existing multiple utility easements between the existing roadway and the house.

The relocation of utilities is addressed in Chapter 2, Project Description, which states there would be potential utility relocations on the south side of Decoto Road between Cabrillo Court and Fremont Boulevard, and on the north side of Decoto Road on Fremont Boulevard. These relocations are discussed in Section 2.2.1, Existing Roadway Improvements, subsection Decoto Road, and in Section 2.2.2, New Roadway and Other Infrastructure Improvements, subsection Other Infrastructure Improvements. Potential impacts on utilities are addressed in Section 3.11, Public Services, Utilities, and Recreation.

No changes to the Draft EIR are required.

Response to Comment 22-8

This comment expresses concerns about the safety of residents and the mail and newspaper carriers along Decoto Road due to possible vehicle accidents into the property without a structural barrier between the road, house, front, and side yards.

The proposed project would provide a curb between the house and the road where none exists today. This would provide an additional barrier from vehicles veering off the roadway. In addition, the proposed project would be designed in compliance with the roadway design standard of the City of Fremont and would not pose any unusual safety issue.

ACTA is confident that the potential environmental impacts have been adequately disclosed in the Draft EIR in compliance with CEQA. No changes to the Draft EIR are required.

Response to Comment 22-9

This comment expresses concern about the possible displacement of an old growth evergreen tree located in front of the existing house, as well as smaller trees along the Decoto Road right-of-way.

The Draft EIR analyzed and identified potential environmental impacts associated with tree preservation in Section 3.1, Aesthetics, and Section 3.3, Biological Resources (Chapter 3, Volume 1 of the Final EIR). Any trees removed would be replaced at a 1:1 ratio per the requirements of the Tree Preservation Ordinance of the City of Fremont. The replacement trees would be included in the landscaping plan for the proposed project.

No changes to the Draft EIR are required.

Response to Comment 22-10

This comment states that the Draft EIR failed to address the modification to the City of Fremont's standard setback requirements for residential homes from a street, which the commenter apparently perceives to be part of the proposed project.

The proposed project will not change the City of Fremont's existing setback requirement. No changes to the Draft EIR are required.

Response to Comment 22-11

This comment states the proposed project will lead to a lowering of the property value of the commenter's home and rental property.

Refer to Response to Comment 22-1. No changes to the Draft EIR are required.

Response to Comment 22-12

This comment outlines the following three options that would be "fair" to the property owner. Plan A would involve a series of purchases, removals, payments, and activities by specified parties. Plan B would involve purchasing 35036 Vicente Court and 4440 Decoto Road. Plan C would involve moving the proposed roadway 8 to 10 feet to the north side of the right-of-way boundary, and eliminating the sidewalk and some landscaping.

The comment regarding these options is noted. This comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required. ACTA will, however, consider the comment when it makes its decision to approve or deny the proposed project.

Response to Letter 23 from Jo Ann Lew

Response to Comment 23-1

This comment states that the proposed project appears to be very expensive considering its length. This comment also recommends both that construction costs be minimized and that the proposed project be completed as soon as possible.

The comments regarding the proposed project's cost and the economic merit of are noted. CEQA does not require the analysis of economic impacts. Impacts analyzed under CEQA must be related to a physical change in the environment Guidelines Section 15131 and 15358[b]). Economic and social impacts are not considered environmental impacts under CEQA, unless they would lead to an environmental impact. ACTA will, however, consider the adverse environmental impacts of the proposed project, as well as other issues not identified under CEQA, such as social, economic, legal and other issues in weighing its decision to approve or disapprove the proposed project. Also refer to Response to Comment 17-1.

These comments do not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Comment 23-2

This comment states that the commenter wants small, local businesses to have opportunities to participate in the construction of the proposed project.

The comment regarding opportunities for local businesses is noted. ACTA will comply with applicable construction contracting procedures including those designed to encourage small businesses to participate. This comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the EIR are required.

Response to Comment 23-3

This comment suggests that traffic impacts during heavy commute hours could be mitigated by controlling traffic along the new East-West Connector and including signage to route local traffic to routes other than I-880.

The suggestions for traffic control are noted. The new roadway would be signalized at the primary intersections (Figures 2-1c and 2-1d in Chapter 2,

Project Description), and the signals would be timed to control traffic flow. Appropriate signage would be designed in conjunction with Fremont and Union City.

The comments do not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Comment 23-4

This comment points out a typographical error in Table 2-2 (first sentence, second line of the table note).

The typographical error has been corrected.

Response to Comment 23-5

This comment presents recommendations for landscaping along the project alignment and enhancing pedestrian and bicycle safety along Decoto Road and Paseo Padre Parkway.

These comments are noted. The proposed project includes landscaping along the entire 3-mile alignment, as well as new and enhanced pedestrian and bicycle facilities, as explained in Section 2.2, Project Components, in Chapter 2, Project Description, of the Draft EIR. No changes to the Draft EIR are required.

Response to Letter 24 from Pat Mapelli

Response to Comment 24-1

This comment states that it appears the significance determination has not yet been completed and that changing the alignment later could affect costs, timing, impacts and mitigation.

The significance determinations presented in the Draft EIR for the proposed project have been made by ACTA staff subject to final certification by the ACTA board. The investigations upon which the significance determinations have been made are already completed. If there are substantial changes to the proposed project that result in new significant impacts or substantially more severe impacts requiring mitigation, then supplemental environmental documentation would be required and would be circulated for public review. However, ACTA does not believe that recirculation is necessary because all of the information added to the Draft EIR is merely for clarification or minor modification of information that was already in the document.

No changes to the Draft EIR are required.

Response to Comment 24-2

This comment states that the Draft EIR did not use borings to make determinations of significance for impacts on geological resources. This comment also states that soil borings need to be complete and incorporated into the alignment design before the Final EIR is complete.

The Draft EIR analyzed geotechnical issues in Section 3.5, Geology, Soils and Seismicity using available information (Chapter 3, Volume 1 of the Final EIR). The Draft EIR used assumptions and methodologies that are widely accepted and adopted in the industry. The analysis was prepared in accordance with State CEQA guidelines, and standard practices. Soil borings were installed to confirm the location of the aquitard protecting the aquifer. As discussed in Impact GEO-2 (Potential Structural Damage and Injury from Ground Shaking), ACTA would be required to conduct further geotechnical investigations for the project alignment to ascertain the potential for structural damage resulting from seismic ground shaking. These investigations would include boring as appropriate.

No changes to the Draft EIR are required.

Response to Comment 24-3

This comment suggests that the project is not consistent with the Fremont General Plan or the Union City General Plan, and recommends revising the Draft EIR to identify a significant impact and amending the general plans to show consistency with the project.

This comment does not specify the manner in which the project is inconsistent with the respective general plans, and it does not indicate why such inconsistencies would result in a significant impact. Accordingly, ACTA cannot provide a more specific explanation of why the proposed project does not result in a significant impact beyond restating the reasonable conclusions reached during environmental analysis and published in the Draft EIR.

Section 3.8, Land Use and Planning, of the Draft EIR includes a comprehensive examination of the ways in which the project is consistent or inconsistent with all relevant aspects of the two cities' respective general plans (Chapter 3, Volume 1 of the Final EIR).

The discussion of the proposed project's consistency with the Fremont General Plan is provided in Section 3.8 under Impact LUP-2 and in Table 3.8-3, which presents a goal-by-goal examination of general plan consistency. The table and subsequent discussion demonstrates that the project does not conflict with the Fremont General Plan. Furthermore, the City of Fremont provided comments on the Draft EIR (Comment Letters 8 and 9 in Chapter 2 of Volume 2 of the Final EIR). There were no comments suggesting that the project would have a significant conflict with the Fremont General Plan.

The discussion of the project's consistency with the Union City General Plan is provided under Impact LUP-6, particularly in Table 3.8-4, which presents a goal-by-goal examination of general plan consistency. The table lists two minor inconsistencies with the Union City General Plan, including Policy YFSH-E.1.3 (increasing the size of existing parks) and Goal TR-A3 (protecting neighborhood integrity and enhancing safety by minimizing through traffic). As stated in Table 3.8-4, the inconsistency with Goal YFSH-E.1.3 is not a significant impact because the project would entail compensation for park impacts, as deemed adequate through coordination with Union City Department of Public Works and Planning Department. The inconsistency with Goal TR-A3—which would only result from implementing Option 2 for the Quarry Lakes Drive realignment—is also not a significant impact, because the amount of cut-through traffic that could result from this option would not be considerable enough to substantially compromise neighborhood integrity and livability. (Table 3.8-4 and the subsequent text have been revised to clarify this conclusion.) Option 1 for the Quarry Lakes Drive realignment would have no conflict with this general plan goal. Furthermore, the City of Union City provided comments on the Draft EIR (Comment Letter 11). There were no comments suggesting that the proposed project would have a significant conflict with the Union City General Plan.

In summary, the project does not conflict with the Fremont General Plan and does not significantly conflict with the Union City General Plan; therefore, Impact LUP-2 and LUP-6 are less than significant, and were correctly stated as such in the Draft EIR. No changes to the Draft EIR are required.

Response to Comment 24-4

This comment seeks clarification of Mitigation Measure NOI-9 to understand how the survey of air conditioning at residences in the project vicinity would serve as a mitigation measure.

Mitigation Measure NOI-9 explains that if the survey identifies locations that lack air conditioning, specific measures will be identified and implemented if determined to be reasonable and feasible. Mitigation Measure NOI-9 lists two specific measures that may be incorporated, including providing forced-air ventilation (i.e., air conditioning) or double-pane windows in the affected residences. For clarification, Mitigation Measure NOI-9 has been revised to reiterate that ACTA will incorporate measures as necessary to reduce the project's impacts to a less-than-significant level (Section 3.9, Noise and Vibration, in Chapter 3, Volume 1 of the Final EIR).

Response to Comment 24-5

This comment states that, with the proposed project in 2015, 20 intersections would have a reduction in operations (a net of three intersections would worsen), and in 2035, 18 intersections would have a reduction in operations (a net of one intersection would improve). At many of the intersections the reduction in operations would be significant and unavoidable. The comment also states that, although the proposed project appears to save travel time between Mission Boulevard and I-880, it would have a negative impact in on many intersections.

The comment regarding traffic impacts at intersections is noted. These impacts have been fully disclosed in Section 3.12, Transportation and Traffic, of the Draft EIR. Section 3.12 presents an extensive analysis that did show that the project is expected to result in increased congestion at some individual intersections, and these locations are fully disclosed in the document as experiencing significant unavoidable impacts. However, the Draft EIR also presents the results of system-wide analysis (in Section 3.12.3 subsection Beneficial Impacts of the Proposed Project), which shows that across the transportation system, the project is expected to reduce overall system delay, and reduce the overall travel times along major corridors (illustrated in Figure 3.12-2). This indicates that the reduced congestion at locations throughout the study area is expected to be greater than the increased congestion at the impact locations that the Draft EIR identifies. The primary objectives of the proposed project are to reduce local traffic congestion and travel time, and to provide a more direct east-west link in

the transportation network in Fremont and Union City. The proposed project would achieve these objectives,

No changes to the Draft EIR are required.

Response to Comment 24-6

This comment states that, with the proposed project in 2015, 21 intersections would have a reduction in operations (a net of nine intersections would worsen), and in 2035, 20 intersections would have a reduction in operations (a net of one intersection would improve). These facts do not appear to improve travel time and improve traffic flow between a small section of Fremont and Union City.

This comment states the same concern as Comment 24-5. Refer to Response to Comment 24-5.

Response to Comment 24-7

This comment suggests that the Draft EIR did not show an analysis of how the project's proposed bridge over Alameda Creek Flood Control Channel would affect flood flows within that feature.

The potential impacts of the new bridge on flood flows are discussed under Impact HWQ-3 in Section 3.7.3 of the Draft EIR. This discussion incorporates by reference technical analysis performed by WRECO (Chapter 5, Appendix I, Draft Hydrology and Hydraulics Study Report, of the Draft EIR). As stated in the Hydrology and Hydraulics Report and reiterated in the discussion under Impact HWQ-3, "the proposed structure would reduce the flow conveyance area and affect the water surface profile upstream of the bridge, which is unavoidable. [The bridge] could pass the 100-year design flow of 31,000 cubic feet per second with more than 1 foot of freeboard. The proposed bridge would cause only a very slight increase to the water profile and a very small change to the flow velocity. Therefore, the proposed bridge would not substantially alter the existing flow conveyance." Additionally, in Section 2.3.2 of the Draft EIR, under the Alameda Creek Flood Control Channel Bridge heading, the text states that construction of the bridge would be performed during the dry season, avoiding temporary flood impacts during construction.

No changes to the Draft EIR are necessary to address this comment.

Response to Comment 24-8

This comment states that the Draft EIR does not analyze the noise and vibration that would be generated by pile driving during installation of 24 concrete piles for the foundation of the Alameda Creek Flood Control Channel Bridge.

The noise and vibration impacts from pile driving are addressed in Section 3.9, Noise and Vibration. The impacts and required mitigation measures are described under Impact NOI-5: Exposure of Off-Site Noise-Sensitive Land Uses to Short-Term Construction Noise from New Roadway and Wetlands Mitigation Site Construction, and Impact NOI-6: Exposure of Off-Site Vibration-Sensitive Land Uses to Short-Term Vibration from New Roadway Construction. No changes to the Draft EIR are required. .

As described in Chapter 2, Project Description, under 2.3.2 Construction Methodology, the bridges would be supported by six bents and bridges would have end abutments supported by pile foundations, which would be installed with a diesel hammer. For clarification, the text has been revised to specify that the piles would be installed with pile driving, using a diesel hammer.

Response to Comment 24-9

This comment states that the Draft EIR does not state how the proposed 42 piles for the foundation of the Old Alameda Creek Bridges would be installed. The comment also states that if the piles are installed with pile driving using a diesel hammer, a noise and vibration analysis is needed.

Refer to Response to Comment 24-8.

Response to Comment 24-10

This comment seeks clarification on the project construction's relationship with the northern/eastern levee of the Alameda Creek Flood Control Channel, including any weight limits that must be observed on the levee, any dust control measures that will be incorporated for levee-based activity, and what kind of trail detour will be established.

Regarding weight limitations on the levee, ACTA has been coordinating with the Alameda County Water District and the Alameda County Flood Control and Water Conservation District over the design of the proposed project. ACTA will coordinate with the two agencies to ensure that the construction activities would not negatively impact the integrity of their facilities. These agencies will have the opportunity to provide further input on the design and construction during the permit process because ACTA needs to obtain an encroachment permit and approval for work in the Alameda County Flood Control Channel. For

clarification, the text for Impact HWQ-5 (Potential Flood Hazards Associated with Levee or Dam Failure) has been revised to address the required coordination with these agencies.

Regarding dust-control measures, Mitigation Measure AIR-1: Employ Measures to Reduce Criteria Pollutant Emissions during Construction (Section 3.2, Air Quality) includes dust-control measures required by the Bay Area Air Quality Management District. These measures include “limit traffic speeds on unpaved roads to 15 miles an hour” and “pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.” The levee bank would not be paved as part of the project, but routine watering or application of soil stabilizers would be implemented. No changes to the Draft EIR are required.

Regarding trail mitigation, Impact TRA-1: Temporary Increase in Construction-Related Truck and Auto Traffic, Decreases in Roadway Capacity, and Disruption of Vehicular and Non-Motorized Travel during Construction (in Section 3.12, Transportation and Traffic) addresses impacts to “non-motorized travel” during construction. For clarification, the discussion of pedestrian and bicycle impacts has been augmented to clarify that construction would also affect trails. Mitigation Measure TRA-1 calls for preparation of a project-specific traffic control plan, which would include identification of safe trail detours wherever possible. Since the trail referenced in this comment is an East Bay Regional Park District (EBRPD) facility, it is appropriate to point out that Mitigation Measure TRA-1 has been augmented to specify that project-related detours of EBRPD trail facilities will be selected through coordination between ACTA and that agency to minimize hazards to trail users.

