Chapter 1
Introduction

1.1 Introduction

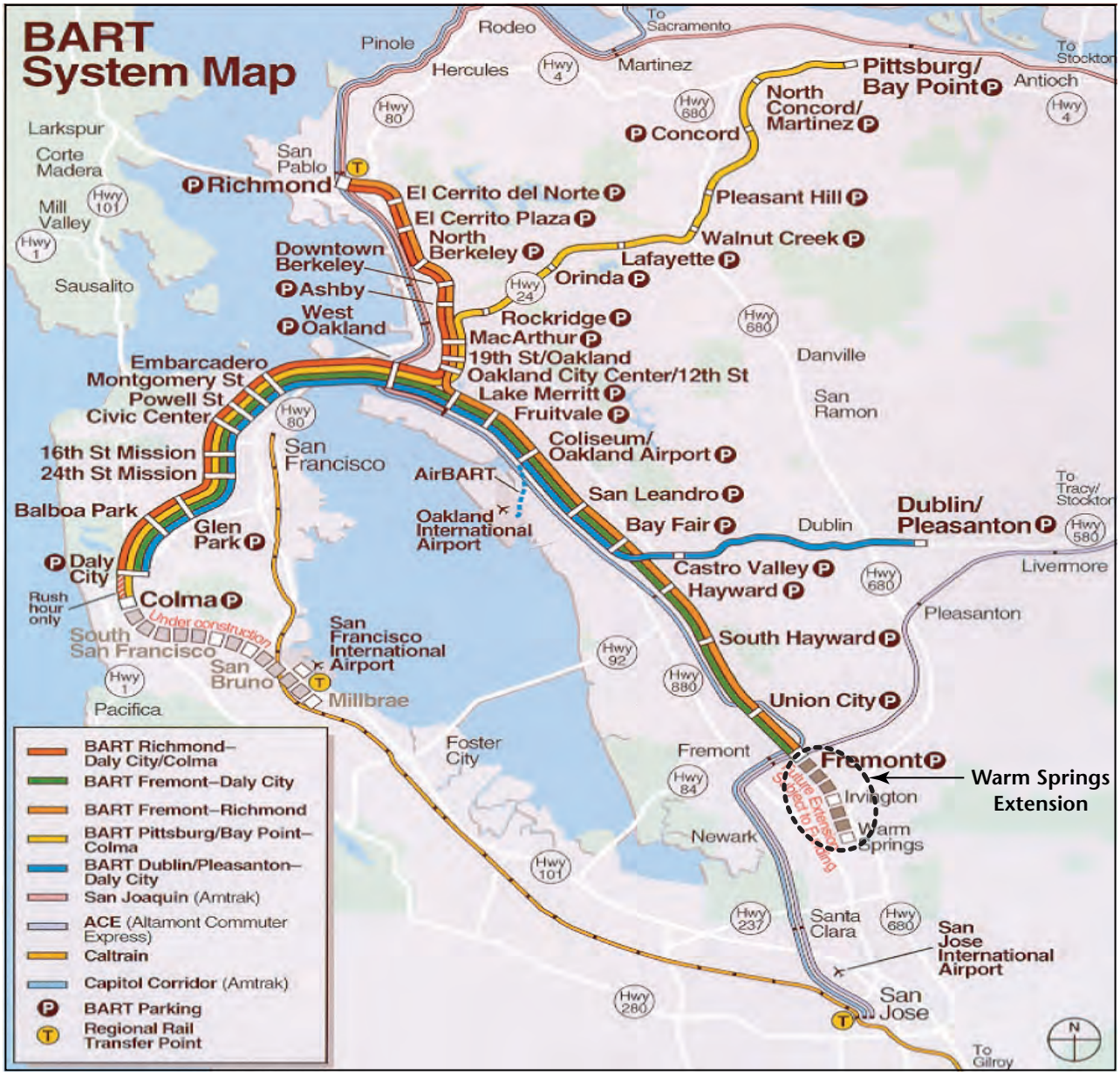
This document is a supplemental environmental impact report (SEIR), prepared in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.), and the State CEQA Guidelines (California Code of Regulations 15000 et seq.) (referred to herein as CEQA Guidelines). CEQA and the CEQA Guidelines are referred to herein collectively as CEQA. This SEIR is a supplement to the *BART Warm Springs Extension Environmental Impact Report* that was certified on September 15, 1992. The SEIR is an informational document intended to inform the San Francisco Bay Area Rapid Transit District (BART) Board of Directors, public agencies, and the public about the potentially significant environmental effects that may result from implementation of the BART Warm Springs Extension (WSX) (herein called the Proposed Project). See Section 1.6 for an explanation of the relationship of this SEIR to the EIR certified in 1992.

The environmental analysis incorporated herein identifies the environmental impacts of an extension of the BART system in the City of Fremont (Fremont), from its current terminus in central Fremont to the Warm Springs district of Fremont. Once certified, this SEIR will provide the basis for BART to adopt a project. This analysis will support the development of an effective mitigation program for site-specific mitigation of potentially significant environmental impacts, and provide information to interested members of the public and public agencies about modifications to the 1992 Adopted Project and various potential impacts resulting from the modified project. Through the formal public review process, the public and various organizations and agencies will have an opportunity to comment on this document. Other agencies may also use this SEIR as part of the process of issuing approvals or permits prior to construction.

1.2 Project Overview

BART has been in operation since 1972 and currently operates in four Bay Area counties: San Francisco, Alameda, Contra Costa, and San Mateo. The most recent extensions to the BART system are the extensions to Dublin/Pleasanton in eastern Alameda County, to Pittsburg/Bay Point in eastern Contra Costa County, and to Colma in San Mateo County. BART is currently completing construction on a four-station extension from Colma to the San Francisco International Airport in San Mateo County, with a terminus in Millbrae, California.

In southern Alameda County, BART operates service to downtown Fremont. The Fremont service currently terminates at the Fremont BART Station, which is near the Fremont Civic Center area. The entire existing BART system is shown in Figure 1-1.



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Source: Bay Area Rapid Transit 2003.

Figure 1-1
BART System Map

In response to public policies and support for the extension of BART in southern Alameda County, BART is proposing a 5.4-mile extension of the BART system south from the existing Fremont Station to a proposed new station at Warm Springs. This proposed extension is the Proposed Project analyzed in this SEIR. The Proposed Project also includes an optional station at Irvington.

1.3 Project Background

In the early 1990s, BART developed a project and conducted an environmental review pursuant to CEQA to extend BART service from the current terminus at the Fremont BART Station through Fremont to the Warm Springs district. The BART Warm Springs Extension project was originally developed in response to growth projections for the project area that indicated a need for consideration of alternative travel modes to better meet current and anticipated travel demand in combination with limitations on the expandability of the regional freeway network. The project was also intended to respond to several specific policy mandates for improved transit service.

- The BART Extension Staging Policy citing the Warm Springs Extension as a priority inside-current-district Phase I extension project to be advanced concurrently with all other Phase I extensions.
- Metropolitan Transportation Commission's (MTC's) inclusion of BART as a programmed project in its New Rail Transit Starts and Extension Program (MTC Resolution 1876 as amended).
- Voter-approved and sanctioned Measure B sales tax in Alameda County.
- Naming of BART as a Transportation Control Measure in MTC Resolution 2131 – Transportation Contingency Plan of the 1982 Air Quality Plan.
- Boatwright Law (Senate Bill [SB] 1715/Chapter 1259 of 1988) directing BART to commence construction of extension to Warm Springs subject to funding and environmental approvals.

