

State Agencies



Department of Toxic Substances Control



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA

700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

RECEIVED

JUN 20 2005

UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT

June 15, 2005

Ms. Joan Malloy
City of Union City
34009 Alvarado Niles Road
Union City, California 94587-4497

Dear Ms. Malloy:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Union City Intermodal Station Passenger Rail Project (SCH # 2003082100). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any remediation of hazardous substance releases that may be necessary. DTSC has the following comments on the Draft EIR:

1) Executive Summary, Table ES-1, Mitigation Measure HAZ-1. Please clarify who the "agency responsible for construction" referenced here and in other sections of this table is referring to. | 1

2) Executive Summary, Table ES-2, Mitigation Measure H-1. It is noted under the second step that if an area is slated for commercial use, the majority of the project site would be paved and there will be little or no human contact with contaminated soils. It is also stated that industrial cleanup levels would be applicable. Clarification should be provided on whether this second statement means soil with contaminant concentrations exceeding industrial cleanup levels would likely be removed. The last sentence of this step states that if no human contact is anticipated, then no further mitigation is necessary. However, other factors may need to be considered in selecting the appropriate mitigation measures such as protection of groundwater resources. Sites with soils that contain levels of contaminants above residential standards would require deed restrictions to prevent a change from commercial land use. A mechanism would need to be put in place to ensure that pavement that is acting as a barrier to prevent contact with contaminated soils is properly maintained. DTSC uses operation and maintenance agreements for this purpose. | 2

Ms. Joan Malloy
June 15, 2005
Page 2 of 3

There is a statement under the third step indicating that if it is determined that extensive soil contact would accompany the intended use of the site, a Phase II investigation would be undertaken. It seems that what is specified by Step 1 and what is specified by Step 3 regarding site investigation are inconsistent. A Phase II investigation, and any necessary additional investigations, should be undertaken at any site where the past or current land use may have or has resulted in a release of a hazardous substance. Site investigation is necessary for selecting the appropriate cleanup action. Because human exposure can occur by means other than direct contact with soil, such as migration of volatile organic compounds from soil and groundwater into overlying buildings, a Phase II investigation should not be limited to a situation where extensive soil contact would accompany the intended use of the site. There is a statement under this step that implies that measures to mitigate health and safety risks would only be implemented if there are high levels of soil contamination. Mitigation measures should be implemented if there are levels of contamination that pose a potential, significant human health risk.

2 (Cont.)

3) Page 3.5-9, Impact HAZ-3. It is stated here that the U.S. Pipe landfill abutting the Northern Layover Yard site has been legally closed and therefore would not impact activities at the Northern Layover Yard site. However the Phase I Site Assessment prepared by Parikh Consultants concludes that the limits of waste from the landfill may encroach onto the Northern Layover Yard site, and that health and safety measures should be in place in the event debris from the landfill is encountered during construction activities.

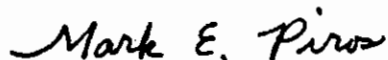
3

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

4

Please contact Hodayune Atiqee of my staff at (510) 540-3838 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,



Mark E. Piro, P.E., Unit Chief
Northern California Coastal Cleanup Operations Branch

Enclosures

cc: see next page

Ms. Joan Malloy
June 15, 2005
Page 3 of 3

cc: without enclosures

Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806



California Environmental Protection Agency
Department of Toxic Substances Control



The Voluntary Cleanup Program

The California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) has introduced a streamlined program to protect human health, cleanup the environment and get property back to productive use. Corporations, real estate developers, and local and state agencies entering into Voluntary Cleanup Program agreements will be able to restore properties quickly and efficiently, rather than having their projects compete for DTSC's limited resources with other low-priority hazardous waste sites. This fact sheet describes how the Voluntary Cleanup Program works.

Prior to initiation of the Voluntary Cleanup Program, project proponents had few options for DTSC involvement in cleaning up low-risk sites. DTSC's statutory mandate is to identify, prioritize, manage and cleanup sites where releases of hazardous substances have occurred. For years, the mandate meant that, if the site presented grave threat to public health or the environment, then it was listed on the State Superfund list and the parties responsible conducted the cleanup under an enforcement order, or DTSC used state funds to do so. Because of staff resource limitations, DTSC was unable to provide oversight at sites which posed lesser risk or had lower priority.

DTSC long ago recognized that no one's interests are served by leaving sites contaminated and unusable. The Voluntary Cleanup Program allows motivated parties who are able to fund the cleanup -- and DTSC's oversight -- to move ahead at their own speed to investigate and remediate their sites. DTSC has found that working cooperatively with willing and able project proponents is a more efficient and cost-effective approach to site investigation and cleanup. There are four steps to this process:

- Eligibility and Application
- Negotiating the Agreement
- Site Activities
- Certification and Property Restoration

The rest of this fact sheet describes those steps and gives DTSC contacts.

The Voluntary Cleanup Program

Step 1: Eligibility and Application

Most sites are eligible. The main exclusions are if the site is listed as a Federal or State Superfund site, is a military facility, or if it falls outside of DTSC's jurisdiction, as in the case where a site contains only leaking underground fuel tanks. Another possible limitation is if another agency currently has oversight, e.g., a county (for underground storage tanks). The current oversight agency must consent to transfer the cleanup responsibilities to DTSC before the proponent can enter into a Voluntary Cleanup Program agreement. Additionally, DTSC can enter into an agreement to work on a specified element of a cleanup, if the primary oversight agency gives its consent. The standard application is attached to this fact sheet.

If neither of these exclusions apply, the proponent submits an application to DTSC, providing details about site conditions, proposed land use and potential community concerns. No fee is required to apply for the Voluntary Cleanup Program.

Step 2: Negotiating the Agreement

Once DTSC accepts the application, the proponent meets with experienced DTSC professionals to negotiate the agreement. The agreement can range from services for an initial site assessment, to oversight and certification of a full site cleanup, based on the proponent's financial and scheduling objectives.

The Voluntary Cleanup Program agreement specifies the estimated DTSC costs, scheduling for the project, and DTSC services to be provided. Because every project must meet the same legal and technical cleanup requirements as do State Superfund sites, and because DTSC staff provide oversight, the proponent is assured that the project will be completed in an environmentally sound manner.

In the agreement, DTSC retains its authority to take enforcement action if, during the investigation or cleanup, it determines that the site presents a serious health threat, and proper and timely action is not otherwise being taken. The agreement also allows the project proponent to terminate the Voluntary Cleanup Program agreement with 30 days written notice if they are not satisfied that it is meeting their needs.

Step 3: Site Activities

Prior to beginning any work, the proponent must have: signed the Voluntary Cleanup Program agreement; made the advance payment; and committed to paying all project costs, including those associated with DTSC's oversight. The project manager will track the project to make sure that DTSC is on schedule and within budget. DTSC will bill its costs quarterly so that large, unexpected balances will not occur.

Once the proponent and DTSC have entered into a Voluntary Cleanup Program agreement, initial site assessment, site investigation or cleanup activities may begin. The proponent will find that DTSC's staff includes experts in every vital area. The assigned project manager is either a highly-qualified Hazardous Substances Scientist or Hazardous Substances Engineer. That project manager has the support of well-trained DTSC toxicologists, geologists, industrial hygienists and specialists in public involvement.

The project manager may call on any of these specialists to join the team, providing guidance, review, comment and, as necessary, approval of individual documents and other work products. That team will also coordinate with other agencies, as appropriate, and will offer assistance in complying with other laws, such as the Resource Conservation and Recovery Act.

Step 4: Certification and Property Restoration

When remediation is complete, DTSC will issue either a site certification of completion or a No Further Action letter, depending on the project circumstances. Either means that what was, The Site, is now property that is ready for productive economic use.

To learn more about the Voluntary Cleanup Program, contact the DTSC representative in the Regional office nearest you:

Southern California

Tina Diaz
1011 North Grandview Avenue
Glendale, California 91201
(818) 551-2862

Central California

Megan Cambridge
8800 Cal Center Drive
Sacramento, CA 95826-3200
(916) 255-3727

North Coast California

Lynn Nakashima Janet Naito
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2737
(510) 540-3839 (510) 540-3833

Central California

Fresno Satellite
Tom Kovac
1515 Tollhouse Road
Clovis, California 93612
(209) 297-3939

(Revised 11/2001)



VOLUNTARY CLEANUP PROGRAM APPLICATION

The purpose of this application is to obtain information necessary to determine the eligibility of the site for acceptance into the Voluntary Cleanup Program. Please use additional pages, as necessary, to complete your responses.

SECTION 1 PROPONENT INFORMATION

Proponent Name	

Principal Contact Name	Phone () _____
Address	

Proponent's relationship to site	

Brief statement of why the proponent is interested in DTSC services related to site	

SECTION 2 SITE INFORMATION

Is this site listed on Calsites? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, provide specific name and number as listed			

Name of Site			

Address	City	County	ZIP

(Please attach a copy of an appropriate map page)			

SECTION 2 SITE INFORMATION (continued)

<p>Current Owner</p> <p>Name _____</p> <p>Address _____</p> <p>Phone () _____</p>
<p>Background: Previous Business Operations</p> <p>Name _____</p> <p>Type _____</p> <p>Years of Operation _____</p> <p>If known, list all previous businesses operating on this property _____</p> <p>_____</p> <p>_____</p>
<p>What hazardous substances/wastes have been associated with the site?</p> <p>_____</p> <p>_____</p>
<p>What environmental media is/was/may be contaminated?</p> <p><input type="checkbox"/> Soil <input type="checkbox"/> Air <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface water</p>
<p>Has sampling or other investigation been conducted? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Specify _____</p> <p>_____</p> <p>_____</p> <p>If Yes, what hazardous substances have been detected and what were their maximum concentrations?</p> <p>_____</p> <p>_____</p> <p>_____</p>

SECTION 2 SITE INFORMATION (continued)

Are any Federal, State or Local regulatory agencies currently involved with the site? Yes No
 If Yes, state the involvement, and give contact names and telephone numbers

Agency	Involvement	Contact Name	Phone

What is the future proposed use of the site? _____

What oversight service is being requested of the Department?

- PEA RI/FS Removal Action Remedial Action RAP Certification
 Other (describe the proposed project) _____

Is there currently a potential of exposure of the community or workers to hazardous substances at the site?

- Yes No If Yes, explain _____

SECTION 3 COMMUNITY PROFILE INFORMATION

Describe the site property (include approximate size) _____

Describe the surrounding land use (including proximity to residential housing, schools, churches, etc.) _____

Describe the visibility of activities on the site to neighbors _____

1 Department of Toxic Substances Control

01.01 The comment asks for clarification regarding the agency responsible for construction.

Response - Multiple agencies would have responsibility for constructing the various components of the project. Rail improvements would be funded primarily through the Metropolitan Transportation Commission (MTC) with Regional Measure 2 (RM2) funds. No final decision has been made to date regarding the agencies that would be responsible for construction of the various elements of the Proposed Project. Construction activities would be coordinated with Capitol Corridor Joint Powers Authority (CCJPA), Union Pacific Railroad (UPRR), Bay Area Rapid Transit (BART), Alameda County Water District (ACWD), Department of Toxic Substances Control (DTSC), cities of Hayward, Union City, and Fremont, and other agencies.

01.02 This comment addresses Mitigation Measure H-1 of the Redevelopment Plan EIR.

Response – Mitigation Measure H-1, which is incorporated by reference in the DEIR relates to the investigation and remediation of soil contamination in the station district site. Construction activity related to the Proposed Project includes the placement of fill material to raise the Oakland subdivision tracks at the Union City BART station and construction of the passenger rail station. These construction activities will take place on the UPRR right of way, the former PG&E property and the former PSSC property. The PG&E site has been cleaned to residential standards. The portion of the PSSC site adjacent to the Oakland subdivision is a waste containment area. DTSC has issued draft closure document and a maintenance plan has been adopted. The Proposed Project would only require placement of fill over the waste containment area. An easement on PSSC property is reserved for this purpose.

01.03 The comment states that safety measures should be in place to address the possibility of encountering hazardous substances during construction of the north layover yard option.

Response - As described in Master Response PD-1, Layover Yard, the layover yard options are not a part of the Proposed Project and a decision as to the location and final design of the northern layover yard would be made by the agency approving the DRC project. Impacts and mitigation measures associated with the DRC layover yard options will be analyzed in the environmental document prepared for that project.