Response to Comment 24-11

This comment questions the designation of the Cargill Salt Ponds as “waterfront views,” as shown in Figure 3.1-8.

Figure 3.1-8 is a map from the Fremont General Plan. The project alignment was superimposed on this map to show the alignments proximity to the City’s “unique visual resources”. No changes to the Draft EIR are required.

Response to Comment 24-12

This comment suggests revising the discussion of the visual resources aspects of the Fremont General Plan to note that the project would have an effect on views of scenic resources.

The project’s impacts on views of scenic resources is addressed Section 3.1, Aesthetics, of the Draft EIR, specifically under Impact AES-8. This impact was found to be significant, and mitigation was proposed to reduce this impact to a

less-than-significant level. The statement referenced in this comment was meant only to specify that the resources themselves—the hillsides and open space designated by the City as resources—would not be physically modified, which is true. No changes to the Draft EIR are required.

Response to Comment 24-13

This comment states that burrowing owls may exist in the project area, a western burrowing owl survey should be done prior to construction, and the survey should be included in the Draft EIR.

Wildlife biologists surveyed the areas several times in different months, and no burrowing owls were observed in the project area. Due to riparian vegetation bordering the grasslands and the close proximity to dense urbanization, it is unlikely that western burrowing owls would nest or forage in the area. The California Department of Fish and Game reviewed the Draft EIR and did not comment on burrowing owl habitat as being present in the project area.

In order for the project to comply with the Migratory Bird Treaty Act, a preconstruction nest survey will be conducted for all migratory birds, including western burrowing owl, if construction occurs during the nesting period. This survey is discussed in Mitigation Measure BIO-3 in Section 3.3, Biological Resources.

No changes to the Draft EIR are required.

Response to Comment 24-14

This comment states that Section 3.7, Hydrology and Water Quality, does not address the impacts of the project carrying flood flows down Old Alameda Creek.

The objective of the drainage design is to limit the design water surface elevations and velocities to no greater than the existing conditions, or to what can be handled by the existing conditions, at the boundary of the project area. This is addressed in the Hydrology and Hydraulics Study Report included in Appendix I of the Draft EIR. In addition, the project's design goal is to maintain preconstruction stormwater discharge flows by metering or detaining these flows to preconstruction rates prior to discharge to a receiving water body. Finally, one of the project goals is to alleviate current flooding in the Line M Channel, which does not have adequate capacity during major storms, by diverting 50% of the flow and carrying it through Old Alameda Creek to the Alameda Creek Flood Control Channel.

Currently, the Line M Channel flow ultimately discharges to the Alameda Creek Flood Control Channel at a location further north than where the project

alignment crosses and where Old Alameda Creek is located. With the proposed project, 50% of the Line M Channel flow would be diverted to Old Alameda Creek and then flow into the Alameda Creek Flood Control Channel. Impacts of adding additional flows are addressed in Impact-HWQ-3. The existing 100-year flow for Old Alameda Creek is 250 cubic feet per second (cfs). With the proposed diversion pipe from Zone 5 Line M Channel and runoff from local residential developments (Tracts 7405, 6999, 7000, and part of 7th Street), the additional runoff to be discharged to Old Alameda Creek would be 342 cfs. Additional flow from the Line M Channel diversion pipeline would have minimal impact on the hydraulic capacity of the channel and would be contained within the channel, with ample freeboard between 100-year water surface elevation and channel banks. There are flap gates at the downstream end of the Old Alameda Creek that would help in regulating any substantial impacts on the hydrology and hydraulics of Alameda Creek Flood Control Channel due to added flows in the tributary creek.

For clarification, Impact HWQ-3 has been revised to address the changes that could occur from flood flows going through Old Alameda Creek to the Alameda Creek Flood Control Channel (Section 3.7 in Chapter 3, Volume 1 of the Final EIR). Potential flood hazards related to levee failure are addressed in Impact HWQ-5 in Section 3.7.

Response to Comment 24-15

This comment seeks clarification on why the noise barriers (shown in Figures 3.9-2 and 3.9-3 in Section 3.9, Noise and Vibration, of the Draft EIR) do not extend further south and into the Alameda Creek Flood Control Channel.

The barrier was not extended to that location because the noise from the project was determined to be less than significant in that location. Receiver M-12 (the location shown in Figure 3.9-1c) represents the referenced location. The noise modeling results shown in Table 3.9-9 indicate that the project-related noise increase at Receiver M-12 is 2 A-weighted decibels (dBA), which is below the 3 dBA significance threshold defined for the project. At this location, existing traffic noise on Paseo Padre Parkway is received by residences and influences the overall noise level, which means that the project's net effect will be less evident than in areas further beyond Paseo Padre Parkway, where project-related traffic noise will contrast with the comparative lack of existing traffic noise.

No changes to the Draft EIR are required.

Response to Comment 24-16

This comment states that the Draft EIR should have analyzed traffic impacts at the Chaplin Drive/Isherwood Way and the Barnard Drive/Isherwood Way intersections.

The traffic analysis covers a large study area. It is not feasible to model every intersection in the study area. The specific intersections that were included in the traffic model and analysis are major intersections and intersections that are expected to have a reduction in operations in the future. The two specific intersections referenced in the comment (Chaplin Drive/Isherwood Way and Barnard Drive/Isherwood Way) are within the study area, and they are expected to improve (compared to No Project) as the proposed project would reduce the traffic volume on Isherwood Way. The traffic analysis is adequate. No changes to the Draft EIR are required.

Response to Comment 24-17

This comment states that Alternative 1—the “historical alignment”—is the right alternative for the long term, and that ACTA is “settling” on the proposed project, which would have a net negative impact on more intersections than a net positive impact.

The commenter is referring to the historical alignment, whereby a new roadway would extend along the right-of-way reserved from I-880 on the west to Mission Boulevard on the east. This is not the same as Alternative 1: Historic Alignment in Union City, which is a truncated version of the proposed project and which represents the portion of the historic alignment that is only in Union City (from Alvarado-Niles Road east to Mission Boulevard).

Refer to Response to Comment 24-5 regarding the project’s traffic impacts on intersections. No changes to the Draft EIR are required.

Response to Comment 24-18

This comment indicates that the Station District project (listed as #17 in Table 4-1, List of Projects Considered in the Cumulative Impacts Analysis) is shown to include 700 multifamily units, which is inconsistent with current understanding of the project (“nearly complete and they area advertising for 1,500 units”). The comment states that potential impacts related to this change need to be analyzed and this information should be included in the Final EIR.

Per CEQA (Section 15335b) the cumulative project list includes “closely related past, present, and reasonably foreseeable probable future projects.” The Station District project falls within this definition of cumulative projects. CEQA (Section 15125) states that an EIR must include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the Notice of Preparation (NOP) is published. This is generally also the baseline condition upon which a lead agency (ACTA) will determine whether an impact (including cumulative impacts) is significant. During the course of the CEQA process, projects that are currently underway or planned may change (larger, smaller, change in use, and so on). Finally, the list of projects included in the

cumulative impacts analysis was provided from the cities of Union City and Fremont, and included the most up-to-date information available at that time. Therefore, no changes to the Draft EIR are required.

Response to Comment 24-19

This comment notes that while a stated project objective is to reduce local traffic congestion, the Draft EIR shows that the project would result in increased congestion at more intersections than it would result in decreased congestion.

Refer to Response to Comment 24-5.

Response to Comment 24-20

This comment states that the historic alignment received substantial community opposition, and the proposed project would likely receive the same type of opposition because it would not substantially reduce the impacts compared to the historic alignment.

The comment is noted. This comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required. ACTA will, however, consider this comment when it makes its decision to approve or deny the project.

Response to Comment 24-21

This comment states that the traffic impacts at the Chaplin Drive/Isherwood Way and Barnard Drive/Isherwood Way intersections should be analyzed before issuance of the Final EIR.

Refer to Response to Comment 24-16.

Response to Comment 24-22

This comment states that the proposed project does not provide the public with the most efficient travel path between Mission Boulevard and I-880, and it would not allow for a future extension from Paseo Padre Parkway to I-880.

Comment noted. As described in Section 5.3 Alternatives Considered but Eliminated from Detailed Analysis (Chapter 5, Project Alternatives, Volume 1), several alternatives, including the historic alignment, have been considered and analyzed. In the Memorandum of Understanding signed in March 2006, ACTA, Caltrans, and the Cities of Fremont and Union City agreed on pursuing the

proposed project as the preferred alternative, in effect precluding a direct extension of new roadway from Paseo Padre Parkway to I-880.

This comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required.

Response to Comment 24-23

This comment states that, under current economic conditions, there are more important regional infrastructure and transportation projects that should be addressed before the proposed project is built. The comment implies that return on investment is not sufficient.

The comments regarding the proposed project's economic merit of are noted. CEQA does not require the analysis of economic impacts. Impacts analyzed under CEQA must be related to a physical change in the environment (Guidelines Section 15131 and 15358[b]). Economic and social impacts are not considered environmental impacts under CEQA, unless they would lead to an environmental impact. ACTA will, however, consider the adverse environmental impacts of the project, as well as other issues not identified under CEQA, such as social, economic, legal, and other issues in weighing its decision to approve or disapprove the project.

No changes to the Draft EIR are required.

Response to Letter 25 from Bruce Mitchell

Response to Comment 25-1

This comment states that owner of Appian Plaza, a strip retail center at the intersection of Mission Boulevard and Appian Way, does not want any significant change to the existing access to Appian Plaza.

The proposed project would not affect access to Appian Plaza because no right-of-way improvements or changes are needed at this location. There may be minor changes to access during construction for public safety, but the retail center would remain accessible during construction. This comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Letter 26 from Mavis Sare

Response to Comment 26-1

This comment asks whether any of the commenter's property, which backs onto Decoto Road, would be taken for the proposed project.

No significant right-of-way impact is anticipated at this location. Final design for the proposed project has not been initiated and would not begin until after the Final EIR is certified and the project is approved. If and when that occurs, the project design team would coordinate with local residents and property owners on project design elements and features.

This comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Comment 26-2

The comment asks if the proposed project will pay for higher soundwalls, stating the current 6-foot-high soundwalls do not inadequately reduce current traffic and pedestrian noise.

The project proponent (ACTA) will pay for soundwalls where they are warranted based on the noise analysis (Section 3.9, Noise and Vibration, in the Draft EIR). Based on this analysis, new soundwalls or additions to existing soundwalls are not warranted along the existing roadways.

The comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Letter 27 from Yukai Shi

Response to Comment 27-1

This comment expresses opposition to the proposed project, which is referenced as a four-lane express road.

The comment regarding opposition to the proposed project is noted. The proposed project is a local roadway and is not considered an expressway or an express road by definition.

The comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required. ACTA will, however, consider the comment when it makes its decision to approve or deny the proposed project.

Response to Comment 27-2

This comment states that the proposed project would cause the Monte Vista Community residential area (in Union City) to become less safe as a result of higher traffic along the proposed East-West Connector, resulting in an increase in traffic accidents and likely increase in reckless driving behaviors.

The comment regarding safety concerns is noted. The proposed project would be designed to meet standard safety requirements. Traffic lights would be installed to ensure safe turning movements can be made by vehicles and to ensure pedestrians can cross the roadway safely. The new roadway would include sidewalks and bike lanes, as well as a separated pedestrian/bicycle path. The new roadway would not be designed as an expressway for higher speeds, but rather as a local roadway with an anticipated posted speed of 30 miles per hour. Each local jurisdiction would determine the posted speed limit. Regardless of project implementation, traffic in the project area is projected to increase in the future.

The comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Comment 27-3

This comment refers to the increase in noise levels with the proposed project.

Section 3.9, Noise and Vibration of the Draft EIR provides a detailed discussion of noise impacts associated with the proposed project and discloses that noise levels are predicted to increase with implementation of the proposed project. The

analysis identifies significant noise impacts in certain areas as a result of increased noise, and presents mitigation measures that would reduce these impacts to less-than-significant levels. No changes to the Draft EIR are required.

Response to Comment 27-4

This comment refers to the increase in localized air pollutant emissions that would result with development of the proposed project.

There would be significant air pollutant emissions during construction, as described in Impact AIR-1. Once the proposed project is built and operating, air pollutant emissions at sensitive receptor locations are not expected to be less than significant, as described in Impact AIR-2. While this comment raises concerns about impacts on air quality, no concerns regarding the air quality impact analysis provided in the Draft EIR have been identified. All specific concerns raised by the comment have been evaluated in Section 3.2, Air Quality, of the Draft EIR. No changes to the Draft EIR are required.

Response to Comment 27-5

This comment states that the proposed roadway would remove the existing farmland next to Quarry Lakes Regional Recreation Area, that this land is a known refuge for birds and provides hay for the horses that live there, and that the existing ecosystem would be destroyed and could not be restored. This comment also states that the four-lane expressway is unnecessary.

The open space area is neither currently farmed nor an official wildlife refuge. When the wildlife biologists and botanists visited the site, they did not observe any hay production, and no horses appeared to live at the site.

The potential impacts on plants, wildlife, and habitat are fully disclosed in Section 3.3, Biological Resources, in the Draft EIR. The existing ecosystem would not be destroyed. The new roadway (which is not considered an expressway by definition) would pass over the creek and leave it intact. Additionally, the proposed project includes a wetland mitigation site along Old Alameda Creek, which would enhance and improve the habitat (refer to Mitigation Measure BIO-7 in Section 3.3)

The potential environmental impacts of the proposed project have been adequately disclosed. No changes to the Draft EIR are required.

Response to Comment 27-6

This comment states the proposed project would lead to a lowering of the property value of the commenter's home.

The comment is noted. However, CEQA does not require the analysis of economic impacts such as changes in property values. Impacts analyzed under CEQA must be related to a physical change in the environment Guidelines Section 15131 and 15358(b)). Economic and social impacts are not considered environmental impacts under CEQA, unless they would lead to an environmental impact. ACTA will, however, consider any economic impacts, along with other impacts in weighing its decision to approve or disapprove the proposed project.

This comment does not pertain to the adequacy of the Draft EIR; therefore, no changes to the Draft EIR are required.

Response to Letter 28-1 from Doug Sojourner

Response to Comment 28-1

This comment asks if the Final EIR will be prepared after the design is finalized and if there will be assessment of the final design.

The project description is not required to supply extensive detail beyond that needed for evaluation and review of the environmental impacts (CEQA Guidelines sec. 15124[b]). However, enough detail must be provided to enable technical analysts and reviewing agencies to fully understand the project being evaluated. For roadway projects, this is typically a 35% design level which includes specific location and facilities. The remaining design is specific engineering detail that would not substantially change the project as proposed and is not undertaken unless a project is approved. If the final design changes substantially and could result in new significant or substantially more severe impacts, a Supplemental EIR would be prepared and circulated for public review and comment. ACTA does not, however, anticipate the need for a Supplemental EIR at this time.

The comment does not pertain to the adequacy of the Draft EIR, and no changes to the Draft EIR are required.

Response to Letter 29 from Doug Sojourner

Response to Comment 29-1

This comment states that the report and appendices addressed many of the concerns that the commenter had about the proposed project in detail.

The comment regarding the detail presented in the Draft EIR is noted. No changes to the Draft EIR are required.

Response to Comment 29-2

This comment states that it is important to have information on how effective the various proposed mitigation measures are (i.e., mitigation for adverse impacts from night time lighting). Ideally the effectiveness would be based on measurements from past projects, but understandably some will be based on the judgment of the individuals performing the analysis.

The Draft EIR analyzed and identified potential environmental impacts associated with light and glare along BART corridor in Impact AES-11 in Section 3.1.3 (Chapter 3, Volume 1 of the Final EIR). It identified the temporary light and glare impacts as significant and unavoidable during construction of the BART and UPRR grade separation structures. The Draft EIR proposes two mitigation measures: AES-7: Minimize Fugitive Light from Portable Sources, and NOI-2: Prepare a Community Awareness Program for Project Construction. AES-7 would generally be effective in screening out light and glare from nearby receptors under most situations. However, there would likely be times when these measures cannot be fully deployed due to operational or safety considerations, which is when the unavoidable impacts would occur. NOI-2 is intended to keep the community informed of any potential impacts resulting from construction activities. Specifically, it would let the community know when the construction would start and end, and how they may be affected.