The Proposed Project would provide a key segment in the Bay Area's regional rail transportation network linking the East Bay, the South Bay, and San Francisco, by providing an integrated system connecting BART, Alameda–Contra Costa Transit (AC Transit), and Santa Clara Valley Transportation Authority (VTA). Highway and freeway expansion to respond to the need for improved regional access is also possible, but severe limits exist. The California Department of Transportation (Caltrans) estimates that Interstate 880 (I-880), the primary north-south freeway in the area, could be expanded from the present 4- to 6-lane roadway to an 8- to 10-lane roadway. However, future demand is expected to exceed this capacity by as much as 6 additional lanes, and this scale of expansion is not feasible. Such limitations on the expandability of the regional freeway network, combined with growth projections for the area, require consideration of alternative travel modes to better meet current and anticipated travel demand. Improved transit service could better balance local and regional transportation demand now and provide increased transportation capacity for future growth in area-wide employment and population.

In 1991, BART prepared an environmental impact report (EIR) for the WSX (San Francisco Bay Area Rapid Transit District 1991a, 1991b).

1.3.1 1992 Adopted Project

On September 15, 1992, the BART Board of Directors certified the *BART Warm Springs Extension Final Environmental Impact Report* and adopted a project consisting of a 5.4-mile, two-station extension of the BART system, with stations at Irvington and Warm Springs. This project is referred to as the 1992 Adopted Project and is briefly described in the following paragraphs. The 1992 Adopted Project was not constructed because sufficient funds were not available at that time.

As proposed, the alignment of the 1992 Adopted Project (identified as Alternative 5, Design Option 2A, in the 1992 EIR) would have begun at the existing elevated Fremont BART Station and extended southeasterly. The alignment would have followed an aerial alignment through Fremont Central Park that skirted the eastern edge of Lake Elizabeth. The alignment would have continued on an aerial structure over the former Southern Pacific (SP) railroad track, curved south between the former SP railroad track and the former Western Pacific (WP) railroad track,[1] and crossed over Paseo Padre Parkway. The alignment would have then transitioned to a below-grade[2] crossing under Washington Boulevard to arrive at the Irvington Station.

From the Irvington Station, the alignment would have risen to grade[3] and remained at grade over the Blacow Road underpass and under the Auto Mall Parkway overpass. From Auto Mall Parkway, the alignment would have risen to an embankment and an aerial structure to cross the former WP railroad track at Grimmer Boulevard and continued above grade to the elevated Warm Springs Station. The alignment would have then transitioned to grade, and would have had approximately 3,000 feet of tail track[4] south of the Warm Springs Station.

The 1992 Adopted Project also included a subway design option (identified as Design Option 2S in the 1992 EIR) that would have substituted a subway alignment under Fremont Central Park for the aerial alignment proposed as Design Option 2A. The BART alignment under this design option would have emerged from the subway structure, crossed the former SP track, and continued between the former SP track and the former WP track. The 1992 Adopted Project alignment is shown in Figure 1-2.

1.3.2 Subsequent History of the Project

Following adoption of the project and certification of the WSX EIR in 1992, BART initiated preliminary engineering for the 1992 Adopted Project. In 1992, the *Santa Clara BART Extension Alignment Alternatives Feasibility Study* was prepared. The study analyzed alignments along the Union Pacific Railroad (UP) and SP railroad tracks extending southerly from Fremont to Santa Clara County. The study identified a BART alignment in the UP right-of-way as the recommended alternative. (UP acquired Western Pacific in 1982. In 1996, UP acquired SP. Consequently, UP currently owns all the railroad tracks within the corridor that was analyzed in the 1992 study.)

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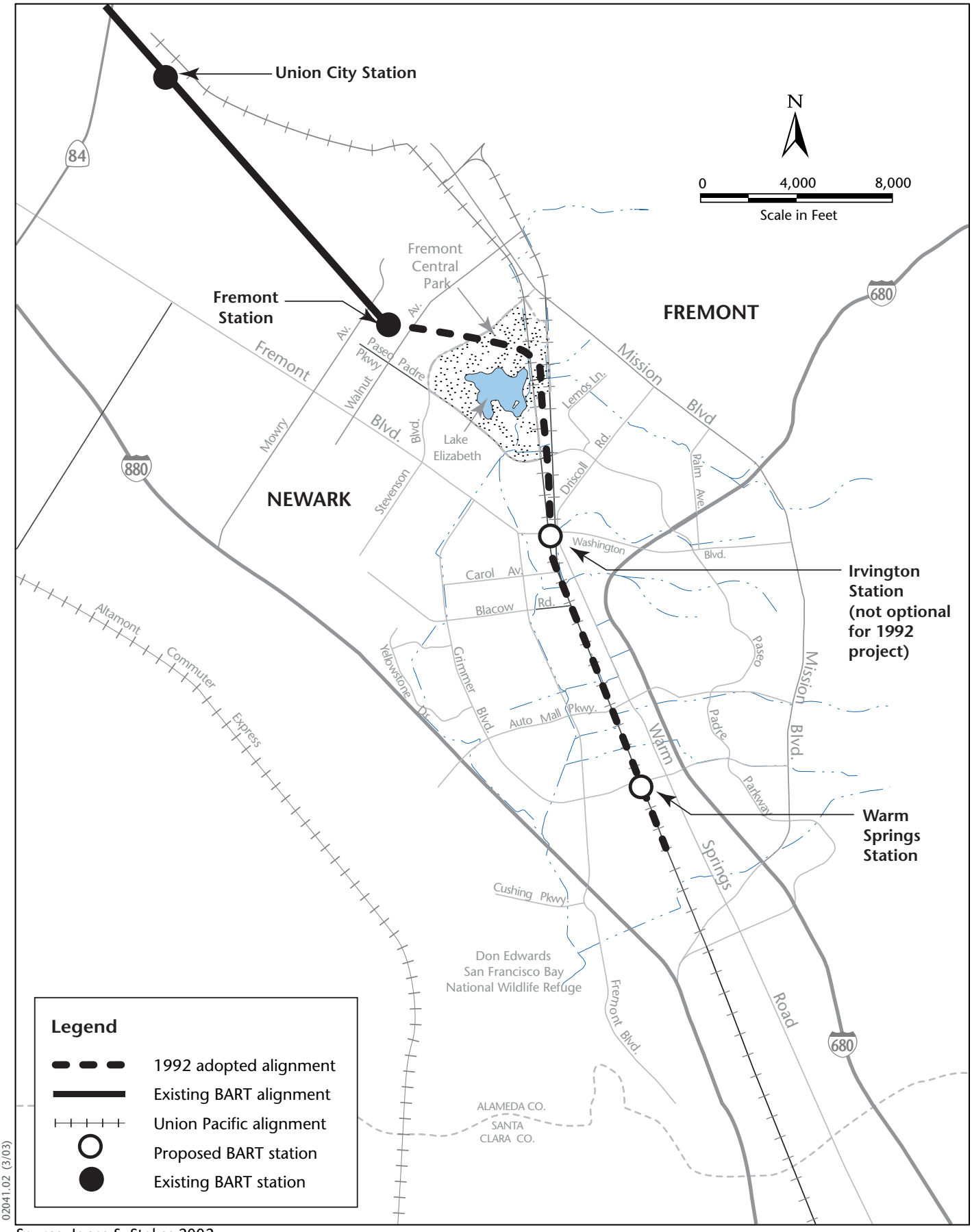
[1] Currently, Union Pacific Railroad (UP) operates both sets of tracks in the railroad corridor. For clarity in this SEIR, the railroad tracks on the eastern side of the UP right-of-way will be referred to as the former WP tracks, and the railroad tracks on the western side of the UP right-of-way will be referred to as the former SP tracks.