01.04 The comment states that the DTSC can assist in overseeing characterization and cleanup activities through its Voluntary Cleanup Program.

Response - Comment noted and considered.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5513
TTY (800) 735-2929

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JUN 13 2005

**UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT**

June 9, 2005

ALA084420
SCH#2003082100

Ms. Joan Malloy
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587-4497

Dear Ms. Malloy:

INTERMODAL PASSENGER RAIL STATION – DRAFT ENVIRONMENTAL IMPACT REPORT

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Intermodal Passenger Rail Station project. The comments presented below are based on the Draft Environmental Impact Report (DEIR); additional comments may be forthcoming pending final review of the DEIR. As lead agency, the City of Union City is responsible for all project mitigation, including any needed improvements to state highways. An encroachment permit will be needed only if the project involves work in the State Right of Way (ROW). Because the Department will not issue an encroachment permit until our concerns are adequately addressed, we strongly recommend that the lead agency ensure resolution of the Department's concerns prior to submitting an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Forecasting**Highway Capacity Manual 2000**

Project analysis applies the Highway Capacity Manual (HCM) 1997, which varies significantly from the more current HCM 2000 as indicated below.

- 2000 HCM has updated Level Of Service (LOS) thresholds to meet current transportation characteristics for basic freeway segments as well as both signalized and unsignalized intersections, and
- The 1997 HCM uses average stop delay per vehicle as the primary service measure for determining signalized intersection LOS, while 2000 HCM uses the more current control delay per vehicle.

Institute of Transportation Engineer (ITE) Trip Generation Manual, 7th Edition

The analysis is based on the ITE Trip Generation Manual, 6th Edition, which differs significantly from the ITE Manual 7th Edition. The latter is based on current travel demand data and

engineering studies; therefore, we recommend the report apply trip generation rates from the ITE Manual 7th Edition.

Residential Land Use Trip Generation

The project includes 628 multi-family residential (MFR) units. However, neither 6th nor 7th Edition ITE Trip Generation Manual provides trip rates for multi-family units. We believe multi-family residential units reflect low to medium residential density, which better fits either single family detached housing (SFDH) or low rise residential condominium/townhouse (LRRCT). Significantly, AM, PM, and daily trip rates as well as the corresponding trip rates generated by SFDH and LRRCT shown in the ITE Manual 7th edition are much higher than those applied to MFR in the report.

Reference	AM in-rate	AM out-rate	AM rate	daily rate	AM in-trip	AM out-trip	AM trip	daily trip
Report, MFR	0.07	0.37	0.44	5.86	47	229	276 (100%)	3,680 (100%)
SFDH, 7 th	0.1875	0.5625	0.75	9.57	117	353	471 (171%)	6,010 (163%)
LRRCT, 7 th	0.1675	0.5025	0.67	N/A	105	316	421 (153%)	N/A

Reference	PM in-rate	PM out-rate	PM rate	daily rate	PM in-trip	PM out-trip	PM trip	daily trip
Report, MFR	0.36	0.18	0.54	5.86	227	112	339 (100%)	3,680 (100%)
SFDH, 7 th	0.6363	0.3737	1.01	9.57	400	235	635 (187%)	6,010 (163%)
LRRCT, 7 th	0.4524	0.3276	0.78	N/A	284	206	490 (121%)	N/A

1 (Cont.)

Community Facility Trip Generation

According to the ITE Manual 7th Edition, the Community Facility use generates trips at the rate shown below; however, Table 5 indicates no trip generation because of its proximity to the adjacent neighborhood. A more detailed description of the Community Facility use, and additional analysis are needed to support the assumption that users of the Community Facility would be restricted solely to people walking from neighboring areas; it is much more likely that Facility users would also include motorists from the surrounding area.

Size ksf	AM Rate	PM Rate	AM in-trip	AM out-trip	AM trip	PM in-trip	PM out-trip	PM trip
87.120	1.62	1.64	86	55	141	41	102	143

Traffic Operations

Project-specific, construction-related and Year 2025 LOS impacts to the State Route 238 intersection at Decoto Road should be included in both the DEIR and Traffic Study.

2

Cultural Resources

While potential project impacts within Caltrans ROW have not been specifically identified in the DEIR, if project plans include ground-disturbing activities within Caltrans ROW, then pursuant to CEQA, Public Resources Code Section (PRCS) 5025.5, and Volume 2 of the Caltrans Environmental Handbook, Caltrans' minimum requirements include documentation of a current

3

record search at the Northwest Information Center before an Encroachment Permit can be issued. If these impacts are within an archaeologically sensitive area, Caltrans requires documentation of a field survey by a qualified archaeologist. If an archaeological site is identified within Caltrans ROW, the following will be required:

3 (Cont.)

- Effects evaluation of potential project impacts,
- Mitigation plan per CEQA Guidelines 15126.4(b)(3), and
- Evidence of consultation with the territorial Native American group(s) for the area pursuant to PRCS 5097.

Encroachment Permit

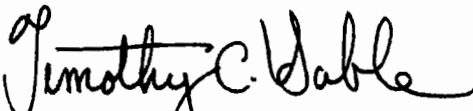
Work that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information. <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

4

Sean Nozzari, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Please feel free to call or email Patricia Maurice of my staff at (510) 622-1644 or patricia_maurice@dot.ca.gov with any questions regarding this letter.

Sincerely,


TIMOTHY C SABLE
District Branch Chief
IGR/CEQA

c: Ms. Terry Roberts, State Clearinghouse

2 California Department of Transportation

02.01 The comment addresses the sources used in the traffic forecasting prepared for the Redevelopment Plan EIR, which was certified in 2002.

Response - The Proposed Project is a subset of the Station District Plan studied in the Redevelopment Plan EIR and a separate traffic study was not prepared for the DEIR. The trip generation rates discussed in the project are for residential and community facility land uses in the Station District that are not related to the Proposed Project.

02.02 The comment states that project-specific, construction-related, and Year 2025 LOS impacts to the State Route (SR) 238/Decoto Road intersection should be included in both the DEIR and Traffic Study.

Response - Project-related construction traffic would be primarily related to the importation of fill material for the berm at the proposed passenger rail station on the south side of Decoto Road. At this time, there is not sufficient information about the source of fill material or haul routes to prepare a project-specific construction traffic impact analysis. It is possible that a significant amount of fill material for the berm would be available from excavation activities associated with development of the PG&E property, however, it would be speculative to make that assumption. Construction traffic impacts are identified as a significant and unavoidable impact and mitigation is proposed to minimize construction-related traffic impacts.

Project-specific traffic generation is anticipated to be relatively minor, contributing approximately 1086 entries and exits by automobile to the passenger rail station daily, only a portion of which would utilize SR 238. The LOS along SR 238 for year 2020 was identified in the Redevelopment Plan EIR and represents the cumulative buildout of the plan, which includes the Proposed Project. The Redevelopment Plan EIR was certified in 2002 and all impacts related to project-specific traffic were included in the analysis of traffic in that document. A separate traffic analysis was not prepared for this DEIR.

02.03 The comment addresses Caltrans requirements for cultural resources investigations.

Response - Comment noted and considered. No ground-disturbing activities are planned on Caltrans right-of-way. If ground-disturbing activities within Caltrans right-of-way were to become necessary, then the agency responsible for construction would apply for an encroachment permit and fulfill all Caltrans requirements to obtain that permit.

02.04 The comment addresses Caltrans requirements for encroachment permits.

Response - Comment noted and considered. An encroachment permit would be obtained prior to commencing any work within Caltrans right-of-way.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 24, 2005

File No.183-31
SCH# 2003082100

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MAY 26 2005

UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT

Joan Malloy
City of Union City
34009 Alvarado-Niles road
Union City, CA 94587

RE: Union City Intermodal Passenger Rail Station Project

Dear Ms. Malloy:

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to the Union Pacific Railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles".

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Patrick Kerr, Union Pacific Railroad

3 Public Utilities Commission

03.01 The comment recommends that development projects near the rail corridor be planned with the safety of the rail corridor in mind.

Response - Comment noted and considered. The City is committed to working with PUC staff to improve safety for motorists and pedestrians.

Local Agencies



ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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

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City of Union City
Mayor
Mark Green

Executive Director
Dennis R. Fay

June 9, 2005

Ms. Joan Malloy
Planning Manager
Economic and Community Development Department
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587

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JUN 09 2005

**UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT**

SUBJECT: Comments on the Draft Environmental Impact Report for the proposed Union City Intermodal Station Passenger Rail Project in the City of Union City

Dear Ms. Malloy:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Union City Intermodal Station Passenger Rail Project in the City of Union City. The proposed project would reroute current and future Capitol Corridor Passenger Rail service between Hayward and Fremont to allow Capital Corridor and future Dumbarton Rail services to access the planned Union City Intermodal Station. The project involves construction of two new track connections, one in Hayward just south of Industrial Parkway (the Industrial Connection) and one in Fremont near Shinn Street (the Shinn Connection), a new passenger rail station and layover yards for trains. Passenger rail service would be relocated through Union City from the current track alignment to alternate tracks running adjacent to BART.

The DEIR for the proposed project is a project level draft EIR that tiers off of previously adopted program/project level EIRs. Consistent with the CMA's response dated April 2, 2005 to the Notice of Preparation of the Draft EIR for the proposed project, the project is exempt from the Land Use Analysis Program of the CMP.

Once again, thank you for the opportunity to comment. Should you have any questions or require any additional information, please do not hesitate to contact me at (510) 836-2560 ext.24.

Sincerely,

Saravana Suthanthira
Associate Transportation Planner

cc: file: CMP - Environmental Review Opinions - Responses - 2005

4 Alameda County Congestion Management Agency

04.01 This comment restates the finding that the Proposed Project is exempt from the Land Use Analysis Program of the CMP.

Response – This comment is noted and considered.



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

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June 6, 2005

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**UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT**

Joan Malloy
Planning Manager
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587-4497

Dear Ms. Malloy:

Subject: Comments on the Draft Environmental Impact Report for the Union City Intermodal Station Passenger Rail Project

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the proposed Union City Intermodal Station Passenger Rail Project ("Project"). The Alameda County Water District (ACWD) previously provided comments to the Notice of Preparation (NOP) for this DEIR in a letter dated September 18, 2003 (enclosed).

ACWD is a water retailer that provides potable water service to a population of over 320,000 in the Cities of Fremont, Newark and Union City. ACWD utilizes both the Alameda Creek Flood Control Channel (Alameda Creek) and adjacent Quarry Lakes to replenish groundwater in the underlying Niles Cone Groundwater Basin. The water is subsequently recovered through ACWD's groundwater production wells and provides a potable water supply to ACWD's customers. Groundwater from the Niles Cone Groundwater Basin is a key source of water for ACWD, and has historically supplied up to 50% of the total annual supply. Because of this important local resource, the protection of Alameda Creek, the adjacent Quarry Lakes and the associated groundwater recharge and extraction facilities is a critical concern for ACWD.

As ACWD understands that the Project will require significant construction in the immediate vicinity of the Quarry Lakes and Alameda Creek, and will also directly impact important distribution system water mains, ACWD believes that the DEIR must be revised to address the following concerns:

1. Impacts to ACWD's Property-Rights, Water System, and Operations

The DEIR inadequately describes all of the Project's characteristics and how they will affect ACWD's property, distribution system and operations. CEQA Guidelines require that a project description include the precise location of the project, a clearly written statement of

objectives and a “general description of the project’s technical, economic and environmental characteristics.” (CEQA Guidelines § 15124.) “An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” *McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District*, (6th Dist. 1988) 202 Cal. App. 3d 1136, 1143; see also *County of Inyo v. City of Los Angeles* (3rd Dist. 1977), 71 Cal. App. 3d 185, 192-93 (holding that “A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance.”)

The Project Proponent should revise the Project description and the DEIR analysis to fully describe the impacts and provide mitigation, as necessary. In particular, the DEIR must address: (1) the impacts on ACWD’s property necessary to complete the Project and (2) the impacts on ACWD’s water mains and appurtenances. In order to protect the public’s health and safety, the DEIR must include a description of how the Proponent plans to coordinate with ACWD to ensure no interruption in service.