No changes to the Draft EIR are required.

Response to Comment 29-3

This comment states that the traffic analysis seems to address only east-west trips, and it should also include information on north-south trips.

The purpose of this analysis was to provide a general sense of improvement on paths that travelers might take through the study area, not to examine every possible path. Two of the travel paths examined have north-south orientation:

- Mission/Whipple to Fremont/Thornton (and the return trip)
- Mission/Whipple to Fremont/Mowry (and the return trip)

The travel time savings results for these two paths were consistent with all of the other paths evaluated (Table 3.12-9 and Table 3.12.10), showing substantial improvement upon implementation of the proposed project (i.e., Year 2035 Project versus No Project). Refer to Tables 3.12-9 and 3.12-10 in Section 3.12, Transportation and Traffic (Chapter 3, Volume 1 of the Final EIR).

No changes to the Draft EIR are required.

Response to Comment 29-4

This comment asks if there are restrictions on using the reserved transportation corridor for other purposes.

The use of the reserved corridor is governed under the general plans of Union City and Fremont and is determined by governing agencies and property owners. (Property owners include Alameda County Flood Control and Water Conservation District, Alameda County Water District, Caltrans, Fremont, Union City, Pacific States Steel, and a number of private land owners.) For Fremont, the proposed alignment would extend through the general plan land use designation Institutional Open Space, and the Fremont General Plan text acknowledges that the land has been planned for the SR 84 Realignment Project but also states that the City has requested other alternatives be considered for this project. For Union City, the proposed alignment would extend through several different land use designations (Open Space, Residential, Research and Development Campus, and Civic Facility), and the Union City General Plan text includes the SR 84 Realignment Project as a planned project. Refer to the Setting discussion in Section 3.8, Land Use and Planning, (Chapter 3, Volume 1 of the Final EIR).

This comment does not pertain to the adequacy of the Draft EIR, and no changes to the Draft EIR are required.

Response to Comment 29-5

This comment states that one of the objectives of the proposed project, to “implement planned transportation improvements upon which completed and planned developments in Fremont and Union City depend,” is not specifically a benefit of this project, because these would occur in the absence of project implementation.

The comment is noted. Project objectives are the established goals of this proposed project. The other completed and planned projects may occur or have occurred in the absence of this proposed project, but it is considered beneficial if this proposed project is in place because it would improve access to the other completed and planned projects by reducing congestion and travel time.

This comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required.

Response to Comment 29-6

This comment requests that the analysis in the Draft EIR take into consideration the potential future rise in fuel prices and the effects of increased demand due to growth in demand in developing countries, particularly China.

Section 15145 of the CEQA Guidelines allows an agency to conclude that some impacts are too speculative for evaluation and, therefore, need not be evaluated in an EIR. Recent experience has shown that fuel prices can fluctuate greatly, making any estimate of future prices too speculative to evaluate. For example, in the past year alone, average prices have more than doubled and then declined an equal amount. Similarly, any potential increase in demand due to growth in developing countries is too speculative to evaluate. Based on this uncertainty, ACTA concludes that such impacts are too speculative for meaningful evaluation.

No changes to the Draft EIR are required.

Response to Comment 29-7

This comment informs of the urgent need to reduce greenhouse gas (GHG) emissions, and suggests that the Draft EIR take into account the significantly reduced (and potentially negative) traffic growth rate projections needed to meet GHG emissions reduction goals.

ACTA concurs with the need to reduce GHG emissions to achieve the state's legislatively mandated reduction targets. In addition to transportation sources, GHG emissions occur from commercial, residential, and industrial sources. Thus, to achieve the state's reduction targets, any future GHG emissions goals will have to involve emissions reductions from all sources, not just transportation sources. In addition, transportation-source GHG emissions will likely be reduced via a combination of engine technology innovations, use of alternative fuels, and reductions in vehicle miles traveled (VMT) as a result of efficient land use planning. The specific mix of future GHG reductions in a particular community is too speculative to evaluate in a single project's EIR. As such, no changes to the Draft EIR are required.

Response to Letter 30 from Laura Winter

Response to Comment 30-1

This comment states that the proposed project should be built to reduce travel time. This comment also states that too much money has been spent on preliminary discussions, and that the proposed project should be implemented now.

The comments regarding the need for the proposed project and the urgency for its implementation are noted. No specific concerns with the Draft EIR or analysis have been identified and no changes to the Draft EIR are required. ACTA will, however, consider this comment when it makes its decision whether to approve or deny the proposed project.

Response to Letter 31 from Citizens for Neighborhood Integrity

Response to Comment 31-1

This comment asks what the current projected cost of the proposed project would be.

The current projected cost of the project is estimated to be \$213 million.

The comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required.

Response to Comment 31-2

This comment concerns sale of Caltrans land (specifically whether sale of Caltrans land will cover project budget shortfalls), what the current value is of the land that will be sold, and when the land will be up for sale.

The disposition of proceeds from the sale of state-owned excess right-of-way is governed by state statute. The exact areas of land that the State of California would deem excess would be identified during the next (design) phase of the proposed project, and the amount and timing of any proceeds available to this project is not yet determined. At the present time, ACTA is unable to determine whether the funding that the state could provide to this project would be sufficient to cover the currently projected shortfall.

This comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required.

Response to Comment 31-3

This comment states that the first line in the document, which states the proposed project “would provide improved east-west access,” is prejudicial and that prejudicial comments are prevalent throughout the Draft EIR.

The first sentence in the document is: “The East-West Connector Project (proposed project) is a 3.0-mile roadway project that would provide improved east-west access between Interstate 880 (I-880) on the west and Mission Boulevard on the east in south Alameda County.” This sentence was crafted to be

an introductory sentence that summarizes the primary project objectives. CEQA requires that project objectives be stated. Refer to Response to Comment 21-1.

ACTA does not agree with the commenter that the document has prejudicial language. The Draft EIR presents the project objectives and analysis conclusions using standard language commonly used in CEQA documents. The Draft EIR was prepared by ICF Jones & Stokes, a consulting firm that has been specializing in the preparation of objective environmental analyses in compliance with CEQA since 1970. Additionally, the Draft EIR has been independently reviewed and evaluated by ACTA as required by section 15084(e) of the CEQA Guidelines. The Draft EIR is based on technical studies and surveys prepared by qualified specialists in all the areas analyzed. The impact analysis is based on methodology and guidelines clearly explained in each section of Chapter 3, Environmental Setting and Impact Analysis. For more information on ICF Jones & Stokes, please refer to www.jonesandstokes.com.

No changes to the Draft EIR are required.

Response to Comment 31-4

This comment states that the roadway is for Union City and over-the-hills commuters, not for Fremont.

The comment is noted. CEQA does not require the analysis to distinguish whether the traffic is allocated to Fremont or Union City. However, the travel demand model used for the future traffic forecasts was further analyzed to determine the proportions of local and regional trips. Local trips were defined as any trip starting and/or ending within the study area (northern Fremont, Union City, or Newark). Regional trips were defined as trips both starting and ending outside of the study area but passing through the study area. It is noted that south Fremont traffic is considered regional for the purpose of this analysis. Following are examples of these trip types.

- Local – A person lives in northern Fremont and drives to work in Union City
- Local – A person lives in Pleasanton and drives to work in Newark
- Regional – A person lives in Hayward and drives to work in Milpitas

The analysis showed that about 75% of all trips in the study area were local trips, and that the No-Project conditions and With-Project conditions had the same proportions of local versus regional trips. The same analysis also shows that 40% of the total trips (or over 50% of the local trips) would either originate or end in northern Fremont.

This comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required. ACTA will, however, consider the comment when it makes its decision to approve or deny the proposed project.

Response to Comment 31-5

This comment states that the summary of how well Alternative 1 meets the project objective of providing a “more direct east-west link in the transportation network” is incorrect because it states Alternative 1 would only provide a “short” segment of the planned east-west roadway, when it would actually provide “half”. It also states that the project would not actually provide a “direct” east-west link.

The proposed project in its entirety, including the improvements to existing roadways and the new roadway, represents the “more direct east-west link”. Alternative 1 (which is the .57-mile segment between Mission Boulevard and Alvarado-Niles Road) is much less than half of the entire 3-mile east-west link, so using the term “short” is more appropriate than using the word “half.”

ACTA considers the proposed project a “more” direct link (not simply a direct link) from I-880 to Mission Boulevard in comparison to the existing SR 84 route.

This comment does not pertain to the adequacy of the Draft EIR. No changes to the Draft EIR are required.

Response to Comment 31-6

This comment states that the map in Figure 1-1 in the Draft EIR is misleading and does not show detail that would indicate how the proposed project would affect neighborhoods.

Figure 1-1, which appears in Chapter 1, Introduction, in the Draft EIR is a regional location map, and is not intended to show the full extent of neighborhoods. The Draft EIR shows this detail in Figures 2-1a, 2-1b, 2-1c, and 2-1d in Chapter 2, Project Description. These are aerial images of high quality, with project elements superimposed. Several other figures in Chapter 2 show the relationship between the proposed project and nearby houses and neighborhoods. No changes to the Draft EIR are required.

Response to Comment 31-7

This comment suggests that the mitigation identified in the Draft EIR for aesthetic impacts of the new roadway did not adequately consider second-level views.

Section 3.1.3 of the Draft EIR presented a comprehensive analysis of the project’s aesthetics impacts. Under Impact AES-5 in that section, the Draft EIR notes that the new roadway would be “highly visible to certain public and private receivers.” Further below, text also states that “the project alignment would be

visible from...the second floors of adjacent and nearby homes” and that “[t]hese areas would have views of the sound walls (if constructed within the new roadway alignment), of vegetation in the project alignment, and potentially of open road and vehicles traveling on the road. This would represent a substantial change from the current views of the semi-disturbed, vegetated corridor.” Therefore, the Draft EIR acknowledges the change that will occur for nearby residences, including from second-level views. However, because the project would include ample vegetation that would, for the most part, screen the road from view, this change in the view is not considered a “substantial degradation of visual character or visual quality,” pursuant to the language of the significance criteria against which Impact AES-5 is measured. Therefore, no additional mitigation measures were identified to address second-level views. Please also note that the aesthetics analysis presented in Section 3.1 of the Draft EIR concentrates on public views. As stated in Section 3.1.2 (page 3.1-2 of the Draft EIR), “CEQA concentrates on public views rather than private views. The intent of CEQA is to consider the impact of a project on the environment in general, not the impact on the environment of particular persons. The existing and post-project views from private locations are discussed, but detailed analysis and visual simulations from private locations are not a part of the analysis presented in this section.” No revisions to the Draft EIR are necessary to respond to this comment.

Response to Comment 31-8

This comment points out that the Bay Area Air Quality Management District (BAAQMD) submitted a comment letter on the previous version of the proposed project and asks that it be included in the current Draft EIR.

The BAAQMD was sent the Draft EIR but did not submit a comment letter. Since the project has changed, the old letter is no longer relevant to the proposed project and Draft EIR. Thus, there is no need to include the letter in the Draft EIR.

This comment does not pertain to the adequacy of the Draft EIR. No changes to the Draft EIR are required.

Response to Comment 31-9

This comment expresses concern that the air quality section is overly technical and complex and not oriented toward the public.

Air quality is an inherently complex and technical subject that is sometimes difficult to explain in plain language because there are many different pollutants, which, according to state and federal air quality laws, must be evaluated. Thus, to make this section as readable as possible, it is divided into clearly delineated subsections that correspond to each regulated air pollutant and its impacts.

Additionally, much of the most important information is presented in tables so that the reader can easily figure out the impacts related to each component of the proposed project, and at specific locations where that information is relevant. If ACTA were to further abbreviate the discussion, some of the required impact analysis would have to be omitted, thereby jeopardizing the adequacy of the Draft EIR. No changes to the Draft EIR are required.

Response to Comment 31-10

This comment suggests that the Draft EIR is insufficient with regard to Section 3.2, Air Quality, because it relies on the MOBILE6.2 computer model, for which problems have been identified in terms of its effectiveness for quantitative analysis. The comment then suggests that the cumulative noise analysis in Chapter 4 is also faulty because it does not provide standards against which cumulative impacts can be identified.

Regarding the evaluation of impacts related to emissions of mobile source air toxics (MSAT) included as part of the air quality analysis presented in Section 3.2 of the Draft EIR, the impact analysis was performed consistent with the most recent Federal Highway Administration (FHWA) guidance on how MSATs should be addressed in NEPA documents. This same approach is used to evaluate project impacts under CEQA. The limitations of MOBILE6.2 relative to the evaluation of localized MSAT impacts identified by the commenter, as well as other limitations, were previously disclosed in the Draft EIR (refer to “Applicable Project MSAT Category Assessment” in Section 3.2.3 Impact Analysis/Methodology”). As such, this comment offers no new information relative to MOBILE6.2 limitations. Moreover, since the evaluation of project impacts related to MSAT emissions did not rely on MOBILE6.2 emissions factors, this issue is a moot point.

As presented in the discussion for Impact AIR-4: Increase in Localized MSAT Emissions, project impacts related to MSAT emissions would be less than significant, as maximum average daily traffic (ADT) volumes of 57,015 vehicle trips would be well below the 140,000 ADT criterion established by FHWA for projects considered to have high potential for adverse MSAT effects. No additional analysis is warranted, and no changes to the Draft EIR are required.

Regarding the noise analysis presented in Chapter 4 of the Draft EIR, the first paragraph under the Noise and Vibration header in Section 4.1.2 of the Draft EIR states that the areas adjacent to the project roadway are subject to exterior noise standards of 60 A-weighted decibels (dBA) for residential areas and 70 dBA for parks. This paragraph also states that the project’s contribution to a cumulative impact would be considered cumulatively considerable if noise levels exceed these standards and the project would increase noise levels by one or more decibel. The analysis identifies significant cumulative impacts throughout the project area, as shown in Table 4-3. This table also shows that the project would have a cumulatively considerable contribution to these impacts throughout the alignment, as the project would increase noise levels by 1 dBA or greater. This

is reflected in the significant and unavoidable impact listed as Impact NOI-C1. The analysis properly considered standards for cumulative impacts and the project's cumulatively considerable contribution to these impacts. Note that the discussion for Impact NOI-1 and Impact NOI-9 of the Draft EIR describes how interior noise levels are evaluated, and Impact NOI-9 states that "standard California residential construction typically provides about 15 dBA of exterior-to-interior noise reduction with windows partially open, and about 25 dBA of exterior-to-interior noise reduction with windows closed." Refer to Section 3.9, Noise and Vibration (Chapter 3, Volume 1 of the Final EIR). No changes to the Draft EIR are required.

Response to Comment 31-11

This comment states that the Fremont-Chapel Way air quality monitoring station is 4.2 miles from the closest point of the project, and it seems that sampling data from the project site would be appropriate.

Comment noted. The use of ambient air monitoring data collected from the nearest California Air Resources Board-approved monitoring stations, such as the Fremont-Chapel Way monitoring station, is customary and common for the purposes of CEQA air quality analysis. No changes to the Draft EIR are required.

Response to Comment 31-12

This comment states that the Climate and Topography discussion in the Air Quality section describes a project alignment in Livermore and this error compromises the integrity of the analysis.

The comment is correct in that the Climate and Topography discussion includes a mistake. The text in this section has been revised (refer to Section 3.2, Air Quality, in Chapter 3, Volume 1 of the Final EIR). The analysis was based on correct information, and the mistake in the setting does not affect the results of the analysis.

Response to Comment 31-13

This comment states that the Air Quality discussion entitled Relevance of Unavailable or Theoretical Information to Impact Assessment is troublesome because it appears to dismiss MSATs.

