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TRANSCRIPT T-3

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SANTA CLARA VTA / BAY AREA RAPID TRANSIT
DRAFT SUPPLEMENTAL EIR
PUBLIC HEARING
MILPITAS COMMUNITY CENTER, MAIN AUDITORIUM
457 EAST CALAVERAS BOULEVARD
MILPITAS, CALIFORNIA
MONDAY, FEBRUARY 26TH, 2007
7:00 O'CLOCK P.M.

REPORTED BY: DEBORAH FUQUA, CSR#12948

1 Monday, February 26, 2007 7:00 o'clock p.m.

2 ---o0o---

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

4 KAY WILSON: Okay. We're ready for the public
5 comment portion. If you don't have a blue card, staff
6 will bring you one.

7 And I've received one so far, but please raise
8 your hand, and we'll collect them. We're going to have
9 a two-minute time limit. And Molly will hold up a
10 yellow card when you have 30 seconds left. When the
11 red card is up, that means your time is up. And we
12 would like to you focus your comments on the draft
13 supplemental EIR that Tom has just presented us a
14 summary of.

15 And during the public hearing portion, we will
16 not be responding to any questions you have. We'll be
17 writing them down on the flip chart. Brandy will be
18 helping with that. And at the end of the formal public
19 comment period, then we'll adjourn the formal part of
20 the meeting, and we'll work with you to answer any
21 questions that we have noted on the flip chart, and
22 we'll also be available to answer any other questions
23 that you may have. So you're welcome to think about
24 and formulate your questions throughout the evening,
25 and we'll answer them after the formal public comment

1 period.

2 So between what you want to put on the record
3 and sticking around in the open-house format to answer
4 any questions, hopefully we'll be able to address
5 everything that you want to say.

6 So with that, I'm going to start with the
7 first speaker, Joe Witt.

8 And as I mentioned, the microphone is right
9 there (indicating). Thank you, and good evening.

10 JOE WITT: Okay. Thank you. I am currently a
11 BART user. I drive up from San Jose and get to Fremont
12 and either go to Oakland or San Francisco. And in the
13 course of planning for adding all of these stations, I
14 do hope that we're planning to not duplicate the
15 inadequacies that currently exist at stations having no
16 restrooms and lavatories.

17 Currently, since 9/11, all the underground
18 stations at BART, they have been closed. The public
19 can't use them. And the above-ground stations, they
20 only allow one person at a time. And the -- you lock
21 the door, and if there's a five or six queue, you're
22 going to miss one train or maybe two trains. As
23 opposed to -- if people are air travelers, the
24 facilities at any major airports are quite different.
25 And if people are expecting that at BART stations, if

T3-1

1 we duplicate what we currently have, they're going to
2 be sadly mistaken.

3 And in the course of transportation -- I'm not
4 pointing a finger at VTA -- but it almost appears that
5 the thinking at BART is that people are anatomically
6 different that take BART or subway transportation as
7 opposed to air travelers. And I think that's something
8 that should be addressed early on while we're doing the
9 planning.

T3-1 cont.

10 Thank you.

11 KAY WILSON: Thank you.

12 Robert Allen.

13 ROBERT ALLEN: Yes. I have a long history of
14 being a former BART director, favoring BART around the
15 bay. I would urge that you consider, for the grade
16 crossings -- Warren Avenue, Kato Road, Dixon Landing
17 Road, where there is presently another railroad
18 operating -- that they be totally grade-separated and
19 perhaps balancing between the fill and cut. I noticed
20 all three of them appear to be excavations. If one of
21 them could be a fill over the railroad, why, it could
22 be a lot cheaper, I think. And you could dispose of
23 fill on the site.

T3-2

24 I would also urge that you consider keeping
25 BART at grade on the old railroad grade as far as over

T3-3

1 101 and into the -- into Alum Rock along at OWP, that
2 there be -- that the BART trains on the overpass over
3 101 would be a real signature for BART as it reached
4 San Jose, and at least for a phase of construction
5 being between the proposed BART end-of-the line and
6 Alum Rock, the surface station near Santa Clara Street.

