4.16 UTILITIES

4.16.1 INTRODUCTION

This section evaluates the potential impacts of Phase 1 on utility service providers in the study area. Existing utilities and infrastructure within in the Phase 1 area were described in Section 4.16 of the FEIR and Section 4.15 of the SEIR-1.

4.16.2 ENVIRONMENTAL SETTING

This section identifies the utility service providers in the Phase 1 area.

4.16.2.1 Water

The City of Fremont is located within the service area of the Alameda County Water District. The 2006-2010 Urban Water Management Plan (UWMP) prepared for the Alameda County Water District determined that the district has sufficient water supplies to meet water demand through 2030 during periods of prolonged drought.[1]

The City of Milpitas provides treated water purchased from the San Francisco Public Utilities Commission (SFPUC) and the Santa Clara Valley Water District (SCVWD), and uses recycled water for limited outdoor use. The City of Milpitas completed a Water and Sewer Master Plan Update EIR, which considered the extension of the BART system to Milpitas and the proposed Milpitas Station in the cumulative analysis. The 2005 UWMP prepared for the City of Milpitas concluded that the city has adequate water supplies to meet demand through 2030, but that it would be impacted by drought shortages.[2]

The San Jose Municipal Water System supplies water to the City of San Jose. Water supplies come from the SFPUC and the SCVWD. The 2005 UWMP prepared for the City of San Jose concluded that the city has adequate water supplies to meet demand through 2030, but that it would be impacted during prolonged periods of drought.[3]

4.16.2.2 Wastewater

Wastewater collection and treatment services in Fremont are provided by the Union Sanitary District (USD). The USD currently treats approximately 24.5

[1] http://www.acwd.org/uwmp.php5. Accessed September 23, 2010.

[2] http://www.ci.milpitas.ca.gov/_pdfs/pw_uwmp2005.pdf. Accessed September 23, 2010.

[3] http://www.sjmuniwater.com/PDFs/2005-UWMP.pdf. Accessed September 23, 2010.

million gallons per day (mgd) of wastewater. The USD Alvarado Treatment Plant in Union City provides wastewater treatment and disposal services for Fremont, and has a current capacity of 38 mgd.[4]

Wastewater from Milpitas and San Jose is treated by the San Jose/Santa Clara Water Pollution Control Plant (WPCP). The WPCP has the capacity to treat 167 mgd of wastewater.

The Milpitas Station and Berryessa Station sites are currently developed with industrial and/or commercial land uses that connect to existing sanitary sewer lines. The WPCP currently treats wastewater flows from the existing land uses on these sites.

4.16.2.3 Solid Waste

The Newby Island Landfill, located on Dixon Landing Road in San Jose, serves the City of Milpitas. The Newby Island Landfill has approximately 36 percent estimated remaining capacity and is permitted to operate through 2025.[5] The City of San Jose is served by the Newby Island Landfill and the Kirby Canyon Landfill. The Kirby Canyon Landfill is operating under capacity and is permitted to operate through 2022.[6]

4.16.2.4 Stormwater

A description of existing stormwater facilities in the Phase 1 area is provided in **Section 4.18, Water Resources, Water Quality, and Floodplains**, of this SEIR-2.

4.16.2.5 Existing Utilities Locations

The description of existing utilities along the Phase 1 alignment has not changed since the SEIR-1 was certified. However, since certification of the SEIR-1, an additional major utility location within the study area has been identified, as described in **Table 4.16-1**.

4.16.3 REGULATORY SETTING

Design guidelines and best management practices (BMPs) provide guidance for the approved project and for addressing impacts on utilities. Please refer to subsection 4.16.3.2 of the FEIR for additional information on these guidelines and practices.

[4] http://www.unionsanitary.com/. Accessed September 23, 2010.

[5] http://www.calrecycle.ca.gov/Profiles/Facility/Landfill/LFProfile1.asp?COID=43&FACID=43-AN-0003. Accessed September 22, 2010.

[6] http://www.calrecycle.ca.gov/Profiles/Facility/Landfill/LFProfile1.asp?COID=43&FACID=43-AN-0008. Accessed September 22, 2010.

Table 4.16-1: Additional Major Utility Location

Location	Figure/ Stationing	Quantity	Type of Utility	Owner/ Operator	Size	Type of Materials
Montague Expressway between Capitol Avenue and Milpitas Boulevard	Figure B-21A/ STA 370+00 (**Appendix B**)	1	electric	PG&E	115 kV	overhead line

Note: kV = kilovolts
Source: VTA, 2010.