1 (Cont.)

The last paragraph and bullet section on page 1-6 states:

“The initial study did not identify any potential impacts in the following areas, therefore, this DEIR does not evaluate the potential impacts of:

- *geology, seismicity, soils;*
- *public services and utilities; and*
- *population and housing.”*

Although the initial study did not identify any potential impacts for utilities, the Project appears to significantly impact ACWD’s property-rights, water system and operations. The extent of the impacts cannot be fully determined because there is insufficient information provided in the DEIR. The following items outline ACWD concerns regarding impacts to ACWD’s property-rights, water system and operations:

Impacts to ACWD Property-Rights:

The DEIR states the following impact on Table ES-1 (Page 26 of 33): “*A small amount of additional right-of-way would be required at the terminus of Riverwalk Drive in the Riverwalk subdivision of Fremont to accommodate the Shinn Connection*”, and that “*no mitigation is required.*” This information doesn’t identify the owner of the additional right-of-way that is required. If the additional right-of-way referred to in the DEIR is part of the 25 foot-wide strip owned by ACWD at the terminus of Riverwalk Drive, then is it the Project Proponent’s intent

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to buy the land or obtain an easement from ACWD? Please clarify. If ACWD's water mains and appurtenances in this area need to be relocated outside of areas in which ACWD currently has property-rights, then the Project Proponent will need to provide ACWD with equivalent property-rights and facility access for either the existing or the relocated water mains and appurtenances, as applicable.

2 (Cont.)

Impacts to ACWD's Distribution System and Operations:

ACWD's water mains and appurtenances need to remain in service at all times to maintain ACWD's ability to provide adequate water service and fire protection. The Project, as described, does not address how adequate water service will be maintained.

The proposed railroad alignment crosses multiple water lines varying in size from 6-inches to 42-inches. More specifically, the location of the new wall and railroad alignment at the Shinn Connection shown on Figures ES-4 and 2-9, appears to be in direct conflict with ACWD's existing 42-inch and 24-inch diameter water transmission mains and appurtenances (see enclosed ACWD Exhibit A, *ACWD Sheet AB17*). Both of these water transmission mains are extremely important to ACWD's overall operations and its ability to provide adequate water service to approximately 150,000 people within the cities of Union City and Fremont that are served by the affected water mains. Therefore, the Project Proponent will need to closely coordinate all design, construction and scheduling activities that may impact these water mains with ACWD. Design provisions shall include features that allow ACWD to access and maintain all water mains after completion of the Project. Additionally, it is likely that any construction work that requires the 24-inch and 42-inch pipelines to be removed from service be performed between the middle of November and the end of February. Other potential environmental impacts that would need to be addressed include construction activities associated with the relocation of large diameter pipelines and the typical water discharge and disposal operations required for dewatering, flushing and disinfecting new pipelines.

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Because ACWD owns the property where the above pipelines are likely to be impacted by the Project, the proponent of the Project will be required to pay all costs related to the relocation, protection in place, any required pipeline casings under tracks and/or walls and temporary bypass lines, if required.

Additionally, the DEIR describes an optional Decoto Road Grade Separation on pages 2-5 and 2-6. The Decoto Road grade separation will result in significant and potentially disruptive impacts on ACWD's water transmission and distribution system due to the necessity to relocate ACWD's 24-inch transmission main in Decoto Road. Similar to the comments provided above, the Project Proponent will need to closely coordinate all design, construction and scheduling activities that may impact this water main with ACWD. Design provisions shall include features that allow ACWD to access and maintain all water mains after completion of the Project. It is possible that any construction work requiring the 24-inch water main to be removed from service will be required to be performed between the middle of November and the end of February, as isolation of the pipeline from the rest of the distribution

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system could negatively impact the hydraulics of ACWD's water storage, transmission and delivery system.

4 (Cont.)

2. Impacts to Water Supply

The DEIR inadequately addresses impacts on ACWD's short-term and long-term water supply. CEQA requires that an EIR consider and discuss all significant environmental impacts of the Project. Pub. Resources Code §§ 21100, et seq., CEQA Guidelines §§ 15126 and 15126.2. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project" CEQA Guidelines § 15382; *see also Goleta Union School District v. Regents of University of California* (2nd Dist. 1995) 37 Cal. App. 4th 1025, 1030-31.

5

Short-Term Impacts:

The DEIR states that a new Shinn Connection would require a new tunnel or extended bridge to allow trains to pass beneath the BART tracks. However, limited information is provided on the depth of a new tunnel or how it would be constructed. This information is critical for determining whether any groundwater extraction would be required during construction and on a routine basis after the tunnel has been constructed. If a dewatering system is required to construct the tunnel, the impact of the Project could be significant on the Niles Cone Groundwater Basin. Since ACWD actively recharges the groundwater basin, it is critical that the amount of water that may be extracted during construction be estimated and documented in the DEIR.

The DEIR states on pages 2-5 to 2-6 that a future grade separation may be constructed in which a portion of Decoto Road would be lowered approximately 15 feet. Similar to the comments provided above on the Shinn Connection, the DEIR must quantify any short-term impacts of lowering Decoto Road on the Niles Cone Groundwater Basin and include any required mitigation measures.

6

The "Future Track" shown on Figures 2-11 through 2-13 may be in conflict with ACWD's Shinn Rediversion Pipeline and the Shinn Pond to Stevenson Pond Diversion Pipeline (these facilities are generally depicted on the enclosed ACWD Exhibit B and the above-grade components appear to be visible on DEIR Figure 2-11 just below the marker for station 540+00). The Shinn Rediversion Pipeline and the Shinn Pond to Stevenson Pond Diversion Pipeline are critical facilities that allow ACWD to recharge groundwater and meet its water supply needs. The Shinn Rediversion pipeline varies in diameter from 42-inches to 66-inches and is located, under license with UPRR, within the UPRR right-of-way. This shallow buried pipeline extends from the pump station in a perpendicular direction under the existing UPRR track into a concrete junction box, and then in a northerly direction adjacent and parallel to the west side of the UPRR, and terminates in Rock Pond which is shown, but not identified, on Figure 2-13. The Shinn to Stevenson Diversion Pipeline crosses the UPRR right-of-way and varies in diameter from 12-inches to 20-inches and is generally depicted on ACWD Exhibit B.

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If the “Future Track were to be implemented, the Project Proponent would need to coordinate any required relocation or modifications of these pipelines with ACWD during design to minimize construction-related water supply impacts to ACWD.

7 (Cont.)

Long-Term Impacts: The Replenishment Assessment Act of the Alameda County Water District authorizes ACWD to charge operators of water production facilities an assessment based on the quantity of water produced. Dewatering operations during construction and/or operation of the project may be subject to replenishment assessment charges. The replenishment assessment rate is set annually and the current rate is \$197.00/acre-foot. In addition, if dewatering is required as part of the long-term operation of either a Shinn Connection tunnel or a Decoto Road Grade Separation and result in significant water losses from the groundwater basin, this could result in an overall long-term reduction in ACWD’s water supply. Therefore, alternative designs should be evaluated that would minimize or eliminate the need for dewatering. If dewatering is required on an annual basis as a result of the Project, mitigation measures for replacing any loss of ACWD’s water supply should be included in the DEIR.

8

3. Impacts to Biological Resources, Steelhead

The DEIR lacks the appropriate mitigation measures to address the potential significant impacts on steelhead migration in Alameda Creek. Steelhead are proposed to be listed as a threatened species under the Endangered Species Act. In addition to identifying all significant impacts of a project, as a lead agency, the City of Union City also has a duty to provide measures that will avoid or mitigate all significant adverse environmental impacts that may occur as a result of the proposed project. CEQA Guidelines state that: “An EIR shall describe feasible measures which could minimize significant adverse impacts” CEQA Guidelines § 15126.4(a)(1). “Mitigation” as defined under CEQA Guidelines § 15370, includes:

- Avoiding the impact altogether by not taking a certain action;
- Minimizing impacts by limiting the degree or magnitude of the action;
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations;
- Compensating for the impact by replacing or providing substitute resources or environments.

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As further described below, the Project, particularly the retrofit of piers and bridge construction crossing Alameda Creek, could impact migration of threatened steelhead. Mitigation measure WQ-1, which includes obtaining a NPDES permit and instituting a storm water pollution prevention plan, are insufficient to address these impacts.

Page 3.3-12 of the DEIR states, “*There is no spawning habitat for steelhead present in Alameda Creek below the BART barrier; therefore, until that barrier is removed, the Proposed Project would not include activities that could result in the prevention of steelhead migration to the upper reaches of Alameda Creek.*” As described elsewhere in the DEIR, the Project includes retrofit of the piers for the existing UPRR bridge crossing Alameda Creek and the construction of a future bridge at the location shown on Figure 2-10. As was previously mentioned in ACWD’s September 18, 2003 comment letter on the NOP, the proposed retrofit and bridge construction could present significant design, construction, and operational impacts for fish passage in the creek. This potential interference with planned improvements designed to support fish migration should be identified as a potentially significant impact in the DEIR. The Project Proponent should commit to coordinating closely with ACWD and the other involved agencies, including the Alameda County Flood Control and Water Conservation District, during Project design. This commitment should be documented as a required mitigation in the DEIR. This potential interference should also be included in the list of Impact Mechanisms on page 3.3-20.

9 (Cont.)

4. Impacts to Groundwater Quality

The proposed mitigation for Hazardous Impact -1, related to the release of hazardous substances into the environment, is not sufficiently detailed, does not include a plan to work with ACWD if contaminated groundwater or soil is found or to cooperate with ACWD in obtaining permits for drilling. CEQA Guidelines require that lead agencies formulate detailed mitigation measures. “Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time.” CEQA Guidelines § 15126.4(a)(1)(B) and *see Citizens for Quality Growth v. City of Mount Shasta* (3rd CEQA. 1988) 198 Cal. App. 3d 433, 442 (stating that “passing references to the mitigation measures are insufficient to constitute a finding [adopting the measures]”). The DEIR must include a detailed plan to include ACWD in monitoring and mitigating any impact on groundwater quality or management of contaminated groundwater and soils, if either are discovered by the Project Proponent.

10

Pages 3.5-8 of the DEIR states, “*If contaminated soil or groundwater is encountered, the agency responsible for construction shall notify the appropriate local environmental management agencies and local fire departments.*” The DEIR should include ACWD as one of the appropriate environmental management agencies that should be notified if contaminated soil or groundwater is encountered.

11

As part of ACWD’s Groundwater Protection Program, ACWD entered into Cooperative Agreements with the California Regional Water Quality Control Board – San Francisco Bay Region (Regional Board) and the cities of Fremont, Newark, and Union City, which allow ACWD to provide the technical oversight of investigation and remediation of Leaking

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Underground Fuel Tank and the majority of the Spills, Leaks, Investigation, and Cleanup sites. Once cleanup has been completed at a site, ACWD submits a case closure summary and recommendation to the Regional Board for final review and case closure.

12 (Cont.)

In addition, since soil samples will be collected prior to construction activities, an ACWD permit will be required for the drilling of exploratory holes. The City of Fremont Ordinance No. 950 (adopted on June 26, 1973 and amended by Ordinance No. 963 on October 16, 1973) and the City of Union City Ordinance No. 109-73 (adopted on June 18, 1973) designate ACWD as the enforcing agency as defined by the Department of Water Resources. The ordinances regulate the construction, repair, reconstruction, destruction or abandonment of wells and exploratory holes within the city boundaries and require that a written permit be obtained from ACWD prior to conducting this type of work. Specific information related to obtaining permits from ACWD can be downloaded from ACWD's website at www.acwd.org/doingbusiness-wellpermits.html.

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5. Impacts to Surface Water Quality

The Project Proponent must work with ACWD to create enforceable plans to address stormwater and pollution impacts on surface water quality. CEQA Guidelines state that: "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments." CEQA Guidelines § 15126.4(a)(2); see also Pub. Resources Code § 21081.6(b). "The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation." Pub. Res. Code § 21081.6(a)(1).

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However, as described more fully below, some of the mitigation measures for the water quality impacts, including adoption of an erosion and sedimentation control plan, do not provide enforcement measures to ensure compliance with the plan and protection of surface water quality. (DEIR pp. 3.6-12 through 17.) Such measures must be developed with ACWD, since ACWD relies on the Alameda Creek and Quarry Lakes for its recharge operations. In addition, such measures should be made enforceable to the greatest extent possible.