The Draft EIR discussion language referenced by this comment does not dismiss MSAT emissions as an area of concern. Rather, the discussion language is provided to inform decision makers and the public of the limitations relative to

evaluating localized impacts of MSAT emissions in a quantitative manner. However, since the evaluation of project impacts related to MSAT emissions did not rely on quantitative analyses, this issue is a moot point.

As presented in the discussion for Impact AIR-4: Increase in Localized MSAT Emissions, project impacts related to MSAT emissions would be less than significant, as maximum ADT volumes of 57,015 vehicle trips would be well below the 140,000 ADT criterion established by FHWA for projects considered to have high potential for adverse MSAT impacts. No additional analysis is warranted, and no changes to the Draft EIR are required.

Response to Comment 31-14

This comment states that the project would result in new bottlenecks at new traffic lights, and that analyzing the current intersections is a “specious” indicator of conditions at proposed intersections. The comment is noted. No specific concerns with the Draft EIR or analysis have been identified and no changes to the Draft EIR are required.

Response to Comment 31-15

This comment identifies two minor errors in street names in Table 3.2-7 (Local Area Carbon Monoxide Dispersion Analysis—Year 2015) in Section 3.2, Air Quality.

Table 3.2-7 has been revised to correct the two minor errors in street names. Refer to Table 3.2-7, which follows the discussion for Impact AIR-2, in Section 3.2, Air Quality (Chapter 3, Volume 1 of the Final EIR).

Response to Comment 31-16

This comment states that Table 3.2-7 (Local Area Carbon Monoxide Dispersion Analysis—Year 2015) in the air quality analysis should be structured in the same way as Table 3.12-6 (Intersection Level of Service—2015 No Project and Proposed Project) in the traffic analysis. In addition to traffic levels with and without the project in 2015, Table 3.12-6 includes current traffic levels for comparison. The comment states that a similar comparison in Table 3.2-7 would be useful for air quality.

Table 3.2-7 did not include data for existing carbon monoxide levels (which is provided in Table 3.2-2) because it would require adding two more columns to Table 3.2-7, which was thought to be too much information that could compromise the legibility of the table. For clarification per the commenter’s request, the base (existing) conditions were added to both Tables 3.2-7 and 3.2-8 in Section 3.2, Air Quality.

Response to Comment 31-17

This comment references the text in the air quality section that states that if there are localized increases in MSAT emissions, they would be substantially reduced in the future as a result of implementing the Environmental Protection Agency's (EPA's) vehicle and fuel regulations. The comment states that basing an action today on something that may or may not happen is risky.

The Draft EIR discussion language referenced by this comment was provided to inform decision makers and the public of trends relative to MSAT emissions. As presented in the discussion for Impact AIR-4: Increase in Localized MSAT Emissions, project impacts related to MSAT emissions would be less than significant, as maximum ADT volumes of 57,015 vehicle trips would be well below the 140,000 ADT criterion established by FHWA for projects considered to have high potential for adverse MSAT effects. No additional analysis is warranted, and no changes to the Draft EIR are required.

Response to Comment 31-18

This comment states that there is a description of a “panoply” of impacts on air quality, yet only carbon monoxide (CO) and greenhouse gas emissions (GHGs) are addressed in making a determination. What about the others discussed in the text?

The air quality analysis is comprehensive and address more than CO and GHG emissions. Impacts resulting from project-related ozone precursor emissions (reactive organic gasses [ROG] and nitrogen oxides [NO_x]), CO and particulate matter (PM₁₀) emissions during construction are addressed in Impact AIR-1, AIR-2, AIR-3, and AIR-4 in Section 3.2.3. The pollutants of concern evaluated in the Draft EIR are those commonly evaluated for transportation-type projects. No additional analysis is warranted, and no changes to the Draft EIR are required.

Response to Comment 31-19

This comment questions why the Draft EIR does not include a comparison of the air quality impacts of the project to non-automobile alternatives.

As explained in Section 1.2 of the Draft EIR, the primary objectives of the project are to reduce local traffic congestion and travel time and to provide a more direct east-west link in the transportation network in Fremont and Union City. Given these objectives, the alternatives chosen for evaluation all include different roadway configurations and different mixes of vehicle types. However, CEQA only requires an EIR to evaluate alternatives that meet most of the project objectives and reduce a significant impact [CEQA Guidelines Sec. 15126]. Since

improving automobile traffic flow was a key element of the project objectives, ACTA was not required to evaluate a non-automobile alternative. However, the Draft EIR does evaluate Alternative 2: Previously Studied Transportation System Management, which focuses on improvements to transit and the existing roadway system, in Chapter 5, Project Alternatives. This section contains an evaluation of the impacts of the alternative and compares them to those of the proposed project. Refer to Section 5.4.3 in Chapter 5, Volume 1 of the Final EIR.

Response to Comment 31-20

The comment questions why there was no Transportation System Management (TSM) alternative as there was in the previous version of the project.

The Draft EIR does evaluate a TSM alternative in Chapter 5, Project Alternatives. Alternative 2: Previously Studied Transportation System Management is similar to the TSM alternative that was evaluated in the prior project. This section contains an evaluation of the impacts of the alternative and compares them to those of the proposed project. Refer to Section 5.4.3 in Chapter 5, Volume 1 of the Final EIR.

Response to Comment 31-21

This comment states that since the wind blows from the northwest, building the new roadway north and west of major neighborhoods guarantees air pollution from road traffic will pollute thousands of citizens.

Comment Noted. No specific concerns with the Draft EIR or analysis have been identified. Air quality impacts resulting from project construction and operations are discussed in Section 3.2, Air Quality, of the Draft EIR. No changes to the Draft EIR are required.

Response to Comment 31-22

This comment states that the incredible number of stoplights generated by this project will increase the air and noise pollution as cars speed up to make the next light and slam on their brakes as they miss it.

The proposed project includes seven net new traffic lights (eight new and the removal of one traffic lights), which will be synchronized to keep traffic flowing. With respect to “increased air pollution” resulting from the installation of traffic signals, the localized impacts of such air pollutant emissions were evaluated in Section 3.2, Air Quality, of the Draft EIR. No specific concerns with the Draft EIR or analysis have been identified and no changes to the Draft EIR are required.

Response to Comment 31-23

This comment states that it appears every effort was made to study air quality at intersections including some far away from the project, but what about air quality in between intersections that affect adjacent neighborhoods.

It is standard practice for the air quality analysis to use the same intersections as for the traffic analysis. The selected intersections include, but are not limited to, those major intersections in the transportation study area that are anticipated to worsen.

In an urban setting, vehicle exhaust is the primary source of air pollutant emissions. As such, the highest concentrations of mobile-source air pollutants are generally found at congested intersection locations. Under typical meteorological conditions, air pollutant concentrations tend to decrease as the distance from the emissions source (i.e., congested intersection) increases. For purposes of providing a conservative, worst-case impact analysis, air quality impacts are evaluated at congested intersection locations, because if impacts are less than significant in close proximity of the congested intersections, impacts would also be less than significant at more distant sensitive receptor locations. No additional analysis is warranted, and no changes to the Draft EIR are required.

Response to Comment 31-24

This comment states that common wildlife species, nonnative trees, shrubs, and grassland in the project area should be considered in the Draft EIR.

The significance criteria in Appendix G of the State CEQA Guidelines focus the analysis on sensitive species. However, the biological resources analysis in Section 3.3, Biological Resources, of the Draft EIR considered potential impacts on birds and non-native vegetation. Refer to Impact BIO-5: Potential Loss of Nesting Migratory Birds, and BIO-7: Loss of Disturbed or Non-Sensitive Habitats. All common migratory bird species are protected by the Migratory Bird Treaty Act. Mitigation Measure BIO-3 discusses ways to avoid nesting birds through preconstruction surveys and by conducting construction activities outside of the migratory bird nesting period. Additionally, any disturbed willow riparian woodland and protected trees would be replaced (Mitigation Measures BIO-7 and BIO-11 respectively).

Any temporary removal of grasslands during construction will be replanted as per Mitigation Measure HWQ-1: Comply with National Pollutant Discharge Elimination System Requirements and Develop and Implement a Stormwater Pollution Prevention Plan. This mitigation measure ensures native grass or other vegetative cover will be established on the construction site as soon as possible after disturbance. Grassland habitat is available in the vicinity of the project area and can be used by common wildlife species. Additionally, mitigation that occurs

to offset impacts on special-status wildlife species or sensitive habitats will inherently have an incidental conservation benefit to common wildlife species that use the area. For example, although the intent of planting trees and shrubs along the riparian corridor is to replace those that will be removed during construction activities, the purpose of that replanting is to replace the habitat values that were potentially lost so those areas can continue to support common wildlife and plant species.

No changes to the Draft EIR are required.

Response to Comment 31-25

The comment states that the project threatens the willow scrub on the banks of the Old Alameda Creek channel and the herbaceous wetlands on the bottom.

Temporary disturbance and permanent loss of riparian vegetation and wetlands are discussed in Section 3.3 Biological Resources under Impact BIO-9: Permanent Loss and Temporary Disturbance of a Sensitive Community–Willow Riparian Woodland and Scrub, and under Impact BIO-11: Loss of Wetlands and Other Waters of the United States and of the State. Appropriate mitigation has been identified in Mitigation Measures BIO-7, BIO-8, BIO-9, and BIO-10. Refer to Section 3.3 in Chapter 3, Volume 1 of the Final EIR. No changes to the Draft EIR are required.

Response to Comment 31-26

This comment states that the historic property known as Peterson Farms lies within the project area, that the project will divert significant traffic flow within feet of the property, and that the Draft EIR did not identify air quality and vibration impacts on the property Peterson Farm and on the adjacent biological resources.

The presence of the Peterson Farm adjacent to the project area is acknowledged where relevant in the Draft EIR, beginning in Section 2.1, Project Location and Setting, in which its location and proximity to project features is shown in an aerial photograph presented as Figure 2-3. As stated in Section 3.4.2 (Section 3.4, Cultural Resources), the Peterson farmhouse was examined in 1995 as part of an historic architectural inventory performed for an earlier iteration of this project, and was determined as potentially eligible for inclusion on the National Register of Historic Places “as a rare surviving example of an 1880s farm complex with an outstanding Queen Anne-style farmhouse.” The project was specifically designed to avoid the need to demolish this house, as had been proposed by a previous iteration of this project. Project-related impacts on the Peterson Farm are adequately addressed in Section 3.4.3 of the Draft EIR, which concludes that the impact on this historical resource would be less than significant.

The historical significance of the Peterson Farm is due to the house's architecture and its status as a rare surviving example of a type of structure that was once more common in the region but that has largely disappeared. The historical significance is not the result of vegetation or other biological resources that may be present in Old Alameda Creek, which is located approximately 400 feet west of the house. Therefore, there is no need for Section 3.3, Biological Resources, or Section 3.4, Cultural Resources, to analyze how the project's impacts on biological resources would affect the Peterson Farm's historical significance. Impacts on biological resources are adequately addressed in Section 3.3 of the Draft EIR. It should be noted that the project proposes to enhance the viability and function of Old Alameda Creek in this area as part of the wetland mitigation plan that will be implemented. This is anticipated to have a positive effect on the Peterson Farm's surroundings. No revisions to the Draft EIR are necessary to address this comment.

The project's air quality impacts were analyzed in Section 3.2, Air Quality, of the Draft EIR. The project does not propose to create a major source of air pollutant emissions in the vicinity of the Peterson Farm. The project-related realignment of Quarry Lakes Drive, combined with the new roadway alignment, may result in a slight increase in traffic on Quarry Lakes Drive, but not to the extent that would emit hazardous levels of pollutants. In Section 3.2, Impact AIR-2 considers the project-related increases in carbon monoxide emissions at congested intersections. The project would not cause considerable congestion at existing or proposed intersections near the Peterson Farm; the closest intersection reviewed for increases in carbon monoxide levels is the proposed intersection of the project-related roadway and Osprey Drive. As shown in Table 3.2-7 and 3.2-8 in Section 3.2, the project-related carbon monoxide impacts at this intersection would be less than significant. No revisions to the Draft EIR are necessary to address this comment.

Construction and operational vibration impacts related to the new road are discussed in Section 3.9, Noise and Vibration, of the Draft EIR, specifically under Impact NOI-6 and NOI-9, respectively. This section incorporates the vibration analysis presented in the Vibration Technical Report (Appendix O). In Appendix O (page 18), it states that the Peterson farmhouse—a nonengineered timber building—would qualify as a Category III structure, as shown in Table 4-1, and therefore be subject to a vibration threshold of 0.2 inches per second (in/sec) peak particle velocity (PPV). The barn is also a nonengineered timber structure and would be subject to the same 0.2 PPV threshold. This is the same threshold that was used for analyzing vibration impacts at other residential structures due to project construction and operation, as stated under the Vibration Criteria—Construction and Operation header in Section 3.9.3 of the Draft EIR. The project would realign Quarry Lakes Drive to approximately 60 feet southwest of the barn and approximately 200 feet southwest of the house. Based on the estimated construction vibration levels shown in Figure 5-2 of Appendix O, the barn would be subject to construction vibration levels as high as 0.10 in/sec PPV (considering a 60-foot distance from construction) and the house would be subject to levels as high as 0.03 in/sec PPV (considering a 200-foot distance from construction). These both fall below the 0.2 in/sec PPV threshold;

therefore, construction impacts on the Peterson Farm structures would be less than significant.

For clarification, the discussion of Impact NOI-6 in Section 3.9.3 of the Draft EIR has been revised to clarify that the project's construction-related vibration impacts on the Peterson Farm structures would be less than significant. As noted throughout Section 3.9.3 (for instance, comparing the construction-related vibration levels stated in Table 3.9-4 to the operational traffic-related vibration levels stated in Table 3.9-6), operational vibration is anticipated to be substantially less than construction vibration levels. Therefore, the vibration levels received at the Peterson Farm structures would be below the 0.2 in/sec PPV threshold, and would be less than significant.

Response to Comment 31-27

This comment states that several tons of cement, asphalt, and other roadway materials were used as fill in the abandoned quarry, in the north corner of the empty land next to the place where the Old Alameda Creek takes a sharp turn toward the southeast. This comment also asks what danger exists of settling or leaching chemicals into the groundwater, especially if the area is disturbed by roadway construction.

There would be design-level geotechnical study performed during the final design phase of the project. Any unsuitable soil would be identified. If necessary, it would be removed to an appropriate location. The roadway construction would not exacerbate any existing condition. Standard design process mitigates these issues through appropriate engineering design measures. Although no changes to the Draft EIR are required, Impact GEO-3 was modified to refer explicitly to and mitigate for "unsuitable materials."

Response to Comment 31-28

This comment states that the project involves massive disruption of the soil close to the aquifer, and that mitigation to prevent contamination of drinking water is not discussed. The claim that there is a layer of clay, so going under the railroad and BART tracks in Union City does not pose any threat to drinking water, is not substantiated by the Draft EIR. Additionally, the Draft EIR states that the soil is porous and that potential ground failure would cause lateral spreading. The comment suggests that the Draft EIR investigate the soil conditions by digging out samples and analyzing the soil in the entire area rather than quoting undocumented soil and geological literature.

The Draft EIR identifies Mitigation Measure HAZ-2: Implement Recommendations in the Phase I Environmental Site Assessment to Prepare a Phase II Environmental Site Assessment, a Health and Safety Plan, and a Soil and Groundwater Management Plan, and to Properly Abandon any Agricultural

Wells (Section 3.6, Hazards and Hazardous Materials, Chapter 3, Volume 1 of the Final EIR). Common CEQA practice allows the Phase II Assessment to occur after project approval because such assessment may result in the need for excavation and other invasive methods. Such disturbance should not be conducted until the final design stage, when a specific alignment has been determined.

The need for additional measures and procedures to implement during construction will be determined through implementation of the Phase II Environmental Site Assessment (ESA) and the Soil and Groundwater Management Plan. Borings drilled near the proposed grade separation structures confirmed that the project alignment can be designed and constructed with no impact on the clay layer. That data has been used in formulating this opinion. During final project design, additional studies would be implemented to further define the location and thickness of the Newark Aquiclude (clay layer referenced in the comment), which protects the Newark Aquifer. The upper material is relatively porous; however, the proposed design would include measures to cut off cross-drainage between the upper aquifer and the proposed construction.

