

**Swan, Samantha**

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**From:** Robert Allen <robertseeallen@gmail.com>  
**Sent:** Wednesday, December 28, 2016 10:19 AM  
**To:** bartphase2eis-eir; Robert Allen  
**Subject:** BART Beyond Berryessa (BBB)

VTA has ignored my repeated plea to do BBB in two phases at far less cost:

**One station (Alum Rock) on line and grade of former WP:**

- \*\*Over, not under, US 101.
- \*\*New overcrossings for Julian Street and Santa Clara Street.
- \*\*Tail tracks leading to future San Fernando Street subway.
- \*\*Busway intermodal station (Alum Rock) at 28th and Santa Clara Streets.
- \*\*Massive parking there, with direct connect to McKee and Alum Rock US 101 interchanges.

**Future subway (tail tack to near Diridon) and at grade beyond.**

- \*\*Subway under San Fernando Street, not Santa Clara Street..
- \*\*SJSU station near 10th and San Fernando Streets.

Subway miles shorter.

BART link to SJSU, downtown SJ, and Diridon (via busway) much sooner.

I favored this ever since chairing the Fremont-South Bay PAC that chose the rail alternative.

Robert S. Allen 925-449-1387  
BART Director, District 5, 1974-1988  
Former Chair, Fremont-South Bay PAC  
Retired, SP (now UP) Western Division, Engineering/Operations

P1-1

## Response to Comment Letter P1

### **Robert Allen**

P1-1 In 2001, VTA completed a Major Investment Study (MIS) that evaluated the alignment and transportation technology. This study resulted in the selection of the Union Pacific Railroad corridor. Station locations included Milpitas, Berryessa, Alum Rock, Downtown San Jose, Diridon, and Santa Clara with a maintenance and storage facility at Newhall Yard. BART was selected as the preferred technology. This MIS was adopted by the VTA Board of Directors in November 2001. The VTA Board of Directors have continued to support this project through certification and approval of the recommended project in the 2004 Final EIR and 2007 Final Supplemental EIR. In addition, FTA issued a Record of Decision in 2010 approving the alignment and first two station locations consistent with the MIS. These previous environmental studies established the BART Extension alignment and station locations, and this environmental document is tiering off of those previously approved studies.

A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/28<sup>th</sup> Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/ or substantial environmental impacts.

VTA is providing bus bays at the Alum Rock/28<sup>th</sup> Street Station and is currently and will in the future provide transit connections to bus and bus rapid transit service on Santa Clara Street.

**Swan, Samantha**

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**From:** Roland Lebrun <ccss@msn.com>  
**Sent:** Saturday, December 31, 2016 5:15 AM  
**To:** bartphase2eis-eir

Dear Sir or Madam,

Could you please point me to the responses to the scoping comments contained in this document?  
[http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site\\_Content/AppendixD-ScopingComments.pdf](http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/AppendixD-ScopingComments.pdf)

P2-1

Thank you in advance and Happy New Year.

Roland Lebrun

## Response to Comment Letter P2

### ***Roland Lebrun***

P2-1 All comments received during scoping were presented to the VTA Board of Directors in March 2015 and included in the *Environmental Scoping Summary Report*, which became the foundation for assessing impacts in the SEIS/SEIR. This report can be accessed on VTA's website.

The scoping comments have been addressed in the various topical sections of the SEIS/SEIR. Please refer to the Table of Contents for a list of chapters and topical areas that are associated with the comments you provided during scoping.

**Swan, Samantha**

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**From:** Christopher Jarrett <chris.jarrett@gmail.com>  
**Sent:** Saturday, December 31, 2016 11:38 AM  
**To:** bartphase2eis-eir  
**Subject:** Comment on Proposed Route

Hi,

I question the rationale behind extending the BART line from Diridon Station to the Santa Clara Caltrain Station. This seems redundant as Caltrain already runs that route. In fact, for most trains, the Santa Clara Station is the very next stop from Diridon. Riders could easily transfer from BART to Caltrain for that extra stop if this is so desired. It is also a quick bus ride on the 22 or 522 from Diridon Station to the Santa Clara Caltrain Station.

P3-1

Would it not be better to use the funds to create a rail route that does not already exist? Perhaps BART could go down San Carlos/Stevens Creek to bring people to Santana Row and Valley Fair. With the planned expansion of Valley Fair, a rail option would be great.

Thank you for your time.

Sincerely,

Chris Jarrett

## Response to Comment Letter P3

### *Christopher Jarrett*

- P3-1      The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

**Swan, Samantha**

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**From:** Thomas Busse <tjbussef@gmail.com>  
**Sent:** Sunday, January 01, 2017 5:54 PM  
**To:** bartphase2eis-eir  
**Subject:** VTA's BART Silicon Valley Phase II Extension Project

Dear Sir:

I wish to provide comment regarding the Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report for VTA's BART Silicon Valley Phase II Extension Project.

Of particular concern to me is the statement's vagueness and lack of provision for future extension or expansion beyond Phase II, even if future extensions are not identified in general and area plans, including MTC's Transportation 2035 plan. Consideration of future expansion, even if highly long-term, should be made in respect to the placement of downtown San Jose, the favored alternatives for the location of Diridon station, and the extraction staging for TBMs. The draft EIS-EIR identifies tailings in its diagram of Santa Clara station, hinting at eventual extension northerly. Transit-oriented-development has a habit of provoking transit capacity pressures in the long term.

Regarding Diridon station, one alternative not considered would be provision for future extension of a branch line westerly toward Cupertino, likely on a Stevens Creek Boulevard alignment, serving such destinations as DeAnza College, the Apple campus, Kaiser Santa Clara, Westfield Valley Fair, the Winchester Mystery House, and Santa Clara Medical Center. This would require the construction of a wye in the vicinity of Diridon station or at least the tailings for a wye. Providing West Valley rapid transit access to HSR, the airport, and San Jose's CBD would provide many community benefits.

P4-1

Another alternative, would be provision for a branch functioning as a grade-separated upgrade of VTA's Winchester line utilizing a UPRR right of way that will likely be railbanked in the eventuality of closure of the Permanente Cement plant and quarry. This too would require provision for a future wye and flying junction.

Cordially,  
Thomas J. Busse  
584 Castro St.#388  
San Francisco, CA 94114  
415-244-5072

## Response to Comment Letter P4

### **Thomas J. Busse**

P4-1 The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. In addition, FTA issued a Record of Decision in 2010 approving the alignment and first two station locations consistent with the MIS. These previous environmental studies established the BART Extension alignment and station locations, and this environmental document is tiering off of those previously approved studies. Adding more stations would increase travel times to other destinations, which would discourage ridership.

The tail tracks north of Santa Clara Station are for operational purposes and are designed to support an extension farther to the north.

The request for provision for a future extension of a westerly branch line toward Cupertino is beyond the scope of this project and the SEIS/SEIR. A westerly Wye would not meet the purpose and need of the project, which includes improving transit opportunities within the corridor. At this time, no plans for a westerly Wye have been evaluated by BART or VTA, but an extension is not precluded by this project.

The project does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

**Swan, Samantha**

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**From:** Greg Lynn <greglynn@gmail.com>  
**Sent:** Saturday, January 07, 2017 10:33 AM  
**To:** bartphase2eis-eir  
**Subject:** feedback on BART SJ plan

Hello,

Looking at the plan, to enable optimal usage, there is a need for more stations, in a distribution like downtown San Francisco, in the San Jose and Santa Clara sections. They could be smaller stations than the what I see as anchor locations now. Additionally planning should start now for spoke routes, either a new SJ subway or BART, into other sections of San Jose and to extend to Morgan Hill.

Additionally BART must be extended from San Jose up the West side of the peninsula to finish the original master plan that was abandoned when the system was first conceived. Traffic congestion here is insane and its irresponsible to not complete it.

Thanks,  
Greg Lynn  
San Jose CA

Sent from my mobile electronic brain

P5-1

## Response to Comment Letter P5

### Greg Lynn

P5-1 The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. In addition, FTA issued a Record of Decision in 2010 approving the alignment and first two station locations consistent with the MIS. These previous environmental studies established the BART Extension alignment, and station locations and this environmental document is tiering off of those previously approved studies.

The comment seeks more stations and distribution of stations similar to downtown San Francisco. The proposed BART Extension Alternative proposes four stations within 6 miles. This is similar to BART operations in areas with similar low and moderate densities and the spacing between stations. In addition, adding more stations would increase travel times to other destinations, which would discourage ridership and increase the overall project cost. Although not part of the proposed project or related to the SEIS/SEIR, the comment in support of extending BART service along the west bay of the peninsula is noted. The proposed project does not preclude future BART extensions. Extending BART service along the peninsula would not support the purpose and need for the project, which includes improving transit opportunities in the corridor.

The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

**Swan, Samantha**

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**From:** Jaisimha Sethuram <jaisim.sjc@gmail.com>  
**Sent:** Tuesday, January 10, 2017 4:27 PM  
**To:** bartphase2eis-eir  
**Subject:** Santa Clara BART extension

To,  
Tom Fitzwater, SVRT Environmental Planning Manager  
VTA Environmental Programs & Resources Management, Building B-2  
3331 North First Street, San Jose, CA 95134

From,  
Jaisimha Sethuram  
Resident at Altura, CA-95126

Sir/Madam,

I strongly oppose the proposed Bart extension to Santa Clara due to noise level and vibration neighboring building would get because of this.

We already have a lot of vibrations/noise from Caltrains passing and noise from stadium we don't want it to get worse.

Thanks!  
jai

P6-1

## Response to Comment Letter P6

### ***Jaisimha Sethuram***

P6-1      The construction and operational noise and vibration levels have been evaluated in detail in the Draft SEIS/SEIR, please see Sections 4.12, 5.5.13, and 6.12 (*Noise and Vibration*).

Where significant noise and vibration impacts have been identified, appropriate mitigation measures have been evaluated and proposed to reduce those impacts to less-than-significant levels.

**Swan, Samantha**

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**From:** Shirley V <shirl007@gmail.com>  
**Sent:** Thursday, January 12, 2017 12:22 PM  
**To:** bartphase2eis-eir  
**Subject:** Draft SEIS/SEIR for VTA's BART Silicon Valley Phase II Extsion Project

I plan to attend the meeting in Santa Clara. Do I need to be a resident of the city to attend?  
I would like to know when this will be completed. The Phase II at grade alignment and Phase II tunnel alignment; when will each be completed?

P7-1

Thanks,  
Shirl

## Response to Comment Letter P7

### ***Shirley V***

- P7-1 One does not need to be a resident of the City of Santa Clara to attend the public hearings for the project. All meetings are open to the public irrespective of their residence. Construction of the BART Extension is projected to take at least 8 years. With preconstruction activities beginning in 2018, revenue service would begin as early as late 2025 or 2026, as shown in Figure 5-1, *Construction Schedule*.

**Swan, Samantha**

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**From:** Tim McKay <timmckay@mac.com>  
**Sent:** Thursday, January 12, 2017 6:27 PM  
**To:** bartphase2eis-eir  
**Subject:** Bart extension comment

Dear Tom: thanks for sending the information about the 3 Bart extensions. This is great!

I was wondering two things:

- a. where is the downtown BART station going to be and about parking?
- b. to build these stations, what type of destroying of homes, roads and all will have to happen, will you take over other's property to do this make them sell etc.?

P8-1

Thanks.

The McKays, we have owned property downtown

## Response to Comment Letter P8

### ***Tim & Jane McKay***

P8-1 There are two station location options for the Downtown San Jose Station: the Downtown San Jose Station East Option and the Downtown San Jose Station West Option, as described in detail in Volume I, Chapter 2, Section 2.2.2.1, *Transit System*. The alignment for this area would be the same irrespective of the station option. The Downtown San Jose Station East Option would be located between 5<sup>th</sup> and 2<sup>nd</sup> Streets, as shown on Figure 2-6, *Downtown San Jose Station East Option Station (Twin-Bore)*. The Downtown San Jose Station West Option would be located between 2<sup>nd</sup> and Market Streets, as shown on Figure 2-7, *Downtown San Jose Station West Option Plan (Twin-Bore)*. Neither downtown station option would have dedicated park-and-ride facilities and/or dedicated parking spaces.

To construct the downtown station options, no residential displacements would be necessary. However, 10 business displacements would be required for the Downtown San Jose Station East Option, while 7 business displacements would be required for the Downtown San Jose Station West Option, Twin-Bore, and 11 business displacements for the Downtown San Jose Station West Option, Single-Bore. Table 4.14-11, *BART Extension Alternative – Summary of Displacements*, in Section 4.14, *Socioeconomics*, summarizes displacements.

The comment raises a real estate issue that is addressed in Master Response 5, *Real Estate Acquisition for VTA Projects*, which covers the following topics:

- What Types of Real Property Does VTA Purchase?
- How are Property Owners Protected When VTA Purchases Real Property?
- When Will Property Owners Know Whether Their Property Will Be Acquired?
- When Does VTA Purchase Real Property for Transportation Projects?
- When and How Will Property Owners Be Contacted?
- What are the Steps During the Acquisition Process?
- How are Properties Valued and What Compensation is Paid by VTA?
- What If I Don't Want to Sell My Property to VTA?

**Swan, Samantha**

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**From:** Tim McKay <timmckay@mac.com>  
**Sent:** Thursday, January 12, 2017 6:32 PM  
**To:** bartphase2eis-eir  
**Subject:** Re: Automatic reply: Bart extension comment

any chance of answering the specific questions I sent on this?

P9-1

Jane

On Jan 12, 2017, at 6:26 PM, bartphase2eis-eir <[bartphase2eis-eir@vta.org](mailto:bartphase2eis-eir@vta.org)> wrote:

Thank you for your comments on the Draft Supplemental Environmental Impact Statement and Subsequent Environmental Impact Report (SEIS/SEIR) for VTA's BART Silicon Valley - Phase II Extension Project. The public comment period begins Wednesday, December 28, 2016 and ends on Monday, February 20, 2017. Following the end of the public comment period, VTA will prepare a Final SEIS/SEIR. Responses to all comments received will be provided in the Final SEIS/SEIR.

VTA will host three public hearings for the public to learn more about the project and to provide comments on the Draft SEIS/SEIR. All comments received will be addressed in the Final SEIS/SEIR.

**Public Hearings:**

**Meeting 1 – Wednesday, January 25, 2017**

Open House:

6:00 p.m. – 7:00 p.m.

Formal Presentation & Comments:

7:00 p.m. – 8:00 p.m.

Mexican Heritage Plaza, Gallery

1700 Alum Rock Avenue, San Jose, CA 95116

**Meeting 2 – Thursday, January 26, 2017**

Open House:

6:00 p.m. – 7:00 p.m.

Formal Presentation & Comments:

7:00 p.m. – 8:00 p.m.

Santa Clara Senior Center, Room 222

1303 Fremont Street, Santa Clara, CA 95050

**Meeting 3 – Monday, January 30, 2017**

Open House:

6:00 p.m. – 7:00 p.m.

Formal Presentation & Comments:

7:00 p.m. – 8:00 p.m.