On pages 3.6-15 and 3.6-16, the DEIR addresses the potentially significant impacts to water quality in Alameda Creek and the Quarry Lakes recharge ponds due to the proposed construction activities. As described in Impacts WQ-2 and WQ-3, such impacts include contamination of these waters with sediment laden with creosote compounds and heavy metals, as well as contamination from leaks or spills of hazardous materials. The DEIR states that the contractor will be required to develop a storm water pollution prevention plan (SWPPP) which "...shall emphasize standard temporary erosion control measures..." and a spill prevention, containment, and clean-up plan (SPCC) consistent with State and local regulations. Given the importance and sensitivity of Alameda Creek and the Quarry Lakes recharge ponds (drinking

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water source), and the relative risk of such contamination (immediately adjacent to major construction activities, i.e. Shinn connection and layover yard), ACWD believes the Project Proponent should require the greatest degree of protection possible and enforce the highest practical standards in its required SWPPP and SPCC for these areas. ACWD also requests that the Quarry Lakes recharge ponds be added to those water bodies specifically named in WQ-2 as areas which will be covered by the plans. These plans should be developed in close coordination with ACWD.

15 (Cont.)

Additionally, ACWD is concerned about the potential increased likelihood of hazardous materials spills in Alameda Creek. As previously stated, the Alameda Creek watershed, the creek itself and ACWD's associated groundwater recharge and production well facilities shown on the enclosed ACWD Exhibit B comprise a major component of ACWD's overall water supply and production capabilities. On January 30, 1994, a Union Pacific Railroad (UPRR) freight train derailed from Oakland Subdivision tracks and spilled approximately 2,560 pounds of Hexane (an extremely hazardous material) into Alameda Creek. It was only due to the quick response of ACWD, UPRR and others that ACWD's long-term water supply and production capability was not compromised. ACWD is justifiably concerned about any proposed activities that could negatively impact water quality within the creek, including the possibility of hazardous materials spills as a result of railroad freight operations.

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The DEIR states that the Project would not affect changes in freight movement on the Oakland and Niles Subdivisions (page 2-2) and that the expected volume of freight traffic on the Oakland Subdivision is expected to be only 1-2 trains per day (page ES-2). In order to complete the description of the Project setting, please include in the DEIR a more detailed discussion regarding the current and planned routing of freight traffic and quantify the current and projected total freight traffic on the Oakland, Niles and Centerville Subdivisions.

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Although not addressed in the DEIR, ACWD has been made aware that plans may exist to route increasing quantities of freight from the port of Oakland south on the Niles Subdivision and east into Niles Canyon. Presumably, this freight routing would be made possible by the combined completion of the Project and a future connection from the Niles Subdivision to the UPRR tracks that parallel the south side of Alameda Creek east into Niles Canyon. This connection is shown as the "Future Niles Connection" on the enclosed ACWD Exhibit B. Most significantly, the Future Niles Connection, if implemented, would include a curved-alignment bridge across the creek. Because increased freight traffic and curved rail alignments crossing Alameda Creek would both serve to increase the possibility of hazardous materials spills into the creek, ACWD requests that any known future plans for a Niles Connection, or any other planned facilities or relevant issues that could increase the likelihood of hazardous materials spills in the creek, be addressed in this DEIR. This detail is required to complete the Project description, as mandated by CEQA Guidelines § 15124.

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ACWD appreciates the opportunity to comment on the DEIR and hopes to work cooperatively with Union City on the Project. However, as described above, ACWD recognizes several major issues

Comments on Union City Intermodal DEIR

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June 6, 2005

remain to be satisfactorily addressed with respect to impacts to ACWD's water supply and groundwater operations, as well as impacts to the water distribution system and related costs. ACWD cannot support the Project until such impacts are fully described, analyzed and mitigated. If you have questions or need additional information on any of these comments, please contact Robert Shaver, ACWD's Engineering Department Manager, at (510) 668-4401.

Sincerely,



Paul Piraino
General Manager

db:bk
enclosures

cc: Robert Shaver, ACWD
Steven Inn, ACWD
Ed Stevenson, ACWD
Steve Peterson, ACWD
Anna Lloyd, ACWD
Karl Stinson, ACWD
Doug Chun, ACWD
Jim Reynolds, ACWD
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September 18, 2003

Joan Malloy, Planning Manager
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587-4497

Dear Ms. Malloy:

Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report
for the Union City Intermodal Station Passenger Rail Project

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of an EIR for the Union City Intermodal Station Passenger Rail Project.

As you are aware, Alameda County Water District (ACWD) is a water retailer that provides potable water service to a population of over 320,000 in the Cities of Fremont, Newark and Union City. We understand that the proposed Rail Project will include significant construction in the vicinity of the Quarry Lakes and the Alameda Creek Flood Control Project (including a new bridge over Alameda Creek). ACWD utilizes both the Alameda Creek Flood Control Channel and adjacent Quarry Lakes to replenish the groundwater in the underlying Niles Cone Groundwater Basin. The water is subsequently recovered through ACWD's groundwater production wells and provided as a potable supply to the District's customers. Groundwater from the Niles Cone Groundwater Basin is a key source of water supply for ACWD, and has historically supplied up to 50% of the District's annual supply. Because of the importance of this local resource, the protection of Alameda Creek, the adjacent Quarry Lakes and the associated groundwater recharge and extraction facilities is critical for ACWD.

ACWD has the following comments regarding the NOP:

1. Please include a specific plan to identify and mitigate any impacts to ACWD facilities and/or operations during construction and subsequent operation of the Rail Project. Specific impacts include potential water quality impacts to either the Quarry Lakes or the Alameda Creek Flood Control Channel. In addition, any impacts to ACWD groundwater recharge

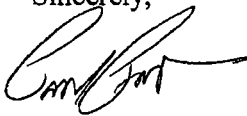
Ms. Joan Malloy
Page 2
September 19, 2003

operations, including operation of the inflatable dams in the flood control channel, should be identified, as well as measures to mitigate for any adverse impacts to ACWD's water supplies.

2. The Corps of Engineers, in conjunction with Alameda County Flood Control and Water Conservation District (Flood Control) and ACWD is currently planning for the installation of a fish ladder at the Flood Control's drop structure and ACWD middle inflatable dam, both located in the direct vicinity of the Rail Project's proposed new bridge crossing. This fish ladder is part of an overall multi-agency effort to restore steelhead trout, a threatened species under the Endangered Species Act, to the Alameda Creek Watershed. The EIR should address any impacts that the proposed Rail Project may have on the on-going and planned efforts to restore steelhead to the Alameda Creek Watershed, including the design and construction of a fish ladder and other associated fish passage projects within the Alameda Creek flood control channel.
3. Union City should coordinate closely with ACWD's Engineering Department staff to ensure that the Rail Project obtains all of the appropriate permits required for the project, including construction within ACWD right of ways, as well as any drilling work for subsurface/geotechnical investigations.

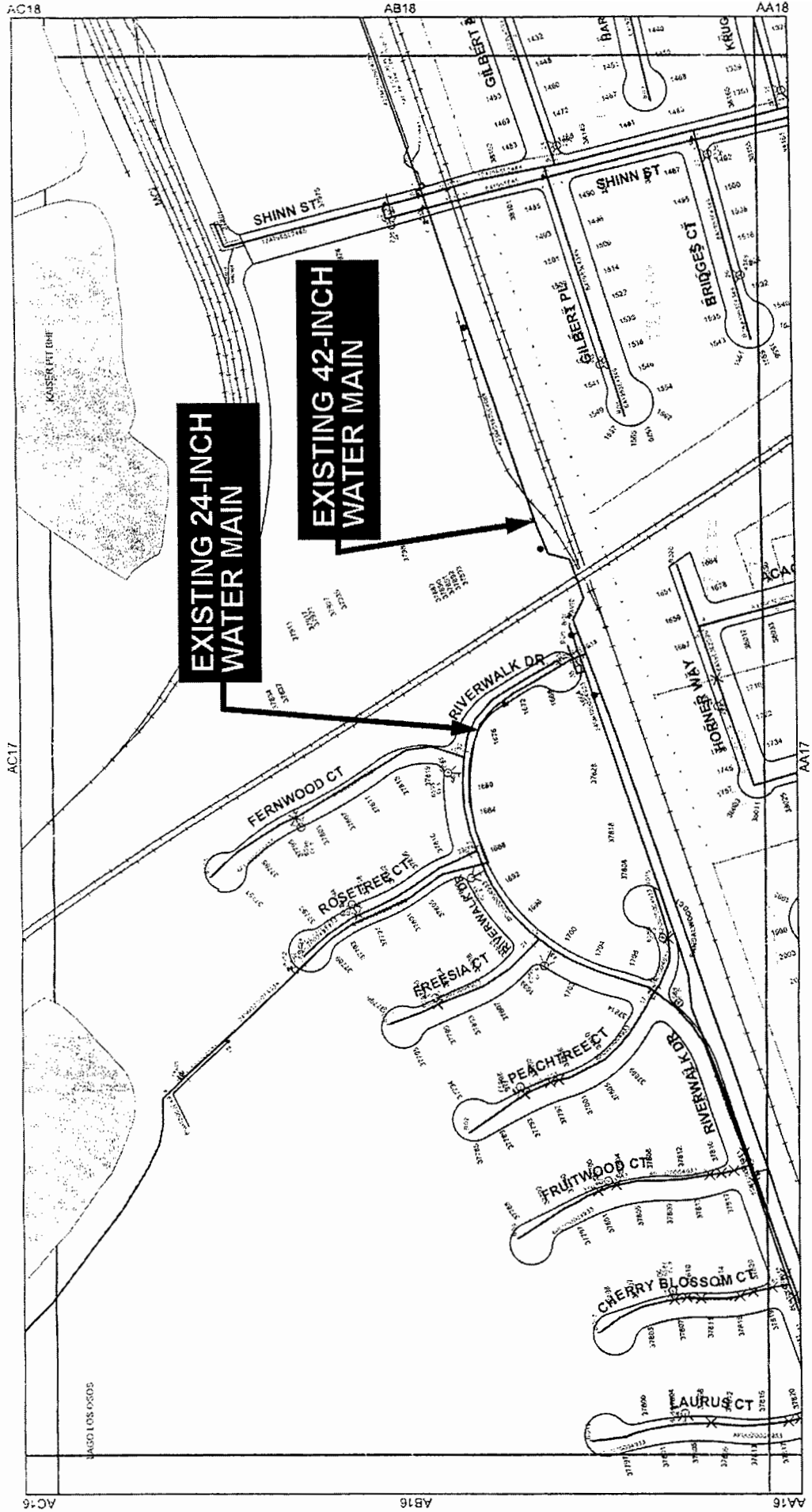
Thank you again for the opportunity to comment on the NOP. If you have any questions regarding these comments, please contact Craig Hill, ACWD's Engineering Department Manager at 510-668-4401.