Lateral spreading and differential settlement has the potential to affect structures such as houses and bridges but would not affect the drinking water aquifer. The comment is unsupported by facts. Lateral spreading and settlement would be accounted for in the final design phase of the work through engineering investigations and appropriate design. The references to ground and geotechnical data are based on Association of Bay Area Governments (ABAG) maps and geotechnical publications that are well documented.

No changes to the Draft EIR are required.

Response to Comment 31-29

This comment suggests that the Draft EIR provided no data to support the conclusions that the project's seismic-related impacts would be less than significant. The comment recommends that test borings be done to determine the true extent of liquefaction potential in the project area and that results be incorporated into the Final EIR.

Impact GEO-2 and Impact GEO-3, in Section 3.5, Hazards and Hazardous Materials, of the Draft EIR, present analysis of project-related impacts due to the seismic conditions of ground shaking and liquefaction, respectively. It is fully acknowledged in Sections 3.5.1 and 3.5.3 that the project site is located in an area of high seismic activity and an area that has high potential to be susceptible to seismic-induced ground shaking and liquefaction. However, infrastructure construction under these conditions is highly regulated—in general by the state and industry design guidelines and codes and, more specifically, by stricter agency- and jurisdiction-specific requirements that are allowed to be followed under California law. This context is reflected in the statement under Impact GEO-2 and Impact GEO-3 that “ACTA is required to implement BART,

AREMA (American Railway Engineering and Maintenance of Way Association), Caltrans, and the City of Fremont and Union City General Plan standards into the project design for applicable features to minimize potential ground shaking hazards on associated project features.” Strict regulations are in place by the agencies involved in constructing the road and its appurtenant structures that ensure the project will not be allowed to progress until soil conditions have been defined and the relevant standards have been incorporated into the project design.

Because all soil and geological testing had not been completed on the site prior to preparation of the Draft EIR, the Draft EIR assumed the worst-case geological situation pursuant to prior geological mapping, and considered the project site susceptible to the seismic hazards related to ground shaking and liquefaction. Because of the strict building regulations that must be followed pursuant to state and local law described above, Section 3.5.3 of the Draft EIR states that there are considerable geological hazards affecting the project site, but ultimately concludes that the associated impacts are less than significant. (The statement of less-than-significant impacts is echoed in the Executive Summary, to which this comment specifically refers.) As stated in Response to Comment 31-28, there would be additional soil borings and other geological testing required to define the conditions in the project area and, if necessary, to determine the need for additional measures and procedures to implement during construction.

In response to this comment’s suggestion that this additional geological information must be incorporated into the Draft EIR in order for “project costing [to be] determined,” CEQA does not require an examination of a project’s economic cost unless that cost somehow has an effect on the physical environment. As a result, the Draft EIR will not incorporate costs related to subsequent geotechnical investigation that will be performed on the site.

No changes to the Draft EIR are required.

Response to Comment 31-30

The comment states that the subsoils pertaining to the new roadway are reported as predominantly clay underlined by sand and gravel near the Mission Boulevard. Figure 3.5-1 shows that the subsoil consists of alluvial fan deposits (Qh_{af}) north of this site. Also, near the Mission Lakes area, the subsoil is natural levee deposits (Qh_l), which is termed as loose, well-sorted sandy or silty clay. The comment states that that no literature and geological references are cited for the conclusion, that no credible analytical data has been given to substantiate the conclusions, and that verification of subsurface soil conditions should be undertaken during the planning and estimation phase of the project. The comment also states that the Draft EIR is full of contradictory, incoherent, and unsubstantiated conclusions.

Section 3.5 of the Draft EIR presents an extensive analysis of geotechnical issues based on assumptions and methodology that are widely accepted and adopted in

the industry, and in accordance with state CEQA guidelines and standard practices. Specifically, the Draft EIR identifies the different geologic formations in the project area. The reference document is Helly & Graymer 1997, which is stated in the third line of the Geologic Units section and in Figure 3.5-1 (refer to Section 3.5, Geology, Soils, and Seismicity in Chapter 3, Volume 1 of the Final EIR).

No specific issues or facts were provided in the comment about which areas of the Draft EIR are full of contradictory, incoherent, and unsubstantiated conclusions. Thus, ACTA cannot respond to such assertions.

No changes to the Draft EIR are required.

Response to Comment 31-31

This comment references Section 3.5, Geology, Soils, and Seismicity. The comment states that the Draft EIR contains contradictory information because it identifies a 62% probability of a strong earthquake along the active faults in the project vicinity (resulting in strong ground shaking, surface fault rupture, and liquefaction), yet also states the potential for fault rupture is relatively low. Additionally, the comment states the Draft EIR identifies high susceptibility to liquefaction and yet states additional investigation is needed to verify this. The Draft EIR must show that our drinking water is safe before the Draft EIR is voted upon.

The issues of seismicity are described in Sec. 3.5 of the Draft EIR. Ground *shaking* is from an earthquake on any given fault and depends on various aspects including its magnitude and location. Fault *rupture* occurs if there is movement along a given fault. This is a surface manifestation of a fault movement. Since there are no faults traversing the project site there is no potential for fault rupture. However, a fault that is several miles away can generate ground shaking.

The liquefaction determination is based on published maps (referenced Knudsen et al. 2000 in the Draft EIR). As described in the impact discussion for Impact GEO-3: Potential Structural Damage and Injury from Development on Unsuitable Materials or Materials Subject to Liquefaction, there are several requirements in place by permitting authorities to ensure the project design accounts for potential liquefaction. Potential liquefaction would not impact drinking water quality.

No changes to the Draft EIR are required.

Response to Comment 31-32

This comment states that soil permeability in the vicinity of the project ranges from moderately low to high, and it is poorly drained to well-drained. Which terms apply to which areas?

The 3-mile project alignment traverses a range of soil types, which are summarized in Table 3.5-2 based on the National Cooperative Soil Survey Map (referenced as Natural Resources Conservation Service 2008 in Chapter 7 of the Draft EIR).

No changes to the Draft EIR are required.

Response to Comment 31-33

This comment states that a General Construction permit will be required and asks if any permits have been obtained from the Regional Water Quality Control Board (RWQCB) and if the Alameda County Water District (ACWD) has been involved in the Draft EIR.

The commenter is correct that a General Construction permit (and other permits) would be required for the proposed project. No permits have been obtained from RWQCB or from other permitting agencies yet. Permits for the project would be obtained after the CEQA process and project approval. The permitting agencies are required to use the EIR in their decision-making process to issue permits. The anticipated required permits are listed in Table 2-3 (in Section 2.4, Required Permits and Approvals, in Chapter 2 of the Draft EIR).

ACWD has been involved in project development and was provided the opportunity to comment on the Draft EIR. Consultation conducted thus far with ACWD and other agencies is described in Chapter 6, Agency Consultation.

The comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required.

Response to Comment 31-34

This comment states that structural damage and injury due to liquefaction is termed as insignificant and that ACTA should require additional geotechnical investigations for the project to verify the liquefaction potential of the project BEFORE the EIR is approved.

This comment is similar to 31-29. Refer to Response to Comment 31-29.

Response to Comment 31-35

This comment request clarification regarding the extent of potential soil contamination remaining within the project alignment related to historical releases and discharges from the Pacific States Steel Corporation (PSSC) site, at the eastern portion of the project alignment. The comment also requests clarification on the project-related mitigation that would be implemented to ensure contamination is contained and to prevent impacts on groundwater.

The California Department of Toxic Substances Control (DTSC) provided several certification letters regarding various aspects of the PSSC cleanup actions. The 2006 DTSC letter referred to in this comment, and discussed in Section 3.6.2 of the Draft EIR, was prepared to address the Waste Consolidation Area (WCA) located to the north of the project alignment. DTSC issued a companion certification letter addressing the former Route 84 right of way, which covers the area of the project alignment and coincides with the vicinity of the proposed depressed section of the project. While it has been adequately documented through the DTSC certification process that cleanup of affected soils has been completed to the extent practical, it is also acknowledged that low level total petroleum hydrocarbons (TPH)-affected soil and groundwater contamination does remain in place.

Because of the potential for soil and groundwater contamination to remain in the project area, the Phase I Environmental Site Assessment (ESA) (Appendix L) and Section 3.6.2 and Section 3.6.3 of the Draft EIR acknowledge that additional testing must be performed as project design moves forward. The information incorporated into the Draft EIR offers sufficient information to determine the project's potential to result in hazards-related impacts, and Impact HAZ-2 was identified as significant and requiring mitigation due to potentially contaminated conditions. Subsequent, focused analysis would use the information obtained for the Phase I report and consider the project's final, precise location to define detailed, project-specific conditions and measures needed to account for those conditions. This would include a Phase II ESA and additional geotechnical studies to define the precise location and integrity of the Newark Aquiclude (which provides protection to the Newark Aquifer). Refer to Mitigation Measure HAZ-2 in Section 3.6.2 (Chapter 3, Volume 1 of the Final EIR). The results of this analysis will be incorporated into the project-specific Soil and Groundwater Management Plan, which will specify the procedures that must be followed regarding soil handling, dewatering, dust control, remediation, and identification of unexpected contamination. While details of the subsequent studies cannot be finalized until the alignment orientation is determined, it is likely that additional affected material encountered during construction would be removed and properly disposed of to mitigate the potential issues, pursuant to strict federal and state regulations regarding work within potential contamination areas.

As mentioned previously, the WCA is not located within the project alignment. The WCA is that portion of the PSSC cleanup site that has implemented waste containment through use of liners and placement of a soil cap. Any potential disruption or failure of previously implemented mitigation measures on the WCA

site would not impact the project, given that the project alignment parallel to the WCA would include be a concrete structure that would be protected from potential waste discharges of soil.

No changes to the Draft EIR are required.

Response to Comment 31-36

This comment suggests that a cross-reference be added to Section 3.7, Hydrology and Water Quality, to refer to the discussion in Section 3.6, Hazards and Hazardous Materials, concerning the potential soil and groundwater contamination conditions that may be present at the Pacific States Steel Corporation Phase II property.

For clarification, the text in Section 3.7.2, Existing Conditions, subsection Groundwater Quality, has been revised to include the following sentence: “For a discussion of the potential for contamination by hazardous waste, see Section 3.6.2, subsection Pacific States Steel Corporation—Union City.”

Response to Comment 31-37

This comment requests clarification as to why contamination associated with a historic use at an adjacent property—the Catellus-Union City (EDR #8) property that was located at the intersection of Mission Boulevard and Seventh Street—would not represent a risk to the project.

This comment incorrectly states that investigation and remediation were not conducted at the former Catellus site. Records suggest that there were concerns at the site prior to the property being redeveloped into a residential development. However, files regarding the project could not be located within the time frame allocated for the Phase I study conducted in support of the Draft EIR. These records would have indicated the depth and breadth of the issues and their mitigation.

A Phase II Environmental Site Assessment (ESA) would be implemented for this project, and any project-related concerns for remediation and safety measures would be incorporated into the project’s Soil and Groundwater Management Plan. Refer to Mitigation Measure HAZ-2 in Section 3.6.3 (Chapter 3, Volume 1 of the Final EIR).

No changes to the Draft EIR are required.

Response to Comment 31-38

This comment implies that a significant impact should be identified in Section 3.6, Hazards and Hazardous Materials, because the project includes five signal lights on Paseo Padre Parkway causing a significant increase in air and noise pollution and putting public safety at risk; because it will adversely affect the quality of life for residents walking to trails and parks; and because it will impair emergency response and emergency evacuation. The comment also states that the Draft EIR needs to consider the elementary school and high school less than 1 mile from the site.

The Hazards and Hazardous Materials analysis is based on the specific significance criteria outlined in the CEQA Guidelines Appendix G (14 CCR 15000 *et seq.*). Regarding the creation of a public hazard, the CEQA Guidelines state that a project would have a significant impact if it would create a significant hazard to the public or the environment “as a result of routine transport, use, production, upset or disposal of hazardous materials” or “through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. New signals would be introduced on Paseo Padre Parkway to control traffic flow so pedestrians can safely cross and vehicles from side streets can safely enter the roadway. The traffic lights, which would be synchronized, would improve traffic flow for all vehicles, including emergency vehicles. Therefore, the introduction of traffic signals on Paseo Padre Parkway is not considered creation of a public hazard or other impact related to hazards and hazardous materials. Impacts related to increased air pollution and noise are addressed in Sections 3.2, Air Quality, and 3.9, Noise and Vibration (Chapter 3, Volume 1 of the Final EIR).

The proximity of schools is addressed in Section 3.11, Public Services, Utilities, and Recreation. For clarification, the schools within 1 mile of the project alignment have been listed in Section 3.11.2. Section 3.6 has also been revised to clarify that there is one school within 0.25 mile of the project site, but that the project would not result in a significant hazardous materials impact on the school.

Furthermore, note that the existing schools in the vicinity of the project alignment are located in a developed area with roads that carry a considerable amount of traffic under existing conditions. The project would result in a slight increase in traffic on some of these roads, but does not propose a substantial change in the existing traffic facilities in the area, and would not create conditions presenting a significant hazard to children walking or biking to and from school. The project does propose to improve pedestrian circulation on the project-related stretch of Decoto Road by creating paved sidewalks and bike lanes where none currently exist. This amounts to a beneficial impact on all pedestrians using this road, including children walking and biking to school.

No revision of the Draft EIR is necessary to address this aspect of the comment.

Response to Comment 31-39

This comment suggests that because significant environmental impacts were identified in the Draft EIR, a Phase II ESA should be implemented for the project prior to approval of the EIR in order to allow full assessment of the project's impacts and sufficiency of the mitigation measures. The comment also requests clarification as to whether there is a "pollution-free" area to build a road in this area of Union City.

Pursuant to standard industry practice, Phase II ESAs are routinely conducted during a project's final design phase, once additional detail regarding layout and other features has been solidified. The Phase I ESA process is intended to identify hazardous materials issues in the project alignment. The Phase I ESA provides information that is sufficient to determine the environmental issues that may exist within the proposed alignment, and provides information about how they may be dealt with during construction. The information gathered during the Phase I ESA was appropriately incorporated into the Draft EIR, and informed the conclusion stated in the Draft EIR that, although a Phase II ESA is required, the hazardous materials issues present in the project area can easily be dealt with during construction and mitigated to less-than-significant levels.

As for the portion of this comment regarding the presence of a "pollution-free" area to build the road, please note that the project is not constrained to such pollution-free areas, but must instead consider the potential for contaminated soil to exist, and provide adequate measures to address contamination that may be encountered. This potential for hazardous materials impacts has been fully disclosed in Section 3.6 (Impact HAZ-2), and implementation of Mitigation Measures HAZ-1, HAZ-2, and PSR-1 would ensure that these potential impacts would be reduced to less-than-significant levels. Refer to Section 3.6 in Chapter 3, Volume 1 of the Final EIR.

No changes to the Draft EIR are required.

Response to Comment 31-40

This comment states that groundwater monitoring conducted in 2008 within the project vicinity reported elevated concentrations of total petroleum hydrocarbons (TPHs), and that the Draft EIR failed to discuss the health of the wells.

This comment incorrectly infers that monitoring has been conducted within the project limits. Concentrations of TPHs were detected within the diesel range at relatively low concentrations at an adjacent portion of the former PSSC site during monitoring activities conducted in 2006 and 2007.

Historic groundwater data collected during PSSC remediation activities further suggests that grab groundwater samples from within boreholes located within the existing right-of-way alignment have contained low levels of diesel range

petroleum hydrocarbons; however, no monitoring has been conducted. Neither gasoline range petroleum hydrocarbons nor benzene (a potential carcinogen) have been detected during these sampling events.