San Jose – City Hall, Rooms 118 - 120

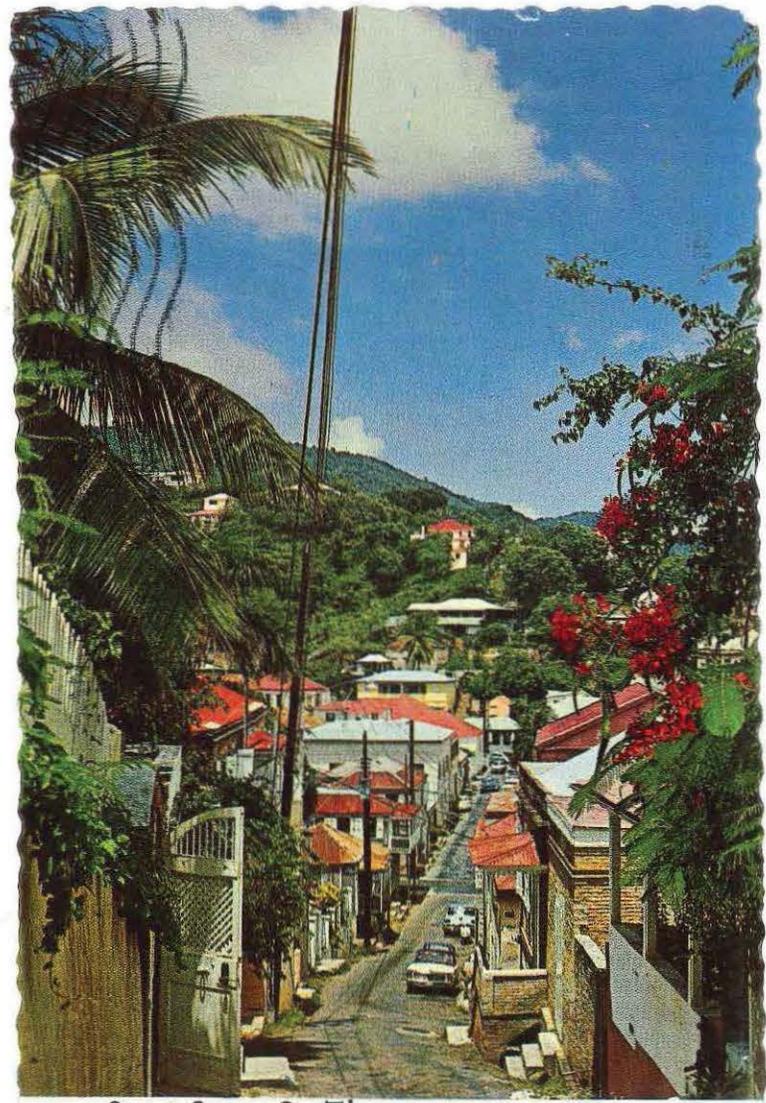
200 East Santa Clara Street, San Jose, CA 95113

Additional information about the project, including electronic copies of the Draft SEIS/SEIR and supporting documentation, is available on the project website at <http://www.vta.org/bart/>.

## **Response to Comment Letter P9**

### ***Tim & Jane McKay 2<sup>nd</sup> email***

P9-1      Responses to the commenter's specific questions are provided above under response to comment P8-1.



*Street Scene, St. Thomas*

M. Cassel 893 Lenzem Ave #326

STREET SCENE

St. Thomas, U.S. Virgin Islands  
Crystal Gade - in the town of Charlotte Amalie.  
Color by Bob Glander

San Jose, CA.

95136



ADDRESS

Distributor V. I. Cards Inc., P. O. Box 1476, St. Thomas, V. I. 00801

Dear Mr. Fitzwater,  
just to say, I fear the  
arrival of undesirables & the  
oncoming troubles that the Barts  
extension is sure to bring to my  
neighborhood, being near the  
proposed extension.

Thank you  
Mary

Tom Fitzwater SVRT  
VTA Environmental Programs  
& Resources Management,  
Building B-2  
3331 N. 7th Street  
San Jose, CA

95134

PostNet  
by COLOURFACTURE  
BOSTON, MASS. 02120

## Response to Comment Letter P10

### ***May Cassel***

- P10-1 Safety is very important to VTA and BART. Refer to Section 4.13, *Security and System Safety*, which describes the affected environment and environmental consequences related to security and system safety from implementation of the NEPA BART Extension Alternative. Information regarding BART security and system safety was obtained from the BART Police Department. BART and VTA will continue their existing safety and security procedures and policies for the Phase II Extension, including but not limited to BART Police Department coordination with local Santa Clara County Sherriff's law enforcement, fencing, lighting, designated passenger walkways, Closed Caption TV, and having emergency call boxes.

**Swan, Samantha**

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**From:** Linda Ertel <lindajertel1@gmail.com>  
**Sent:** Tuesday, January 24, 2017 7:48 PM  
**To:** bartphase2eis-eir  
**Subject:** Projected BART stations

I live in East San Jose and am a retired female. I would not feel safe in getting on or off BART on Alum Rock. Why not place the station at Capital Avenue and McKee? There are several shopping centers there and many people. It is well lit and a safer area than Alum Rock.

Respectfully,

Linda Ertel

Sent from my iPhone

P11-1

## Response to Comment Letter P11

### *Linda Ertel*

P11-1 The Alum Rock/28<sup>th</sup> Street BART station will be located on 28<sup>th</sup> Street between Santa Clara Street and Julian Street. The site was selected to maximize BART ridership with connections to Bus Rapid Transit and other bus operations on Santa Clara Street. The bus lines on Santa Clara Street have the highest ridership in VTA's bus system. In 2001, VTA completed a Major Investment Study (MIS) that evaluated the alignment and transportation technology. This study resulted in the selection of the Union Pacific Railroad corridor. Station locations included Milpitas, Berryessa, Alum Rock, Downtown San Jose, Diridon, and Santa Clara with a maintenance and storage facility at Newhall Yard. BART was selected as the preferred technology. The VTA Board of Directors have continued to support this project through certification and approval of the recommended project in the 2004 Final EIR and 2007 Final Supplemental EIR. In addition, FTA issued a Record of Decision in 2010 approving the alignment and first two station locations consistent with the MIS. These previous environmental studies established the BART Extension alignment and station locations, and this environmental document is tiering off of those previously approved studies.

The MIS was adopted by the VTA Board of Directors in November 2001. The alignment will not be changed to place a station at Capital Avenue and McKee. Safety is very important to VTA and BART. BART and VTA will continue their existing safety and security procedures and policies for the Phase II Extension, including but not limited to BART Police Department coordination with local Santa Clara County Sherriff's law enforcement, fencing, lighting, designated passenger walkways, Closed Caption TV, and having emergency call boxes.

Refer to Chapter 4.13, *Security and System Safety*, which describes the affected environment and environmental consequences related to security and system safety from operations of the NEPA Alternatives. Information regarding BART security and system safety was obtained from the BART Police Department.

**Swan, Samantha**

**From:** Davide Vieira <davide@vieiracorp.com>  
**Sent:** Wednesday, January 25, 2017 4:51 PM  
**To:** bartphase2eis-eir  
**Subject:** VTA BART Phase II EIS-EIR comments & questions

Please confirm receipt of this e-mail and that its contents have been incorporated into the public record for follow-up and response by VTA.

- |   |        |
|---|--------|
| 1. Will VTA design 28 <sup>th</sup> Street Station access to the subway below in such a way as to maximize pedestrian circulation through the planned town square above the station box?  | P12-1  |
| 2. Will VTA pay for a study of the hundred-year-old historic Five Wounds Portuguese National Church in order to determine safe parameters for ground vibration that will be suffered by the structure during both construction and regular operation of BART? Will VTA outfit the church with sensors to record and monitor ground vibration to ensure that the safe parameters are not exceeded? Will VTA insure the church structure against any damage that is the result of construction and regular operation of BART? | P12-2  |
| 3. Table 1-3:<br>Five Wounds Middle School never existed; Cristo Rey San José Jesuit High School is on the campus of Five Wounds Church in the building where Five Wounds Parish Elementary School operated for 49 years before it closed in 2009. Ironically, the hundred-year-old historic Five Wounds Portuguese National Church was omitted from the subject table.   | P12-3  |
| 4. Why does VTA need a single, seven-story, 1,200-space parking structure at the 28 <sup>th</sup> Street Station when it could share and hide BART parking under new commercial   office   retail   residential structures across the entire 11-acre station campus?  | P12-4  |
| 5. If VTA is adamant about building a parking structure at the 28 <sup>th</sup> Street Station, then will VTA design it in such a way as to hide the fact that it is a parking structure? Mineta San José Airport's artistic garage cladding comes to mind. Or wrapping the structure with office or residential uses.  | P12-5  |
| 6. Will a BRT station be constructed at 28 <sup>th</sup> and East Santa Streets to interface with the 28 <sup>th</sup> Street Station? Will the existing BRT station at 24 <sup>th</sup> Street be demolished?  | P12-6  |
| 7. Will the existing streets surrounding the 28 <sup>th</sup> Street Station campus be preserved? That is, Five Wounds Lane, N 30 <sup>th</sup> Street, and East Saint James Street?  | P12-7  |
| 8. Will East Saint James Street continue as a through street connecting N 27 <sup>th</sup> and N 28 <sup>th</sup> Streets?  | P12-8  |
| 9. How much of the railroad right-of-way along N 28 <sup>th</sup> Street will be used for street improvements to accommodate the 28 <sup>th</sup> Street Station?   | P12-9  |
| 10. Will a street parking permit program be proactively implemented for the neighborhood streets within a defined radius of the 28 <sup>th</sup> Street Station during both construction and regular operation of BART?   | P12-10 |
| 11. Will a business assistance program be set up and administered by VTA to help alleviate the negative economic impacts of BART construction on businesses? What about a landlord assistance program for owners of residential rental properties whose properties cannot generate the same rental income as they did before BART construction?   | P12-11 |
| 12. 2.3.3.1 Proposed Development<br>Why does the subject section with respect to the 28 <sup>th</sup> Street Station differ totally from the San José City Council-approved Five Wounds Urban Village Plan? Why aren't the village plan's proposed development numbers cited in the EIR-EIS, both in this section and throughout where appropriate?   | P12-12 |
| 13. What can VTA do to advocate for and facilitate the construction of trails that will feed the 28 <sup>th</sup> Street Station with potential riders? The trails in question are the Three Creeks Trail and the Five Wounds Trail. The Lower Silver Creek Trail could provide potential riders for both the Berryessa and 28 <sup>th</sup> Street Stations.   | P12-13 |
| 14. Will VTA design the 28 <sup>th</sup> Street Station subway box in such a way as to maximize the amount of high-density development possible both on top of and in close proximity to the station box?   | P12-14 |

- |   |        |
|---|--------|
| 15. Cristo Rey San José Jesuit High School's address is now 1389 East Santa Clara Street since the construction of its new building.  | P12-15 |
| 16. Table 4.4-1<br>There are at least two, if not three, middle schools across from the main campus of San José High School on E Julian Street.   | P12-16 |
| 17. Table 4.4-3<br>Cultural Facilities<br>Correction: S.F. União Popular<br>Missing: S.F. Nova Aliança, 37 N 27 <sup>th</sup> Street<br>Missing: Sociedade Aliança Jorgense, 198 N 27 <sup>th</sup> Street<br>Missing: I.E.S., 1401 E Santa Clara Street<br>Missing: Portuguese Athletic Club, 1401 E Santa Clara Street<br>Missing: Centro Leonino, 1304 E Julian Street<br>Missing: Casa do Benfica, 1198 E Santa Clara Street<br>Missing: Portuguese Community Center (POSSO), 1115 E Santa Clara Street<br><br>Religious Facilities<br>Correction: Five Wounds Portuguese National Church; NOTE: This correction should be propagated throughout the EIR-EIS. | P12-17 |
| 18. 4.11.2.1 Environmental Setting<br>Five Wounds Portuguese National Church no longer has an associated elementary school. Cristo Rey San José Jesuit High School is now on the Five Wounds campus with its current 375 students and expecting 500 students at full enrollment in 2017-18.   | P12-18 |
| 19. 4.11.4.2 BART Extension Alternative<br>The 28 <sup>th</sup> Street Station verbiage focuses on the older community-developed BART Station Area Community Concept Plan instead of focusing on the current, San José City Council-approved Five Wounds Urban Village Plan that was derived from the prior plan.   | P12-19 |
| 20. 4.16.4.2 BART Extension Alternative<br>Viewers must also include the 500 students, parents, faculty and staff of Cristo Rey San José Jesuit High School.  | P12-20 |
| 21. Will VTA be providing off-street parking for all construction personnel during BART Phase II construction? Will off-street parking be located in the neighborhood or will personnel be parking outside the area and bussed in? For off-street parking in the neighborhood, how will VTA mitigate the negative impacts of construction personnel commuting into the construction zones?  | P12-21 |
| 22. 6.12.5.2 BART Extension Alternative<br>With Five Wounds Portuguese National Church, Cristo Rey San José Jesuit High School must also be included as a co-closest sensitive receiver of noise. I would also propose including the I.E.S. Hall and Portuguese Athletic Club. And what about the two Portuguese marching band halls on N 27 <sup>th</sup> Street?  | P12-22 |

Davide Vieira  
1439 Shortridge Ave  
San José, CA 95116  
408.813.3009

*All you leave behind are memories -- make them good ones*

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## Response to Comment Letter P12

### ***Daivde Vieira***

P12-1 The VTA BART Phase II – TOD and Access Planning Study, which will span from early 2018 through 2019, will aim to optimize efficient multimodal access to the station. The study will analyze various topics including bike, bus, and pedestrian access, and will look at how all modes will be integrated. Opportunities for public and stakeholder input will be provided throughout the study.

P12-2 As stated in Section 4.5.4.2, under *Historic Architecture*, operation of the BART Extension would not result in an indirect adverse effect on the Church of Five Wounds caused by vibration. Operational vibration levels at the Church of Five Wounds would not exceed FTA’s threshold of 0.12 inches/second Peak Particle Velocity (PPV), or 90 vibration velocity decibels (VdB).

Prior to construction, the buildings (including historic structures) that may be affected by construction of the BART Extension will be surveyed to establish baseline conditions and will be monitored during construction. Construction-related impacts on the condition of the buildings attributable to the BART Extension will be addressed. VTA will be responsible for repairing building damage caused by construction of this BART Extension. Refer to Mitigation Measures NV-CNST-P: Implement a Construction Vibration Control and Monitoring Plan, and NV-CNST-R: Implement a Preconstruction and Post-Construction Building Condition Surveys for Vibration, in Section 5.5.13.3 and Mitigation Measure GEO-CNST-B: Implement Preconstruction Condition Surveys along the Tunnel Alignment, in Section 5.5.9.2 of the SEIS/SEIR for more information.

P12-3 Five Wounds Middle School has been deleted from Table 1-3, *Activity Centers within the Vicinity of the BART Extension Alternative Stations*, and Five Wounds Portuguese National Church has been added to Table 1-3.

P12-4 The up-to-seven-level, 1,200-space parking structure is described in Volume I, Chapter 2, Section 2.2.2 under the *NEPA BART Extension Alternative*, which is the alternative without transit-oriented joint development (TOJD). The parking structure will be analyzed through the engineering phase, and the number of levels in the structure will be determined at the time. If the CEQA BART Extension with TOJD Alternative (Section 2.3.3) is selected, the 1,200 spaces of parking will be integrated into the overall TOJD site design. The following sentence has been added to Section 2.3.3.1 *Proposed Development – City of San Jose – Alum Rock/28th Street Station*, at the end of the paragraph:

If the CEQA BART Extension with TOJD is selected, then BART parking would be coordinated into the overall station campus design.