Sincerely,



Paul Piraino
General Manager
Alameda County Water District

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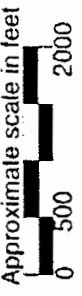
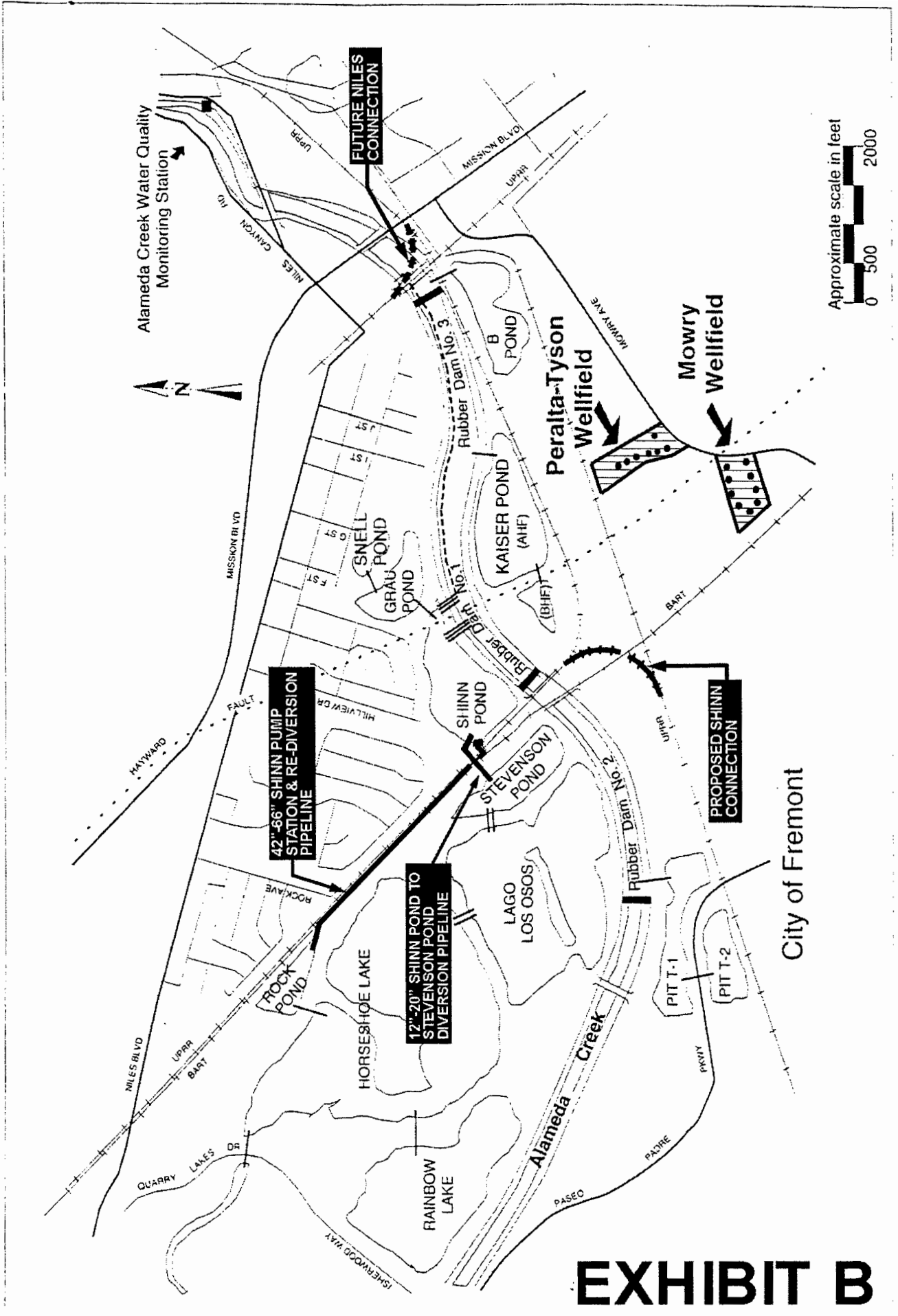
Apr 13, 2004



AD16	AD17	AD18
AC16	AC17	AC18
AB16		AB18
AA15	AA17	AA18
Z16	Z17	Z18

EXHIBIT A

ACWD Groundwater Recharge and Supply Facilities



City of Fremont

EXHIBIT B

5 Alameda County Water District

05.01 The comment suggests that additional information is needed in the project description to adequately analyze the impacts on ACWD facilities.

Response – Please see Master Response PD-3, Redesigned Shinn Connection for a discussion of the redesigned Shinn connection. The Shinn connection has been redesigned to avoid impacts on the Riverwalk neighborhood and, as a result, the strip of property referred to in the comment letter would not be affected by the revised connection. Engineering plans for the revised connection are provided in Figures 2-2 through 2-7. The revised connection would require relocation of a 42-inch ACWD water line that is located beneath the BART overpass. The agency responsible for construction of the Shinn connection would coordinate relocation of the water line with ACWD assure compliance with ACWD criteria and to avoid disruptions in service. Please see response to comment 1.01 above; the agency that would be responsible for construction of the Shinn connection has not yet been determined.

05.02 The comment states that the project would affect ACWD property at the terminus of Riverwalk Drive and may require relocating water mains or appurtenances in that area.

Response – Please see Master Response PD-3, Redesigned Shinn Connection in for a discussion of the redesigned Shinn connection. The right-of-way at the terminus of Riverwalk Drive referred to in the comment would not be affected with the redesigned Shinn connection, however, the redesigned Shinn connection would require relocating a water line located beneath the BART overpass. The agency responsible for construction of the new connection will coordinate with ACWD to assure equivalent property rights and facility access are provided. At this time, it is not know what agency will be responsible for construction of the Shinn connection.

05.03 The comment states that construction of the Shinn connection could affect ACWD property and facilities.

Response Please see Master Response PD-3, Redesigned Shinn Connection in Chapter 2, Master Responses for a discussion of the redesigned Shinn connection. The Shinn redirection pipeline, according to information available to the project design engineer, runs along the BART/UPRR property line and is not within the future track influence zone. It crosses under the existing track and will cross under the future track in a similar manner. This project will not require the relocation or reconstruction of this water line.

The Shinn to Stevenson Pond diversion pipeline crosses under the UPRR and BART tracks. The existing track will remain in its current position and the future track will be at the same elevation as the existing and neither track will require the relocation or reconstruction of this water line.

05.04 The comment states that construction of the Decoto Road grade separation could affect ACWD property and facilities.

Response – Comment noted and considered. The project engineer has coordinated with ACWD in the development of design features of the project that affect ACWD property or facilities. Construction timing will also be coordinated with ACWD to assure minimal disruption to water service.

05.05 The comment states that construction of the tunnel under the BART overpass could affect ACWD property and facilities and require dewatering.

Response – Figure 2-5 of this document provides an engineering plan and profile of the redesigned Shinn connection, which eliminates the need for a tunnel through the berm that supports the BART tracks at the Shinn connection. The new tracks would be above the existing ground level. No dewatering system would be required for either construction or operation of the Shinn connection.

05.06 The comment states that the DEIR must quantify short-term impacts of lowering the road on the Niles groundwater cone.

Response – Based on engineering work completed for the Final Remedial Action Completion Report for Pacific Gas and Electric Company’s Decoto Pipeyard, it was determined that the depth to groundwater in the Decoto Road area is approximately 35 feet below ground surface, well below the depth of the proposed depressed Decoto Road (SECOR 2003). No impact on the Niles Cone Groundwater Basin would occur.

05.07 The comment states that the “Future Track” shown in Figures 2-11 through 2-13 of the DEIR may be in conflict with the Shinn redirection pipeline and the Shinn Pond to Stevenson Pond diversion pipeline.

Response – The Shinn redirection pipeline runs along the BART/UPRR property line and is not within the future track influence zone. It crosses under the existing track and will cross under the future track in a similar manner. This project will not require the relocation or reconstruction of this water line.

The Shinn to Stevenson Pond diversion pipeline crosses under the UPRR and BART tracks. The existing track will remain in its current position and the future track will be at the same elevation as the existing and neither track will require the relocation or reconstruction of this water line.

The “Future Track,” shown in Figures 2-11 through 2-13 of the DEIR, is not part of the Proposed Project and is not necessary for future operation of the Proposed Project. These tracks are shown for information only and may be constructed as part of a future project such as Dumbarton Rail.

05.08 The comment states that water losses related to dewatering activities would require compensation.

Response – Comment noted and considered. Dewatering would not be required for construction or operation of either the Shinn connection or the Decoto Road grade separation.

05.09 The comment states that the project would have potentially adverse affects on steelhead migration related to modifications to the Alameda Creek Bridge.

Response – This project would modify the existing bridge over Alameda Creek by removing the open deck track structure and replacing it with a concrete deck and ballasted track construction and repairing the existing piers. The construction contractor will comply with the requirements of Mitigation Measure WQ-2, Implement Water Quality Protection Measures during Construction Activities. Mitigation Measure WQ-2 requires preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and a spill prevention, containment, and clean-up (SPCC) plan. No construction activities would be conducted within the streambed. The “future bridge” referred to in the comment letter is not part

of the Proposed Project and would likely be constructed, if needed, to accommodate future increases in rail traffic associated with the DRC.

05.10 The comment states that mitigation measure HAZ-1 is not sufficiently detailed and does not include a plan to work with ACWD if contaminated groundwater or soil is found or to cooperate with ACWD in obtaining permits for drilling.

Please see Chapter 5, Revisions to the DEIR and PRDEIR. Mitigation Measure HAZ-1 is amended to specify that ACWD is one of the appropriate environmental management agencies that should be notified if contaminated soil or groundwater is encountered.

05.11 The comment states that ACWD should be included as one of the appropriate environmental management agencies that should be notified if contaminated soil or groundwater is encountered.

Response – Please see Response to Comment 05.10 above.

05.12 The comment states that ACWD has technical oversight of investigation and remediation of leaking underground fuel tanks.

Response – This comment is noted and considered. Mitigation Measure HAZ-1 states that the agency responsible for construction will comply with all applicable environmental laws and regulations, which will include technical oversight by ACWD of those activities covered by its Cooperative Agreements with the Regional Board, and the cities of Fremont, and Union City.

05.13 The comment states that a written permit must be obtained from ACWD prior to any drilling activities.

Response – This comment is noted and considered. Mitigation Measure HAZ-1 states that the agency responsible for construction will comply with all applicable environmental laws and regulations, which will include obtaining a written permit from ACWD prior to drilling any exploratory wells.

05.14 The comment states that the mitigation measures for surface water quality impacts should provide enforcement measures.

Response – A mitigation monitoring and reporting program is included in Appendix A. The agencies responsible for construction of the various project components will coordinate with ACWD in the preparation of enforceable plans to address storm water and pollution impacts on surface water quality. At this time, it is not know what agencies would be responsible for construction of the various project components.

05.15 The comment states that the mitigation for construction-related water quality impacts should be more stringent.

Response – Please see Master Response PD-1, Layover Yard regarding construction impacts related to the layover yard options.

05.16 The comment expresses concern over the transportation of hazardous materials near the Alameda Creek watershed.

Response – This comment is noted and considered. The Proposed Project does not directly affect freight rail operations and would not involve the transportation of hazardous materials other than fuel and lubricants associated with passenger diesel locomotives that currently operate on the Niles subdivision.

05.17 The comment states that the project description should address and quantify existing and future freight traffic on the Oakland and Niles subdivisions and the UPRR Centerville Line.

Response – As stated in the DEIR, the Proposed Project does not affect freight traffic. Freight traffic on the Oakland subdivision was anticipated to remain at its current level of 1 or 2 trains per day depending on UPRR demand. Any future changes to freight traffic would be made at the discretion of freight rail operators, such as the UPRR and, at this time, those changes are speculative.

05.18 The comment asserts that future increases in freight traffic may be facilitated by a combination of the Proposed Project and the DRC, and that these increases would result in increased risk of contaminating Alameda Creek.

Response – The Proposed Project would modify the existing bridge over Alameda Creek by removing the open deck track structure and replacing it with a concrete deck and ballasted track construction. This would reduce the potential of hazardous material spilling into the Alameda Creek. Additionally, Mitigation Measure WQ-2, Implement Water Quality Protection Measures during Construction Activities, requires preparation and implementation of a SWPPP and an SPCC plan. No construction activities would be conducted within the streambed.

This project does not require or facilitate any changes to the existing freight service. Presently there are three round trip local freight trains per week on this project corridor from a yard in Milpitas on the Warm Springs subdivision to the Carpenter Industrial Area Yard on the Oakland subdivision. These local freight trains presently pass over the existing bridge over Alameda Creek on the Oakland subdivision. The Dumbarton project is looking at the present freight traffic on the other UPRR subdivisions as part of their environmental process.

With the completion of the Industrial connection by this project it would be possible for the UPRR to reroute this local freight service to the Niles subdivision either from the same yard in Milpitas or one from Oakland to the Carpenter Industrial Area. This could reduce the potential for spills into Alameda Creek. Any rerouting of freight traffic would be at the discretion of the freight rail operators and, at this time, those changes are speculative.

In the past, the UPRR has reviewed the possibility of relocating freight traffic to the Niles subdivision from the Coast subdivision requiring a new curved bridge over Alameda Creek. More recently the Dumbarton Project has looked at a similar option for relocating freight. This is one of several options that the Dumbarton project is looking at as part of their studies and environmental process and would also require the curved bridge over Alameda Creek. This project has no impact on any potential freight rerouting over a curved bridge over Alameda Creek; it does not make it more or less possible.