[2] *Below grade* refers to the location of a structure or transit guideway below the level of the ground surface.

[3] *Grade* and *at grade* refer to the location of a structure or transit guideway at the same level as the ground surface or on a moderate surface embankment.

[4] *Tail track* refers to track(s) behind the last station used for reversing trains and train storage.



Source: Jones & Stokes 2002.

Figure 1-2
1992 Adopted Project

When the WSX EIR was certified in 1992, Fremont did not support the recommended project alternative (Alternative 5, Design Option 2A, in the 1992 EIR), which included an aerial alignment over Lake Elizabeth in Fremont Central Park. Fremont did support the alternative that included a subway alignment under Lake Elizabeth (Design Option 2S in the 1992 EIR). Sufficient funds were not available to construct either alternative. However, because of public support for the extension of rail transit service from Fremont to Santa Clara County, BART continued to consider the possibility of an extension from Fremont to Warm Springs and other transit agencies continued to study the regional corridor.

In 1994, MTC prepared the *Fremont-South Bay Corridor Report*, which analyzed several alternatives for transit service in the regional corridor, including a BART alignment. In 2000, BART and VTA collaborated in preparing the *BART Extension Study from Fremont to Milpitas, San Jose and Santa Clara*, which again examined a BART alignment along the UP right-of-way. Based on these two studies and enabled by funding from the Santa Clara County 1996 Measure B sales tax transportation improvement program, VTA began negotiations with UP to purchase the UP right-of-way to preserve it for future transportation use. In 2000, Alameda County voters reauthorized the transportation sales tax (Measure B), which has made sufficient funding available for a one-station BART extension project. VTA purchased the UP right-of-way in December, 2002. The project defined in the extension study is the subject of this SEIR.

1.4 Description of the Proposed Project

The alignments of both the 1992 Adopted Project and the 2003 Proposed Project generally parallel portions of the UP tracks and Interstates 680 and 880 in southern Alameda County. The initial segment of the Proposed Project alignment would begin on an embankment at the southern end of the existing Fremont BART Station. The alignment would pass over Walnut Avenue on an aerial structure and descend into a cut-and-cover subway[5] north of Stevenson Boulevard. The alignment would continue southward in the subway structure under Fremont Central Park and the eastern arm of Lake Elizabeth, and surface to at grade between the former WP and SP railroad alignments north of Paseo Padre Parkway. The new alignment would pass over Paseo Padre Parkway on a bridge structure, and then continue southward at grade, passing under a grade-separated[6] Washington Boulevard. From Washington Boulevard south to Prune Avenue, the Proposed Project alignment would continue at grade along the former WP alignment. Near Prune Avenue, the alignment would bear to the east and continue south, crossing over South Grimmer Boulevard, to the end of the Proposed Project (just south of the Warm Springs Station). The Proposed Project also includes an optional station at Irvington.

As compared to the 1992 Adopted Project, the Proposed Project is at grade for a much greater portion of the alignment. With the exception of the Central Park portion of the alignment, which is

[5] *Cut-and-cover* refers to a method of building subways in which a trench is excavated, a concrete box structure through which trains will pass is constructed in the trench, and the box structure is covered with soil to return the ground level to its preexisting condition.

[6] *Grade separated* describes an intersection where two modes of transportation (e.g., rail tracks and a highway) cross each other at different levels to permit unconstrained operation. This grade separation is a City of Fremont project, further described in Chapter 2 (*Project Description*), Section 2.2.2.

underground rather than aerial, the Proposed Project would be constructed at grade. Figure 1-3 compares the alignments of the 1992 Adopted Project and the 2003 Proposed Project.

A detailed project description is provided in Chapter 2 (*Project Description)*.

1.4.1 Area Studied for the Proposed Project

For the purpose of this SEIR, the area studied is the area surrounding the Proposed Project corridor that potentially could be affected by project operation and construction activities. The area studied for the Proposed Project is bounded by the existing Fremont BART Station to the north, the Alameda County line to the south, the East Bay hills to the east, and the San Francisco Bay to the west. The area studied is shown in Figure 1-4. The area shown in Figure 1-4 was considered in the process of making the determinations of appropriate study areas for each resource. As described in Section 3.1 (*Introduction to Environmental Analysis*), those determinations were based on the relevant characteristics of the individual resources.

1.4.2 Proposed Project Corridor

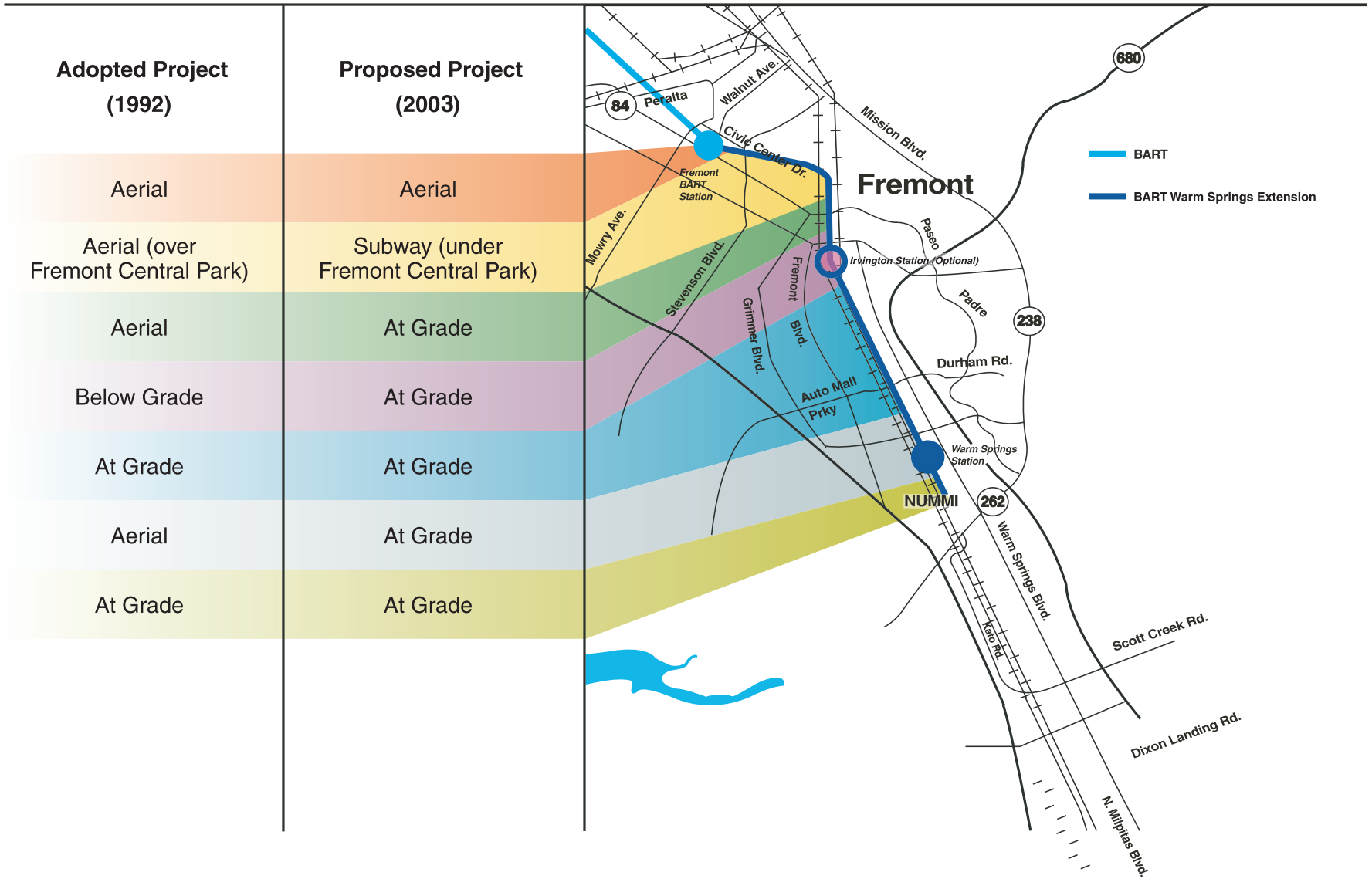
The Proposed Project corridor includes the Proposed Project alignment and station areas, as well as the proposed contractor laydown areas, all of which are described in detail in Chapter 2, *Project Description*. The corridor is approximately 5.4 miles long and is approximately 100 feet wide. The Proposed Project corridor is shown in Figure 1-5.