- P12-5 See response to comment P12-4. The final design for the station and parking garage will be initiated after the environmental process is completed. The design will be developed in consultation with the City of San Jose and with input from the community. The visual analysis completed for the SEIS/SEIR did not identify a significant visual impact due to the parking garage.
- P12-6 The original EIR prepared in 2008 for the Santa Clara-Alum Rock Transit Improvement Project called for a BRT station to be at East Santa Clara Street and 28<sup>th</sup> Street. However, in 2011, an Addendum to the EIR was prepared that called for the BRT station to be moved to 24<sup>th</sup> Street. The Addendum does not address demolishing the BRT station in the future. There are currently no plans to have a BRT station constructed at East Santa Clara and 28<sup>th</sup> Streets. However, VTA is continually evaluating bus stops and their locations to increase ridership.
- P12-7 Currently, there are no plans to modify the existing streets around 28th Street.
- The *VTA BART Phase II – TOD and Access Planning Study*, which will span from early 2018 through 2019, will aim to optimize efficient multimodal access to the station. Opportunities for public and stakeholder input will be provided throughout the study.
- P12-8 Currently, there are no plans to close East Saint James Street at 28th Street. However, the preservation of existing streets surrounding Alum Rock/28<sup>th</sup> Street Station will be evaluated through the *VTA BART Phase II – TOD and Access Planning Study*, which will begin in early 2018 and is expected to complete in 2019. This study will optimize efficient multimodal access to the station and surrounding area. The study will be conducted in coordination with the City of San Jose and will include public and stakeholder involvement throughout the planning process.
- P12-9 The *VTA BART Phase II – TOD and Access Planning Study*, which will span from early 2018 through 2019, will optimize efficient multimodal access to the station. The study will analyze various topics including bike, bus, and pedestrian access, parking and kiss-and-ride areas, and will look at how all modes will be integrated. The amount of railroad right-of way for street improvements, if any, will be determined through the study, which will be conducted in coordination with the City of San Jose and will include opportunities for public and stakeholder input throughout the planning process.
- P12-10 The City of San Jose has a Residential Permit Parking Program that includes zones that restrict parking. The neighborhood would need to request that the City establish a new zone in the area.
- As described in Mitigation Measure TRA-CNST-B: Develop and Implement a Construction Transportation Management Plan, provided in Section 5.5.1, *Construction Outreach Management Program*, project construction documents

will require contractors to make provisions for employee parking that do not affect adjacent neighborhoods during construction. Various construction staging areas have been identified along the alignment which may also be utilized for employee parking during construction.

P12-11 Establishing a business or landlord assistance program similar to that implemented for the Santa Clara/Alum Rock BRT Project is not proposed at this time. Section 5.5.1, *Construction Outreach Management Program*, is designed to avoid the impacts that occurred with the Santa Clara/Alum Rock BRT Project, which replaces the need to establish a business or landlord assistance program at this time. The Construction Outreach Management Program will include a Construction Education and Outreach Plan that includes comprehensive education and outreach activities seeking widespread involvement, proactive information dissemination, and input gathering. The Construction Outreach Management Program will be responsive to various needs as well as being timely, accurate, and results-oriented. The Construction Outreach Management Program will concentrate on outreach assistance proactively to businesses rather than monetary assistance retroactively in the business or landlord assistance program.

P12-12 The TOJD identified at Alum Rock/28<sup>th</sup> Street Station was based on the Five Wounds Urban Village Plan and the City's parking requirements, assuming no underground parking, which is cost prohibitive. VTA supports greater density as long as market conditions support the development and the City parking requirements are met.

P12-13 The City of San Jose is looking into applying for the State's New Transformative Climate Communities program and will coordinate with VTA, which would include access improvements like the Three Creeks Trail and the Five Wounds Trail. The *VTA BART Phase II – TOD and Access Planning Study*, which will span from early 2018 through 2019, includes public and stakeholder involvement, and will analyze all forms of multimodal access, including the potential for future trail connections. While the study will incorporate trail connections into the plan, the development and implementation of trails and trail connections is dependent on future funding and will require coordination with the City of San Jose and other agencies. VTA supports actions that facilitate multi-modal access to the station to increase ridership.

P12-14 *The comment asks if VTA will design the 28<sup>th</sup> Street Station in such a way as to maximize the amount of high-density development possible.*

VTA supports maximizing the density of development surrounding all BART stations, including Alum Rock/28<sup>th</sup> Street Station. VTA will continue to coordinate with the City of San Jose in the design of Alum Rock/28<sup>th</sup> Street Station to maximize density at this station, and VTA and the TOJD developer will coordinate timing of construction activities as needed.

- P12-15 The address of Cristo Rey San José Jesuit High School has been updated throughout the SEIS/SEIR.
- P12-16 One additional school, Sunrise Middle School, at 1149 E Julian St, San Jose, was identified and has been added into Table 4.4-1, *Schools within the Study Area*, and Figure 4.4-2, *School and Park Facilities (Revised)*.
- P12-17 Table 4.4-3, *Civic, Cultural, and Religious Facilities*, in Section 4.4, *Community Facilities and Public Service*, lists these facilities that are within 0.25-mile of the BART station locations. Figure 4.4-3, *Civic, Religious, and Cultural Facilities (Revised)*, depicts the locations of these facilities in proximity to the project elements. The following revisions have been made to Section 4.4, *Community Facilities and Public Services*, as requested.

The first paragraph in Section 4.4.2.1, *Environmental Setting*, under the *Community Facilities/Civic, Religious, ~~Entertainment~~, and Cultural Facilities* subheading has been revised as follows:

As shown in Table 4.4-3 and on Figure 4.4-3, there are ~~3630~~ civic, cultural, and religious facilities within 0.25 mile of the BART station locations. Of these, ~~3125~~ facilities are in San Jose and 5 are in Santa Clara.

The *Cultural Facilities* subheading in Table 4.4-3 has been revised as follows. In addition, Figure 4.4-3 has also been revised to depict these added cultural facilities.

**Table 4.4-3:. Civic, Cultural, and Religious Facilities within the Study Area**

Facility	Location	Nearby Station (within 0.25 mile) <sup>a</sup>	Figure 4.4-3 Map Icon
<b>Cultural Facilities</b>			
<del>Sociedade Filarmonica União</del> SF União Popular	1220 Santa Clara Street, San Jose	Alum Rock/28 <sup>th</sup> Street	C1
Portuguese Band of San Jose	100 North 27 <sup>th</sup> Street, San Jose	Alum Rock/28 <sup>th</sup> Street	C2
Hammer Theater	101 Paseo De San Antonio Walk, San Jose	Downtown San Jose	C6
San Jose Museum of Art	110 South Market Street, San Jose	Downtown San Jose (West Option)	C7
Tech Museum of Innovation	201 South Market Street, San Jose	Downtown San Jose (West Option)	C8
SAP Center at San Jose	525 Santa Clara Street, San Jose	Diridon (South and North Options)	C11
Santa Clara Women’s Club Adobe	3260 The Alameda, Santa Clara	Santa Clara	C12
de Saisset Museum	500 El Camino Real, Santa Clara	Santa Clara	C13
Lois B. Mayer Theater	500 El Camino Real, Santa Clara	Santa Clara	C14
Mission Santa Clara de Asis	500 El Camino Real, Santa Clara	Santa Clara	C15
<u>S.F. Nova Aliança</u>	<u>37 North 27<sup>th</sup> Street, San Jose</u>	<u>Alum Rock/28<sup>th</sup> Street</u>	<u>C17</u>
<u>Sociedade Aliança Jorgense</u>	<u>198 North 27<sup>th</sup> Street, San Jose</u>	<u>Alum Rock/28<sup>th</sup> Street</u>	<u>C18</u>
<u>Irmandade do Espírito Santo</u> <u>(I.E.S.) and Portuguese Athletic</u> <u>Club</u>	<u>1401 East Santa Clara Street, San</u> <u>Jose</u>	<u>Alum Rock/28<sup>th</sup> Street</u>	<u>C19</u>
<u>Centro Leonino</u>	<u>1304 East Julian Street, San Jose</u>	<u>Alum Rock/28<sup>th</sup> Street</u>	<u>C20</u>

Facility	Location	Nearby Station (within 0.25 mile) <sup>a</sup>	Figure 4.4-3 Map Icon
<u>Casa do Benfica</u>	<u>1198 East Santa Clara Street, San Jose</u>	<u>Alum Rock/28<sup>th</sup> Street</u>	<u>C21</u>
<u>Portuguese Community Center (POSSO)</u>	<u>1115 East Santa Clara Street, San Jose</u>	<u>Alum Rock/28<sup>th</sup> Street</u>	<u>C22</u>

Source: Google Maps 2015

<sup>a</sup> Unless specifically mentioned, civic, cultural, and religious facilities with 0.25 mile of the Downtown San Jose Station are within 0.25 mile of both the Downtown San Jose Station East Option and the Downtown San Jose Station West Option locations.

The name of the Five Wounds Portuguese National Church under the *Religious Facilities* subheading in Table 4.4-3 has been revised as follows. This correction has also made globally throughout the SEIS/SEIR.

Facility	Location	Nearby Station (within 0.25 mile) <sup>a</sup>	Figure 4.4-3 Map Icon
<b>Cultural Facilities</b>			
<u>Five Wounds <del>National</del> Portuguese National Church</u>	1375 Santa Clara Street, San Jose	Alum Rock/28 <sup>th</sup> Street	R3

Source: Google Maps 2015

<sup>a</sup> Unless specifically mentioned, civic, cultural, and religious facilities with 0.25 mile of the Downtown San Jose Station are within 0.25 mile of both the Downtown San Jose Station East Option and the Downtown San Jose Station West Option locations.

For cultural resources, please see an explanation for how these suggested resources are addressed in the SEIS/SEIR.

#### **S.F. União Popular:**

The Sociedade Filarmonica Uniao Popular (SF União Popular) is located at 1220 East Santa Clara Street and is outside the current architectural Area of Potential Effects for the BART Silicon Valley Phase II Extension Project. Therefore, it is not addressed in VTA's *BART Silicon Valley Phase II Extension Project Supplemental Building Environment Survey Report* (dated November 2017) or in the SEIS/SEIR in Sections 4.5 and 6.6 (*Cultural Resources*). However, this resource has been added to Table 4.4-3 and Figure 4.4-3.

#### **S.F. Nova Aliança, 37 N 27<sup>th</sup> Street:**

JRP Historical Consulting, LLC, inventoried and evaluated the property at 37 North 27<sup>th</sup> Street as part of the *Draft Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives* completed in 2003. Assigned Map Reference No. 10-25 in that report, JRP concluded that the property lacked historic significance and integrity and was not eligible for listing in either the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CRHR). FTA and VTA, as lead NEPA and CEQA agencies, respectively, for the 2003 project, agreed with the findings, and the State Historic Preservation Officer concurred with FTA's determination of

NRHP ineligibility through the Section 106 process in June 2003. Therefore, this building is not a historic property as defined under Section 106 and is not considered a historical resource under CEQA, and is not addressed in Sections 4.5 and 6.6 (*Cultural Resources*) of the SEIS/SEIR. However, this resource will be added to Table 4.4-3 and Figure 4.4-3.

**Sociedade Aliança Jorgense, 198 N 27<sup>th</sup> Street:**

JRP Historical Consulting, LLC, inventoried and evaluated the property at 198 North 27<sup>th</sup> Street as part of the *Draft Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives* completed in 2003. Assigned Map Reference No. 10-19 in that report, JRP concluded that the property lacked historic significance and integrity and was not eligible for listing in either the NRHP or CRHR. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for the 2003 project, agreed with the findings, and the State Historic Preservation Officer concurred with FTA's determination of NRHP ineligibility through the Section 106 process in June 2003. Therefore, this building is not a historic property as defined under Section 106 and is not considered a historical resource under CEQA, and is not addressed in Sections 4.5 and 6.6 (*Cultural Resources*) of the SEIS/SEIR. However, this resource will be added to Table 4.4-3 and Figure 4.4-3.

**I.E.S., 1401 E Santa Clara Street:**

Architectural Historian Ward Hill inventoried and evaluated the I.E.S. (Irmandade do Espírito Santo) complex located at 1401 East Santa Clara Street in 2002 as part of the *Historic Properties Survey Report* for the VTA Santa Clara/Alum Rock Light Rail Project. Documented on a Department of Parks and Recreation (DPR) 523 form along with the Five Wounds Portuguese National Church, the evaluation concluded that the three I.E.S. buildings (I.E.S. Serving Hall/Kitchen/Ball Room, I.E.S. Chapel, and Old I.E.S. Hall/Gymnasium/Janitor's Residence) were not eligible for listing in either the NRHP or CRHR because they lacked integrity. JRP Historical Consulting, LLC, included the 2002 DPR form (labeled as Map Reference No. 10-14) as part of the *Draft Technical Memorandum Historical Resources Evaluation Report for SVRTC EIS/EIR Alternatives* (2003), and based on the conclusions of Ward Hill, reported these buildings as ineligible for both the NRHP and CRHR. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for that project, agreed with the findings, and the State Historic Preservation Officer concurred with FTA's determination of NRHP ineligibility through the Section 106 process in June 2003. Therefore, these buildings are not historic properties as defined under Section 106 and are not considered a historical resource under CEQA, and are not addressed in Sections 4.5 and 6.6 (*Cultural Resources*) of the SEIS/SEIR. However, this resource will be added to Table 4.4-3 and Figure 4.4-3.

**Portuguese Athletic Club, 1401 E Santa Clara Street:**

See response to comment for I.E.S., 1401 East Santa Clara Street. The Portuguese Athletic Club utilizes one or more the I.E.S. buildings adjacent to Five Wounds Portuguese National Church. Therefore, this building is not a historic property as defined under Section 106 and is not considered a historical resource under CEQA, and is not addressed in Sections 4.5 and 6.6 (*Cultural Resources*) of the SEIS/SEIR. However, this resource will be added to Table 4.4-3 and Figure 4.4-3.

**Centro Leonino, 1304 E Julian Street:**

JRP Historical Consulting, LLC, inventoried and evaluated the property at 1304 East Julian Street as part of *VTA's BART Silicon Valley Phase II Extension Project Supplemental Building Environment Survey Report* (dated November 2017). Assigned Map Reference B-02 in that report, JRP concluded that the property lacked historic significance and integrity and was not eligible for listing in either the NRHP or CRHR. FTA and VTA, as lead NEPA and CEQA agencies, respectively, for this project, agreed with the findings, and the State Historic Preservation Officer concurred with FTA's determination of NRHP ineligibility through the Section 106 process in October 2016. Constructed in around 1949, the building historically served a light-industrial use into the 1970s when it was converted to commercial use into the late 1980s. While one of four storefronts within this building has been used as a social hall by the Centro Leonino da California, a Portuguese soccer club, since the early 1990s, the building does not qualify for the NRHP under exceptional significance. Therefore, this building is not a historic property as defined under Section 106 and is not considered a historical resource under CEQA, and is not addressed in Sections 4.5 and 6.6 (*Cultural Resources*) of the SEIS/SEIR. However, this resource will be added to Table 4.4-3 and Figure 4.4-3.

**Casa do Benfica, 1198 E Santa Clara Street:**

The property located at 1198 East Santa Clara Street is outside the current architectural Area of Potential Effects for the BART Silicon Valley Phase II Extension Project and therefore is not addressed in *VTA's BART Silicon Valley Phase II Extension Project Supplemental Building Environment Survey Report* (dated November 2017). Therefore, this building is not a historic property as defined under Section 106 and is not considered a historical resource under CEQA, and is not addressed in Sections 4.5 and 6.6 (*Cultural Resources*) of the SEIS/SEIR. However, this resource will be added to Table 4.4-3 and Figure 4.4-3.