4.16.3.1 California Public Utilities Commission

The FEIR and SEIR-1 did not include a discussion of the California Public Utilities Commission's (CPUC) authority over utility rights-of-way (ROWs) that cross Phase 1 alignments. In accordance with Article 12 of the California State Constitution, the CPUC is charged with the authority to regulate privately owned utilities within the state of California. Utilities under the jurisdiction of the CPUC that would cross the BART Silicon Valley corridor include the distribution facilities of privately owned electric, gas, pipeline, sewer, telecommunications, and water companies. The CPUC also has oversight authority over safety aspects of rail transit passenger carriers, such as BART (Public Utility Code Section 99152). It should be noted that California law requires CPUC authorization prior to the construction of at grade rail crossings at public streets, roads, or highways. However, all crossings at public streets, roads, or highways will be grade separated. In addition, CPUC authorization is required for the disposition of properties owned by public utilities and dedicated to the performance of the utilities' duties to the public (Public Utilities Code Section 851).

4.16.4 PROJECT IMPACTS AND MITIGATION MEASURES

4.16.4.1 Water

The Milpitas and Berryessa stations and wayside systems facilities include restrooms and eyewash water demands, which are relatively small. Furthermore, Phase 1 would replace existing industrial and commercial land uses that consume far more water than the proposed Phase 1 stations and systems facilities. As described above, each city has sufficient water supplies through 2030, and the Phase 1 stations and wayside system facilities would not have a significant impact on Fremont, Milpitas, or San Jose water supplies. No mitigation is required.

4.16.4.2 Wastewater

The existing development on the Milpitas and Berryessa station sites and the Phase 1 wayside system facilities currently generate wastewater flows that are treated by the WPCP. A preliminary comparison was made for the existing and future sanitary sewer demands at the Milpitas Station site based on existing and future land uses, and it was determined that the Milpitas Station would generate

less wastewater than the existing development on the site.[7] A similar comparison was made for the wastewater flows on the Berryessa Station site. Based on the existing and future land uses, it was determined that the Berryessa Station would also generate less wastewater than existing development on the site.[8] The Milpitas and Berryessa stations would therefore not significantly impact wastewater treatment facilities. Additionally, the amount of wastewater generated by the system facilities would be negligible and the facilities would not significantly impact wastewater treatment facilities. No mitigation is required.

4.16.4.3 Solid Waste

The Phase 1 BART alignment would not generate solid waste. Daily maintenance-of-way activities might be required to dispose of waste items that stray onto tracks. Station and system facilities would also generate substantially smaller quantities of solid waste than the existing industrial and commercial land uses. Thus the landfills currently serving the cities of Milpitas and San Jose would have sufficient existing capacity to accommodate the solid waste generated by the proposed Phase 1 BART stations. Phase 1 would not have a significant impact on solid waste facilities and no mitigation is required.

4.16.4.4 Stormwater

An evaluation of impacts related to stormwater runoff is provided in **Section 4.18, Water Resources, Water Quality, and Floodplains**, of this SEIR-2.

4.16.4.5 Design Change 4. Starting Point of Trackwork (STA 35+00)

The approved project would begin slightly south of the approved BART Warm Springs Station in Fremont with a new, at grade, two-track BART rail line near the Union Pacific Railroad Warm Springs Yard (approximately 2,200 feet north of Mission Boulevard) and east of the existing ROW (STA 45+00). The addition of 900 feet of trackwork within the corridor currently owned by VTA is not expected to cause additional utility impacts from those identified in the FEIR and SEIR-1. Design guidelines and BMPs identified in the FEIR and SEIR-1 would remain applicable. No significant impacts to utilities would occur due to the addition of this trackwork.

4.16.4.6 Design Change 13. Milpitas Wye (STA 355+00)

Phase 1 includes three alternative locations for the redesigned Milipitas Wye. Utility lines in the approved project area have been previously identified, and design guidelines and BMPs of the FEIR and SEIR-1 related to utilities would

[7] Kimley-Horn and Associates, Inc. Memorandum, Sanitary Sewer Memorandum of Milpitas Station and Campus and Surrounding Parcels, September 17, 2010.

[8] Kimley-Horn and Associates, Inc. Memorandum, Sanitary Sewer System at Berryessa Station, May 6, 2010.

remain applicable. No additional impacts to utilities would occur under implementation of any of the three alternative locations for the Milpitas Wye.

4.16.4.7 Design Change 16. 115-kV Line Relocation at Milpitas Station (STA 370+00)

Implementation of Phase 1 would require the 115-kilovolt (kV) transmission line along Montague Expressway to be relocated to three locations near the Milpitas Station. Although this relocation was not analyzed in the FEIR or SEIR-1, the design guidelines and BMPs related to utility line relocation identified in the FEIR and SEIR-1 would be applicable to this design change. The relocation of the 115-kV transmission line would not result in any additional impacts to utilities. No mitigation is required.

4.16.5 CONCLUSION

The design changes made since certification of the SEIR-1 would not result in new impacts related to utilities. Therefore, no new mitigation measures are necessary.

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