1.5 Project Goals and Objectives

The 1992 EIR included a discussion of project goals and objectives. In developing the goals and objectives, BART drew upon policy statements from state, regional, and local governments, as well as the BART district. The goals and objectives for the Proposed Project are the same as those described in the 1992 EIR. The original 1992 goals and objectives have been supplemented with goals, objectives, and strategies from the 1999 *BART Strategic Plan* (San Francisco Bay Area Rapid Transit District 1999a) and BART's *Framework for System Expansion* (San Francisco Bay Area Rapid Transit District 2002). The 1992 project goals and objectives are presented in Table 1-1.

1.5.1 BART Strategic Plan

BART's mission is to provide transit services that increase mobility and accessibility and help to preserve the Bay Area's environment and quality of life (San Francisco Bay Area Rapid Transit District 1999a). The *BART Strategic Plan* charts a course to successfully fulfilling this mission. To address transit travel demand, land use and quality of life issues associated with the operation and expansion of BART, the *Strategic Plan* commits to working in partnerships with communities to integrate transit service with appropriate community development and efforts to improve transit access in surrounding areas to generate BART ridership. BART's vision for enhancing transit ridership calls for development of transit-oriented communities to realize the full value of its transit investments, while maximizing the livability of those communities. The following goals, objectives, and strategies from the *BART Strategic Plan* presented in Table 1-2 are directly relevant to the Proposed Project (San Francisco Bay Area Rapid Transit District 1999a).



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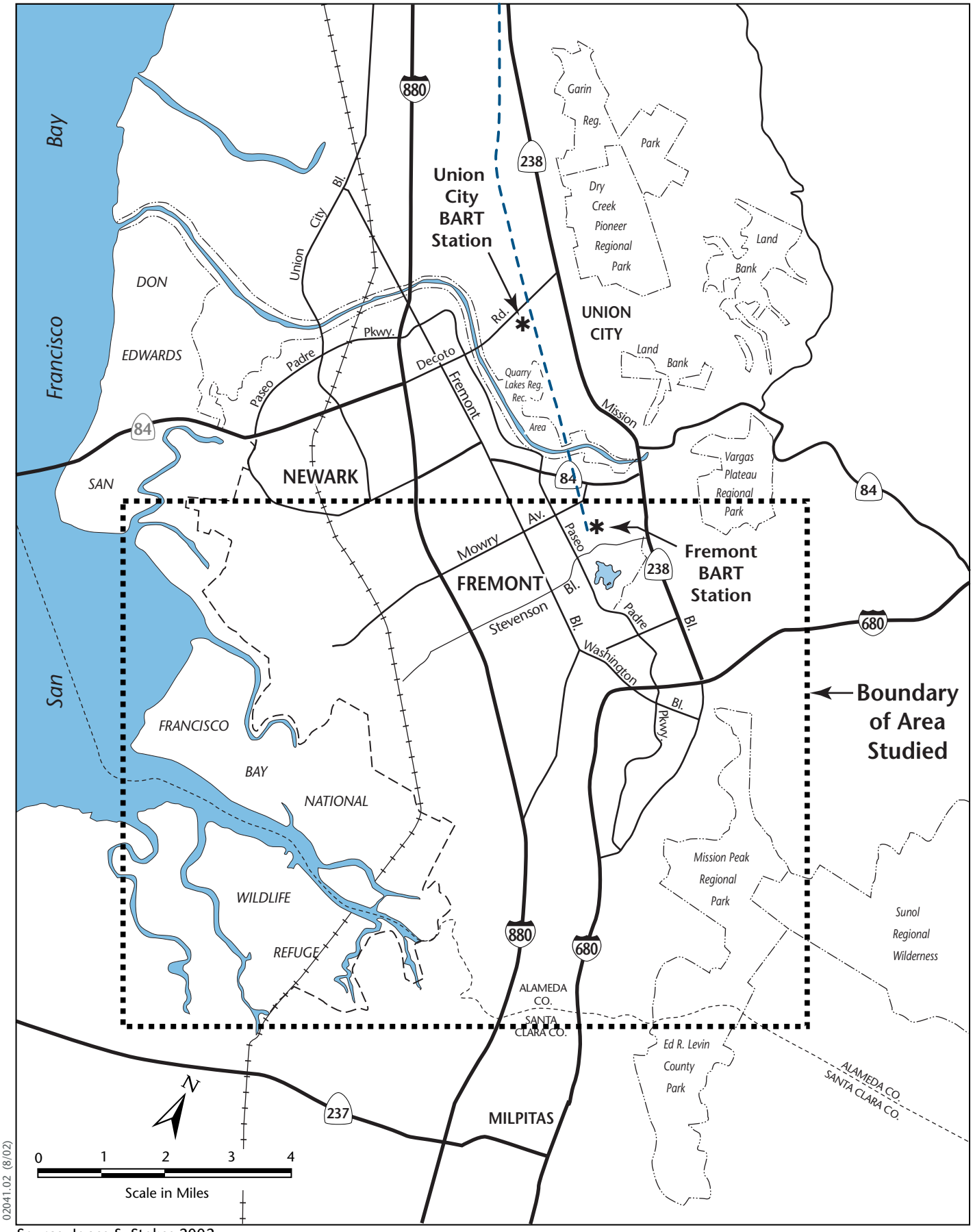
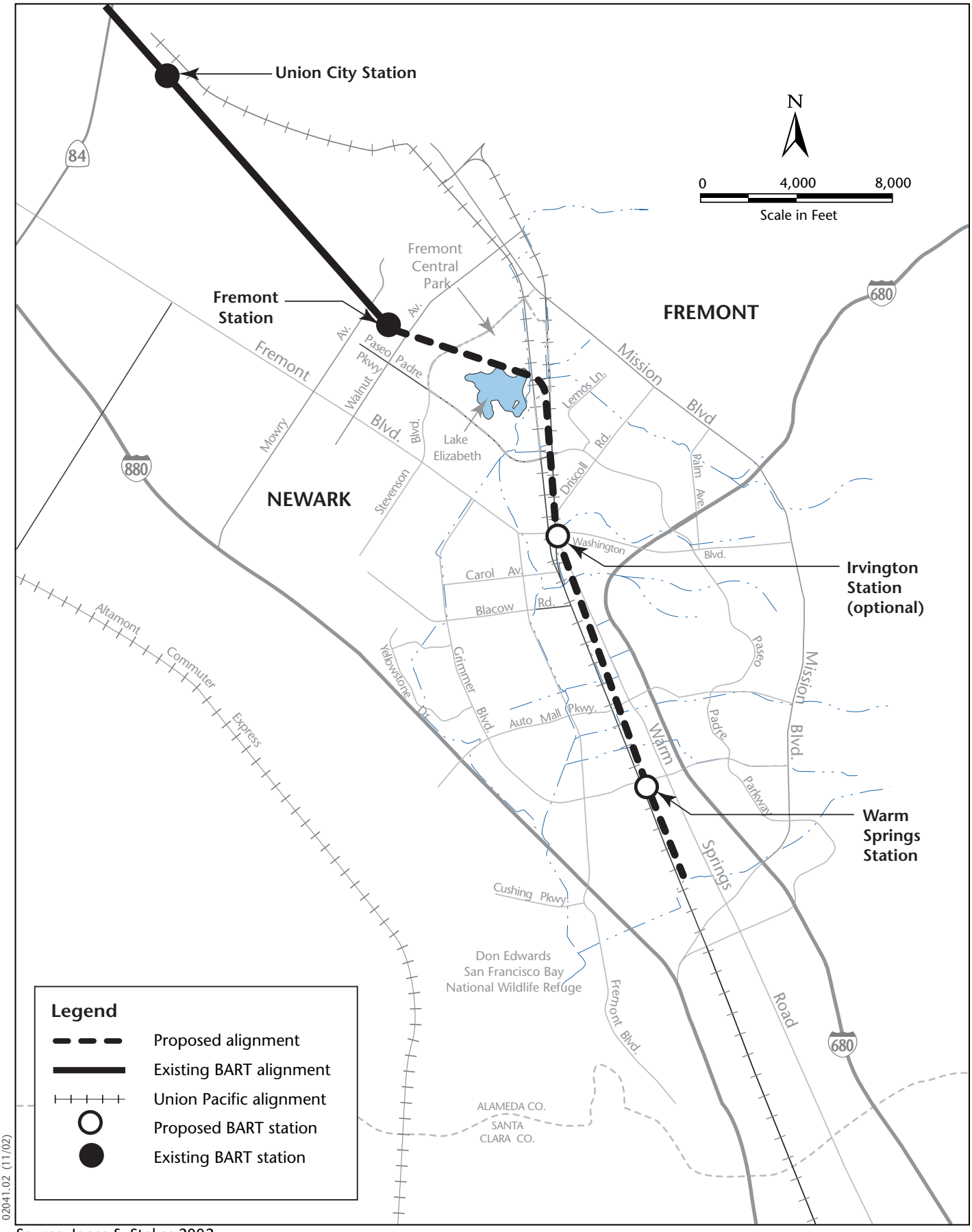
Source: Parsons Brinkerhoff 2002.