**Portuguese Community Center (POSSO), 1115 E Santa Clara Street:**

Architectural Historian Ward Hill inventoried and evaluated the building located 1115 East Santa Clara Street in 2003 as part of the *Historic Properties Survey Report* for the VTA Santa Clara/Alum Rock Light Rail Project. Documented on a DPR 523 form, the evaluation concluded that the building was not eligible for listing in either the NRHP or CRHR because it lacked integrity. FTA, as lead

agency for that project, agreed with that findings, and the State Historic Preservation Officer concurred with FTA's determination of NRHP ineligibility through the Section 106 process in 2006. JRP Historical Consulting, LLC, reported the previous finding of "not eligible" for both the NRHP and CRHR in *VTA's BART Silicon Valley Phase II Extension Project Supplemental Building Environment Survey Report* (dated November 2017). Constructed in 1954, the building was historically used as a laundry into the 1960s and offices and commercial space in the 1970s. The Portuguese Community Center purchased the building in the early 1980s and substantially altered the building's façade in the early 2000s. Therefore, this building is not a historic property as defined under Section 106 and is not considered a historical resource under CEQA, and is not addressed in Sections 4.5 and 6.6 (*Cultural Resources*) of the SEIS/SEIR. However, this resource will be added to Table 4.4-3 and Figure 4.4-3.

**Five Wounds Portuguese National Church:**

The Finding of Effect for VTA's BART Silicon Valley Phase II Extension Project will be revised to reflect the correct name of the Five Wounds Portuguese National Church. The corrected name is shown in Table 4.4-3 and Figure 4.4-3, as well as throughout the SEIS/SEIR.

- P12-18 The information on an associated elementary school with the Five Wounds Portuguese National Church has been updated in Section 4.11.2.1, *Environmental Setting*, under the subheading, *Alum Rock/28<sup>th</sup> Street Station*, as shown below. The address of Cristo Rey San José Jesuit High School has been updated throughout the SEIS/SEIR.

The Alum Rock/28<sup>th</sup> Street Station would be excavated to approximately 40 feet below ground level with the Twin-Bore Option. The top of the Single-Bore Option would be a maximum of approximately 70 feet below ground. Both stations would be below an existing industrial area and within an urban village boundary....The Portuguese Band and Social Center is located to the west of the station site, and the Five Wounds National Portuguese Church and ~~associated elementary school~~ the Cristo Rey San José Jesuit High School are located to the southeast. Commercial uses border the southwestern corner of the station site along Santa Clara Street.

- P12-19 Section 4.11.4.2, *BART Extension Alternative*, under the subheading, *Physically Divide an Established Community—Station Locations—Alum Rock/28<sup>th</sup> Street Station*, has been updated to reflect the Five Wounds Urban Village Plan.

The Alum Rock/28<sup>th</sup> Street Station is located within the Five Wounds Urban Village Area, as developed under the Five Wounds Urban Village Plan. This Plan emerged from the Five Wounds/Brookwood Terrace Strong Neighborhoods Initiative (SNI), and was developed in 2010 by the community and San Jose State University, with support from the City, under the umbrella

~~of CommUniverCity. The Plan establishes a framework for a mixed-use and pedestrian-oriented district that supports planned transportation improvements (including BART) and creates a safe environment for all modes of travel, a healthy mix of uses, and public gathering places. and the *Five Wounds/Brookwood Terrace BART Station Area Community Concept Plan*. This Plan was conceptualized through a collaboration between the City, community, and University of San Jose. This plan envisions the Alum Rock/28<sup>th</sup> Street Station as a center for a conceptualized “Town Square,” and associated pedestrian promenades and mixed use developments. The ultimate goal of the community in designing the *Five Wounds/Brookwood Terrace BART Station Area Community Concept Plan* was to enhance the area and create a community gathering place with mixed land uses.~~

This change does not change the conclusion related to land use presented in the Draft SEIS/SEIR.

- P12-20 As requested, the third paragraph in Section 4.16.4.2, under the *Alum Rock/28th Street Station* subheading, has been revised to include the additional viewers associated with Cristo Rey San Jose Jesuit High School:

Viewers in this area primarily consist of church attendees; store patrons; passing motorists; residents in the Roosevelt Park neighborhood; students, parents, faculty, and staff of Cristo Rey San Jose Jesuit High School; pedestrians; and bicyclists. Given the predominately industrial character of the landscape, viewer sensitivity of these groups would be low to moderate.

The visual analysis in the SEIS/SEIR notes that the addition of the BART Station and TOJD would not result in a significant visual impact. As described in Sections 4.16 and 6.14, *Visual Quality and Aesthetics*, the BART Extension and TOJD components would be of comparable height and mass to other buildings currently on and surrounding the Alum Rock/28th Street Station, and would improve the visual quality of the area by providing a community-oriented and pedestrian friendly streetscape. As noted, the Five Wounds Church is a key visual resource in the area; however, the station and TOJD would be set back from the church and no views to the church would be affected. In addition, the design of the TOJD would be in accordance with the Five Wounds Urban Village Plan. The visual impact from the Alum Rock/28th Street Station would be no *adverse effect* under NEPA and *less than significant* under CEQA. Schools tend to be more sensitive to noise and vibration rather than changes in views. Therefore, addition of viewers at the school would not result in new significant impacts or greater significant impacts than previously identified in the Draft SEIS/SEIR.

- P12-21 The SEIS/SEIR identifies construction staging areas that include construction personnel parking, as shown in Figures 5-2 through 5-11. Any additional construction personnel parking required will be off site and included as a

condition in the contracts package. Construction personnel commuting to the Alum Rock/28<sup>th</sup> Street Station would likely use US 101 and the off- and on-ramps to East Santa Clara Street and Julian/McKee Road. Mitigation Measures TRA-CNST-A through TRA-CNST-D, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, have been provided to address construction-period access disruptions for vehicular, pedestrian, and bicycle traffic.

P12-22 Section 6.12.5.2 describes the potential impacts of noise on the Five Wounds Portuguese National Church. The church and Cristo Rey San Jose Jesuit High School. Within this complex, which contains the Five Wounds Portuguese National Church, Cristo Rey San José Jesuit High School, I.E.S. Hall, Portuguese Athletic Club, and Portuguese marching band halls, Five Wounds School is the closest of these buildings to project elements. Consequently, it is sufficient (and standard practice) to list only the closest sensitive building within this complex as the noise levels at other facilities would be less than at the school (see Table 4.12-21, *Projected Levels of Groundborne Noise for Twin-Bore Option*).

Section 5.5.13.1 provides information on construction-period noise and vibration impacts on the Five Wounds School. The noise levels at the school would exceed the FTA criteria during construction, and, therefore, a noise wall or noise curtain—which would achieve a 5 to 15 dB noise attenuation—is provided as mitigation (see Mitigation Measure NV-CNST-C: Construct Temporary Noise Barriers, in Chapter 5, *Construction*). This impact would be reduced to *not adverse* under NEPA and *less than significant* under CEQA after mitigation.

During operation, the projected levels of groundborne noise and vibration for Five Wounds School are 21 to 25 A-weighted decibels (dBA) and considerably less than the FTA criteria of 40 dBA. The projected levels for the other Institutional uses farther away would be even lower. The I.E.S. Hall and Portuguese Athletic Club are in the same building and are not considered sensitive uses from a noise and vibration perspective. The Portuguese marching band halls on 27<sup>th</sup> Street are also not sensitive uses from a noise and vibration perspective.

mail (3)

left 4/7

**YOUR OPINION COUNTS**

Date: 1/25/17 Name of Project: Bart II

I have a question/comment about:

Lights at Mcke / Clara / 101 are  
"Dumb". Ok w/ present light traffic.  
Will need smartening up once  
BART/housing adds traffic.  
Else will end up like Saratoga/280

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: \_\_\_\_\_

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Alum Rock 1/25/17

Name Elliot Sowardsky

Address 435 N 20th St

City: San Jose State: CA Zip: 95112

Phone: 9712108 Best time to call: any

Fax: \_\_\_\_\_ E-mail: elliotsym@gmail

0806-6409



P13-1

## Response to Comment Letter P13

### ***Elliot Sowadsloy***

- P13-1      The comment raises a concern regarding an existing deficiency and not as a result of the project. The BART Extension and BART Extension with TOJD Alternatives do not result in an adverse or significant impact at this location. The City of San Jose would be responsible for re-timing and adjusting the signals at the intersections of U.S. 101 and Santa Clara and at U.S. 101 and McKee to improve the traffic circulation. See Chapter 3, *NEPA and CEQA Transportation Operation Analysis*, for a full discussion of transportation impacts during operations.

**YOUR OPINION COUNTS**

Date: 1-25-17 Name of Project: BART SN Ph. II Ext.

I have a question/comment about:

- Earthquake impact on twin bore open trench when M is
- Costs impact of concrete-making; total cost of concrete, and of concrete structural supports
- Quiet wheels vs Loud wheels BART chose at start
- Possible ultra-high-pref. concrete; cut total cost.
- Put ultra-light bidirect mono rail into station design

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: Eng. design

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Alum Rock 1/25/17

Name: MARK ROEST

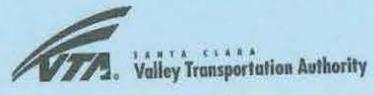
Address: 3329 LOS PRADOS ST., APT. 1

City: SAN MATEO State: CA Zip: 94403

Phone: 650-888-3665 Best time to call: random

Fax: \_\_\_\_\_ E-mail: MARKLROEST@gmail.com

0806-6409



- P14-1
- P14-2
- P14-3
- P14-4
- P14-5
- P14-6

## Response to Comment Letter P14

### Mark Roest

P14-1 All structures, including tunnels, underground cut-and-cover stations, and tunnel portal structures, are designed in accordance with all applicable requirements, including the Uniform Building Code and BART Facilities Standards design criteria, which specify earthquake loads and the means by which structures will resist such loads. This comment does not raise an environmental issue.

P14-2 The Bay Area Air Quality Management District (BAAQMD) recommends using RoadMod or URBEMIS to estimate construction-related greenhouse gas (GHG) emissions (May 2017 State CEQA Guidelines). URBEMIS has been superseded by the California Emissions Estimator Model® (CalEEMod). CalEEMod is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. The model quantifies direct emissions from construction and operation activities (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use.

As stated in the CEQA methods for GHG emission construction analysis (Section 6.9.3.1, *Construction*), the construction emissions analysis was completed using CalEEMod. The emissions analysis accounts for equipment and on-road vehicle exhaust, including trucks used to deliver construction materials (e.g., concrete). Neither CalEEMod nor RoadMod estimate GHG emissions associated with the manufacturing of construction materials, and no related guidance has been provided by the BAAQMD for estimating these emissions.

Consistent with BAAQMD guidance, the SEIS/SEIR disclosed a reasonable estimate of construction-related GHG emissions. BAAQMD has not adopted a Threshold of Significance for construction-related GHG emissions, and recommends making a determination on the significance of construction-generated GHG emission impacts in relation to meeting Assembly Bill (AB) 32 GHG reduction goals. This analysis is presented in Section 6.9, *Greenhouse Gas Emissions and Climate Change*, which states that the project would be consistent with AB 32. It is acknowledged that including a life-cycle analysis of construction materials would result in additional GHG emissions. However, disclosure of the emissions would not result in an unidentified conflict with the AB 32 Scoping Plan measures to reduce statewide GHG emissions, including expanding energy efficiency programs, increasing electricity production from renewable resources

(at least 33 percent of the statewide electricity mix), and increasing automobile efficiency, implementing the Low-Carbon Fuel Standard, and developing a cap-and-trade program.

- P14-3 Section 9.4.1, *Capital Costs*, provides an estimate of the total construction costs of the project. The costs of concrete are included in the \$4.69 billion project cost in year of expenditure. The cost of concrete will be further refined during the engineering phase once a tunneling methodology is selected. The comment does not raise an environmental issue.
- P14-4 BART's new fleet of vehicles includes newly-designed wheels that would result in quieter vehicles. As described in Sections 4.12 and 6.12, *Noise and Vibration*, airborne and groundborne noise impacts from train operations, taking into account noise emitted from train wheel operations and wheel/rail interactions, could occur where trains are running on track aboveground, at ventilation facilities where train noise is transmitted to the surface from the tunnel below, and from maintenance facility activities. Aboveground operations on at-grade track would increase noise by 2 dBA or less at receivers, which is not a readily perceived amount. In addition, approximately 5 miles of the 6-mile extension are within a tunnel, and, therefore, wheel noise would not be an issue for aboveground noise receptors. Tunnel operations are predicted to result in exceedances of FTA groundborne noise criteria (35 dBA for residences and 40 dBA for institutional uses) at many receptor locations; however, implementation of Mitigation Measures NV-B: Reduce Groundborne Noise Levels, described in Chapter 5, Section 5.5.13, *Noise and Vibration*, would minimize this impact to *no adverse effect* under NEPA and *less than significant with mitigation* under CEQA.
- P14-5 UHPC is a relatively new advancement in concrete technology; however, for underground construction there is little precedent for its use. The decision on the use of UHPC will be up to the contractor, as this is not currently planned to be a required contract specification. The comment does not raise an environmental issue.
- P14-6 In 2001, VTA completed a Major Investment Study (MIS) that evaluated the alignment and transportation technology. This study resulted in the selection of the Union Pacific Railroad corridor as the alignment. Station locations included Milpitas, Berryessa, Alum Rock, Downtown San Jose, Diridon, and Santa Clara with a maintenance and storage facility at Newhall Yard. BART was selected as the preferred technology. This MIS was adopted by the VTA Board of Directors in November 2001. The VTA Board of Directors have continued to support this project through certification and approval of the recommended project in the 2004 Final EIR and 2007 Final Supplemental EIR.

**YOUR OPINION COUNTS**

Date: 1/26/17 Name of Project: Bart  
I have a question/comment about: Downtown S.J.

- ① Concern with traffic on E. Saint John street between 5th and 6th
- ② connection/walk? to Avaya and the SJ airport.

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: \_\_\_\_\_

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

*Alum Rock 1/25/17*

Name: Joluis Sanchez  
 Address: 229 E. Saint John Street  
 City: San Jose State: CA Zip: 95112  
 Phone: 650-333-3164 Best time to call: \_\_\_\_\_  
 Fax: \_\_\_\_\_ E-mail: Jluis\_sanchez@comcast.net

0806-6409



P15-1

P15-2

## Response to Comment Letter P15

### **JoLuis Sanchez**

- P15-1 As described in Section 5.5.2.5, *Downtown San Jose Station East Option*, and Section 5.5.2.6, *Downtown San Jose Station West Option*, construction of either station alternative could adversely affect streets in the downtown area, including vehicular traffic. Construction of the Downtown San Jose Station East Option under the Twin-Bore Option is likely to result in severe disruptions to vehicular, bicycle, and pedestrian traffic as north and south of Santa Clara Street, 3<sup>rd</sup> through 7<sup>th</sup> Streets, and Santa Clara Street between 3<sup>rd</sup> and 7<sup>th</sup> Streets, would be temporarily closed for months. The Downtown San Jose Station West Option under the Twin-Bore Option is also likely to result in severe disruptions to vehicular, bicycle, and pedestrian traffic as Market Street, 1<sup>st</sup> Street, 2<sup>nd</sup> Street, and 3<sup>rd</sup> Street north and south of Santa Clara Street; and Santa Clara Street between San Pedro and 4<sup>th</sup> Streets would be temporarily closed for months. Table 5-2, *Downtown San Jose Station Twin-Bore Roadway Construction Impacts*, describes construction activities, durations, and adverse effects on roadways. The construction activities under either station alternative would be spread over several blocks (limited to up to two blocks and one intersection at a time), resulting in lane and street closures over an extended period of time (lasting several months at any given location) and reoccurring during various construction phases. During construction of the Downtown San Jose Station East Option, Twin-Bore Option construction methodology, traffic can be expected to be diverted to East St. John Street. Although Mitigation Measures TRA-CNST-A: Develop and Implement a Construction Education and Outreach Plan, and TRA-CNST-B: Develop and Implement a Construction Transportation Management Plan, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, would minimize traffic disruption, the extended construction disruption to downtown area streets would result in an *adverse effect* under NEPA and a *significant and unavoidable impact* under CEQA.
- P15-2 VTA is planning to study a people mover connection from BART to the airport. This study, known as the Airport People Mover (APM) Business Plan is planned to be completed in 2018. The scope is to use previously completed APM studies done by VTA and the City of San Jose to review alignments, capital and operating costs, and ridership and provide the VTA Board of Directors with critical information to determine a course forward. Appropriate public outreach and involvement will be part of the study scope. Beginning in 2018, VTA will collaborate with the local cities in the *VTA BART Phase II – TOD and Access Planning Study* that will look at multimodal connections to the Santa Clara BART Station from major activity centers, including Avaya Stadium. The study is

anticipated to complete in 2019, and will provide opportunities for public and stakeholder input throughout.