The future Dumbarton Service overlaps with this project from the new Shinn connection to the Union City intermodal station and potentially to a layover yard near Whipple Road. The future Niles connection is not a component of the Proposed Project. This connection is being considered as part of the DRC project as a potential way of rerouting freight traffic to reduce conflicts with passenger rail on the Centerville Line when Dumbarton service begins.



May 25, 2005

Ms. Joan Malloy
City of Union City
Economic and Community Development Department
34009 Alvarado-Niles Road
Union City, California 94587

RECEIVED

MAY 27 2005

UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT

Subject: Draft EIR comments for the Union City Intermodal Station Passenger Rail Project

Dear Ms. Malloy:

The Capitol Corridor Joint Powers Authority (CCJPA) supports the development of the Union City Intermodal Station Passenger Rail Project. Like our connection with the Bay Area Rapid Transit (BART) system at the existing Richmond and soon-to-open Oakland Coliseum (opening June 6, 2005) BART Station, the opportunity to provide intermodal connectivity provides tremendous benefits to the people that live and work in the Bay Area. We view the connection with BART as a vital element not only in design, but as we have discussed, a crucial element to include early into the construction phase.

Our comments on the Draft EIR are arranged according to the citation of page and paragraph/figure element.

Page ES-5 Noise Mitigation Bullets 2 and 3 – Page 3.8-27 Mitigation NV-2 and NV-3 (mitigation table as well):

Union Pacific Railroad (UPRR) is the presumptive owner of the right-of-way for the new connections where the track modifications identified in these mitigation measures would be applied. We feel that the language indicating that “coordinating” with UPRR does not adequately describe the dependence on UPRR approval that these mitigation measures would require. It should be identified that there is a potential that these mitigation measures prove *significant and unavoidable* if it is not feasible to have UPRR install and maintain the track infrastructure proposed by these mitigation measures.

1

Page ES-9 3rd Bullet and page 3.2-15 2nd to last paragraph:

Our assessment of diesel locomotive emissions relative to the impacted neighborhoods on a with and without project basis is that diesel emissions would *increase* along the Oakland Subdivision and *decrease* along the Niles Subdivision. We feel that the wording in these two referenced sections should concern the emissions increasing and decreasing in two neighborhoods and not the *movement* of cancer risks. Thus it would be proper to identify emission levels adjacent to each subdivision and then present the information with respect to cancer risk based on those emissions.

2

Page 1-1 Introduction Section and Project Description Chapters:

In these two sections, unlike in the Executive Summary where Project Goals and Objectives are discussed, there doesn't appear to be a concise location where Project Purpose and Need are described. The Project Goals and Objectives comes closest in the Executive Summary but is not called out as a Purpose and Need section common in other EIRs we have reviewed previously. We believe the inclusion of an identified Purpose and Need section in the Introduction or at least the Project Description chapter would provide clear statements for the project and what role the project is expected to fill for Union City, Capitol Corridor service, BART, and regional transportation. It is our experience that Purpose and Need sections are common as well as recommended inclusions in EIRs.

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Beyond the comments above, the CCJPA has no other comments for inclusion into the final EIR.

CAPITOL CORRIDOR JOINT POWERS AUTHORITY
300 LAKESIDE DRIVE, 14TH FLOOR EAST, OAKLAND CA 94612
510.464.6995 (V) 510.464.6901 (F)

Ms. Joan Malloy
May 25, 2005
Page 2 of 2

We look forward to supporting Union City's efforts to realize the vital regional transportation connection that this project will provide. We will continue to work closely with Union City and other agencies involved to secure funding and resources to complete this project in as timely a manner as feasible.

Sincerely,

A handwritten signature in black ink, appearing to read "Eugene K. Skoropowski". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Eugene K. Skoropowski
Managing Director

6 Capitol Corridor Joint Powers Authority

06.01 The comment states that the language indicating that coordination with the UPRR would be required for implementation of mitigation measures NV-2 and NV-3 does not adequately describe the dependence on UPRR approval of these measures. Operators of rail services that utilize UPRR right-of-way and facilities normally have a maintenance agreement with the UPRR. Capitol Corridor has such a maintenance agreement with the UPRR and it is anticipated that DRC/Caltrain will have a similar agreement.

Response - Please see PRDEIR.

06.02 The comment suggests rewording the discussion of diesel emissions to state that diesel emissions would increase in some areas and decrease in others relative to the no project scenario.

Response – Please see Master Response AQ-1, Diesel Health Risk Assessment.

06.03 The comment suggests including a purpose and need statement in the project description and executive summary.

Response – The project goals and objectives are clearly stated on page ES-2 of the DEIR.

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JUN 10 2005

**UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT**



DUMBARTON RAIL CORRIDOR

June 7, 2005

Ms. Joan Malloy, Planning Manager
Economic and Community Development Department
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587-4497

**SUBJECT: UNION CITY INTERMODAL STATION PASSENGER RAIL PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)**

Dear Ms. Malloy:

Thank you for the opportunity which has been provided to comment on the Intermodal Project.

As you know, the Dumbarton Rail Corridor (DRC) Project is in the planning stages and is being guided by a Policy Advisory Committee that includes representatives from the counties of Alameda, San Mateo and Santa Clara.

The environmental process for the DRC project is scheduled to begin in the fall. We anticipate that the information in the Union City Intermodal Station EIR pertaining to the DRC project can be incorporated into the DRC environmental document. Inclusion of potential layover yard sites is an important component of the report to assure that the Intermodal Project does not preclude provision of such a yard for the future Dumbarton Project. A determination of the preferred yard location should be a part of the DRC environmental process.

I look forward to continuing to work with Union City on the Intermodal Station Project and the Dumbarton Rail Corridor Project.

Sincerely,

Howard L. Goode
pw

Howard L. Goode
Dumbarton Project Manager

HLG:pw

7 Dumbarton Rail Corridor

07.01 The comment states that the Dumbarton Rail Corridor environmental document will evaluate the layover yard options and use the information in the DEIR pertaining to the layover yard where possible.

Response - Please see Master Response PD-1, Layover Yard.



Office of the City Manager

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#8

June 9, 2005

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JUN 09 2005

Joan Malloy, Planning Manager
Economic and Community Development Department
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587-4497

**UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT**

RE: COMMENTS ON DRAFT EIR FOR UNION CITY INTERMODAL STATION PASSENGER RAIL PROJECT

Dear Ms. Malloy:

The City of Fremont acknowledges the importance and desirability of regional rail and the development of regional rail systems and solutions in the Bay Area. However, the segmentation into three separate environmental review processes for three closely related projects (the 2001 Redevelopment Plan EIR that covered the Intermodal Station, this Draft Environmental Impact Report (EIR) that covers the track connections and layover yards, and the upcoming Dumbarton Rail EIR/EIS that will cover additional modifications for the Dumbarton service) has led to a segmentation of the environmental review process. The cumulative impacts and mitigation measures for all the improvements contemplated in these three documents should have been identified, analyzed and mitigated in a comprehensive document so that all potential (cumulative) impacts, mitigations and alternatives could have been presented and studied concurrently prior to a decision being made on the location of the Union City Intermodal Station site or any of the individual elements of the Intermodal station (hereafter "IS"), the Union City Intermodal Station Passenger Rail Project (hereafter "UCISPRP"), the Capitol Corridor intercity train service (hereafter "CC"), and the Dumbarton Rail Corridor project (hereafter "DRC"). Given the existing process, the City of Fremont has only a few options: requesting that the no project alternative be selected as the environmentally superior alternative; supporting an alternative with significant impacts to Fremont residents; or requesting a comprehensive analysis of new alternatives, potentially significant impacts and mitigations as well as the recirculation of this DEIR for compliance with the California Environmental Quality Act.

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At the Fremont City Council work session held on June 2, 2005, City Council members each stated their strenuous objection to any consideration of a layover yard at either of the two identified Fremont locations (South Layover Yards A or B). The basis of their objections are discussed in specific comments to the Draft EIR provided below. As a result, the City of Fremont requests the Fremont layover yards (South Layover Yards A and B) be eliminated from further consideration and the location of the layover yard be limited to the northern site.

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With that background in mind, the City of Fremont has the following comments and questions, by section and page. Please note that based on our review of the document, we believe the Draft EIR is lacking the analysis of several new, potentially significant, impacts that should be analyzed and included in a revised Draft EIR that requires recirculation.

GENERAL COMMENTS

- The document should clearly state the relationship between the Union City Intermodal Station Passenger Rail Project (UCISPRP), the Capitol Corridor intercity train service

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(CC), and the future Dumbarton Rail Corridor (DRC) project. The DEIR analysis assumes the planned expansion to 32 daily Capitol Corridor trains and notes that the Union City project assumes no restrictions on future operation scenarios for the proposed DRC. The DEIR also assumes that 12 DRC trains will run on the Oakland Subdivision tracks and utilize the new Shinn Connection. The DEIR also evaluates three layover yard options that appear to be primarily for the DRC project.

3 (Cont.)

While Union City may have included these features to show future impacts, the relationship between the IS, UCISPRP, CC and DRC projects require additional explanation because of cumulative impacts.

- It is also unclear which agency will be responsible for implementing and maintaining the improvements in Fremont. The City of Fremont needs to know whether Union City, Capitol Corridor, or the Dumbarton Project will be the entity that is to build and maintain these improvements. Fremont intends to work closely with the responsible agency to ensure that all possible mitigation measures are included, maintained, and shown to be effective.
- Some of the comments below provide details of the inadequate evaluation of the scope, operations and impacts of either of the two proposed south layover yards. A more appropriately detailed analysis could result in the identification of new potentially significant impacts which would then require new analysis and recirculation of the DEIR.
- Insufficient Alternatives. The DEIR stated that the preferred location of the Union City Intermodal Station at the Union City BART Station was identified preliminarily in the Intermodal Station District and Transit Facility Plan of 2001 (Station District Plan) and analyzed in the City of Union City Community Redevelopment Plan (Redevelopment Plan EIR) in 2001. However, since the Intermodal Station cannot function without the track connections included in this DEIR the Station District Plan and Redevelopment Plan EIR analysis was incomplete. The City of Fremont requests that the alternative of transfers occurring between BART and trains on the Niles Subdivision rail line be evaluated as an alternative as part of a recirculated DEIR.
- Another alternative which should have been studied would be an option which eliminates the South Layover Yard Option A and moves the Shinn Connection further east in order to lessen impacts to the Riverwalk neighborhood. This new Alternative C (move Shinn Connection east and eliminate South Layover Yard Option A) is an important new alternative that could lessen impacts to Fremont residents and should be carefully considered. The identification of this new alternative requires new analysis and recirculation of the DEIR. This alternative should also evaluate the relocation of the track switch westward past the Riverwalk neighborhood to further reduce the potential noise impacts.

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EXECUTIVE SUMMARY

General Comment: The City requests that the Executive Summary be modified in relation to the various comments made in each of the substantive sections. The City has not made separate comments on the Executive Summary.

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CHAPTER 2: PROJECT DESCRIPTION

- **Page 2-5, Layover Yard:** The assumptions regarding the operation of the layover yard options are not clearly explained. Will these yards be equipped with wayside power ("hotel power") to allow the use of cleaning and other electrical equipment without having the trains idle? What maintenance activities will take place in these yards? Will overhead lights be required? What hours of the day will work be done? Will there be a

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need to store lubricants, cleaning materials, or other potentially toxic substances? These are potentially significant impacts that have not been appropriately analyzed and/or mitigated.

CHAPTER 3.1: AESTHETICS

- Each of the three proposed layover yards have not been analyzed with regard to aesthetic impacts. One of the identified 'Criteria for Determining Significance' is "a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area." [Pg. 3.1-13.] The proposed layover yards can have such light and glare impacts, especially the South Layover Yards A & B, and particularly Option A, as it will be close to existing residential uses. The described activity of the layover yards includes trains arriving in the early a.m. (5 a.m. on pg. 3.8-19) and late p.m. (6 p.m. on pg. 3.8-19), and maintenance work - which may require significant nighttime lighting. The discussion about nighttime light on page 3.1-17 overlooks the impacts of the uses in the layover yards and is not sufficient to inform decision-makers. Light and glare from the layover yards is a potentially new significant impact that has not been properly described, analyzed, or mitigated.
- **Page 3.1-15: Operational Impacts:** In terms of the discussion of the relocation of the existing sound wall at Riverwalk Drive, there needs to be a description of what impact this will create upon the rest of the existing sound wall in terms of non-uniform wall height if the replacement wall is taller. There also needs to be replaced or increased landscaping for the relocated sound wall and an effective program for graffiti abatement.