Figure 1-3
Alignment Comparison



Source: Jones & Stokes 2002.

Figure 1-4
Area Studied for Proposed Project



Source: Jones & Stokes 2002.

Figure 1-5
Project Corridor

Table 1-1. Project Goals and Objectives

Goals	Objectives
Goal 1: Improve public transportation service to increase mobility.	▪ Increase accessibility to activity centers and to the region as a whole. ▪ Relieve increasing congestion on the highway network and street system by providing choices between transportation modes (auto, bus, rail, etc.). ▪ Maximize the use of public transportation, particularly during the peak-commute periods. ▪ Increase the speed, comfort and reliability of public transportation. ▪ Reduce travel time for commuters in the corridor. ▪ Provide adequate facilities (stations, parking, etc.) to serve transfers between modes (auto, bus, rail, etc.) and between regional and local transit services.
Goal 2: Improve environmental quality.	▪ Conserve non-renewable resources such as energy and land. ▪ Support regional plans to meet state and federal air quality standards. ▪ Promote displacement of air-polluting regional auto trips to transit trips. ▪ Minimize potential negative air and noise impacts and energy consumption. ▪ Minimize the displacement of homes and businesses and impacts on existing development. ▪ Minimize impacts on existing natural resources.
Goal 3: Compatibility with adjacent land uses and planned development.	▪ Provide access to the transportation system in a manner which reinforces local and regional land use and urban development policies. ▪ Minimize displacement and disruption of existing land uses.
Goal 4: Provide transportation services that make efficient and effective use of financial resources.	▪ Maximize operating efficiency. ▪ Make the best use of existing facilities. ▪ Seek cost-effective solutions to transportation needs, taking into account capital, maintenance, operating, administrative, travel time and other related costs. ▪ Maximize user and community benefits from transportation investments.

Goals	Objectives
Goal 5: Provide transportation services that are financially attainable.	▪ Maximize the return for investment within the context of limited availability of regional, state and federal funds. ▪ Develop transportation plans which can be implemented incrementally, consistent with need and funding availability.
Goal 6: Provide transportation services equitably to all segments of the population.	▪ Increase the mobility of the transportation-disadvantaged, including the elderly and disabled. ▪ Seek a fair distribution of costs and benefits among various social groups. ▪ Develop a transportation system that will reinforce the social and economic vitality of the region's communities and neighborhoods.
Goal 7: Support community and institutional goals.	▪ Seek consistency with state, regional and local goals and objectives. ▪ Provide for a process that encourages public comment and participation and is open and understandable to the general public.

Source: San Francisco Bay Area Rapid Transit District 1991b

1.5.2 BART System Expansion Policy and Criteria

The Proposed Project has its basis in the 1992 Adopted Project. However, new policies have influenced how the Proposed Project has been approached in this SEIR process. On December 5, 2002, with BART's *Strategic Plan* policies as a foundation, the BART Board of Directors adopted System Expansion Criteria with a defined process and criteria for project advancement. The criteria consider ridership in the context of project cost, surrounding land use, good pedestrian and bicycle access, connections with other transit systems, effects on the existing BART system, and the degree of partnering and community support.

The Expansion Criteria are designed to contend with the pressures of growth in the Bay Area and to address the dispersal of jobs and housing while reinvesting in BART and other transit systems to maximize service. BART, as a steward of public funding for transportation investments that enhance the Bay Area's environment and quality of life, will utilize the adopted criteria to meet the goals presented in Table 1-3.

The goals and objectives of the Proposed Project are directly related to current and anticipated growth in employment and population in southern Alameda and Santa Clara Counties in the coming 15 to 20 years. Over the past 10 years, an increase in the number of job opportunities throughout the Silicon Valley area, including downtown San Jose and the Cities of Fremont, Milpitas, and Santa Clara, have contributed to increasingly high levels of traffic and congestion in the Fremont-South Bay area. Residential development to meet the demands of the expanding job market in the regional corridor has extended to the communities of southern Alameda and surrounding Counties and the Central Valley.