**Swan, Samantha**

---

**From:** Daniel Howard <dannyman@toldme.com>  
**Sent:** Thursday, January 26, 2017 3:35 PM  
**To:** bartphase2eis-eir  
**Subject:** Santa Clara Station

I would prefer a focus on providing a high-quality transfer experience at Diridon, and capital expenditure on more cost-efficient projects like Caltrain, BRT, light rail. The extension to Santa Clara looks very very very much like a boondoggle.

P16-1

Thanks,  
-danny

--  
<http://dannyman.toldme.com>

## Response to Comment Letter P16

### ***Daniel Howard***

- P16-1      The rationale for why VTA is making the investment to build BART from Diridon Santa Clara Station is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

**YOUR OPINION COUNTS**

Date: 1-26-17 Name of Project: BART II

I have a question/comment about:

1. Please don't take away bus service money to build BART III.

2. Have EIR addendum look at how BART I resulted in loss of bus service and don't let it happen with BART II - see attached

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: \_\_\_\_\_

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name Jim Stallman

Address 19740 Braemar Dr.

City: Saratoga State: CA Zip: 95070

Phone: 408 267-9797 Best time to call: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: Jimstallman@quant.com

Santa Clara 1/24/17

0806-6409



P17-1

## Response to Comment Letter P17

### ***Jim Stallman***

- P17-1 In 2008, VTA passed a 1/8<sup>th</sup>-cent sales tax that provides funding dedicated solely to operation, maintenance, and infrastructure renewal costs of the BART extension into Santa Clara County. Bus operating funds will not be used to operate the BART Extension. Prior to the completion of the BART Phase II Project, VTA will complete a bus integration study that will look at providing seamless bus connections to the Phase II extension. The study will be completed six months prior to revenue service of the Phase II extension and will include public involvement.

**YOUR OPINION COUNTS**

Date: 1/26/2017 Name of Project: BART-SANTA CLARA

I have a question/comment about:  
What would be the impact if Federal funds are not provided? (FTA)  
Is the decision of one or two tunnels based on finance?

P18-1

P18-2

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: \_\_\_\_\_

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name: ROBERT OWENS  
 Address: 2984 ASPEN DR  
 City: SANTA CLARA State: CA Zip: 95051  
 Phone: \_\_\_\_\_ Best time to call: \_\_\_\_\_  
 Fax: \_\_\_\_\_ E-mail: rtowenssr@.aol.com

*Santa Clara 1/26/17*

0806-6409



## Response to Comment Letter P18

### **Robert Owens**

P18-1 VTA has developed an overall funding strategy that includes federal, state, and local funding sources. As stated in the Chapter 9, *Financial Considerations*, the total cost of the project is estimated to be \$4.69 billion, and up to \$4.91 billion has been identified from potential funding sources (see Table 9-4, *Capital Cost and Sources of Capital Funding for the Phase II BART Extension Alternative*).

The strategy of identifying \$4.91 billion worth of potential funding from a number of sources is based on potentially receiving less from one or more of the identified funding sources than would be requested. For example, VTA has identified \$1.5 billion of funding from the Federal Section 5309 New Starts program. If only \$1.28 billion of Federal funds were granted to the project (\$0.22 billion less than the amount being requested), the project would still be fully funded at \$4.69 billion when combined with the other funding sources. If the total funding available is less than \$4.69 billion projected cost, a revised project description may need to be developed and considered.

P18-2 The process for selection of the tunneling methodology is described in Volume I, Section 2.A.4, *Timeline for Future Option Decisions*.

YOUR OPINION COUNTS

Date: \_\_\_\_\_ Name of Project: CO-7 EXTENSION

I have a question/comment about:  
USE OLD BREAK-THROUGH TECHNOLOGY! THE PAGE COURTRIGHT-WISBON PUMPED STORAGE PROJECT: STILL PROVIDE 7% OF ELECTRICITY FOR FRESNO COUNTY

- I would like more information about:
- Design Features
  - Community Meetings
  - Funding
  - Property Acquisition
  - Environmental Effects
  - Schedule
  - Construction Impacts
  - Other: \_\_\_\_\_

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name: BUDY METZ

Address: 2003 AUTUMN GOLD DR

City: SAN JOSE CA State: \_\_\_\_\_ Zip: 95131

Phone: 408 304 4031 Best time to call: 11:00 AM

Fax: \_\_\_\_\_ E-mail: METZ212410@gmail.com

Santa Clara 1/24/17

0806-6409



P19-1

## Response to Comment Letter P19

### ***Rudy Metz***

- P19-1 VTA and BART are providing proven technology used throughout the BART system along with new BART vehicles. This will provide consistency for the portion of the BART system in Santa Clara County with the overall BART system throughout the Bay Area.

**Swan, Samantha**

---

**From:** Andy Tran <astar10@hotmail.com>  
**Sent:** Monday, January 30, 2017 2:04 PM  
**To:** bartphase2eis-eir  
**Subject:** VTA's Bart Phase 2 extension via Marbug Place

Dear Tom,

Hi, I own a home that reside at Marburg Place, the community directly above the planned Alum Rock Bart Phase 2 extension. I am writing to share with you mine and my neighbors's concern that this planned project will have a detrimental impact to my home value, and more importantly, safety and noise concerns. By building the tunnel directly below my community will make it harder to sell my home, I mean who wants to buy a home with an active tunnel running 24 hours beneath their home!

P20-1

Secondly, in light of the PG & E gas disaster in San Bruno, can Bart guarantee that building the tunnel beneath active homes is safe and people's life and property are not in danger to cave in or other disaster in the long term?

P20-2

Lastly, what about the noise? Is the boring machining going to run 24hrs? what's the risk of the tunnel collapsing and impact to the homes above??

P20-3

In closing, I have a suggestion to make the planning team, why don't you build under the 101 Freeway? You will encounter less resistance and concerns by taking this path. Marburg Place runs parallel to the 101 Freeways, I don't think it will be more costly to make a slight adjustment to your plans.

P20-4

I will be delighted to hear your response, but in the meantime, I hope you take into consideration the concerns we have at Marburg Place community and modify the planned Bart Phase 2 extension.

Sincerely yours,

Andy Tran

329 Destino Cir, San Jose  
Marburg Place

## Response to Comment Letter P20

### **Andy Tran**

P20-1 The comment is concerned about home values with a tunnel and rail operations underneath their property. VTA's process for acquiring tunneling easements is addressed in Master Response 5, *Real Estate Acquisition for VTA Projects*, which covers the following topics:

- What Types of Real Property Does VTA Purchase?
- How are Property Owners Protected When VTA Purchases Real Property?
- When Will Property Owners Know Whether Their Property Will Be Acquired?
- When Does VTA Purchase Real Property for Transportation Projects?
- When and How Will Property Owners Be Contacted?
- What are the Steps During the Acquisition Process?
- How are Properties Valued and What Compensation is Paid by VTA?
- What If I Don't Want to Sell My Property to VTA?

Refer to Master Response 4, *Marburg Place Concerns*, regarding noise and vibration impacts, traffic, health and safety, stability of foundations, home values, and history of alignment. A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/28<sup>th</sup> Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.

P20-2 See response to comment P20-1 above.

P20-3 See Section 5.5.13.3 for construction phase noise and vibration mitigation measures that have been developed to minimize noise and vibration during construction. The tunnel boring machine (TBM) may run up to 24 hours per day, depending on the contractor's schedule. However, daily maintenance is typically required for approximately 4 hours during the nighttime. The design, engineering, and construction of the tunnel will be in accordance with the California Building Code and pertinent BART Facility Standards to minimize adverse effects on

structures above and in the vicinity of the tunnel due to settlement and vibration during construction.

Also refer to response to comment P20-1 above.

- P20-4 A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/28<sup>th</sup> Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.

**YOUR OPINION COUNTS**

Date: 1/30/17 Name of Project: BART

I have a question/comment about:

ANY LAWSUITS FILED AT PRESENT?

EMINENT DOMAIN ISSUES?

FUNDING RELIABILITY?

OPERATING RESPONSIBILITIES - VTA VS BART

TRAIN OPERATORS? TRACK & TRAIN MAINT.?

FINANCIAL RESPONSIBILITIES?

P21-1

P21-2

P21-3

P21-4

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: \_\_\_\_\_

*1/30/17*

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name WILLIAM BLACK

Address 1567 CALLECITA ST.

City: SAN JOSE State: CA Zip: 95125

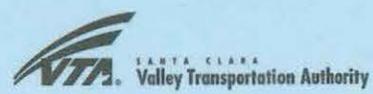
Phone: 408 267-5477 Best time to call: ANY

Fax: \_\_\_\_\_ E-mail: RUMING@AOL.COM

*DT San Jose*

0806-6409

*did not speak*



## Response to Comment Letter P21

### **William Black**

- P21-1 No lawsuits have been filed against the project.
- P21-2 As discussed in Section 4.14, *Socioeconomics*, under Section 4.14.4, *Environmental Consequences and Mitigation Measures*, the BART Extension would require property acquisitions and resultant displacements from acquiring the underlying property in whole or in part. Approximately 1 residence, 23–34 businesses, 250 recreational vehicle (RV) storage tenants, 6 advertising signs, and one cell tower (relocated within the same parcel to avoid conflict with the alignment) would be displaced by the BART Extension. The estimate of permanent displacements herein is based on property utilization in the winter of 2016. All displacement and relocation activities would be conducted in accordance with the Uniform Act, which ensures the fair and equitable treatment of persons and businesses whose real property is acquired or who are displaced as a result of a federal or federally assisted project. Government-wide regulations provide procedural and other requirements (appraisals, payment of fair market value, notice to owners, etc.) in the acquisition of real property and provide for relocation payments and advisory assistance in the relocation of persons and businesses.
- P21-3 VTA has developed an overall funding strategy that includes federal, state, and local funding sources that totals \$4.91 billion. To provide an additional funding source contingency, this strategy exceeds the \$4.69 billion capital cost estimate, which includes stations at Alum Rock, Downtown San Jose, Diridon, and Santa Clara; the Newhall Maintenance Facility, system facilities, and additional contingency. Of the sources that have been identified in the funding plan, local sources are tax measures that have been approved by voters and have values totaling \$2.5 billion set aside for the project. State sources, include the Traffic Congestion Relief Program (\$160 million) and Cap and Trade program funds (up to \$750 million). Federal sources include funding from the Federal Transit Administration's New Starts program (\$1.5 billion).
- P21-4 VTA is responsible for designing and constructing the BART Silicon Valley Extension. VTA will own all of the property, facilities, and equipment related to the project. When the project is completed, BART will operate and maintain the system under an agreement executed with VTA.
- VTA is responsible for the capital and operations and maintenance costs of BART Silicon Valley. An overall funding strategy has been developed to design and build the project.

In November 2008, a countywide 1/8<sup>th</sup>-cent sales tax measure was passed by over a 2/3<sup>rds</sup> majority, to provide for annual operating, maintenance, and infrastructure renewal costs for the BART extensions.

YOUR OPINION COUNTS

Date: 1/30/17 Name of Project: VTA'S BART Phase 2 Extension Project

I have a question/comment about:  
There is a plan to build underground tunnel railway tracks under our property area in Marbury Place (between Marbury Rd and Matee Rd).

This is unacceptable because of lack of notice, unclear details until last week, anticipated loud noise from the trains, ground/soil movement and unexpected conditions that will impact the property.

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: Public complaints on Phase 1

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name Wayne Chin

Address 313 Destino Circle

City: San Jose State: CA Zip: 95133

Phone: 913-220-4296 Best time to call: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: wcchin2@yahoo.com

DT San Jose 1/30/17

0806-4409

*Did not speak*



P22-1

## Response to Comment Letter P22

### Wayne Chin

P22-1 The Notice of Preparation (NOP) for the SEIS/SEIR was released in January 2015, and three scoping meetings were held, including two in San Jose. On December 28, 2016, the SEIS/SEIR was released for public review. Over 60,000 mailers were sent to residents, tenants, and property and business owners along the 6-mile corridor to advise of the environmental review process, status of the project, and opportunities to learn about the project and comment. The mailer included the dates and locations of the three public hearings.

VTA held three environmental public hearings to provide the community opportunities to learn about the project and environmental impacts and mitigation measures and enter comments into the record regarding the SEIS/SEIR. Public Hearings were held on January 25, 2017, at the Mexican Heritage Plaza in San Jose, on January 26, 2017, at the Santa Clara Senior Center in Santa Clara, and on January 30, 2017, at the San Jose City Hall. The availability of the SEIS/SEIR was also advertised in local periodicals including the *San Jose Mercury News*, *Santa Clara Weekly*, *El Observador*, *VIETNAM*, *The Korea Times*, *Philippines Today*, *Tribuna Portuguesa* and *Sing Tao Daily*. Additionally, a robust digital outreach, traditional, and social media campaign helped to spread the word about the document's public circulation. At the request of homeowners, a community meeting was held February 27, 2017, to discuss and address the Marburg Place homeowners' concerns.

Construction of concrete-lined, circular-bored tunnels under homes, buildings, and other civil infrastructure is safely performed around the world on a regular basis. As part of construction specifications to be approved by VTA, the contractor will implement noise reduction treatments at ancillary facilities such as tunnel ventilation shafts, pressure relief shafts, traction power substations, and emergency backup generators such that noise levels comply with applicable Cities of San Jose and Santa Clara noise criteria at nearby developed land uses.

Refer to Master Response 4, *Marburg Place Concerns*, regarding noise and vibration impacts, traffic, health and safety, stability of foundations, home values, and history of alignment.

Sections 4.8 and 6.8, *Geology, Soils, and Seismicity*, of the SEIS/SEIR, describe the soil and geological characteristics along the project alignment. Construction of the BART Extension Alternative has the potential to cause surface settlements and ground movements during construction of the tunnel and cut-and-cover stations. Mitigation Measures GEO-CNST-B through GEO-CNST-F, described in Chapter 5, Section 5.5.9, *Geology, Soils, and Seismicity*, would be implemented to

reduce surface settlement and ground movements and any resultant physical damage to structures.

The comment raises a real estate issue that is addressed in Master Response 5, *Real Estate Acquisition for VTA Projects*, which covers the following topics:

- What Types of Real Property Does VTA Purchase?
- How are Property Owners Protected When VTA Purchases Real Property?
- When Will Property Owners Know Whether Their Property Will Be Acquired?
- When Does VTA Purchase Real Property for Transportation Projects?
- When and How Will Property Owners Be Contacted?
- What are the Steps During the Acquisition Process?
- How are Properties Valued and What Compensation is Paid by VTA?
- What If I Don't Want to Sell My Property to VTA?