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CHAPTER 3.2: AIR QUALITY

- It is not clear in this section whether or not the operational emissions from the layover yards during Project Operation were analyzed as part of the project. The activities in any of the potential layover yards need to be explained in detail and analyzed. If trains idle at the layover yards, this can increase pollutant concentrations of diesel particulate exhaust, which can have potentially significant impacts - especially the South Layover Yards Options A & B - which are near residents / sensitive receptors. In addition, if the layover yards include machines for train maintenance, operation of such machines may also create operational emissions which could create significant impacts. Furthermore, traffic generated by mobile sources traveling to and from the layover yards (e.g. staff) was not factored into the operational emissions from mobile sources during project operation.

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CHAPTER 3.3: BIOLOGICAL RESOURCES

- **Page 3.3-23, Mitigation Measure BIO-5: Enhance, Recreate, or Restore Riparian Forest to Compensate for the Loss of Riparian Forest Habitat:** This mitigation measure identifies 5 years as an arbitrary time frame to ensure that the success criteria identified have been met. This mitigation measure should be modified to clarify that monitoring will be done on an on-going basis to ensure continued compliance with restoration and enhancement efforts.

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CHAPTER 3.5: HAZARDOUS SUBSTANCES

- **Page 3.5-9: Impact HAZ-4: Substantial Adverse Effects Resulting in a Significant Hazard to the Public or Environment through the Routine Transport, Use, or Disposal of Hazardous Substances:** This section needs to be expanded to include:
 - (a) a description, analysis and discussion about whether hazardous materials will be used or stored at any of the potential layover sites, especially because the South Layover Yard, Option A, places such hazardous materials close to residential uses; and

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(b) a description, analysis and discussion about whether there will be any transportation of hazardous materials on trains using the Shinn Connection, which would place hazardous materials closer to residents.

Any new potentially significant impact with regard to Hazardous Substances would require new analysis and recirculation of the DEIR.

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CHAPTER 3.6: HYDROLOGY AND WATER QUALITY

- **Page 3.6-13, Impact WQ-1: Degraded Water Quality Resulting from Changes to Surface Water Drainage.** This section needs to be expanded to include a description, analysis and discussion about surface water drainage impacts related to any of the proposed layover yards.

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CHAPTER 3.7: LAND USE AND PLANNING

- **Page 3.7-4 and 3.7-6:**

The Land Use and Planning section cites policies from the Fremont General Plan's Transportation Element. However, the document has not cited the equally important Housing Element and Land Use provisions of the General Plan. The City of Fremont is very concerned about the placement of a layover yard (Southern Layover Yards A and B) adjacent to existing residential neighborhoods, Riverwalk and Shinn neighborhood south of existing tracks, and adjacent to a planned residential development. The Shinn area is identified in the City of Fremont Housing Element as an opportunity site for residential development. Specifically, three parcels are identified in the Housing Element Program 21 Program Land Inventory opportunity sites. Site #878 (Von Eau property) with 3.57 acres is identified for potential residential development at 5-7 dwelling units per acre. Site #879 (Alameda County) with 5.25 acres is identified for potential residential development at 6.5-10 dwelling units per acre. Site #880 (United States Gypsum) with 8.35 acres is identified for potential residential development at 11-15 dwelling units per acre. Placement of a layover yard in either of the southern layover option locations would be inconsistent with the Housing Element's Implementation Program 21, and would be a new significant impact which was not previously identified in the DEIR.

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The placement of the layover yard in the Shinn area would be in conflict with several Fremont General Plan Housing, Land Use and Parks and Recreation goals and policies. It would be in conflict with the following Housing Goal:

Goal H1: Conservation and enhancement of existing residential neighborhoods. Placement of the layover yard in the southern locations would significantly detract from existing residential neighborhoods with the introduction of early morning idling and maneuvering noise as well as increased emissions from the trains.

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In addition, placement of the layover yard in either of the southern options would be in conflict with the following Objective and Policy of the Parks and Recreation section of the General Plan:

OBJECTIVE PR 2.1.1: Maintain and enhance the City's parks and recreation facilities and resources that significantly contribute to Fremont's image and identity. The placement of the layover yard in close proximity to the Quarry Lakes Regional Park will not enhance but rather detract from an existing recreational facility. As the activity of the layover yards has not been adequately described, the full extent of the layover yard activity on the Quarry Lakes Regional Park cannot be analyzed. However, the significant maneuvering and idling, as well as increased emissions, could impact Park activities.

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- **Figure 3.7-1 Land Use:** The Land Use Legend in this figure is inaccurate and should be corrected as follows:

Very Low (2.5-2.3 units/acre)
Low (2-7 units/acre)
Medium (6.5-23 units/acre)
High (23-50 units/acre)
Very High (50-70 units/acre)

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The Land Use Legend should also include a graphic overlay representing the Housing Element Opportunity Sites for Implementation Program 21 along with the other Land Use designations. Please see Attachment A for information on the sites to be labeled as Housing Element Opportunity Sites.

- **Page 3.7-6, Impact LU-2: Conflict with an Existing Land Use Plan or Policy:** This section requests that the various Planning Departments, including the City of Fremont, evaluate the project for consistency with relevant planning policies. With respect to the southern optional layover yards, the proposed project conflicts with an existing land use plan as noted above. Thus, Impact LU-2 has not fully analyzed the problem.
- These new potentially significant impacts with respect to Land Use and Planning issues require new analysis and recirculation of the DEIR.

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CHAPTER 3.8: NOISE AND VIBRATION

- **Various locations:** Change Capital Corridor to Capitol Corridor.
- **Page 3.8-2, Figure 3.8-1:** The Figure should be modified to include transit sources such as: (i) trains on tight curve / wheel squeal; (ii) train engines starting and stopping; and (iii) trains running at idle outside of station in open places.
- **Page 3.8-17, Figure 3.8-8:** Noise or vibration readings need to be taken in the neighborhood immediately south of the Centerville Line tracks adjacent to Shinn Street to determine possible impacts associated with Layover yard Option A, and then results analyzed to determine if additional significant impacts result.
- **Page 3.8-19, 3.8-24 and 3.8-25:** The discussion of noise impacts related to the layover yards needs to be expanded to specifically consider early morning (5 a.m.) and late evening (6 p.m.) ambient noise levels, and the impacts of trains starting and stopping, idling, and turning at layover yards during these times; as well as noise from maintenance activities during these time periods, as the South Layover Yards Options A & B are near sensitive residential receptors.
- **Page 3.8-20, Impact NV-1: Expose Persons to and General Noise Levels in Excess of Established Standards:** This section states that the predicted noise levels do not include noise related to Dumbarton Rail trains utilizing the layover yards. Because the noise originating from the various project related activities is not evaluated and shown cumulatively, the project noise impact cannot be appropriately evaluated. The cumulative noise impact should be evaluated and the document recirculated to acknowledge the new information.

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- **Page 3.8-22, Site R2, Niles:**

The DEIR states that future noise levels at first-row residences in the Niles neighborhood are predicted to be just below the impact threshold. It is assumed this statement is based on Table 3.8-7 that shows 59 dBA (Ldn) for this area under the Future Project condition, which is below the City's threshold of 60 dBA. However, there is still an "impact" per FTA Noise Impact Criteria in Figure 3.8-5. Nevertheless, no mitigation is proposed. This should be re-analyzed, with proposed mitigations, and recirculated.

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Further, when looking at Total Future Noise levels in Table 3.8-8, Site R2 in Niles shows "With Project" to be 62 dBA (Ldn) which is above the City threshold of 60 dBA that requires evaluation of mitigation measures, yet no mitigation is proposed. This increase also appears to exceed the "impact" threshold of the FTA Noise Impact Criteria in Table 3.8-6, which should be acknowledged in the analysis. Since both City of Fremont and FTA thresholds will be exceeded, mitigation should be proposed to eliminate this potentially significant impact.

- **Page 3.8-23, Table 3.8-8:** This table inappropriately excluded the sound level at R1a with wheel squeal and R1b with turnout. These were included and showed much higher noise levels in Table 3.8-7.

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- **Page 3.8-24, Table 3.8-9:** The notes refer to "Table 7." Change to "Table 3.8-7."

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- **Page 3.8-24, Table 3.8-9:** For Site R1b with turnout, according to Table 3.8-9 the total project noise level increases to 74 dBA with the turnout, from 62 dBA in Table 3.8-7. Yet the "Increase due to Layover" is shown as 0.0. Should this be $74 - 62 = 12$ dBA increase due to Layover? This emphasizes the lack of clarity about the impact of the Layover yard and the need for additional information, analysis and potential mitigation measures.

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- **Page 3.9-24, South Options:** This section fails to provide a summary statement for R1b area of Riverwalk. This summary statement should be provided and the document recirculated if it provides new information.

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- **Page 3.8-24, South Options, Site R2, Niles:** The DEIR states that the 2 dBA increase from 59 dBA in Table 3.8-7 to 61 dBA in Table 3.8-9, "would not change the degree of impact." However, the increase from 59 dBA to 61 dBA does change the threshold based on City of Fremont Noise Criteria. Noise greater than 60 dBA is "normally unacceptable" and "will require the evaluation of mitigation measures." Yet, no mitigation was evaluated or proposed. Appropriate mitigation should be provided and this information recirculated.

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- **Page 3.8-24, South Options, Shinn Neighborhood:** The DEIR assumes that the existing and future background noise levels are similar to those at site R1a. However, no noise readings were taken in this neighborhood. It is unclear whether this assumption is correct and therefore, whether the conclusion that no increase in noise is valid.

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- **Page 3.8-27, Mitigation Measure NV-2: Install Friction Modifiers along the Proposed Shinn Connection:** The DEIR states, "It should be possible to minimize the occurrence of wheel squeal along the proposed Shinn connection by installing wayside devices to apply friction modifier to the top of rail." Should the words "minimize the occurrence" be changed to "reduce the noise impacts"? If all the mitigation measure will do is reduce how often wheel squeal occurs, but not reduce the level of noise, then severe impacts will still remain after mitigation.

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- **Page 3.8-27, Mitigation Measure NV-2:**

The DEIR states: "Installing wayside applicators on both ends of the curve on the Shinn connection should minimize potential wheel squeal and help prevent future noise levels from exceeding the impact threshold." If the friction modifiers only "minimize" the potential squeal, and "help" prevent future noise levels from exceeding the impact threshold, then it appears that some level of wheel squeal will still exist even after mitigation. Practically any increase in noise levels due to wheel squeal will result in a "severe impact" per FTA criteria and any increase will result in an increase that is "normally unacceptable" by City of Fremont Noise Criteria. Additional mitigation measures should be proposed in case the friction modifiers do not eliminate wheel squeal.

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The use of Friction Modifiers requires regular maintenance to ensure the equipment is working properly and restocked with grease. Who will be responsible for maintaining this equipment? The City is not comfortable with the Union Pacific Railroad being responsible for maintaining this equipment. In the event that UP makes maintenance of non-safety related equipment a low priority, the noise impact of wheel squeal would not be reduced to a less than significant level. Consequently, the City is concerned that the DEIR relies so heavily on a mitigation that requires consistent maintenance to actually mitigate the impact. In addition to the comments below, the Agency responsible for either the Capitol Corridor or Dumbarton Project should be assigned this maintenance responsibility.

- **Page 3.8-27, Mitigation Measure NV-3: Relocate Turnouts or Install Spring Rail Frogs:**

The City recommends that all possible mitigation measures be included to mitigate the noise and vibration from turnouts. This includes both relocating the turnouts and installing the type of turnout that would result in the least noise and vibration. It has come to our attention that there may be a better solution than using spring rail frogs as suggested in the DEIR. We recommend evaluating the use of a high speed turnout with a moveable point frog. In addition, if feasible, the implementing agency should move the turnout on the Centerville line further west to the Paseo Padre overpass to place it away from the homes.