Table 1-2. BART Strategic Plan Goals and Policies

Goals	Objectives and Strategies
Building Partnerships for Support	
Goal 3: Residents of the Bay Area will value and take pride in BART as an integral part of their communities.	Strategy: Create area and facilities in or immediately adjacent to our stations that serve as community gathering or exhibit places.
Transit Travel Demand	
Goal 1: BART will work to understand changing transit demand patterns and be prepared to respond to them, and BART will work proactively to influence travel demand trends in the region that support transit ridership.	Objective: Increase transit ridership. Strategy: Advocate those infrastructure investments that best support transit ridership.
Goal 3: BART will encourage and facilitate improved access to and from BART stations by all modes.	Strategy: Improve access via taxis, shuttles, buses, walking, bicycles, and other transit. Strategy: Work with local communities to promote transit oriented development, enhanced destinations, and multiple purpose stops.
Goal 4: BART will work to close gaps in regional rail services between major populations and employment centers and/or corridors.	Objective: In conjunction with the development of MTC's Regional Transportation Plan, identify key corridors such as Fremont-South Bay and establish partnerships among the respective key agencies and decision-makers to achieve consensus regarding rail service enhancement strategies. Strategy: Identify transit-oriented nodes and corridors of future expansion, and outline a package of incremental future development: transit centers and transit-oriented development, busways, automated guideway transit and rail extensions.
Land Use and Quality of Life	
Goal 1: In partnership with the communities it serves, BART's properties will be used in ways that first maximize transit ridership and then balance transit-oriented development goals with community desires.	Objective: Coordinate comprehensive planning and assessment of transit-oriented development at BART stations in concert with local communities. Objective: Develop and implement a support structure to ensure that all new development around BART stations be transit-oriented.
Goal 2: In partnership with the communities BART serves, BART will promote transit ridership and enhance the quality of life by encouraging and supporting transit-oriented development within walking distance of BART stations.	Objective: Establish an approach for BART station are planning to connect with planning efforts in local communities adjacent to BART. Strategy: Establish coalitions with other transit providers to promote intermodal improvements at BART stations. Strategy: Improve communication regarding station area land use issues between BART and the communities through which BART runs.

Source: San Francisco Bay Area Rapid Transit District 1999a

Table 1-3. BART System Expansion Criteria – Framework for System Expansion

Goals	Objectives
Enhance regional mobility, especially access to jobs.	Integrate with other services and facilities in an intermodal regional network.
Generate new ridership on a cost-effective basis.	Minimize the need for operation subsidies.
	Accommodate new expansion projects without adversely affecting existing system capacity, quality, or financial health.
Demonstrate a commitment to transit-supportive growth and development.	Maximize ridership by supporting smart, efficient, and desirable growth patterns.
Enhance multi-modal access to the BART system.	Have adequate bus, bicycle, and pedestrian feeder service.
Develop projects in partnership with communities that will be served.	Seek partnerships with other transit agencies, local communities, and private entities to plan and implement service expansion.
Implement and operate technology-appropriate service.	Explore new BART and other transit-service options (i.e. commuter rail, light rail, quality bus) where appropriate and possibly as interim service.
Ensure that all projects address the needs of the District's residents.	Seek partnerships with other transit agencies, local communities, and private entities to plan and implement service expansion.

Source: San Francisco Bay Area Rapid Transit District 2002

The goals and objectives of the Proposed Project reflect BART's partnership with state, regional, and local entities. The Proposed Project is being developed in response to the following specific mandates.

- **MTC Resolution No. 3434 –** MTC has established a multi-year transit expansion agreement for the Bay Area. MTC Resolution No. 3434, adopted in December 2001, developed a Regional Transit Expansion Policy (RTEP). This program is the successor to MTC Resolution No. 1876, a multi-year rail expansion program adopted in 1988 and updated in Resolution No. 3357 in 2001. The Proposed Project is included in the RTEP, which identifies and prioritizes bus and rail transit projects, based on financial and performance criteria, including whether the project has federal, state, or dedicated local funding commitments; whether it is consistent with adjacent land uses; whether it has system connectivity; and others. The Proposed Project meets several of these criteria and has been identified by MTC as a recommended rail expansion project.
- **Alameda County Measure B –** This sales tax measure, approved by Alameda County voters in 2000, provides transportation sales tax revenues to fund a BART extension to southern Fremont. The Alameda County Transportation Improvement Authority (ACTIA) will oversee the Measure B expenditure plan, of which the Proposed Project is a component.

The Proposed Project is intended to serve people living and working in the Proposed Project corridor itself—that is, those living and working near the Warm Springs Station and (if it is constructed) the optional Irvington Station—and people living and working in the larger regional corridors to the south, east, and west of the alignment. The Proposed Project will complement and expand existing

travel modes in the regional Fremont–South Bay Corridor. BART would provide the primary transit service along the Interstate 680 (I-680) and I-880 corridors, supplemented by buses providing feeder and primary east-west transit services. As a competitive alternative to the private automobile (in terms of both travel cost and travel time), BART would divert automobile trips from heavily traveled roadways and ease traffic congestion, in particular on I-680 and I-880. The Proposed Project would allow more trips to be made on transit in southern Alameda County.

1.6 Use of a Supplemental Environmental Impact Report

Because of the passage of time and changes to the alignment of the 1992 Adopted Project, this SEIR is being prepared to supplement the EIR that was certified in 1992 for the WSX project. The focus of this SEIR is to update and supplement the prior EIR, based on changes to the 1992 Adopted Project, changes in the project setting, and new information related to the project that was not known at the time the original EIR was certified and the project was adopted.

This SEIR is being prepared to assess the environmental impacts of the construction and operation of the proposed extension of the BART system to Warm Springs, pursuant to CEQA. CEQA requires all state and local government agencies, including transit districts, to consider the environmental consequences of projects over which they have discretionary authority. The decision of the BART Board of Directors to proceed with the extension of the BART system to Warm Springs constitutes a project under CEQA.

This SEIR is being prepared pursuant to Section 15163 of the State CEQA Guidelines (referred to herein as CEQA Guidelines). In accordance with that section, it focuses only on the additional information necessary to make the previous EIR adequately apply to the project and to the changed circumstances.

1.6.1 Purpose of a Supplemental Environmental Impact Report

CEQA Section 21166 provides that when an EIR has been prepared for a project, no subsequent or supplemental EIR is required unless major revisions to the prior EIR are necessary due to (i) substantial changes proposed in the project, (ii) substantial changes in the surrounding circumstances, or (iii) the availability of new information that was not known when the prior EIR was certified. To implement this provision, Section 15162(a) of the CEQA Guidelines provides that a *subsequent* EIR be prepared for a project after an EIR has been certified if substantial evidence in light of the whole record supports any of the following conclusions.

- Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects.
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified significant effects.

- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or negative declaration was adopted shows any of the following.

  - The project will have one or more significant effects not discussed in the previous EIR.
  - Significant effects previously examined will be substantially more severe than shown in the previous EIR.
  - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.
  - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the criteria under Section 15162 would require a subsequent EIR, Section 15163 of the CEQA Guidelines indicates that an agency may choose to prepare a *supplemental* EIR, rather than a subsequent EIR, if only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. A supplemental EIR need contain only the information necessary to make the previous EIR adequate for the project as revised (CEQA Guidelines, Section 15163[b]). Because of the passage of time and changes to the alignment of the 1992 Adopted Project (as shown in Figure 1-3), BART is preparing this SEIR in order to supplement, where necessary, the environmental analysis contained in the EIR that was certified in 1992.