T3-3 con't

7 I would also urge that the Y track go up
8 toward the E line, which is the Santa Clara line -- the
9 CalTrain line, instead of along the L line, which runs
10 up into the reserva- -- the environmental areas,
11 environmentally sensitive areas, for the South Bay.
12 And it would ultimately go up toward Milpitas.

T3-4

13 Thank you.

14 KAY WILSON: Thank you.

15 Steve VanPelt.

16 STEVE VanPELT: Hi. I've been following BART
17 projects for a long time and also the Dumbarton rail
18 project. And I'm finally getting my thoughts together
19 because I find them all flawed because I am really
20 afraid that they're not going to bring the ridership in
21 that we are expecting, and we are going to end up
22 subsidizing BART just like we have in San Mateo County,
23 into the airport. So I call this "BART to San Jose,
24 Version 2.0."

T3-5

25 I would actually use the right-of-way across

T3-6

1 Dumbarton and head towards Palo Alto before coming down
2 to San Jose. I think you would find that you would
3 probably get twice the ridership on this route than the
4 planned route. This would also avoid going across the
5 Hayward Fault, which is planned not in your San Jose,
6 SJX, but in WSX, in the Warm Springs, which I think is
7 something we should avoid.

T3-6 con't

8 We think of "BART Around The Bay" as manifest
9 destiny. But nobody wants to go around the bay. I
10 mean, commuters start off in the East Bay, and most of
11 them go to the West Bay in the morning. And they come
12 back in the afternoon. That's the way the routes ought
13 to go.

T3-7

14 So my route would start in Union City BART.
15 It would cross the Dumbarton right-of-way into East
16 Palo Alto near Sun Quentin [sic]. It would stop in
17 Menlo Park, in Bellhaven, Menlo Park Civic Center, Palo
18 Alto CalTrain, Stanford University near the Alumni
19 Center. A combination stop for the Stanford Industrial
20 Park/Palo Alto VA Hospital, then on to the Flint
21 Center. Vallco and the new Apple campus could be
22 served along Stevens Creek and then Santana Row, and
23 then on to San Jose, where it would actually join your
24 right-of-way downtown at the Downtown San Jose station.

T3-8

25 All these are known quantities right now.

1 They are not projections of things to be built in the
2 future. This where riders and destinations exist.
3 However, I would add one more. I would add one out
4 where the ACE train stops in the Capitol stop out in
5 Santa Clara so that you could serve the 49er Stadium,
6 which is new.

T3-8 cont

7 Thank you.

8 KAY WILSON: Thank you for your comments.

9 E. James Murar.

10 E. JAMES MURAR: Good evening. E. James Murar,
11 representing a member of the Milpitas Station LLC.
12 We're a property owner in the Piper/Montague area of
13 Milpitas.

14 In December, the city council of the City of
15 Milpitas adopted the concept plan for the transit area
16 encompassing about 437 acres, converting a very large
17 portion of that from industrial to residential. And we
18 very much support the BART program. And BART is using
19 the added residential as additional ridership and
20 rightfully so.

21 But we believe there's some flaws in the cost
22 analysis as some of the right-of-ways in the
23 surrounding properties that will be residential very
24 shortly are considered in their current use as
25 industrial. Therefore, we feel the mitigation measures

T3-9

1 as suggested in the EIR are inadequate and basically
2 flawed because they do not consider a potential
3 residential use. And the transit area plan is such a
4 significant element that is considered on one hand for
5 ridership but on the cost side is not considered.

T3-9 cont.

6 Thank you very much.

7 KAY WILSON: Thank you.

8 The-Vu Nguyen.

9 THE-VU NGUYEN: Hi. My name is The-Vu.

10 I have one of the concerns that, near the
11 construction phase, the street is closed. This would
12 affect the business. What are some of your strategy to
13 help those business? Are you guys going to pay for
14 damage, for the loss of the income? So please have
15 those things in mind. I just want to have a concern.