**YOUR OPINION COUNTS**

Date: \_\_\_\_\_ Name of Project: \_\_\_\_\_

I have a question/comment about:  
*if downtown station is at 4th and Santa Clara, Starbucks on 3rd & Santa Clara will lose business people will not be able to get to their location please say they can leave location*

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: *location decision*

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

*DT San Jose 1/30/17*

Name: *Helen Ebert*

Address: *1651 Mulberry Lane*

City: *SI* State: *Ca* Zip: *95125*

Phone: *408-269-5203* Best time to call: *Morning*

Fax: \_\_\_\_\_ E-mail: *Ebert.Helen@yahoo.com*

0806-6409



P23-1

## Response to Comment Letter P23

### ***Helen Ebert***

P23-1 Only the Downtown San Jose Station, East Option with Twin-Bore tunnel construction methodology would result in impacts on the Starbucks business. During construction for the Downtown San Jose Station, East Option with Twin-Bore tunnel construction methodology, there would be cut-and-cover construction along Santa Clara Street, which would result in disruptions to vehicular, pedestrian, and bicycle access. However, VTA will work with the local businesses to minimize these disruptions in access, and provide signs for the local office goes and residents in the area to know that the businesses are open during construction.

Mitigation Measure TRA-CNST-A: Develop and Implement a Construction Education and Outreach Plan, described in Chapter 5, Section 5.5.1, *Construction Outreach Management Program*, is designed to assist and work with local businesses to assist in promotional materials and maintaining access among other measures.

The BART Extension Alternative would not require the acquisition and/or relocation of the Starbucks at this location. Once construction is over, no operational impacts on the Starbucks would occur.

All other options would not result in cut-and-cover construction in front of Starbucks and, therefore, would not result in access disruption impacts during construction.

YOUR OPINION COUNTS

Date: 01/30/17 Name of Project: BART PHASE II

I have a question/comment about: I live in 385 Destiny Circle and concern about vibration noise & construction noise. I am concerned about EM I/health impact. Have we done impact analysis on foundation on land filled area like Marbury place.

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: \_\_\_\_\_

DT San Jose 1/30/17

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name: Muhammad Rehman

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Best time to call: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

0806-6409



P24-1

## Response to Comment Letter P24

### ***Muhammad Rehman***

- P24-1      Refer to Master Response 4, *Marburg Place Concerns*, regarding noise and vibration impacts, traffic, health and safety, stability of foundations, home values, and history of alignment.

**YOUR OPINION COUNTS**

Date: 1/30/17 Name of Project: Bart Extension  
I have a question/comment about:

No Bart to Santa Clara  
Stockton Ave too close to residential

I would like more information about: residential  
 Design Features     Community Meetings     Funding  
 Property Acquisition     Environmental Effects     Schedule  
 Construction Impacts     Other: No BART

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

DT San Jose 1/30/17

Name: Tessa Woodmansee  
Address: 641 Stockton Avenue  
City: San Jose State: CA Zip: 95126  
Phone: 415-921-464 Best time to call: any  
Fax: \_\_\_\_\_ E-mail: cleunawj@gmail.com

0806-6409



P25-1

## Response to Comment Letter P25

### **Tessa Woodmunsee**

P25-1 The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

Regarding concerns about noise and vibration along Stockton Avenue, there are two project elements at this location, tunnel underneath Stockton Avenue and a Vent Structure (four options), in the vicinity of Stockton Avenue.

For both noise and vibration analysis, it is assumed that Stockton Avenue residents would be 50 feet from the tunnel centerline (for both Twin-Bore and Single-Bore Options) based on the plans and profiles. At this depth, the groundborne noise level from the Tunnel Boring Machine (TBM) is projected to be in the range of 26 to 28 A-weighted decibels (dBA), which is less than the Federal Transit Administration (FTA) criterion of 38 dBA for groundborne noise for “occasional events,” which is applicable because of the short-term nature of the event.

As stated in Section 5.5.13.1, there is one residence approximately 120 feet from the proposed Stockton Avenue Ventilation Structure. Construction of either of the two southernmost ventilation structure alternative sites would result in adverse construction noise effects. Implementation of Mitigation Measures NV-CNST-A through NV-CNST-O, described in Chapter 5, Section 5.5.13, *Noise and Vibration*, would reduce this impact.

It is projected that residences within a horizontal distance of 50 feet of the tunnel centerline may experience some TBM vibration for a period of up to 4 days, affecting approximately 36 residences (mostly west of the Diridon Station) that could experience annoyance from TBM vibration. This would be a short-term temporary impact and thus would not be significant.

As shown in Table 4.12-21, *Projected Levels of Groundborne Noise for Twin-Bore Option*, groundborne noise impacts at Stockton Avenue (and nearby Schiele Avenue, Harding Avenue, and Taylor Street) due to tunnel operations would be less than the FTA threshold of 35 dBA with implementation of Isolated Slab Track as proposed under Mitigation Measure NV-B: Reduce Groundborne Noise Levels.

Once operational, the train noise emitted from the Stockton Avenue Ventilation Shaft would be minimal. As quantified in Table 4.12-12, *Airborne Train Noise from Stockton Ventilation Shaft*, no increase over the existing ambient noise levels

would occur. No noise impacts are projected to occur for this source of operational noise. Therefore, no mitigation is required for train noise that exits the tunnel from the ventilation shaft.

Once operational, the groundborne vibration impacts at Stockton Avenue (and nearby Schiele Avenue, Harding Avenue, and Taylor Street) due to tunnel and ventilation structure operations would be less than the FTA threshold of 72 dBA. No mitigation is required.

**YOUR OPINION COUNTS**

Date: 1-30 Name of Project: \_\_\_\_\_

I have a question/comment about:

financial Viability of  
SC

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: \_\_\_\_\_

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name John Hill

Address 622 Crystal ct

City: San Jose State: CA Zip: 95126

Phone: 323-8392916 Best time to call: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

DT San Jose 1/30/17

0806-6409



P26-1

## Response to Comment Letter P26

### *John Kill*

P26-1 VTA has developed an overall funding strategy that includes federal, state, and local funding sources that totals \$4.91 billion. To provide an additional funding source contingency, this strategy exceeds the of \$4.69 billion capital cost estimate, which includes stations at Alum Rock, Downtown San Jose, Diridon, and Santa Clara; the Newhall Maintenance Facility, system facilities, and additional contingency. Of the sources that have been identified in the funding plan, local sources are tax measures that have been approved by voters and have values totaling \$2.5 billion set aside for the project. State sources include the Traffic Congestion Relief Program (\$160 million) and Cap and Trade program funds (up to \$750 million). Federal sources include funding from the Federal Transit Administration's New Starts program (\$1.5 billion).

The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

**YOUR OPINION COUNTS**

Date: 01/30/2017 Name of Project: VTA phase II

I have a question/comment about:

- ① Noise, vibration, Air pollution in construction and operation.
- ② Operation hour impact.
- ③ Alternative Option!

P27-1

P27-2

P27-3

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: \_\_\_\_\_

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name Feng Han

Address 373 Destino Cir

City: San Jose State: CA Zip: 95133

Phone: \_\_\_\_\_ Best time to call: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: humphery.han@gmail.com

DT San Jose 1/30/17

0806-4409



## Response to Comment Letter P27

### ***Feng Han***

P27-1 Refer to Master Response 4, *Marburg Place Concerns*, regarding noise and vibration impacts, traffic, health and safety, stability of foundations, home values, and history of alignment.

For construction noise impacts refer to Section 5.5.13, *Noise and Vibration*. Construction of the BART Extension has the potential to create air quality impacts through the use of heavy-duty construction equipment and haul trucks, and through vehicle trips generated by construction workers traveling to and from the various construction sites along the alignment. Nitrous oxide emissions would primarily result from the use of construction equipment and haul trucks. Table 5-3, *Construction Emissions Related to the BART Extension Table*, shows equipment (onsite) and truck exhaust (offsite) emissions associated with the BART Extension. VTA will implement Mitigation Measures AQ-CNST-A through AQ-CNST-I, described in Chapter 5, Section 5.5.3, *Air Quality*, to reduce air quality impacts during construction.

During operation, no air quality impacts would occur. The trains would be electric.

P27-2 The comment is unclear and does not provide any detail on what is meant by “operation hour impact.” Please refer to Volume I, Chapter 2, *Alternatives*, for details on operational characteristics.

P27-3 In 2001, VTA completed a Major Investment Study (MIS) that evaluated the alignment and transportation technology. This study resulted in the selection of the Union Pacific Railroad corridor. Station locations included Milpitas, Berryessa, Alum Rock, Downtown San Jose, Diridon, and Santa Clara with a maintenance and storage facility at Newhall Yard. BART was selected as the preferred technology. This MIS was adopted by the VTA Board of Directors in November 2001. The VTA Board of Directors have continued to support this project through certification and approval of the recommended project in the 2004 Final EIR and 2007 Final Supplemental EIR.

A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/ 28<sup>th</sup> Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional

right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.

**YOUR OPINION COUNTS**

Date: 1/30/17 Name of Project: VIA BART phase II

I have a question/comment about:

Health issues, noise and property  
value

I live in Marburg place

351 Destino circle, san jse

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: \_\_\_\_\_

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name Nick Zirnon

Address 351 Destino circle

City: San Jose State: CA Zip: 95133

Phone: 550-417-8182 Best time to call: any time

Fax: \_\_\_\_\_ E-mail: zirnon@gmail.com

DT San Jose 1/30/17

0806-6409



P28-1

## Response to Comment Letter P28

### Nick Zirnoon

P28-1 Refer to Master Response 4, *Marburg Place Concerns*, regarding noise and vibration impacts, traffic, health and safety, stability of foundations, home values, and history of alignment. A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/28<sup>th</sup> Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.

Construction of concrete-lined, circular-bored tunnels under homes, buildings and other civil infrastructure is safely performed around the world on a regular basis. As part of construction specifications to be approved by VTA, the contractor will implement noise reduction treatments at ancillary facilities such as tunnel ventilation shafts, pressure relief shafts, traction power substations, and emergency backup generators such that noise levels comply with applicable Cities of San Jose and Santa Clara noise criteria at nearby developed land uses.

Economic impacts such (as change in property values) of a project are only subject to CEQA if they result in physical impacts. As stated in the SEIS/SEIR, there would be no significant physical impacts (such as noise and vibration) of BART tunnel operation on land uses aboveground at this location.

In addition, the comment raises a real estate issue that is addressed in Master Response 5, *Real Estate Acquisition for VTA Projects*, which covers the following topics:

- What Types of Real Property Does VTA Purchase?
- How are Property Owners Protected When VTA Purchases Real Property?
- When Will Property Owners Know Whether Their Property Will Be Acquired?
- When Does VTA Purchase Real Property for Transportation Projects?
- When and How Will Property Owners Be Contacted?
- What are the Steps During the Acquisition Process?
- How are Properties Valued and What Compensation is Paid by VTA?
- What If I Don't Want to Sell My Property to VTA?

**YOUR OPINION COUNTS**

Date: 1/30/17 Name of Project: Phase II BART

I have a question/comment about:

Tunnel under my property  
causing concerns on health,  
noise, vibration, and value of  
the home

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: health & home value

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name Nagaraja Govindaiah

Address 1528 Marlburg way

City: San Jose State: CA Zip: 95133

Phone: 408-914-8385 Best time to call: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: gnraj@hotmail.com

DT San Jose 1/30/17

0806-6409



P29-1

## Response to Comment Letter P29

### ***Nayaraja Grouindaiah***

P29-1 Refer to Master Response 4, *Marburg Place Concerns*, regarding noise and vibration impacts, traffic, health and safety, stability of foundations, home values, and history of alignment. A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/28<sup>th</sup> Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.

Construction of concrete-lined, circular-bored tunnels under homes, buildings and other civil infrastructure is safely performed around the world on a regular basis. As part of construction specifications to be approved by VTA, the contractor will implement noise reduction treatments at ancillary facilities such as tunnel ventilation shafts, pressure relief shafts, traction power substations, and emergency backup generators such that noise levels comply with applicable Cities of San Jose and Santa Clara noise criteria at nearby developed land uses.

Economic impacts (such as change in property values) of a project are only subject to CEQA if they result in physical impacts. As stated in the SEIS/SEIR, there would be no significant physical impacts (such as noise and vibration, hazardous materials, etc.) of BART tunnel operation on land uses aboveground.

The comment raises a real estate issue that is addressed in Master Response 5, *Real Estate Acquisition for VTA Projects*, which covers the following topics:

- What Types of Real Property Does VTA Purchase?
- How are Property Owners Protected When VTA Purchases Real Property?
- When Will Property Owners Know Whether Their Property Will Be Acquired?
- When Does VTA Purchase Real Property for Transportation Projects?
- When and How Will Property Owners Be Contacted?
- What are the Steps During the Acquisition Process?
- How are Properties Valued and What Compensation is Paid by VTA?
- What If I Don't Want to Sell My Property to VTA?

**YOUR OPINION COUNTS**

Date: 01/30/2017 Name of Project: VTA BART Silicon Valley Ph II Extension project

I have a question/comment about:

Why tunnel cannot be under 101 instead coming under the apartment complex. Everywhere in the world tunnels are under the road if possible. What will happen if there is accident and buildings are collapsed?

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: \_\_\_\_\_

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name BISNAJIT MODAK

Address 1500 MARBURG WAY

City: SAN JOSE State: CA Zip: 95133

Phone: 408.507.3133 Best time to call: Evening

Fax: \_\_\_\_\_ E-mail: bmodak11@gmail.com

DT San Jose 1/30/17

0806-6409



P30-1

## Response to Comment Letter P30

### ***Biswajit Modak***

P30-1 A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/ 28<sup>th</sup> Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.

VTA has evaluated multiple alternatives in this area, and the alignment in the SEIS/ SEIR was found to be the most feasible.

**YOUR OPINION COUNTS**

Date: 1-30-17 Name of Project: PHASE II BART  
I have a question/comment about:

I prefer a station downtown  
at First & Santa Clara -  
NOT 4th St.

I would like more information about:

- Design Features
- Community Meetings
- Funding
- Property Acquisition
- Environmental Effects
- Schedule
- Construction Impacts
- Other: \_\_\_\_\_

Thank you for your comments. If you would like us to respond or be included in our mailing list, please fill out the information below. You may also call the Community Outreach Line at (408) 321-7575. Thank you for your interest.

Name William CARLSON  
 Address 16930 LA SELVA DR.  
 City: MORGAN HILL State: CA Zip: 95037  
 Phone: 408-202-5410 Best time to call: 9AM-5PM  
 Fax: \_\_\_\_\_ E-mail: 2025410@GMAIL.COM

*DT San Jose 1/30/17*

0806-6409



P31-1

## **Response to Comment Letter P31**

P31-1 Support for the Downtown San Jose Station West Option and not the East Option has been noted.

**PETITION TO VTA'S BART SILICON VALLEY  
PHASE II EXTENSION PROJECT**

We, undersigned, who live at Marburg Place on Destino Circle, San Jose, CA 95133, strongly oppose the proposed construction of your phase 2 extension project that proposes to run tunnels underground through our community that has 55 very recently built homes. We are opposing the proposal for the following reasons:

P32-1

- 1) Vibration, noise, and EMI damage (electromagnetic interference radiation) which might lead to long term health issues for residents who include many senior citizens and children in our community.
- 2) We are concerned about the stability of the foundation of the homes due to the tunnel construction. Our place was built on a landfill, we do not know how stable the foundation is.
- 3) Your tunnel construction will trigger animals like rodents, lizards etc... to move in, this will affect our living.
- 4) We are also concerned about the depreciation of the values of our homes, making resale of homes difficult.

P32-2

P32-3

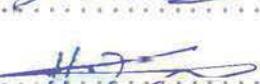
P32-4

P32-5

Unfortunately, our community was not informed about the change in route and the proposal did not seek our consent at all. Given the above concerns of the community, we are requesting you to stick with the original route that was proposed two years back.