1.6.2 Approach to Preparing a Supplemental Environmental Impact Report

Pursuant to CEQA Guidelines Section 15163, BART has outlined the following approach to preparing a supplement to the 1992 EIR.

- Send a notice of preparation (NOP) to interested agencies and organizations offering them an opportunity to comment on environmental issues pertinent to the Proposed Project.
- Hold a public scoping meeting in the Proposed Project corridor and notify appropriate public agencies.
- Prepare a Draft SEIR (DSEIR) to provide the information necessary to make the 1992 EIR adequate for the project as revised. The DSEIR will provide details regarding changes in the project, changes in circumstances, and any new information discovered since publication of the 1992 EIR.

- Publish the DSEIR and provide a 45-day review period, as required by CEQA, to give agencies and others the opportunity to comment on the environmental analysis.
- Make written responses to comments received on the DSEIR, as required by CEQA, and publish a Final SEIR (FSEIR) that contains the responses.

This approach is consistent with the requirements of CEQA and public disclosure policies contained in Section 15003 of the CEQA Guidelines.

1.7 Organization and Content of this Draft Supplemental Environmental Impact Report

The content and format of this DSEIR have been designed to meet the requirements of CEQA. The report is organized into the following chapters.

- The *Executive Summary* provides a brief summary of the SEIR; a brief background and history of the Proposed Project; a brief description of the Proposed Project and the differences between it and the 1992 Adopted Project; and an explanation of the purpose and use of an SEIR, the scope of the SEIR, and the public review process conducted during the development of the SEIR.
- Chapter 1, *Introduction*, provides an overview and background of the Proposed Project; a brief description of the Proposed Project; discussion of project goals and objectives; discussion of the use and scope of an SEIR; introduction of document organization; description of the document's public review process; identification of the lead and responsible agencies; and presentation of the areas of known controversy and issues to be resolved.
- Chapter 2, *Project Description*, discusses the Proposed Project location, alignment, and facilities; projected ridership; operating plan; costs; and proposed construction scenario.
- Chapter 3, *Environmental Setting, Impacts, and Mitigation Measures*, provides several sections containing updated setting information, impact analysis, and proposed mitigation measures.
- Chapter 4, *Growth-Inducing Impacts*, provides a discussion of the growth-inducing impacts of the Proposed Project.
- Chapter 5, *Alternatives Analysis*, provides information regarding alternatives to the Proposed Project, as well as a summary of those alternatives that were previously analyzed.
- Chapter 6, *Other CEQA Considerations*, summarizes the significant and significant and unavoidable impacts of the Proposed Project. This chapter also summarizes cumulative impacts and benefits associated with the proposed project.
- Chapter 7, *Report Preparation*, provides a list of persons who contributed to the preparation of the SEIR.
- An acronyms fold out includes a list of acronyms and abbreviations used in this SEIR and their definitions.
- A separate *Appendices* volume contains the following appendices.

A. Notice of Preparation and Initial Study Checklist.

B. 1992 Mitigation Monitoring Plan.

C. Geotechnical Report.

D. U.S. Fish and Wildlife Service Species Lists for the Proposed Project Area.

E. California Natural Diversity Database Search for the Niles, Milpitas, Mountain View, Newark, Hayward, Dublin, Livermore, La Costa Valley, and Calaveras Reservoir 7.5-Minute USGS Topographic Quadrangles.

F. Results of Surveys Conducted for Special-Status Birds and Nesting Raptors.

G. Results of Special-Status Plant Surveys.

H. Results of Special-Status California Red-Legged Frog Surveys.

I. Results of Burrowing Owl Survey.

J. Tables Listing Special-Status Species with the Potential to Occur in the Proposed Project Corridor.

K. Wetlands Delineation Report.

L. Potential Displacement Tables from the 1992 EIR.

M. Cultural Resources Technical Report.

N. Transportation Technical Report.

O. Noise and Vibration Technical Report.

P. Air Quality Technical Report.

To assist the reader, Table 1-4 summarizes the organization of the 1992 EIR compared to that of the 2003 SEIR. The table identifies the 1992 topic and the chapter in which the topic is discussed in the 2003 SEIR.

1.8 Public Review Process

1.8.1 Notice of Preparation

When one or more state agencies will be a responsible agency or trustee agency, an NOP must be filed with the State Clearinghouse (CEQA Guidelines, Section 15082 [d]). The NOP is provided to appropriate state agencies and invites them to offer comments during the scoping period, which is a minimum of 30 days following the filing of the NOP. An NOP for the BART WSX SEIR was filed on March 5, 2002.

Table 1-4. Organization and Content of BART WSX Environmental Documents

1992 EIR	2003 SEIR
Chapter 1 – Introduction	Chapter 1 – Introduction
Chapter 2 – Project Description	Chapter 2 – Project Description
Chapter 3 – Environmental Settings, Impacts and Mitigation Measures	Chapter 3 – Environmental Setting, Impacts, and Mitigation Measures
▪ 3.1 Introduction	▪ 3.1 Introduction
▪ 3.2 Soils, Geology and Seismicity	▪ (No supplementation to Geology and Seismicity analysis necessary.)
▪ 3.3 Hazardous Materials	▪ 3.2 Hazards and Hazardous Materials
▪ 3.4 Hydrology	▪ 3.3 Hydrology and Water Quality
▪ 3.5 Ecosystems	▪ 3.4 Biological Resources
▪ 3.6 Land Use and Economic Activity	▪ 3.5 Land Use and Planning/3.6 Population and Housing
▪ 3.7 Fremont Central Park	▪ 3.5 Land Use and Planning
▪ 3.8 Visual and Aesthetic Quality	▪ 3.7 Aesthetics
▪ 3.9 Cultural Resources	▪ 3.8 Cultural Resources
▪ 3.10 Utilities and Public Services	▪ (No supplementation to Utilities and Public Services analysis necessary.)
▪ 3.11 Safety and Security	▪ (No supplementation to Safety and Security analysis necessary.)
▪ 3.12 Transportation	▪ 3.9 Transportation
▪ 3.13 Noise and Vibration	▪ 3.10 Noise and Vibration
▪ 3.14 Air Quality	▪ 3.11 Air Quality
▪ 3.15 Energy	▪ 3.12 Energy
Chapter 4 – Growth Inducing Impacts	Chapter 4 – Growth Inducing Impacts
Chapter 5 – Significant Unavoidable Adverse Effects	Chapter 6 – Other CEQA Considerations
Chapter 6 – Cumulative Impacts	Chapter 3 – Environmental Setting, Impacts, and Mitigation Measures

1992 EIR	2003 SEIR
Chapter 7 – Relationship Between Local Short Term Uses of the Human Environment and the Maintenance and Enhancement of Local Long Term Productivity*	(No longer required by CEQA.)
Chapter 8 – Significant Irreversible Environmental Effects	Chapter 6 – Other CEQA Considerations
Chapter 9 – Other Alternatives Considered	Chapter 5 – Alternatives Analysis
Chapter 10 – Organizations and Persons Consulted	Chapter 7 – Report Preparation
Chapter 11 – List of Preparers	Chapter 7 – Report Preparation
Appendices	Appendices

Note:
*Per Chapter 1230 of the Statutes of 1994, the section on the "Relationship Between Local Short Term Uses of the Human Environment and the Maintenance and Enhancement of Local Long Term Productivity" is no longer required.