T3-10

16 KAY WILSON: Thank you very much.

17 This is a comment from -- I'm not quite able
18 to read it. I believe it says "D. Blanchard," and they
19 have asked that I read you the comment into the record.

20 "My property in Milpitas is in a flood plain.
21 What about the BART tracks in case of a flood?" That's
22 the first question.

T3-11

23 "How late at night will the trains run and how
24 early?"

T3-12

25 We'll be able to answer those questions for

1 you during the informal question-and-answer period.

2 And thank you.

3 Felix Melford? I may have ruined your name.

4 I did. I'm sorry.

5 FELIX RELIFORD: No problem.

6 KAY WILSON: Good evening.

7 FELIX RELIFORD: Felix Reliford, with the City of
8 Milpitas Planning Department.

9 Just one comment I want you just to keep in
10 mind. One of the significant, unavoidable impacts was
11 noise unto Milpitas residents. One of those residents
12 is Terrace Gardens, which is 150 units of senior
13 housing. And I realize the decibel level, I believe,
14 was only one dB over the standards. And, obviously,
15 that's something that's totally mitigatable. But we
16 are dealing with seniors and subsequently hysteria and
17 so forth.

18 So I would just ask that you keep the
19 sensitive nature that we are dealing with seniors at
20 the Terrace Garden complex when you do your analyses in
21 regards to those.

22 KAY WILSON: Thank you.

23 FELIX RELIFORD: Thank you.

24 KAY WILSON: Please raise your hand if you'd like
25 to submit another blue card. Anybody want to submit

T3-13

1 another blue card? Or can we bring you a blue card?

2 I'm out of cards, but we're willing to take
3 some more official comments here.

4 Last call for blue cards.

5 Okay. We've got one.

6 MONTY BRITTON: I was going to write a little
7 more, but --

8 KAY WILSON: Well, you can do that.

9 MONTY BRITTON: Okay.

10 KAY WILSON: Monty Britton.

11 MONTY BRITTON: Yeah, Monty Britton from North
12 Milpitas Boulevard.

13 I'm very happy to see that you guys have the
14 Dixon Landing grade separation where we dropped Dixon
15 Landing underneath the trains, underneath Union Pacific
16 and BART. As a north Milpitas resident, me and the
17 others that live in that area, we hear Union Pacific
18 honking the train horns at 2:00 a.m. in the morning all
19 the time. I think they take great pleasure going
20 "wha-wha-wha" at 2:00 in the morning.

T3-14

21 If we can get Dixon Landing separated from
22 Bart and Union Pacific, then we can sleep at night
23 because Union Pacific can't honk anymore because
24 they're not crossing our road anymore.

25 One quick comment about the restrooms: Why

T3-15

1 hasn't BART put on-board restrooms on their trains yet?
2 I mean, you've got a ten-car train. Can't you have one
3 train car with, like, airline-type restrooms? You
4 know, one restroom car per train. I mean, how hard
5 would it be for BART to modify that? If there's 9/11
6 problems with the stations and stuff, then put
7 restrooms on the trains. It will solve your problem.

T3-15 con't.

8 But north Milpitas has a lot of senior
9 housing. We have a mobile lodge over there which is a
10 senior park. Pioneer Park is a senior park. I'm sure
11 the little old ladies don't appreciate the train horns
12 at 2:00 a.m. in the morning as well as me.

T3-16

13 So two thumbs up for the north Milpitas
14 Boulevard or the Dixon Landing grade separation.

15 I'm not quite sure, outside of me commenting
16 here and getting the mayor of Milpitas to plug this, I
17 don't know what else I can do. It's on your plan. So
18 just keep up the good work on that grade separation.