P32-6

Regards

NAME	SIGNATURE	DATE
HAN LE #375		JAN 29, 2017
KHOI VU #321		1/29/2017
Gershon H #327		1/29/2017
ADITYA SAXENA #333		1/29/2017
ROHAN SHEKH #343		1/29/2017
Nick Zirnoon #351		1.29.2017
QUAN WANG #353		1/29/2017

SHOUYI GUO #355	Shouyi Guo	01/29/2017
Mingxiang Wang #361		01/29/2017
TOM LE #319		01/29/2017
MAR MAR LWIN #363	Morling	01/29/17
JIMMY NGUYEN #365	Jimmy Nguyen	01/29/17
Wei Chin #313		1/29/17
JOHN LIM #309		1/29/17
Steven Feltner #307	Steven Feltner	1/29/17
Hong-Han Liang #305	Hong-Han Liang	1/29/2017
Paul Kim #303	Paul Kim	1/29/2017
Richard Bagaw #388	Richard Bagaw	1/29/17
WONG OH #387		1-29-17
Sha Tao #373		1/29/2017
Muhammad Rehman #385	Muhammad Rehman	1/29/2017
Vasun Shah #383		1/30/2017
Ki Sotelo #381	Ki Sotelo	1-29-2017
Chen Hsiung 323	Chen Hsiung	1/29/2017
JEROME ANONUEVO #1516	Jerome Anonuevo	1/29/2017
THI ANH NGUYEN #1524	Thi Anh Nguyen	1/29/2017
Nagaraja Govindaiah #1528	N. Nagaraj	1/29/17
Kaias Avila #1532		1/29/17
Da Thao Doan #1508	Da Thao Doan	1/29/17
MONIKA OWEIL #1504	Monika Oweil	1/29/17
SRABANI MITRA #1500	Srabani Mitra	01/29/17



## Response to Comment Letter P32

### **Marburg Place**

- P32-1 Opposition to the BART Phase II is noted. See responses to comment P32-2 through P32-5 for detailed responses to concerns raised.
- P32-2 Refer to Master Response 4, *Marburg Place Concerns*, regarding noise and vibration impacts, traffic, health and safety, stability of foundations, home values, and history of alignment. A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/28<sup>th</sup> Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.
- P32-3 See response to comment P32-2.
- P32-4 The tunnel would be 40 to 50 feet below ground level at this location, depending on the tunnel boring construction option selected. There is no evidence to suggest that tunnel construction would cause rodents and lizards to move into an area.
- P32-5 Economic impacts such (as change in property values) of a project are only subject to CEQA if they result in physical impacts. As stated in the SEIS/SEIR, there would be no significant physical impacts (such as noise and vibration, hazardous materials, etc.) of BART tunnel operations on land uses aboveground after mitigation.

In addition, the comment raises a real estate issue that is addressed in Master Response 5, *Real Estate Acquisition for VTA Projects*, which covers the following topics:

- What Types of Real Property Does VTA Purchase?
- How are Property Owners Protected When VTA Purchases Real Property?
- When Will Property Owners Know Whether Their Property Will Be Acquired?
- When Does VTA Purchase Real Property for Transportation Projects?
- When and How Will Property Owners Be Contacted?
- What are the Steps During the Acquisition Process?
- How are Properties Valued and What Compensation is Paid by VTA?

- What If I Don't Want to Sell My Property to VTA?

P32-6 The Phase II Extension alignment east of U.S. 101 has been presented in environmental documents since 2004. Refer to Master Response 4, *Marburg Place Concerns*, regarding noise and vibration impacts, traffic, health and safety, stability of foundations, home values, and history of alignment. A summary of the five alignment alternatives examined around U.S. 101 and the Alum Rock/28<sup>th</sup> Street Station is provided in Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn*, and Master Response 1, *Summary of U.S. 101 Alignment Alternatives*. These alternatives were not chosen to be further evaluated and carried forward in the environmental clearance phase due to design and engineering limitations, construction and operational impacts, additional right-of-way/real estate requirements, inefficient passenger access and intermodal connectivity, and/or substantial environmental impacts.

All of the environmental documents mentioned in the Master Response involved extensive public noticing and outreach during the draft circulation period along with public hearings and VTA Board actions. Also, refer to Chapter 10, *Agency and Community Participation*.

**Swan, Samantha**

---

**From:** Randolph Ruiz <rruiz2@cca.edu>  
**Sent:** Tuesday, January 31, 2017 5:56 PM  
**To:** bartphase2eis-eir  
**Subject:** BART Phase II Draft SEIS/SEIR Public Comment

Hello,

I am writing to contribute my opinion that the construction of the BART extension past Diridon Station to Santa Clara appears to be unnecessary and redundant.

Rail service is already offered between these locations via Caltrain, which has embarked upon a program of electrification and service increases which would seem to make the parallel BART line redundant. These investments in Caltrain along with the current plans for CAHSR on this same ROW represent a serious commitment to Caltrain’s growth and permanence. I would also be concerned about how the planned BART construction on this corridor might constrain Caltrain and CAHSR expansion.

P33-1

Furthermore, Santa Clara does not now, nor have any future plans to develop at the level of density that would justify the level of heavy rail service BART provides, let alone that which would be provided by BOTH Caltrain and BART.

BART has wisely designed its terminals to allow for future system expansion. I recommend BART and VTA consider terminating the planned extension at Diridon in a manner that could provide future planners a variety of options for BART’s expansion into corridors not served by rail transit, such as Stevens Creek or

P33-2

Please consider shelving this portion of this otherwise fine project and use the saved funds on other proposals that will bring better transportation value to Santa Clara County residents.

Respectfully,

**Randolph Ruiz**

Senior Adjunct Professor  
Undergraduate Internship Coördinator  
Architect Licensing Advisor  
**California College of the Arts**

## Response to Comment Letter P33

### **Randolph Ruiz**

P33-1 *The comment states that the Santa Clara Station is unnecessary and redundant.*

The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

VTA has regular meetings with Caltrain and (CHSRA) staff to coordinate designs and construction plans. The BART Extension is not anticipated to constrain Caltrain and CHSRA expansion.

Coordination meetings between VTA and Caltrain and CHSRA have been added to Section 10.6, *Chronology of Coordination*. Meetings were conducted directly with CHSRA and Caltrain as well as interaction through participation in the Diridon Interagency Working Group, Diridon Operators Working Group, and the Executive Level Diridon Interagency Working Group Meetings

P33-2 The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

In addition, terminating at Diridon would require constructing approximately 1,400 feet of underground tail tracks with a crossover to enable trains to turn around and for storage during non-peak periods. The underground tail tracks are a costly undertaking, and an alternative maintenance facility site would also be needed to support the Phase II Extension because the tunnel would not extend to the planned Newhall Maintenance Facility.

**Swan, Samantha**

---

**From:** Jos Peijnenburg <jpeijnenburg@usa.net>  
**Sent:** Wednesday, February 01, 2017 1:52 PM  
**To:** bartphase2eis-eir  
**Subject:** Phase 2 - wrtitten comment

To: Tom Fitzwater, VTA Environmental Planning

Re: BART expansion San Jose Phase 2 written comments

Background:

Resident of 798 Pershing Ave, San Jose since 2002 - (Alameda Garden, off Stockton Ave).

Concerns/comments:

Construction phase:

Interpreting the detailed maps that were presented in the public meetings in January 2017, I've learned that the tunnel bore between Diridon and Santa Clara stations will be underneath residential streets, including the one I live on.

P34-1

It was unclear to me if the track alignment in my immediate neighborhood (Stockton Ave between Lenzen and Taylor Streets) is different depending on a Diridon Station South or North option. Please explain.

What measures is BART/VTA taking to ensure that home owners will not have negative impact during the construction phase? What are the expected noise levels during construction? Will construction happen during the day time only? What about any structural damage to our homes due to the construction (cracks in walls, windows, roofs, etc)? Will BART/VTA take before and after pictures of homes to ensure that fair compensation for damages will be ensured?

P34-2

P34-3

Operations phase:

What will be the expected noise levels at street/living room level for trains that run through the tunnels during operations? Will anything be audible? What safeguards have BART/VTA taken to ensure that negative impact on quality of living and corresponding home valuation are negated?

P34-4

P34-5

Regarding the Stockton Avenue Vent Structure Options - what is visible on street level? Are these at street level on Stockton (that traffic would drive over?) Or are these structures on the sidewalks of the street? What is the expected noise level in the immediate vicinity of these structures?

P34-6

Looking forward to your responses.

Jos Peijnenburg  
798 Pershing Ave  
San Jose CA 95126

## Response to Comment Letter P34

### *Jos Peijnenburg*

P34-1 Between Lenzen and Taylor Streets, all of the options—the Twin-Bore and Single-Bore Options and the Diridon Station South and North Options—converge back onto the same alignment under Stockton Avenue. The alignment is the same for all four options mentioned above after Pershing Avenue; however, the station numbering is different between the Diridon Station South and North Options because the alignment for the Diridon Station North Option is slightly “shorter” than the South Option, as shown on Appendices B and C.

P34-2 Regarding concerns about noise and vibration along Stockton Avenue, there are two project elements at this location, tunnel underneath Stockton Avenue and Vent Structure (four options), in the vicinity of Stockton Avenue.

For both noise and vibration analysis, it is assumed that the Stockton Avenue residents would be 50 feet from the tunnel centerline (for both Twin-Bore and Single-Bore options) based on the plans and profiles. At this depth, the groundborne noise level from the TBM is projected to be in the range of 26–28 dBA, which is less than the FTA criterion of 38 dBA for groundborne noise for “occasional events,” which is applicable because of the short-term nature of the event.

As stated in Section 5.5.13.1, there is one residence approximately 120 feet from the proposed Stockton Avenue Ventilation Structure. Construction of either of the two southernmost ventilation structure alternative sites would result in adverse construction noise effects. Implementation of Mitigation Measures NV-CNST-A through NV-CNST-O, described in Chapter 5, Section 5.5.13, *Noise and Vibration*, would reduce this impact.

It is projected that residences within a horizontal distance of 50 feet of the tunnel centerline may experience TBM vibration for a period of up to 4 days, affecting approximately 36 residences (mostly west of the Diridon Station) that could experience annoyance from TBM vibration. This would be a short-term temporary impact and thus would not be significant.

As shown in Table 4.12-21, *Projected Levels of Groundborne Noise for Twin-Bore Option*, groundborne noise impacts at Stockton Avenue (and nearby Schiele Avenue, Harding Avenue, and Taylor Street) due to tunnel operations would be less than the FTA threshold of 35 dBA with implementation of Isolated Slab Track as proposed under Mitigation Measure NV-B: Reduce Groundborne Noise Levels, described in Section 4.12, *Noise and Vibration*, subsection 4.12.4.3,

*Groundborne Noise and Vibration Impacts from Operations*, under the subheading, *Twin-Bore Option*.

Once operational, the train noise emitted from the Stockton Avenue Ventilation Shaft would be minimal. As quantified in Table 4.12-12, *Airborne Train Noise from Stockton Ventilation Shaft*, no increase over the existing ambient noise levels would occur. No noise impacts are projected to occur for this source of operational noise. Therefore, no mitigation is required for train noise that exits the tunnel from the ventilation shaft.

Once operational, the groundborne vibration impacts at Stockton Avenue (and nearby Schiele Avenue, Harding Avenue, and Taylor Street) due to tunnel and ventilation structure operations would be less than the FTA threshold of 72 dBA. No mitigation is required.

Construction hours will be in compliance with the City ordinances as shown in Table 5-5, *Construction Hours by Jurisdiction*. San Jose permits construction between 7:00 a.m. and 7:00 p.m. weekdays, and Santa Clara permits construction between 7:00 a.m. and 6:00 p.m. weekdays and between 9:00 a.m. and 6:00 p.m. on Saturday.

- P34-3 Mitigation Measures GEO-CNST-C: Monitor Ground Surface during Tunneling Activities and GEO-CNST-E: Implement Preconstruction Condition Surveys for Utilities, described in Chapter 5, Section 5.5.9, *Geology, Soils, and Seismicity*, have been revised to include protocols for VTA or its contractors to perform preconstruction building surveys. These surveys will include documentation of the condition of homes, buildings, and other civil infrastructure prior to commencement of construction activities, which is common practice.

#### **Mitigation Measure GEO-CNST-C: Monitor Ground Surface during Tunneling Activities**

For the tunneling activity, the contractor will conduct ground surface monitoring ~~will be performed~~ prior to and during construction. The contractor will install instrumentation ~~will be installed~~ to monitor ground movements and effects of tunnel boring on structures, historic buildings, and utilities, and stream crossings. Monitoring points will be mounted on select structures and representative historic buildings, including the most susceptible structures, select utilities susceptible to settlement, and in representative locations immediately adjacent to streams within the settlement trough along the tunnel alignment. Settlement monitoring data would be provided daily in real-time for the TBM operations. The data will ~~will~~ be used to direct real-time modifications, as appropriate, to tunneling practices and procedures to assist in minimizing adverse effects along the tunnel alignment.

### **Mitigation Measure GEO-CNST-E: Implement Preconstruction Condition Surveys for Utilities**

~~The contractor will conduct p~~Preconstruction condition surveys ~~will be conducted~~ of utilities deemed to be potentially at risk due to surface settlement or ground movement at BART Extension and TOJD sites. The contractor will monitor mMajor utilities deemed to be at risk ~~will be monitored~~ during construction and will ~~Coordinate~~ion with utility providers ~~will be conducted~~ prior to installation of utility monitoring points.

P34-4 See response to comment P34-2. Noise and vibration from the BART project has been thoroughly studied in accordance with FTA guidelines. Where significant noise or vibration impacts have been identified, mitigation has been evaluated and proposed to reduce those impacts to less than significant. The FTA threshold for groundborne noise from trains running in tunnels doesn't ensure inaudibility, but the level is very low compared to other typical indoor sounds. The FTA groundborne noise criterion for residences is 35 dBA, which is quieter than quiet dishwashers that produce noise levels of 38 dBA.

P34-5 The quality of living comment does not raise a specific topical area. The commenter should refer to the SEIS/SEIR for specific areas of concern.

Economic impacts such (as change in property values) of a project are only subject to CEQA if they result in physical impacts. As stated in the SEIS/SEIR, there would be no significant physical impacts (such as noise and vibration, hazardous materials, etc.) of BART tunnel operation on land uses aboveground.

Also refer to Master Response 5, *Real Estate Acquisition for VTA Projects*, which covers the following topics:

- What Types of Real Property Does VTA Purchase?
- How are Property Owners Protected When VTA Purchases Real Property?
- When Will Property Owners Know Whether Their Property Will Be Acquired?
- When Does VTA Purchase Real Property for Transportation Projects?
- When and How Will Property Owners Be Contacted?
- What are the Steps During the Acquisition Process?
- How are Properties Valued and What Compensation is Paid by VTA?
- What If I Don't Want to Sell My Property to VTA?

P34-6 The commenter's residence is over 400 feet from nearest vent site. At this distance, the expected noise level from trains in the tunnel will not increase the existing ambient noise nor should they even be audible. For specific details of

noise refer to Tables 4.12-11, *Ambient Noise in Stockton Avenue Neighborhood*, and 4.12-12, *Airborne Train Noise from Stockton Ventilation Shaft*.

Figure 6.14-10, *Key Viewpoint 9: Stockton Avenue TOJD – From Villa Avenue (Single and Twin Bore)*, includes a visual simulation of the view of the Stockton Avenue Ventilation Structure from Villa Street. Although this image shows the Transit-Oriented Joint Development as well, the façade for the ventilation facility would be similar. Figure 4.16-3, *Key Viewpoint 2: 13<sup>th</sup> Street Ventilation Structure (Single and Twin Bore)*, shows the visual simulation of the 13<sup>th</sup> Street Ventilation Structure.