The Phase II ESA that would be implemented as a mitigation measure for the project would provide additional data to support the finding that groundwater is not significantly affected by previous historic discharges, and as such would not represent a significant impact on the project. Refer to Mitigation Measure HAZ-2: Implement Recommendations in the Phase I Environmental Site Assessment to Prepare a Phase II Environmental Site Assessment, a Health and Safety Plan, and a Soil and Groundwater Management Plan, and to Properly Abandon any Agricultural Wells (Section 3.6, Hazards and Hazardous Materials, Chapter 3, Volume 1 of the Final EIR).

No changes to the Draft EIR are required.

Response to Comment 31-41

This comment references the impact discussion for Impact HWQ-4 (Water Quality Impacts from Discharges to CWQ 303(d)-Listed Surface Water Bodies-Diazinon). The comment questions if there were any tests conducted to determine if Alameda Creek Flood Control Channel is typical in that urbanized environments such as this would not have diazinon impairment and how the impact was determined less than significant.

The conclusion is based on the fact that the typical project pollutants (listed in Table 3.7-1 in Section 3.7 of the Draft EIR) do not list diazinon as a contributor from road and highway projects. For clarification, the impact discussion for Impact HWQ-4 was revised to clarify how this determination was made. Refer to Section 3.7, Hydrology and Water Quality, in Chapter 3, Volume 1 of the Final EIR.

Further, the project would not substantially alter the drainage patterns or alter the watershed boundary that is tributary to Alameda Creek Flood Control Channel. All surface water flows that are collected in the existing stormwater drainage system would be captured in Line M Channel and the new roadway system, including storm drains, tree filters, and infiltration basins. Surface water runoff generated by storm events and low flow urban runoff would be routed to Alameda Creek Flood Control Channel through the existing Line M Channel and the new Line M Channel diversion through the improved Old Alameda Creek channel. This new routing can increase the overall retention time of the runoff and increase the potential treatment time as diazinon would be treated primarily by exposure to ultraviolet (UV) radiation in sunlight in the infiltration basins the Old Alameda Creek channel.

As mentioned above, diazinon was phased out in 2001 and is no longer available. Therefore, diazinon usage has been greatly reduced as any remaining supplies are depleted and public awareness programs have helped to collect remaining

supplies and largely curbed continued usage. Since the tributary area and connection to Alameda Creek Flood Control Channel would remain hydrologically the same after the project is implemented, there is a greater potential for treatment retention times, and the reduction of potential diazinon loading is continually reduced over time.

Response to Comment 31-42

This comment asks if the Department of Fish and Game (DFG) have been consulted and if they have approved the project as currently planned. The comment further inquires as to the required timing of the DFG approvals in relationship to the environmental document.

As described in Table 6-1 in Chapter 6, Agency Consultation, DFG was consulted during the preparation of the Draft EIR and was provided the opportunity to comment on the Draft EIR (refer to Comment Letter #1 in Chapter 2, Volume 2 of this Final EIR). Although ACTA is obligated to consider and respond to DFG's comments, DFG does not actually have to approve the entire project. Rather, as shown in Table 2-3 (in Section 2.4, Required Permits and Approvals, in Chapter 2, Volume 1 of this Final EIR), DFG is a permitting agency with permit authority only over that portion of the project related to disturbance to the Alameda Creek Flood Control Channel and Old Alameda Creek. These aspects of the project would require DFG to issue a Streambed Alteration Agreement under Section 1602 of the Fish and Game Code. Such an agreement would typically not be issued until after ACTA completes the CEQA process and approves the project. DFG and other permitting agencies may use the EIR in their decision-making process to issue permits.

The comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required.

Response to Comment 31-43

This comment regards the statement in Section 3.8, Land Use and Planning, that the project alignment has been reserved for roadway development since 1958. The commenter states that this is inaccurate because during the 1980s highway plans were rescinded, and this is misleading because residences within the Mission Lakes development (the Fremont community located between the project corridor and Isherwood Way) were built in the 1980s and purchased under the assumption that a highway would not be constructed in the corridor.

This comment is noted and will be forwarded to the project decision-makers for their consideration. The statement in Section 3.8 of the Draft EIR regarding the project corridor being reserved for a roadway since 1958 is correct, as the potential for a roadway to be built within the corridor has never been completely removed from consideration. In 1980, the California Transportation Commission

rescinded the state route designation for the corridor because at the time it could not identify funding to implement the planned realignment of State Route (SR) 84. However, Caltrans began reexamining use of the corridor for SR 84 realignment in 1984, after completion of the Dumbarton Bridge, and prepared a Route Concept Report in 1985. The following year, Measure B was approved by a majority of Alameda County voters, creating the Alameda County Transportation Authority (ACTA) and including in its list of projects a road connecting I-880 and SR 238. Please also note that in a discussion of the extension of SR 84 (referring to a prior iteration of this project) on pages 8-29 of the Fremont General Plan, it is stated “much of the right-of-way for such an extension has been reserved for many years.” While the California Transportation Commission’s rescinding of the route designation may have stalled a previous iteration of the project, this did not constitute a preclusion of any future roadway development within the corridor.

This comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required.

Response to Comment 31-44

This comment requests that text in Section 3.8, Land Use and Planning, be clarified to indicate that the undeveloped area in the corridor is surrounded by development.

The referenced sentence on page 3.8-2 of the Draft EIR was meant to state that the alignment itself is undeveloped. Please note that the following paragraph on page 3.8-2 states “the undeveloped land along Old Alameda Creek is surrounded by residential uses on both sides.” No changes to the Draft EIR are required.

Response to Comment 31-45

This comment requests that the Draft EIR be revised to identify how the project would compensate for loss of land designated in the Fremont General Plan as open space.

The Draft EIR acknowledges that the project alignment is designated Institutional Open Space by the Fremont General Plan. The General Plan does not specify a requirement to compensate for development of open space. It should also be noted that Fremont is a responsible agency under CEQA and per the Memorandum of Understanding signed with ACTA. Therefore, ACTA has coordinated with City of Fremont staff throughout the planning stages for this project. The City of Fremont staff also provided comments on the Draft EIR (Comment letters 8 and 9 in Chapter 2, Volume 2 of the Final EIR). As noted in the discussion of Fremont General Plan Goal LU-4 in Table 3.8-3, which has been revised in the Draft EIR pursuant to comments from the City of Fremont,

the project has been designed to conserve the character of the surrounding land to the greatest extent feasible, in conformance with this goal.

This comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required.

Response to Comment 31-46

This comment discusses the difference between how the issue of building a roadway through the project corridor is presented in the Fremont General Plan and how it is presented in the Union City General Plan.

Both the Fremont General Plan and the Union City General Plan are appropriately addressed in Section 3.8, Land Use and Planning. Refer to Chapter 3, Volume 1 of this Final EIR.

This comment does not pertain to the adequacy of the Draft EIR and no revisions to the Draft EIR are required.

Response to Comment 31-47

This comment expresses an opinion regarding the analysis of Fremont General Plan Goal LU-4 presented in Table 3.8-3 in Section 3.8, Land Use and Planning, of the Draft EIR. The comment states that the fact that the new roadway would have a low profile does not make it more compatible with the open space environment. The comment also expresses the opinion that the corridor's historical designation is irrelevant.

This opinion regarding the environmental analysis presented in the Draft EIR is noted. However, it does not require any additional response or any change to the Draft EIR.

In response to comments by the East Bay Regional Park District (refer to Response to Comment 6-6, the referenced discussion has been revised in the Draft EIR to state that the project has been designed to conserve the character of the surrounding land to the greatest extent feasible. Please note that in two comment letters from City of Fremont staff, no comments were submitted suggesting that the analysis of the project's consistency with the referenced goal was faulty. No additional revisions to the Draft EIR are necessary to address this comment.

Response to Comment 31-48

This comment expresses the opinion that the mitigation measures that will be incorporated into the project to reduce the impacts on sensitive biological habitat and wetland resources will not be effective in mitigating the impact.

This opinion regarding the environmental analysis presented in the Draft EIR is noted and will be considered by the project decision-makers. The wetland mitigation plan that is discussed pursuant to goal OS-2 in Table 3.8-3 was developed to provide adequate mitigation for the project's biological resources impacts, in conformance with requirements of the U.S. Army Corps of Engineers, California Department of Fish and Game, and the Regional Water Quality Control Board. By creating this wetlands mitigation plan, the intent is to enhance the function of Old Alameda Creek and, by association, its aesthetic appearance, thereby maintaining its value as a public natural area. For clarification, additional detail on the wetlands mitigation plan has been provided. Refer to Mitigation Measure BIO-7 and corresponding Figure 3.3-3 in Section 3.3 (Chapter 3, Volume 1 of the Final EIR).

No revisions to the Draft EIR are required.

Response to Comment 31-49

This comment expresses an opinion regarding the analysis of Fremont General Plan Objective OS-2.3 presented in Table 3.8-3 in Section 3.8, Land Use and Planning, of the Draft EIR. The comment states that building a roadway does not meet the objective to conserve natural areas within the City.

The statement in Table 3.8-3 referenced in this comment—that “the project alignment is not a unique natural resource area, as shown in Figure 9-3 of the Fremont General Plan”—is correct. Figure 9-3 of the Fremont General Plan shows Unique Natural Areas in Fremont's Flatlands, none of which are located in the project area. The opinion stated in this comment that “each natural area is [arguably] a ‘unique natural area,’” is noted, but this does not change the designations stated in the Fremont General Plan, which is at issue in the referenced table. Additionally, refer to Responses to Comment 31-45 and 31-48 regarding the project's conservation of the natural area to the greatest extent feasible.

No changes to the Draft EIR are required

Response to Comment 31-50

This comment expresses an opinion regarding the analysis presented in Table 3.8-3 of the Draft EIR pertaining to Fremont General Plan objective NR-13 to preserve views, and also implies criticism of Mitigation Measure AES-5 (Ensure

the Landscape Plan Precludes Extremely Tall Vegetation along the New Roadway Alignment between the Two Old Alameda Creek Bridge Crossings).

These opinions regarding the environmental analysis presented in the Draft EIR and Mitigation Measure AES-5 are noted. It is ACTA's intent to implement the project while providing ample landscaping in this area to reduce the project's visual intrusion, maintaining the "open space frame" to the greatest extent feasible. In response to comment 8-4 from the City of Fremont, Mitigation Measure AES-5 has been revised to indicate that ACTA will coordinate with the City of Fremont Planning Division in the preparation of the landscape plan, in order to ensure that species of trees or other vegetation types for this portion of the project will be selected to adequately screen the proposed roadway and soften the urban edge while also maintaining distant hillside views to the greatest extent possible.

No changes to the Draft EIR are required.

Response to Comment 31-51

This comment expresses an opinion regarding the analysis presented in Table 3.8-4 of the Draft EIR pertaining to Union City General Plan objective NHR-A1, and expresses the belief that the identified mitigation will not be adequate to mitigate the project's biological resources impacts, thereby conflicting with the referenced general plan goal.

These opinions regarding the environmental analysis presented in the Draft EIR and regarding the project's biological resources mitigation are noted. The analysis of the project's biological resources impacts was comprehensive and followed requirements and guidance of public agencies such as the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the Regional Water Quality Control Board, pursuant to common industry practice. Impact analysis included removal of habitat and placement of bridges over the creek features. The mitigation plan was generated pursuant to guidance from these agencies, and, in certain instances, has been developed to a greater level of detail for the Final EIR pursuant to agency comments on the Draft EIR. Therefore, the mitigation presented in Section 3.3 of the revised Draft EIR is sufficient for mitigating biological resources impacts, and the project does not conflict with Union City General Plan goal NHR-A.1.

No revisions to the Draft EIR are required.

Response to Comment 31-52

This comment seeks clarification on whether or not the project would provide compensation for its encroachment into Arroyo Park.

Section 3.11.3 of the Draft EIR presents a discussion of the project's impacts on Arroyo Park under Impact PSR-4. In that discussion, it is acknowledged that under Quarry Lakes Drive Realignment Option 2, Quarry Lakes Drive would encroach on the eastern limits of Arroyo Park, resulting in acquisition of approximately 21,353 square feet of parkland. A significant impact was identified due to the creation of a road in close proximity to park area. Mitigation Measure AES-4 (provision of a landscape plan to screen the roadway from the park), Mitigation Measure NOI-2 (community awareness program) (Mitigation Measure NOI-2), and Mitigation Measure TRA-1 (traffic control plan) address this impact. This impact was also identified in Table 3.8-4, which evaluated the project's consistency with the Union City General Plan. As stated in Table 3.8-4, ACTA would continue to coordinate with the Union City Department of Public Works and Planning Department as project design progresses, and would identify appropriate compensation for any parkland that is taken by the project alignment. For clarification, this statement has been added to the discussion of Impact PSR-4 in Section 3.11.3 (Section 3.11 in Chapter 3, Volume 1 of the Final EIR). The form of compensation has not yet been determined.

Response to Comment 31-53

This comment states an opinion regarding the differences in prior planning that was performed by Fremont and Union City.

This is a comment on the respective cities' planning policies and not on the adequacy of the Draft EIR or the project's environmental impacts. Therefore, no revision to the Draft EIR is necessary to address this comment.

Response to Comment 31-54

This comment suggests that the Draft EIR should have considered the noise impacts at the various levels of multilevel structures adjacent to the road.

Tables 3.9-5 and 3.9-9 in Section 3.9, Noise and Vibration, show the predicted traffic noise levels after completion of the project (Chapter 3, Volume 1 of the Final EIR). The results are representative of noise levels at both lower- and upper-level locations, as noise levels do not vary substantially depending on these elevations. Accordingly, the noise modeling results presented in the Draft EIR apply to both upper and lower levels. Please also note that discussion under Impact NOI-9 in Section 3.9.3 acknowledges that the soundwalls identified as mitigation for the project's significant direct impacts "would not be effective at reducing noise levels at upper levels facades of buildings," and identifies additional interior impacts at three locations. Mitigation Measure NOI-9 was provided to reduce these interior impacts to less-than-significant levels.

No revisions to the Draft EIR are required.

Response to Comment 31-55

The comment states that noise impacts are assessed only during construction periods and are not considered after the project is completed.

Section 3.9, Noise and Vibration, of the Draft EIR provides a detailed discussion of the project's traffic noise impacts and mitigation measures required to reduce these impacts to less-than-significant levels.

No revisions to the Draft EIR are required.

Response to Comment 31-56

This comment states an opinion that the project should be required to feature noise-reducing pavement throughout the roadway alignment, suggests that the project's second-level noise impacts were not addressed along the project corridor, and asks for clarification about funding for noise mitigation.

"Quiet" pavement is identified as a mitigation option in Mitigation Measure NOI-8 (Implement Traffic Noise Reduction Treatments [Soundwalls and Quiet Pavement] at the Affected Residences along the New Roadway between Alvarado-Niles Road and Mission Boulevard). A detailed evaluation would be conducted as part of the final design of the project to determine if the use of quiet pavement would be implemented. Traffic noise predictions presented in Table 3.9-8 include a location on Barnard Drive (ST-15). This predicted noise level is representative of the second story location, as well as ground level. As indicated in Table 3.9-8, the traffic noise impact at this location was determined to be less than significant based on the significance threshold identified for the project. Although the direct impact of the proposed project is considered to be less than significant at this location, the cumulative analysis concluded that the project would result in a cumulatively considerable contribution to cumulative noise at this location, as discussed in Section 4.1.2 of the Draft EIR. Mitigation was identified for this cumulative impact, but, because there are no specific mechanisms in place to fund mitigation for cumulative noise impacts, this impact is considered to be unavoidable.

No revisions to the Draft EIR are required.

Response to Comment 31-57

This comment implies that Mitigation Measure NOI-2 (Prepare a Community Awareness Program for Project Construction) is inadequate to mitigate noise and vibration impacts.