1.8.2 Scoping Process

Scoping is the process of determining the scope, focus, and content of an EIR. Scoping helps to identify the range of actions, alternatives, environmental effects, methods of assessment, and mitigation measures to be analyzed in depth, and eliminates from detailed study those issues that are not important to the decision at hand. Scoping is also an effective way to bring together and resolve the concerns of interested federal, state, and local agencies; the proponent of the action; and other interested persons. BART conducted a public scoping process for the Proposed Project from March 5 through April 14, 2002. This process offered the public the opportunity to provide comments in response to the NOP of the SEIR.

1.8.3 Public Scoping Meeting

A major component of the scoping process was the public scoping meeting for the Proposed Project, held on March 25, 2002, at the Fremont Main Library. The purpose of the meeting was to solicit comments to help determine the scope of this SEIR. Notices were published beforehand in local newspapers announcing the time, date, location, and purpose of the meeting. In addition, invitations to the meeting and copies of the NOP were distributed to an extensive mailing list of stakeholders throughout Fremont, southern Alameda County, and northern Santa Clara County. More than 100 people attended the public scoping meeting. Comments received in response to the NOP and at the public scoping meeting were considered as the scope of the environmental analysis was established. In general, public response to the NOP and scoping meeting presentation was positive.

1.8.4 Interagency Cooperation

As part of an effort to foster interagency cooperation and information exchange, BART has hosted a series of monthly meetings known as Project Development Team (PDT) meetings. Participants have included organizations such as AC Transit, the Alameda County Congestion Management Agency (ACCMA), the Alameda County Transportation Improvement Authority (ACTIA), the Metropolitan Transportation Commission (MTC), the Santa Clara Valley Transportation Authority (VTA), the office of Alameda County District 1 Supervisor, and the Cities of Fremont and Union City. The meetings have served as a forum for BART to provide regular status reports about the Proposed Project to interested agencies and to gather input from those agencies. Meeting agenda topics over the course of project development included project design and alignment, station area planning, environmental process and impact assessment, funding, related projects, public outreach, and project schedule.

1.8.5 Draft Supplemental Environmental Impact Report

BART will provide opportunity for public review of the DSEIR during a 45-day public review period. The public review period will begin on March 25, 2003, and end on May 9, 2003. BART will hold a public hearing to receive public testimony on the DSEIR on April 14, 2003, at Parkmont Elementary School, 2601 Parkside Drive, Fremont. The public hearing will begin at 6:30 p.m. In addition, comments can be made on the DSEIR in writing and sent to BART at the address listed below before the end of the comment period. All comments must be received by 5:00 p.m. on May 9, 2003. Following the close of the public comment period, responses to substantive written and oral

comments on the DSEIR will be prepared and published as a separate document. The DSEIR and the document containing the responses to the comments will together constitute the Final SEIR (FSEIR). The FSEIR, together with the 1992 EIR, will be considered by the BART Board of Directors prior to taking action on the Proposed Project.

During the public review period, written comments should be submitted to the following address.

San Francisco Bay Area Rapid Transit District
Attention: Richard C. Wenzel, P.E.
WSX Environmental Project Director
P.O. Box 12688
Oakland, CA 94604-2688

The DSEIR and related documents can be reviewed at the following locations.

San Francisco Bay Area Rapid Transit District
1000 Broadway, Suite 620
Oakland, CA 94607-4039

Fremont Main Library
2400 Stevenson Boulevard
Fremont, CA 94538

Metropolitan Transportation Commission (MTC) – Association of Bay Area Governments (ABAG) Library
101 8th Street
Oakland, CA 94607-4700

The Executive Summary for the DSEIR can be reviewed online at BART's website, located at www.bart.gov. For additional information call the project hotline at (510) 467-3900.

1.9 Lead and Responsible Agencies and Required Permit Approvals

Under CEQA, a *lead agency* is the California government agency that has the principal responsibility for carrying out or approving a project and therefore the principal responsibility for preparing CEQA documents. As the lead agency for the Proposed Project, BART is responsible for certifying this SEIR and approving the Proposed Project.

- A *responsible agency* under CEQA is a public agency that proposes to carry out or approve a project for which a lead agency is preparing or has prepared an EIR. Table 1-5 lists the public agencies that are responsible agencies for the purposes of this Proposed Project and any respective permits that the agencies may require prior to construction of the Proposed Project.

Table 1-5. Responsible Agencies and Required Permits and Approvals

Agency	Permit/Approval	Reason for Permit/Approval
California Department of Fish and Game (CDFG)	▪ Streambed Alteration Agreement (Fish and Game Code § 1603) ▪ Section 2080 California Endangered Species Act. ▪ Mitigation Agreement	▪ Potential impacts to channels, banks, or beds of lakes, rivers, or streams ▪ Potential impacts to state-listed plant and wildlife species ▪ Impacts to Western Burrowing Owl
California Transportation Commission (CTC)		Funding
Metropolitan Transportation Commission (MTC)		Funding
California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB)	National Pollutant Discharge Elimination System (NPDES) General Industrial/General Construction Storm Water Discharge Permits	▪ Potential impacts associated with construction-related stormwater pollution and discharges to surface waters ▪ Potential impacts associated with increase in impervious surfaces in Proposed Project area
Alameda County Transportation Improvement Authority (ACTIA)		Funding
Alameda County Congestion Management Agency (CMA)		Funding
Alameda County Flood Control and Water Conservation District (ACFCD)	Encroachment Permit	Encroachments onto flood channel property
United States Fish and Wildlife Service (USFWS)	Section 7 or Section 10 Consultation Federal Endangered Species Act	Potential project-related impacts to federally listed species
United States Army Corps of Engineers (Corps)	Section 404 Clean Water Act Section 401 Clean Water Act	Potential construction-related impacts to wetlands and other waters of the United States

1.10 Areas of Known Controversy and Issues to Be Resolved

CEQA Guidelines Section 15123 (b) requires that areas of controversy known to the lead agency be identified, including issues raised by other agencies and the public. The following areas of concern and issues of controversy were raised in comments made on the NOP and at the public scoping meeting.

1.10.1 Areas of Controversy

- Analysis of other alternatives, including bus, taxi, and limousine service from Fremont Station to Warm Springs. Alternatives should include standard rail, commuter rail, light rail, and commuter bus, as well as providing more lanes to I-880 and I-680.
- Analysis of an underground alignment between Fremont BART Station and Central Park.
- Effects of Hayward fault on Irvington Station.
- Effects of Proposed Project on the flood storage capacity of Lake Elizabeth.
- Proposed Project's relation to future transit-oriented development (TOD).
- Incentives for non-automobile station access and paid station parking.
- Stations as intermodal centers.
- Impacts of Proposed Project on historic Gallegos Winery ruins.
- Noise impacts and location of potential sound walls.
- Effects of subway construction on park recreation activities.

1.10.2 Issues to Be Resolved

- Selection of a WSX alternative.
- Adoption and funding of the optional Irvington Station.
- Scheduling and coordination with Fremont's grade separations project and UP Railroad.
- Location of replacement habitat for biological impacts.
- Land use planning efforts in the vicinity of proposed Warm Springs and optional Irvington Stations.
- Site-specific implementation of noise control measures.
- Site-specific implementation of vibration control measures.

1.11 References Cited in this Chapter

Alameda County Congestion Management Agency. 2001. *Countywide Transportation Plan 2001–2026*. Alameda, CA.

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