**Swan, Samantha**

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**From:** Steve Ly <stevely844@yahoo.com>  
**Sent:** Thursday, February 02, 2017 2:05 PM  
**To:** bartphase2eis-eir  
**Subject:** Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report comment

This is comment on the Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (SEIS/SEIR) for BART Silicon Valley Phase II, through East San Jose, Downtown and on to Santa Clara. The comment addresses the following alternatives:

1. The NEPA BART Extension Alternative.
2. The CEQA BART Extension Alternative.
3. The CEQA BART Extension with TOJD Alternative.

The environmental impact of the BART extension would be reduced by eliminating the section from the San Jose Caltrain Station to the Santa Clara Caltrain.

The impact to the environment would occur due to the disruption caused by the construction of the track and station, and by the extra costs of operation, including the procurement of additional vehicles and infrastructure for the extension. Additional electricity must be generated to operate the extension

This environmental impact is unnecessary because this extension duplicates three existing transit services: the Caltrain rail service and VTA's 22 and 522 bus services. The BART extension will not attract enough Santa Clara riders to justify this environmental impact; current Caltrain ridership is just over 1,000 per weekday (source: [http://www.caltrain.com/Assets/\\_Marketing/caltrain/pdf/2016/2016Annual+Passenger+Counts.pdf](http://www.caltrain.com/Assets/_Marketing/caltrain/pdf/2016/2016Annual+Passenger+Counts.pdf)).

This adverse environmental impact could be eliminated by ending BART at San Jose Caltrain, and deleting the Santa Clara extension. The three alternatives listed above need to be revised to eliminate the Santa Clara extension from consideration.

Elimination of the Santa Clara extension will reduce environmental impact as well as construction and operating costs. Therefore, it needs to be studied in the final SEIS/SEIR and eliminated from the final project.

Steve Ly  
 244 Mount Hamilton Avenue  
 Los Altos, CA

P35-1

P35-2

## Response to Comment Letter P35

### Steve Ly

- P35-1 The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.
- P35-2 The rationale for why Santa Clara Station is included as part of the preferred alternative is addressed in Master Response 6, *Why Santa Clara as a Terminal Station*. The project in question does not preclude future BART extensions in response to the suggestion to extend BART to San Carlos.

**Swan, Samantha**

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**From:** Yazad Khambata <yazad3@gmail.com>  
**Sent:** Saturday, February 04, 2017 6:55 PM  
**To:** bartphase2eis-eir  
**Subject:** Support for BART Phase 2

Hi,

Wanted to write in to share my strongest support for BART Extension.

Doing so will help the economy by adding greater mobility to people to work further away from where they live. This is necessary since in many places the cost of living closer to work has become cost prohibitive.

Environmentally this is a great move. We need more public transportation that is convenient to convince people to use public transportation and ditch their cars. For those who don't care about the environment also have something to gain from this extension. The extension could save hours instead of being stuck in traffic when driving or taking a bus.

P36-1

Also this extension will save money for those in San Jose who need to fly internationally (via SFO) and currently lack a a convenient option to hop onto BART to get to Milbrae.

I am hoping this project can get started at the earliest. Thank you.

Regards,  
Yazad Khambata  
617-291-3857

## Response to Comment Letter P36

### ***Yazad Khambata***

- P36-1      The commenter's support for the project is noted. The comment does not raise an environmental issue that requires a response.

**Swan, Samantha**

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**From:** Patricia Curia <pcuria@sbcglobal.net>  
**Sent:** Saturday, February 04, 2017 9:36 PM  
**To:** bartphase2eis-eir  
**Subject:** Comment from Patricia Curia

Dear Gentle People:

I am concerned about the lack of a public parking lot near the proposed station at SJ City Hall. The planners assume only people who can walk to the station will board/disembark from this station. OR is the plan that buses and light rail will carry these riders ?

P37-1

Patricia Curia  
260 South 13th Street  
San Jose, CA 95112

## Response to Comment Letter P37

### ***Patricia Curia***

- P37-1 The Downtown San Jose Station is considered a BART urban station, similar to those in San Francisco that do not provide parking. VTA will promote multi-modal access to the stations. The *VTA BART Phase II – TOD and Access Planning Study*, which will span from early 2018 through 2019, will aim to optimize efficient multimodal access to the station. The study will analyze various topics including bike, bus, and pedestrian access, and parking and kiss-and-ride areas, and will look at how all modes will be integrated. Opportunities for public and stakeholder input will be provided throughout the study.

**SILICON VALLEY LAW GROUP**

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February 6, 2017

*Via Federal Express & Electronic Mail: [BARTphase2EIS-EIR@vta.org](mailto:BARTphase2EIS-EIR@vta.org)*

Mr. Tom Fitzwater  
 Santa Clara Valley Transportation Authority  
 3331 North First Street, Building B  
 San Jose, CA 95134-1927

Ms. Dominique M. Paukowits  
 U.S. Dept. of Transportation  
 Federal Transit Administration, Region IX  
 90 Seventh Street, Suite 15-300  
 San Francisco, CA 94103-6701

**RE: VTA's BART Silicon Valley Phase II Extension Project; Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report and Draft Section 4(f) Evaluation, December 2016**

Dear Ms. Paukowits and Mr. Fitzwater,

I am writing on behalf of of Sharks Sports & Entertainment LLC (SSE), the parent company of San Jose Arena Management, LLC, to request an extension of 30 to 60 days of the public comment period for the BART Silicon Valley Phase II Extension Project; Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report and Draft Section 4(f) Evaluation (Draft SEIS-SEIR) prepared by the Santa Clara Valley Transportation Authority (VTA). The Draft SEIS-SEIR is dated "December 2016," it was actually issued to the public on December 28, 2016.

SSE appreciates the opportunities the BART Silicon Valley Phase II Extension Project creates for the regional transit center environs. However, the VTA is well aware that we have long been concerned that the BART Silicon Valley Phase II Extension Project could significantly harm the successful ongoing operations of the SAP Center at San Jose (Arena) to the extreme detriment of SSE and the City of San Jose if not properly implemented and mitigated.

This request for an extension is timely because until SSE had a chance to review the Draft SEIS-SEIR it was not clear how much time would be needed to prepare comments. In particular, SSE needed to conduct its initial review of the transportation analysis before it could determine whether there is a need for an extension. Adequate transportation is the lifeblood of a large event center like the Arena. Accordingly, SSE pays close attention to all development projects within its vicinity and has provided detailed comments on any potential detrimental

P38-1

Tom Fitzwater  
Dominique Paukowits  
February 6, 2017  
Page 2

transportation related impacts over the last 25 years. Indeed, SSE submitted Comments for Scoping for the BART Silicon Valley Phase II Extension Project on February 27, 2015. Based on this long experience, in SSE's view the current comment period is far too short to generate considered community, legal and technical comments on this lengthy environmental review document. The current comment period is in reality shorter than it appears because the Draft SEIS-SEIR was issued in the heart of the holiday season when most of the public, SSE and the experts necessary to review this massive document were unavailable.

This document is particularly difficult to review because it considers both National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) standards and legal requirements. As stated in the Abstract the Draft SEIS-SEIR presents "...new alternatives considerably different from previous EIRs..." It now presents two alternatives that are to be evaluated under NEPA and three alternatives to be evaluated under CEQA. This is extraordinarily complex.

The traffic, parking and other transportation analyses are scattered throughout the document making review difficult. Plus, there are three transportation Technical Reports totaling over 2500 pages requiring careful review by SSE's transportation experts who must read, understand, research and then comment on them.

The Draft SEIS-SEIR is around 550 pages. NEPA regulations, 40 C.F.R. § 1502.7, mandate that "The text of final environmental impact statements...shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages." CEQA regulation, 14 Cal. Code Regs § 15141 is similar: "The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages." The Draft SEIS-SEIR exceeds both those standards. Moreover, the original EIR-EIS needs to be revisited in order to understand the Draft SEIS-SEIR. The current short comment period, which might have been sufficient for a straight forward project of 150 pages, is not sufficient for a task of this magnitude. Indeed, this short comment period makes it virtually impossible for members of the public to comprehend, and respond to this new NEPA and CEQA document.

In sum, the current comment period is insufficient because it fails to provide members of the public with adequate time for review. The proposed project is one of the largest in the history of San Jose. It is extremely complicated and the Draft SEIS-SEIR is a voluminous document. The subject is critically important to every citizen of San Jose and of particular importance to

P38-1,  
cont.

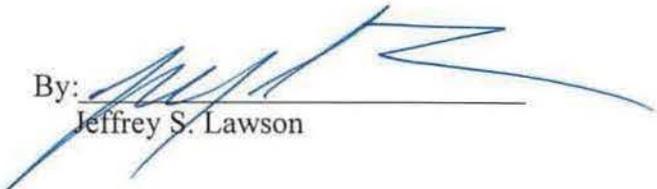
Tom Fitzwater  
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Page 3

SSE. We therefore request the additional time necessary to carefully evaluate the Draft SEIS-SEIR and provide meaningful input in our public comments.

Should you have any questions about the contents of this letter please feel free to contact me. Given the shortness of time before the current comment deadline, please contact me with your response as soon as possible.

Sincerely,

Silicon Valley Law Group

By:   
Jeffrey S. Lawson

JSL

cc: Jim Goddard, Executive Vice President [JGoddard@sapcenter.com](mailto:JGoddard@sapcenter.com)  
Lucy Lofrumento, LMA Law [lal@LMALLP.com](mailto:lal@LMALLP.com)  
Jim Benshoof, [jabenshoof@msn.com](mailto:jabenshoof@msn.com)  
Nanci Klein, Office of Economic Development [Nanci.klein@sanjoseca.gov](mailto:Nanci.klein@sanjoseca.gov)  
Johnny Phan, San Jose City Attorney's Office [johnny.phan@sanjoseca.gov](mailto:johnny.phan@sanjoseca.gov)

P38-1,  
cont.

## **Response to Comment Letter P38**

### ***Sharks Sports & Entertainment LLC (SSE)***

P38-1      Based on this request and others, the comment period was extended to March 6, 2017.

**Swan, Samantha**

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**From:** mike.riepel@yahoo.com  
**Sent:** Thursday, February 09, 2017 10:19 PM  
**To:** bartphase2eis-eir  
**Subject:** Comments about BART Phase 2 EIR

To whom it may concern,

We are writing to express our concern, and request more information, about two aspects of the BART Phase 2 project. Specifically,

- 1) The Stockton Avenue Vent Structure Options
- 2) The noise and vibration impact of both construction and ongoing operations for the residents above the tunnel

In the presentation that we are viewing, from the January 30th public meeting at San Jose City Hall, there is no information about the vent structures, what they will look like, what their function is, or what possible impacts they will present.

Page 31 of the document shows 4 alternate locations, one of which is at the end of Schiele Ave. We live on Schiele Ave, about 5 houses northwest of the possible location, so you can imagine why we are very concerned.

For years we have had to put up with the noise and pollution associated with the Caltrain CEMOF Maintenance yard. I (Michael) have been a citizen member of the City of San Jose / Caltrain Monitoring Committee, including 2 terms as the committee chair. I am very knowledgeable about how these projects work, and very sensitive to their negative impacts.

The southeast side of Stockton is a semi-industrial area, but the northwest side of the street borders a quiet residential neighborhood of century old bungalows. We are looking forward to being near the new Diridon BART station, and welcome BART to the neighborhood. But please keep us in mind when making decisions such as the location of the vent structures.

Please give us additional information on the vent structures. What is their function, what will they look like, and will they allow noise from the passing trains to effect our neighborhood?

Please do NOT choose to locate a vent structure at the end of Schiele Ave. The northern-most location of the available options would be most preferable. It would be between the Salvation Army building and the entrance to the CEMOF maintenance yard, both industrial operations that would be less effected any the noise.

Please supply additional information about possible impacts of the train tunnel directly under our neighborhood. Especially where it turns North from Diridon and tunnels directly below residential houses and apartments. Will there be any noticeable noise and/or vibration during tunneling and construction? Will there be any noise and/or vibration during ongoing operations?

Thank you very much!

P39-1

P39-2

P39-3

Michael Riepe & Nanci Ivis  
762 Schiele Ave  
San Jose, CA. 95126  
408-365-4746

## Response to Comment Letter P39

### ***Michael Riepe and Nanci Ivis***

P39-1 The ventilation facilities and their functions are described in detail in Volume I, Section 2.2.2.2 of the SEIS/SEIR.

Figure 6.14-10, *Key Viewpoint 9: Stockton Avenue TOJD – From Villa Avenue (Single and Twin Bore)*, includes a visual simulation of the view of the Stockton Avenue Ventilation Structure from Villa Street. Although this image shows the Transit-Oriented Joint Development as well, the façade for the ventilation facility would be similar. Figure 4.16-3, *Key Viewpoint 2: 13<sup>th</sup> Street Ventilation Structure (Single and Twin Bore)*, shows the visual simulation of the 13<sup>th</sup> Street Ventilation Structure.

Regarding concerns about noise and vibration along Stockton Avenue, there are two project elements at this location, tunnel underneath Stockton Avenue and Vent Structure (four options), in the vicinity of Stockton Avenue.

For both noise and vibration analysis, it is assumed that the Stockton Avenue residents would be 50 feet from the tunnel centerline (for both Twin-Bore and Single-Bore options) based on the plans and profiles. At this depth, the groundborne noise level from the TBM is projected to be in the range of 26–28 dBA, which is less than the FTA criterion of 38 dBA for groundborne noise for “occasional events,” which is applicable because of the short-term nature of the event.

As stated in Section 5.5.13.1, there is one residence approximately 120 feet from the proposed Stockton Avenue Ventilation Structure. Construction of either of the two southernmost ventilation structure alternative sites would result in adverse construction noise effects. Implementation of Mitigation Measures NV-CNST-A through NV-CNST-O, described in Chapter 5, Section 5.5.13, *Noise and Vibration*, would reduce this impact.

It is projected that residences within a horizontal distance of 50 feet of the tunnel centerline may experience TBM vibration for a period of up to 4 days, affecting approximately 36 residences (mostly west of the Diridon Station) that could experience annoyance from TBM vibration. This would be a short-term temporary impact and thus would not be significant.

As shown in Table 4.12-21, *Projected Levels of Groundborne Noise for Twin-Bore Option*, groundborne noise impacts at Stockton Avenue (and nearby Schiele Avenue, Harding Avenue, and Taylor Street) due to tunnel operations would be less than the FTA threshold of 35 dBA with implementation of Isolated Slab Track as proposed under Mitigation Measure NV-B: Reduce groundborne noise

levels, described in Section 4.12, *Noise and Vibration*, subsection 4.12.4.3, *Groundborne Noise and Vibration Impacts from Operations*, under the subheading, *Twin-Bore Option*.

Once operational, the train noise emitted from the Stockton Avenue Ventilation Shaft would be minimal. As quantified in Table 4.12-12, *Airborne Train Noise from Stockton Ventilation Shaft*, no increase over the existing ambient noise levels would occur. No noise impacts are projected to occur for this source of operational noise. Therefore, no mitigation is required for train noise that exits the tunnel from the ventilation shaft.

Once operational, the groundborne vibration impacts at Stockton Avenue (and nearby Schiele Avenue, Harding Avenue, and Taylor Street) due to tunnel and ventilation structure operations would be less than the FTA threshold of 72 dBA. No mitigation is required.

- P39-2 Opposition to the ventilation structure option located at the end of Schiele Avenue is noted.
- P39-3 See response to comment P39-1 for noise and vibration concerns.