Not all impacts can be mitigated to a less- than-significant level, including some of the noise and vibration impacts; and these impacts have been determined *significant and unavoidable*. The significant and unavoidable impacts are fully disclosed in the Draft EIR in Chapter 3, Environmental Setting and Impact Analysis (Sections 3.1, 3.2, 3.9, 3.12), in Chapter 4, Other Analyses Required by CEQA (Section 4.4 Summary of Significant and Unavoidable Impacts), and in the Executive Summary (under Impacts of the Proposed Project and Alternative 1). Mitigation has been identified to reduce impacts to the extent possible and practicable. The community awareness program is an effort to help people anticipate the time these activities would occur because they would occur during a specific time for a limited duration. The community awareness program is not intended and does not presume to fully mitigate these impacts.

No revisions to the Draft EIR are required.

Response to Comment 31-58

This comment states that Table 3.9-1 in Section 3.9, Noise and Vibration, is incorrect because it does not indicate BART and train noise as a primary noise source for homes along Barnard Drive. The comment also suggests that most residences on this street do not have air conditioning to dampen noise effects, and would be adversely affected by the Quarry Lakes Drive realignment.

The measurements taken for the noise impact analysis, results of which are shown in Table 3.9-4, include all sources of noise that affect each location. Not all of the measurement locations are adjacent to the BART tracks. Accordingly, noise from BART and freight and passenger trains is not identified as a *primary* source at all locations, including along Barnard Drive (ST-15). This is not meant to indicate that rail-based noise is not received in this location. The data in Table 3.9-4 is considered to be accurate.

Section 3.9, Noise and Vibration, of the Draft EIR provides a detailed discussion of traffic noise impacts and potential mitigation. Impact analysis includes consideration of realigning Quarry Lakes Drive and its potential impacts on Barnard Drive. Mitigation Measure NOI-9 identifies the process through which the addition of forced air ventilation to residences would be considered. Because significant impacts are not anticipated along Barnard Drive, these homes would not be included in the air conditioning survey pursuant to Mitigation Measure NOI-9.

No revisions to the Draft EIR are required.

Response to Comment 31-59

This comment expresses concern over the noise modeling analysis and the assumptions of traffic noise for 2035, as presented in Table 3.9-5 and Table 3.9-9

of the Draft EIR, and seeks clarification on where noise monitoring devices were placed during monitoring activities for the project's noise analysis.

Noise modeling for project impact analysis was conducted by qualified professionals pursuant to accepted industry practices. The traffic noise modeling results presented in Table 3.9-5 and 3.9-9 in Section 3.9, Noise and Vibration, were determined using the results of noise monitoring conducted for the project, standard traffic noise modeling methods, and traffic data provided by the project traffic engineer. The predicted changes in traffic noise are consistent with the predicted changes in traffic volumes associated with the proposed project. The results in Tables 3.9-5 and 3.9-9 are considered to be accurate. Sound levels were measured in accordance with standard professional practice. Meters were placed 5 feet above the ground and at least 10 feet from large reflecting surfaces in areas that were actual outdoor use areas or representative of outdoor use areas. Meters were not tucked in corners to block noise.

No revisions to the Draft EIR are required.

Response to Comment 31-60

This comment expresses concerns regarding the effectiveness of soundwalls or berms to minimize sound levels, suggests that the soundwalls proposed as project mitigation would reflect noise up to 0.5 mile from the project site, and asks whether noise monitoring would be conducted before and after project implementation to ensure that additional project-related noise impacts are not occurring, beyond those identified in the Draft EIR.

Soundwall noise reflections can result in noise impacts at distant locations when receivers are elevated high above roadways in hilly environments. However, in this relatively flat setting, reflections from sound walls are not anticipated to result in significant increases in noise at distant locations. Regarding subsequent noise monitoring to determine actual noise levels generated by the roadway, this is not a requirement of CEQA, which requires a good-faith effort to analyze the project's environmental impacts and to mitigate those that are identified as significant impacts. The noise analysis presented in the Draft EIR accomplished this, and mitigation has been identified where necessary to reduce the project's significant impacts to less-than-significant levels. Additional monitoring after project implementation would not be conducted pursuant to the project's CEQA environmental review process.

No revisions to the Draft EIR are required.

Response to Comment 31-61

This comment suggests that Section 3.10, Population and Housing, of the Draft EIR should be augmented to include discussion of the circumstances under which

residences adjacent to the new roadway corridor were purchased and to consider the effects on residents' environment.

Population and housing, although not actual physical environmental resources, are typically addressed in CEQA documents. As stated in Section 3.10.2 of the Draft EIR, the analysis used significance criteria based on Appendix G of the State CEQA Guidelines. The criteria used in the analysis are whether the project would induce substantial population growth, displace a substantial amount of existing housing, or displace a substantial number of people. According to these criteria, impacts were found to be less than significant, and no mitigation would be required.

The section is not required to examine the circumstances under which adjacent residences were purchased. However, the remaining sections of the Draft EIR present a comprehensive analysis of impacts on the physical environment in the vicinity of the project, including impacts that would affect the residences in the vicinity of the project site.

No revisions to the Draft EIR are required.

Response to Comment 31-62

This comment states the proposed project would lead to a lowering of the property value of his home.

The comment is noted. However, CEQA does not require the analysis of economic impacts such as changes in property values. Impacts analyzed under CEQA must be related to a physical change in the environment Guidelines Section 15131 and 15358[b]). Economic and social impacts are not considered environmental impacts under CEQA, unless they would lead to an environmental impact. The physical impacts of the proposed project have been adequately addressed in the Draft EIR. ACTA will, however, consider any economic impacts, along with other impacts, in weighing its decision to approve or disapprove the project.

No changes to the Draft EIR are required.

Response to Comment 31-63

This comment states that the Draft EIR does not analyze the impact that this roadway would have on people using their automobile as opposed to taking transit in the (context of greenhouse gas emissions), and that the funds used to build an unnecessary roadway prohibit them from being used for transit infrastructure.

As described in Chapter 5, Project Alternatives, the Draft EIR evaluated three alternatives to the proposed project. This was a reasonable range of alternatives as required by CEQA. The proposed project, as well as Alternatives 1 and 2, assume that there will be some level of Transportation System Management (TSM), including transit usage, in the future, which would reduce the total amount of greenhouse gas (GHG) emissions over what there would have been without any TSM. Given the current and projected modal split between automobile and other forms of transportation, an all-transit alternative would not be feasible and was not included among those considered in the Draft EIR.

The comment about the project being unnecessary is noted. This comment relates to the merits of the proposal and does address not the adequacy of the Draft EIR. No changes in the Draft EIR are necessary. ACTA, will, however consider this comment when it makes its decision to approve or deny the project.

Response to Comment 31-64

This comment states that widening Decoto Road west of Paseo Padre Parkway would create a bottleneck, and that assumptions of time savings do not consider the numerous proposed traffic lights.

The comment implies that the segment of Decoto Road east of Paseo Padre Parkway should also be widened. As the commenter correctly points out in Comment 31-86, the widening of Decoto Road further east of Paseo Padre Parkway was rejected by both the cities of Fremont and Union City and is no longer under consideration.

The travel time estimates in the Draft EIR were prepared using the travel demand model, which, unlike the method proposed in Comment 3-68, does take route choices into consideration. The travel demand model assigns traffic to routes based on expected roadway speeds, and then calculates resulting speeds based on the amount of traffic that has been assigned to the roadway. The model then reassigns the traffic based on these “congested” speeds (i.e., as if motorists choose a different route the next day that they hope will be faster), and recalculates the speeds again. The model performs about 20 such iterations in order to balance delays, much in the same way motorists eventually select routes based on their day-to-day experience. Once all of the iterations have been run, the travel times from one point to another can be calculated for any scenario. This was done for several routes that were selected to provide a general overview of travel time improvements under the proposed project. Typically, the actual number of minutes of travel time output by a travel demand model might not be perfectly accurate, since such models are calibrated to volumes, not travel times, but the percent change from one scenario to another will accurately reflect whether a project provides benefits or not. Also refer to Responses to Comment 31-68 and 31-77.

The calculations presented in the comment are consistent with the results presented in the Draft EIR. No changes to the Draft EIR are required. The portion

of the comment expressing disapproval of the cost of the proposed project compared to the amount of travel time improvement is noted.

Response to Comment 31-65

This comment suggests that the noise analysis included an improper assumption that the proposed roadway's speed limit would be 35 miles per hour, and suggests that 40 to 50 miles per hour would be more appropriate.

The noise analysis was conducted assuming a speed limit of 35 miles per hour on the new road because that is the anticipated posted speed limit of the roadway, pursuant to direction from the project engineer. Please note that Appendix N of the Draft EIR provides additional detail on the methodology followed in the noise modeling for the project impact analysis (see page 12 of Appendix N). As stated in the methodology discussion, noise was modeled at 5 miles per hour above posted speed limits, in recognition of conditions observed during site surveys and in anticipation of conditions on the roadway.

No revisions to the Draft EIR are required.

Response to Comment 31-66

This comment asks if trucks were included in the noise analysis.

The predicted traffic noise levels include the effect of medium and heavy trucks in the vehicle mix, reflecting observed existing conditions in the area. Please note that Appendix N of the Draft EIR provides additional detail on the methodology followed in the noise modeling for the project impact analysis (see page 12 of Appendix N). This discussion mentions that the vehicle mix includes automobiles, medium trucks, and heavy trucks. The cities may elect to preclude heavy trucks from the new roadway, but impact analysis considered the presence of these trucks for purposes of providing a conservative analysis. For clarification, Section 3.9, Noise and Vibration, has been revised to clarify that the noise modeling considered a mixture of automobiles and medium and heavy trucks. Refer to Section 3.9, Chapter 3, Volume 1 of the Final EIR. If the cities decide to preclude heavy trucks from using the new roadway, the noise level is expected to be lower.

Response to Comment 31-67

This comment states that the Draft EIR does not analyze how the project would impact transit usage; and states that the new roadway would reduce transit usage at the Union City Multimodal Center.

The Draft EIR assesses the impact of the project on transit operations under Beneficial Effects of Proposed Project in Chapter 3.12, Transportation and Traffic (Chapter 3, Volume 1 of the Final EIR). The traffic assessment concludes that the system-wide reductions in delay and decrease in travel times expected to result from the project would benefit transit; as would improvements to pedestrian, bicycle, and vehicular access to the Intermodal Station. Any beneficial impact on transit operations should also benefit the level of transit usage.

No changes to the Draft EIR are required.

Response to Comment 31-68

The comment presents a travel time analysis prepared by this group showing an improvement of 4 to 4.5 minutes from Mission/Appian to Decoto/Fremont in Year 2015 and questions the expenditure amount in order to achieve this result.

Estimates of travel time changes with implementation of the project were not conducted using the method included in the comment. If that method were used, however, one should actually use the delays for each individual movement that represents the travel path being analyzed, and not the overall average delay at each intersection. If the delays for individual movements were used for the calculation instead of the overall average delays, along with the time it would take to travel from one intersection to the next, the improvement would be slightly more (estimated to be 5 to 6 minutes), but consistent with the results presented in the comment. Nevertheless, the percent improvement shown in the table provided with the comment indicates results consistent with the results in the Draft EIR for Year 2035 (46% reduction in travel time for both AM and PM peak hours). It is also reasonable to note that the 4- to 4.5-minute result (calculated for Year 2015) is for one vehicle for one hour on one day. If that improvement is applied to the thousands of vehicles traveling in both the morning and evening peak hours, and then applied for an entire year, and then to several years, the cumulative travel time savings for that one route alone would be quite large. It is also noted that the time savings can also extend to other roadways within the general project area due to an increase in transportation system capacity.

The travel time estimates in the Draft EIR were prepared using the travel demand model which, unlike the method proposed in the comment, does take route choices into consideration. The travel demand model assigns traffic to routes based on expected roadway speeds, and then calculates resulting speeds based on the amount of traffic that has been assigned to the roadway. Then it reassigns the traffic based on these “congested” speeds (i.e., as if motorists choose a different route the next day that they hope will be faster), and recalculates the speeds again. The model performs about 20 such iterations in order to balance delays, much in the same way motorists eventually select routes based on their day-to-day experience. Once all of the iterations have been run, the travel times from one point to another can be calculated for any scenario. In the case of this

project, this was done for several routes that were selected to provide a general overview of travel time improvements. Typically, the actual number of minutes of travel time output by a travel demand model might not be perfectly accurate, since such models are calibrated to volumes, not travel times, but the percent change from one scenario to another will accurately reflect whether a project provides benefits or not. Also refer to Response to Comment 31-77.

The calculations presented in the comment are consistent with the results presented in the Draft EIR. No changes to the Draft EIR are required. The portion of the comment expressing disapproval of the cost of the project compared to the amount of travel time improvement is noted.

Response to Comment 31-69

This comment expresses disbelief at the high delays reported in Table 3.12-6 for intersections along Paseo Padre Parkway.

As noted in footnote #1 in Table 3.12-6, delays reported for intersections with stop signs on side streets is for the worst-operating approach. For future traffic conditions on a major arterial such as Paseo Padre Parkway, it should not be surprising for the peak hour delays at these types of intersections to be high if the intersection remains unsignalized. Traffic along Paseo Padre Parkway (which is not required to stop at these locations) will increase and leave few gaps for traffic (especially left-turning) to enter Paseo Padre Parkway safely. However, in cases where the proposed project would install a new traffic signal (e.g., at Paseo Padre/Wyndham), the delay would be far lower because a traffic signal (coordinated with adjacent traffic signals) could serve traffic more efficiently.

No changes to the Draft EIR are required.

Response to Comment 31-70

This comment asks why intersections far from the project are included, and requests a more focused comparison of Fremont intersections to gauge whether the project is beneficial or not.

The intersections selected for evaluation in the Draft EIR were selected in consultation with staff from Caltrans and the cities of Fremont and Union City. The selection was based on a broad understanding of traffic patterns among those City staff members and the technical analysts on the EIR consultant team. The area covered by the study is intended to provide a complete picture of how the project may affect the existing transportation system, as required by CEQA.

At the beginning of each section describing intersection operations impacts (for 2015 and 2035), a brief summary of the project's impacts on intersection operations is provided. Text for Impacts TRA-4 and TRA-5 summarize

improvements and impacts for Year 2015, while text for Impacts TRA-6 and TRA-7 summarize the same for Year 2035. The extensive tables for each year are intended to fully disclose the results of the intersection operations analyses as required by CEQA. Refer to Section 3.12, Transportation and Traffic, in Chapter 3, Volume 1 of the Final EIR.

No changes to the Draft EIR are required.

Response to Comment 31-71

This comment asks whether the No Project analysis takes Transportation System Management (TSM) into account, and states that commuters will find alternative routes to avoid congestion.

Chapter 5, Project Alternatives, of the Draft EIR evaluated Alternative 2: Previously Studied Transportation System Management (TSM) that considered numerous improvements to the existing roads. The traffic forecasts presented in the Draft EIR are projected using a region-wide travel demand forecasting model, which already accounts for shifts in travel patterns that may change as a result of increased congestion as discussed in the comment. Additional information on traffic forecasting procedures is also provided in Appendix Q of the Draft EIR.

No changes to the Draft EIR are required.

Response to Comment 31-72

This comment questions the accuracy of estimates for delays at left turns, and mentions the intersections of Appian Way/Mission Boulevard and Paseo Padre Parkway/Decoto Road as examples. The commenter wants to know the source of these “estimates.”

The results of a study of traffic conditions at 31 intersections on the existing route of the proposed project, including the two intersections mentioned in the comment, are presented in Appendix P (Technical Memorandum, Existing Conditions Intersection Level of Service Analysis Results) of the Draft EIR. The study was conducted by Dowling Associates, Inc. No changes to the Draft EIR are required.

Response to Comment 31-73

The comment states that Table 3.12-6 should be made easier for a lay person to understand.

It is acknowledged that Table 3.12-6 presents a lot of information, but every effort was made to present the information as clearly as possible, including clear labeling of the information, and the shading of level of service (LOS) results that indicate significant impacts.

No changes to the Draft EIR are required.

Response to Comment 31-74

This comment states that it is difficult to understand how the project will result in an improvement at the intersections of Decoto/Paseo Padre and Decoto/Fremont.