19 Thank you.

20 KAY WILSON: Thank you very much.

21 Anybody else want to speak? Hold up a blue
22 card. Any more blue cards?

23 (No response)

24 KAY WILSON: Okay. Well, thank you for coming out
25 tonight and for the good comments we got.

12

1 Just so you'll know, all of the comments are
2 due by March 16th at 5:00 p.m. And as Tom mentioned,
3 we do have one more public hearing this week on
4 Wednesday. It will be the exact same format that we
5 had this evening, and it's the Hostetter/Alum Rock
6 area, and it's at the San Jose High Academy.

7 So I'd like to thank you again for your
8 attention and interest. And we're going to adjourn the
9 formal part of the public hearing, but we're going to
10 stick around for any informal questions you may have,
11 and also to respond to the questions we noted down.
12 There will be VTA staff here with badges on to keep the
13 discussion going.

14 Thank you very much.

15 (Whereupon, the proceedings closed at 7:48 p.m.)

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

3 I, DEBORAH FUQUA, a Certified Shorthand
4 Reporter of the State of California, do hereby certify
5 that the foregoing proceedings were reported by me, a
6 disinterested person, and thereafter transcribed under
7 my direction into typewriting and is a true and correct
8 transcription of said proceedings.

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

14 Dated the 6th day of March, 2007.

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DEBORAH FUQUA
CSR NO. 12948

RESPONSE TO TRANSCRIPT 3 – FEBRUARY 26, 2007

Joe Witt

T3.1 *Refer to Response to Comment P-17.1.*

Robert Allen

T3.2 *BART will be completely grade separated at Warren Avenue, Kato Road, and Dixon Landing Road. VTA has been working with other public agencies to potentially provide for railroad grade separations at all of these locations. The options VTA is carrying in the SEIR are designed to accommodate railroad grade separations. However, other agencies must participate in the planning and funding of these improvements since they are separate from the BART Project.*

T3.3 *VTA looked at an alternative that maintained BART on the old railroad alignment to the Alum Rock Station. The transition from the Alum Rock Station to Santa Clara Street resulted in the curve for the tunnel extending south of Santa Clara Street and under dozens of residences. This alignment was dropped to avoid tunneling under residential properties where an alternative alignment was feasible. BART is above ground from just north of I-880 to the Santa Clara Station.*

T3.4 *The Y track at the end of the line in Santa Clara has been shortened and now ends just past De La Cruz Boulevard. This avoids the BART tracks crossing the L line.*

Steve Van Pelt

T3.5 *VTA is using a travel forecast model with assumptions based on FTA guidance to estimate system ridership. The assumptions are also being carefully reviewed by FTA to ensure estimates are as accurate as possible.*

T3.6 *The BART Project is designed to improve transit opportunities to and from the East Bay and Santa Clara County and in particular along the I-880 and I-680 corridors. The Santa Clara voters did not pass Measure A, which is the primary funding source for the project, to facilitate travel from the East Bay to the West Bay. In addition, this alignment would not support the purpose and need for the project as discussed in the Draft SEIR, Chapter 2.*

T3.7 *Refer to Response to Comment T3.6, above.*

T3.8 *Refer to Response to Comment T3.6, above. In addition, the route proposed would result in a lengthy travel time for San Jose Downtown riders to travel to Oakland and San Francisco and thus ridership would decrease for these destinations.*

E. James Murar

T3.9 *Refer to Response to Comment P-26.2.*

The-Vu Nguyen

T3.10 *Refer to Response to Comment P-49.1.*

DJ Blanchard as read by Kay Wilson

T3.11 *Refer to Response to Comment P-50.1.*

T3.12 *Refer to Response to Comment P-50.2.*

Felix Reliford

T3.13 *Refer to Response to Comment P-53.1.*

Monty Britton

T3.14 *Refer to Response to Comment P-54.1.*

T3.15 *The BART vehicles are designed to carry as many passengers as possible. Provision of a restroom would take away passenger capacity. In addition, trips within the BART system are generally less than 1 hour. Therefore, riders should seek out facilities before or after boarding.*

T3.16 *Refer to Response to Comment P-42.1.*