The traffic forecasts presented in the Draft EIR were projected using a region-wide travel demand forecasting model, which already accounts for shifts in travel patterns, either toward or away from the project corridor, that are expected to result from the project. The forecasting methods applied for the Draft EIR analysis reflect standard industry procedures. Additional information on traffic forecasting procedures is provided in Appendix Q (Technical Memorandum, I-880-SR238 East-West Connector Traffic Forecasts) of the Draft EIR. Improvement projected at Decoto/Paseo Padre and Decoto/Fremont reflects the traffic forecasts that were completed using these standard methods, and also the additional capacity that would be provided at these locations as part of the project.

No changes to the Draft EIR are required.

Response to Comment 31-75

This comment states that this project will cost more than \$220 million in order to improve traffic conditions in the area, and that in 6 years, 18 intersections will have worse traffic conditions as a result of the project.

This comment pertains to the economic merit of the proposed project and not to the adequacy of the Draft EIR or ACTA's compliance with CEQA. CEQA does not require the analysis of economic impacts. Impacts analyzed under CEQA must be related to a physical change in the environment (Guidelines Section 15131 and 15358[b]). Economic and social impacts are not considered environmental effects under CEQA, and need only be evaluated if they would lead to a physical environmental impact. The physical impacts of the proposed project have been adequately evaluated in the Draft EIR. No changes to the Draft EIR are required. However, ACTA will consider the economic impacts, as well as other issues not identified under CEQA, in weighing its decision to approve or disapprove the project.

Response to Comment 31-76

This comment notes that there appear to be large traffic increases in traffic between Years 2015 and 2035, and asks if development leading to such large increases is actually likely to occur.

The Draft EIR provides the basis for development assumptions in the Methodology subsection of Section 3.12.3, and also in Appendix Q, which describes how the traffic forecasts were developed. The comment is correct in stating that large traffic increases are expected between 2015 and 2035. The Alameda County Congestion Management Agency (ACCMA) travel demand model used to develop the forecasts for this project uses land use data (population, number of households, number of jobs) that were projected by the Association of Bay Area Governments (ABAG) and the San Joaquin Council of Governments (for San Joaquin County). These data are updated periodically to reflect the most current economic and demographic trends and expectations. These projections represented the best information available at the time the traffic forecasts were prepared. The methodology used fully complies with CEQA requirements and guidelines.

No changes to the Draft EIR are required.

Response to Comment 31-77

This comment expresses an opinion that the estimated improvements in future travel times from No Project to With Project conditions are too large, and asks for clarification of what is meant by “all routes” between the origin-destination pairs are affected.

The travel time estimates in the Draft EIR were prepared using the travel demand model, which takes into consideration several factors, including route choices. The travel demand model assigns traffic to routes based on expected roadway speeds, then calculates resulting speeds based on the amount of traffic that has been assigned to the roadway. Then it reassigns the traffic based on these “congested” speeds (i.e., as if motorists choose a different route the next day that they hope will be faster), and recalculates the speeds again. The model performs about 20 such iterations in order to balance delays, much in the same way motorists eventually select routes based on their day-to-day experience.

An example of what is meant by the change in travel time affecting all routes between two points is described below:

Consider the origin-destination pair in Table 3.12-9 of Mission/Niles Canyon to SR84, west of I-880 (AM peak hour). Following are several routes on which the travel demand model may assign traffic for the No Project case.

- North on Mission, left on Decoto, Decoto to SR84

- North on Mission, left on Nursery, right on Niles, left on Decoto, Decoto to SR84
- Through onto Niles Road, left on Decoto, Decoto to SR84
- South on Mission, right on Mowry, right on Peralta, right on Fremont, left on Thornton, right onto northbound I-880, exit to Decoto, left on Decoto, Decoto to SR84

For the With Project case in this example, the potential routes would be the same, plus the following.

- North on Mission, left onto the New Road, right on Paseo Padre, left on Decoto, Decoto to SR84
- North on Mission, left onto the New Road, right on Niles, left on Decoto, Decoto to SR84
- Through onto Niles Road, left onto the New Road, right on Paseo Padre, left on Decoto, Decoto to SR84

Within each scenario (No Project, With Project), the model would assign traffic to some or all of the routes, then compare the resulting travel times, then add traffic to the faster routes and subtract traffic from the slower routes. At the end of the 20 iterations of this balancing of traffic volumes and travel times, all of the routes with traffic between this origin and destination in the No Project case would have about the same travel time, and all of the routes in the With Project case would have about the same travel time. The No Project and With Project travel times are then compared in the tables in the Draft EIR to show if there is an improvement or not.

Typically, the actual number of minutes of travel time output by a travel demand model might not be perfectly accurate, since such models are calibrated to volumes, not travel times, but the percent change from one scenario to another will accurately reflect whether or not a project provides benefits.

No changes to the Draft EIR are required.

Response to Comment 31-78

This comment states that construction was done at the Decoto/Alvarado-Niles intersection since the existing conditions were analyzed, and asks that the analysis be redone to reflect the new conditions.

Refer to Response to Comment 11-1.

Response to Comment 31-79

This comment states that intersections along Decoto Road are outside of the scope of the project and that nonlocal traffic would add to already congested conditions.

The proposed project includes widening of Decoto Road between Cabrillo Court and Paseo Padre Parkway. It includes the construction of one new traffic signal at Brookmill and coordination of that and the existing traffic signals. The comment that the four intersections along Decoto Road are out of the scope of the project is incorrect. Section 3.12, Transportation and Traffic, of the Draft EIR disclosed all potential impacts on existing intersections as requested in the comment.

CEQA does not require the analysis to distinguish whether the traffic is local or nonlocal. However, the travel demand model used for the future traffic forecasts was further analyzed to determine the proportions of local and regional trips. Local trips were defined as any trip starting or ending within the study area (northern Fremont, Union City, or Newark), with regional trips defined as trips both starting and ending outside of the study area but passing through the study area. It is noted that south Fremont traffic is considered regional for the purpose of this analysis. Following are examples of these trip types.

- Local – A person lives in northern Fremont and drives to work in Union City
- Local – A person lives in Pleasanton and drives to work in Newark
- Regional – A person lives in Hayward and Drives to work in Milpitas

The analysis showed that about 75% of all trips in the study area were local trips, and that the No Project and With Project conditions had the same proportions of local versus regional trips.

No changes to the Draft EIR are required.

Response to Comment 31-80

This comment states that the Draft EIR does not consider making greater improvements to existing roadways, rather than constructing a new roadway section. Specifically, the study does not include a comparison of benefits and costs between continuing three lanes each way further from Isherwood Way to Decoto Road, versus the new roadway, on improving congested intersections.

The comment seems to suggest that there is a new roadway on the east side of Paseo Padre Parkway but was unclear about the terminus, number of lanes, and layout of that new roadway. Therefore, it is not possible to formulate a response. The comment further suggests that the project should have investigated the widening Paseo Padre Parkway from Decoto Road to Isherwood Way to three lanes in each direction, rather than just providing intersection improvements. As

a point of clarification, the proposed project includes both the three-lane widening and intersection improvements, as stated in Section 2.2 of the Draft EIR (Chapter 2, Volume 1 of the Final EIR).

No changes to the Draft EIR are required.

Response to Comment 31-81

This comment questions the validity of the travel demand forecasts because of a belief that the addition of an alternative route in the study area was not taken into consideration by the model.

Trips generated within the travel demand model are based on land use and demographic data from the entire Bay Area. These characteristics are fixed in this type of model, and would not be expected to change with the introduction of a short segment of new roadway and widening of another two roadways. That is, if there are households with employed residents in City A and jobs in City B, there will be the same demand for home-to-work and work-to-home travel between Cities A and B in the No Project and With Project scenarios.

The travel mode and facilities on which the travel takes place do change from No Project to With Project model runs. The demand model does consider changes in travel time introduced by a new roadway facility when assigning trips to travel by automobile or other mode; and, if traveling by automobile, the model assigns those trips onto various roadways based on the fastest route between each trip's endpoints.

The Draft EIR presented extensive analysis on traffic in Section 3.12, Transportation and Traffic, based on assumptions and methodology clearly described (Chapter 3, Volume 1 of the Final EIR). The traffic impact analysis was prepared in accordance with state CEQA guidelines, requirements, and standard practices.

No changes to the Draft EIR are required.

Response to Comment 31-82

This comment expresses concern that the proposed project would encourage more traffic to travel through Niles Canyon.

Appendix Q (Technical Memorandum, I-880-SR 238 East-West Connector Traffic Forecasts) in the Draft EIR includes plots from the travel demand model for Year 2035 conditions. These plots show that the model expects traffic on Niles Canyon Road to be about the same for No Project and With Project conditions in 2035. The volume projections for the With Project case are actually slightly lower than the No Project case, but are close enough that a reasonable

interpretation of the difference is that the travel demand on this road would be the same for both scenarios.

No changes to the Draft EIR are required.

Response to Comment 31-83

This comment questions the accuracy of Union City's plans for growth.

The Draft EIR was based on the adopted Union City General Plan. The comment does not pertain to the adequacy of the Draft EIR and no revisions to the Draft EIR are required.

Response to Comment 31-84

In Section 5.3.3 Historic Parkway (Chapter 5, Project Alternatives, of the Draft EIR), the text states "there was substantial community opposition to this alternative primarily for the portion of the new roadway that extended diagonally between Paseo Padre Parkway and Decoto Road near I-880". The comment states that a vast majority of the citizens who opposed the project were against the portions of the new roadway that went through Fremont, including the new roadway on both the west and east of Paseo Padre Parkway.

For clarification, the following revisions have been made to this text. "...there was substantial community opposition to this alternative primarily for the portion of the new roadway that extended through Fremont between Alvarado-Niles Road and Decoto Road near I-880."

Response to Comment 31-85

This comment is in reference to Table 5-10, Comparing Project Objectives (Chapter 5 of the Draft EIR), and the objective to "improve access to transit facilities and businesses in the vicinity." The comment states that it is obvious the project is aimed at meeting Union City's perceived transportation needs; however, the roadway goes through Fremont and impacts only Fremont residents. The comment also states that a route going through only Union City is needed.

As stated in Table 5-10, the project would improve access to businesses (referring to businesses in both Fremont and Union City) and the Union City BART station, which is the closest major transit center to the project alignment and serves both Union City and Fremont residents. As the primary project objective states, the project is aimed at improving the transportation network in both Fremont and Union City.

ACTA disagrees that the roadway goes through Fremont and impacts only Fremont residents. As shown in Figures ES-1 and 1-1, most of the new roadway extends through Union City and past more Union City residential areas than Fremont residential areas, so one could argue that Union City residents are affected more than Fremont residents.

The comments do not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required.

Response to Comment 31-86

This comment states that Alternative 1: Historic Alignment in Union City (as described in Section 5.4.1 of Chapter 5, Project Alternatives, in the Draft EIR) appears to be missing the segments of Alvarado-Niles Road to Decoto to I-880. The comment also states this alternative was studied by ACTA in 2003 and that ACTA, Fremont, and Union City agreed to drop this alternative from further consideration.

Alternative 1: Historic Alignment in Union City in the Draft EIR is not the same alternative analyzed previously. Alternative 1 is only 0.57 mile (3,000 feet) of new roadway extending from Mission Boulevard to Alvarado-Niles Road, and it does not include widening Alvarado-Niles Road or extending further into Union City. As stated in Section 5.1.3, Requirements of the Memorandum of Understanding, ACTA and the two cities agreed to study the “historic alignment in Union City up to Alvarado Niles Road.” This is Alternative 1.

Response to Comment 31-87

This comment states that the Citizens for Neighborhood Integrity are opposed to the proposed project. It also states that Alternative 1 would be acceptable because impacts would remain in the city that would primarily benefit from the proposed project, namely Union City.

The comment regarding opposition to the proposed project is noted. No specific concerns with the Draft EIR or analysis have been identified. Therefore, no changes to the Draft EIR are required. ACTA will, however, consider this comment in making its decision to approve or deny the project.

Response to Public Hearing Testimony P1, Meeting Held in Union City, CA, January 14, 2009

Response to Comment P1-1

This comment, made by John Shelton, states that the congestion caused by lack of a throughway affects commerce, commute times, gasoline, and air quality. The improvement is needed because of population growth and increased density of residential development in the area. This comment also expresses the commenter's support for the proposed project.

The comment regarding support for the proposed project is noted.

This comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required. ACTA will, however, consider the comment when it makes its decision to approve or deny the proposed project.

Response to Comment P1-2

This comment is made by David Garges and states that the commenter and his wife would like the medians on Whipple to Decoto on Mission Boulevard and on Decoto up to the Fremont city limit to be landscaped, and the power poles along Mission Boulevard buried. This comment also states that the commenters want the proposed project to be done.

The comments regarding landscaping, burying utility lines, and support for the proposed project are noted. The section of Decoto Road that the comment suggests should be landscaped is not part of the proposed project. Burying utility lines is not part of the proposed project or within the project envelope.

This comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required.

Response to Comment P1-3

This comment is made by Robert Czerwinski and states that the Citizens for Neighborhood Integrity are opposed to the proposed project.

The comment regarding opposition to the proposed project is noted.

This comment does not pertain to the adequacy of the Draft EIR and no changes to the Draft EIR are required. ACTA will, however, consider the comment when it makes its decision to approve or deny the proposed project.

Response to Comment P1-4

This comment is made by Robert Czerwinski and requests the future travel time from I-880 to Mission Boulevard for both the interim year (just after construction) and Year 2035.

Using the same methodology as reported in the Draft EIR for several other origin-destination pairs (the travel demand model), the requested PM peak hour (the heavier peak hour for this direction), travel times are shown below:

Year	No Project	With Project	
	I-880 to Mission via Decoto	I-880 to Mission via Decoto	I-880 to Mission via Decoto, Paseo Padre, and New Roadway
2015	16	10	9
2035	58	33	32

The travel times from the model for this specific origin-destination pair show an improvement of 6 to 7 minutes (38 to 44%) in 2015 and 26 to 27 minutes (45 to 47%) in 2035. These travel time savings are consistent with the other travel time savings presented in the Draft EIR.

No changes to the Draft EIR are required.

Response to Public Hearing Testimony P2, Meeting Held in Fremont, CA, January 15, 2009

Response to Comment P2-1

This comment is made by Rangin Khattak and inquires about the cost of the truncated version of the proposed project, comparing Alvarado-Niles Road to Decoto Road versus Alvarado-Niles Road to Paseo Padre Parkway. The comment asks what the advantage is of the Paseo Padre Parkway to Decoto intersection versus going through Alvarado-Niles all the way to Decoto, making the .5-mile road that costs \$213 million and has lots of environmental impacts.

In the Draft EIR, Alternative 1 (which would construct a .57-mile new roadway from Mission Boulevard to Alvarado-Niles Road, within the Union City limits) is called a truncated version of the proposed project, and it does not include widening of existing roadways Alvarado-Niles Road, Decoto Road, or Paseo Padre Parkway. The cost of Alternative 1 is estimated at \$128 million. The Alvarado-Niles Road – Decoto Road alignment mentioned in the comment was considered and rejected by both the cities of Fremont and Union City because of right-of-way and other impacts. As such, that is not being considered as an alternative.

The comment is about the merits of the proposed project. The comment does not pertain to the adequacy of the Draft EIR and no revisions to the Draft EIR are required. ACTA will, however, consider the comment when it approves or denies the proposed project.

Response to Comment P2-2

This comment is made by Rangin Khattak and states that it doesn't make sense to spending \$210 million for .5 mile of new roadway that results in environmental disturbance compared to using the existing roadways, from Alvarado-Niles Road to Decoto Road.

This cost mentioned in the comment is incorrect but nevertheless, the concern over the cost of Alternative 1 is noted. As described in Chapter 5, several options have been considered, including widening existing roadways.

The comment is about the merits of the proposed project and Alternative 1. The comment does not pertain to the adequacy of the Draft EIR and no revisions to the Draft EIR are required. ACTA will, however, consider the comment when it approves or denies the proposed project.