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- **Page 3.8-29, Site R1a, Riverwalk:** Change the reference in the last sentence from Table 3.8-9 to 3.8-10.

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- **Page 3.8-30, Mitigation Measure NV-4: Install Ballast Mats or Shredded Tire Underlay:** The DEIR states, "A more detailed study during the design phase of the project will be required before measures to eliminate the vibration impact can be specified." The City of Fremont would like to have the implementing agency demonstrate to the City and other interested parties that vibration levels will not exceed allowable thresholds to ensure this issue is appropriately analyzed and mitigated during the design phase of the project.

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- For **Chapter 3.8.**, the City of Fremont requests that potential impacts be mitigated to the City of Fremont established threshold of 60 dBA. Improvements to existing noise sources (e.g. BART and existing Centerville tracks) could be considered to reduce the total impacts to acceptable City of Fremont thresholds. To achieve this threshold, all mitigation measures, regardless of cost, should be utilized to mitigate impacts to less than significant levels.

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- In addition, with respect to Impact NOI-1: Exposure to Noise-Sensitive Land Uses to Construction Noise, identified in the Redevelopment Plan EIR, the City requests that the responsible agency use all reasonable measures to minimize construction noise and utilize designs and construction techniques that minimize the need for nighttime work.

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The City also requests that adequate notice be provided to residents when nighttime work is required,

CHAPTER 3.9: TRANSPORTATION AND CIRCULATION

- **Mitigation Measure IMT-1 (from page 3.9-5 to page 3.9-6); Roadway Mitigation from Redevelopment Plan EIR (from page ES-6 to page ES-8); Impact IMTC-1 & Mitigation Measure IMT-1, Table ES-1 (from page 30 of 33 to page 32 of 33); and Impact IMTC-1, Table ES-2 (from page 3 of 21 to page 5 of 21):**
- **Alvarado-Niles Road/Decoto Road:** The proposed improvements at this intersection should include the upgrade of the existing traffic signal operation from 6-phase to 8-phase in order to further improve the level of service at the intersection. It was stated that with the proposed lane geometry changes, the intersection would operate at LOS E under cumulative conditions. Clarify whether the LOS E is during both AM and PM peak hours or during one of the peak hours. 39
- **Union Square/Decoto Road:** With the proposed lane geometry change, the intersection would operate at LOS E in the AM peak hour. What is the level of service during the PM peak hour?
- **Alvarado Niles Road between I-880 and Central Avenue:** Please identify and discuss the specific improvements identified in the Alvarado-Niles Road widening project for this area.
- **Cross-section on Union Square:** Does the cross section include striping for bike lane or just enough room to accommodate a bike route? The City of Fremont requests bicycle lanes be added wherever possible.
- **Mitigation Measure TC-1 (page 3.9-4); and Impact TC-1 & Mitigation Measure TC-1, Table ES-1 (page 30):** Include discussion about the impact and mitigation measures of construction traffic, during the construction of the Shinn Connection, to the local roadways in Fremont such as Peralta Boulevard, Shinn Street, Mowry Avenue and Paseo Padre Parkway; and the intersection of Peralta Boulevard/Shinn Street. Construction traffic should be restricted to Mission Boulevard, Mowry Avenue and Shinn Street. A traffic control plan should be submitted to the City of Fremont for approval before start of construction. 40
- The City of Fremont requests that any environmental document prepared for the Dumbarton Rail project include an analysis of the cumulative impacts of traffic congestion caused by the increased number of trains at grade crossings in Fremont, particularly at the Fremont Blvd., Dusterberry and Blacow crossings. In addition, the City of Fremont emphasizes that the DEIR segments the (cumulative) impacts of the IS, UCISPRP, CC and DRC. 41

CHAPTER 4.4: CUMULATIVE IMPACTS

- The DEIR should identify the cumulative noise and vibration impacts of all of the trains using the Niles and Oakland Subdivision tracks. Any new potentially significant impacts with regard to noise and vibration impacts would require new analysis and recirculation of the DEIR. 42

CHAPTER 5: ALTERNATIVES ANALYSIS

- The DEIR stated that the preferred location of the Union City Intermodal Station at the Union City BART Station was identified preliminarily in the Intermodal Station District and Transit Facility Plan of 2001 (Station District Plan) and analyzed in the City of Union City Community Redevelopment Plan (Redevelopment Plan EIR) in 2001. However, since the Intermodal Station cannot function without the track connections included in this DEIR the Station District Plan and Redevelopment Plan EIR analysis was incomplete. The City of Fremont requests that the alternative of transfers occurring between BART and trains on the Niles Subdivision rail line be evaluated as an alternative as part of a recirculated DEIR. This alternative could include a people mover, shuttle service during commute hours, or other transit alternatives to move passengers from BART to rail and vice versa. 43
- As noted above, an additional alternative should have also been included and studied in the DEIR which eliminates the South Layover Yard Option A and moves the Shinn Connection further east in order to lessen impacts to the Riverwalk neighborhood. This is an important new alternative that could lessen impacts to Fremont residents and should be carefully considered. 44

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

Sincerely,

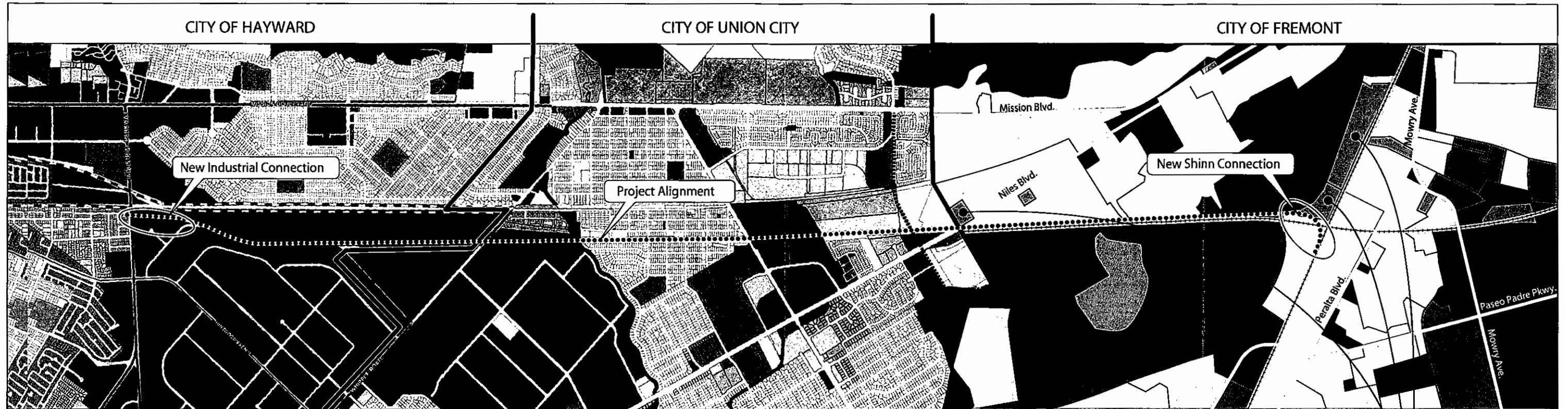


Fred Diaz
City Manager

KL

Attachment

cc: City Council (without attachment)
Larry Cheeves, City of Union City (without attachment)
Capitol Corridor Joint Power Authority (without attachment)
San Mateo County Transportation Authority (without attachment)



CITY OF HAYWARD LAND USE LEGEND

LAND USE

- Residential**
 - Rural Estate Density (0.2-1.0 dwelling units/net acre)
 - Suburban Density (1.0-4.3 dwelling units/net acre)
 - Low Density (4.3-8.7 dwelling units/net acre)
 - Limited Medium Density (8.7-12.0 dwelling units/net acre)
 - Medium Density (8.7-17.4 dwelling units/net acre)
 - High Density (17.4-34.8 dwelling units/net acre)
- Commercial**
 - Retail and Office
 - General
 - Commercial-High Density Residential
- Downtown-City Center**
 - High Density Residential
 - Retail and Office Commercial
- Industrial**
 - Industrial Corridor
 - Mixed Industrial
- Open Space**
 - Parks and Recreation
 - Limited Open Space
 - Baylands
- Public and Quasi-Public**

CIRCULATION

- Streets and Highways**
 - Existing
 - Proposed
 - Freeways
 - Major Arterials
 - Minor Arterials
- Rail Transportation**
 - Railroads
 - Rapid Transit
 - Amtrak Station
 - Bart Station

OTHER

- Urban Limit Line**
- SOURCE: City of Hayward Community and Economic Development Department
City of Hayward GIS - August 20th, 2003

CITY OF UNION CITY LAND USE LEGEND

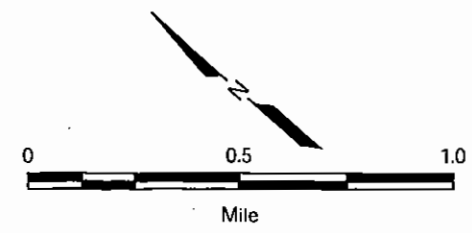
- A - Agriculture**
- CR - Retail Commercial**
- CVT - Visitor and Thoroughfare Commercial**
- SMU - Station Mixed Use**
- CO - Office Commercial**
- RDC - Research and Development Campus**
- MG - General Industrial**
- ML - Light Industrial**
- MS - Special Industrial**
- PI - Private Institutional**
- CF - Civic Facility**
- OS - Open Space**
- R3-6 - Residential (3 to 6 du/acre)**
- R6-10 - Residential (6 to 10 du/acre)**
- R10-17 - Residential (10 to 17 du/acre)**
- R17-29 - Residential (17 to 29 du/acre)**
- R29-60 - Residential (29 to 60 du/acre)**

Source: Union City General Plan Land Use Diagram, October 2004.

CITY OF FREMONT LAND USE LEGEND

- RESIDENTIAL: Very Low (density ranges 1-3)
- RESIDENTIAL: Low (density ranges 4-7)
- RESIDENTIAL: Medium (density ranges 8-11)
- RESIDENTIAL: High (density ranges 12-14) and Very High (density ranges 50-70)
- COMMERCIAL
- INDUSTRIAL
- OPEN SPACE
- Alameda County Flood Control Channel
- PUBLIC FACILITY
- AGRICULTURE
- Housing Opportunity Site

Source: Redrawn and simplified from City of Fremont General Plan Atlas, November 2003.



02279.02 BR 1-05

8 City of Fremont

08.01 The comment asserts that the DEIR segments the analysis of impacts related to the Union City Redevelopment Plan, Intermodal Station Passenger Rail Project, and Dumbarton Rail Corridor project (DRC).

Response - Please see Master Response GEN-1, Project Background and Master Response GEN-2, Segmentation.

08.02 The comment expresses objection to the south layover yard options.

Response - Please see Master Response PD-1, Layover Yard.

08.03 The comment asks for clarification of the interrelationship between the Proposed Project, Capitol Corridor rail service, and DRC rail service.

Response - Please see Master Response GEN-1, Project Background, Master Response GEN-2, Segmentation, and Master Response PD-1, Layover Yard.

08.04 The comment asks for clarification regarding the agency responsible for implementing and maintaining the improvements in Fremont.

Response - Multiple agencies would have responsibility for constructing the various components of the project. Funding for rail improvements and for the Shinn connection in the City of Fremont would be funded through MTC with RM2 funds. No final decision has been made to date regarding the agency that will be responsible for construction of project components in the City of Fremont. Construction activities would be coordinated with CCJPA, UPRR, BART, ACWD, DTSC, cities of Hayward, Union City, and Fremont, and other agencies.

08.05 The comment asks for more detailed analysis of the impacts of the south DRC layover yard options.

Response - Please see Master Response PD-1, Layover Yard.

08.06 The comment asks for analysis of an alternative for a passenger rail station on the Niles subdivision rather than on the Oakland subdivision.

Response - Please see Master Response ALT-1, Niles Subdivision Passenger Rail Station Alternative.

08.07 The comment asks for analysis of an alternative that would eliminate South Layover Yard Option A, and move the Shinn curve farther to the east.

Response - Please see Master Response PD-1, Layover Yard and PD-3, Redesigned Shinn Connection.

08.08 The comment asks that the executive summary be revised to reflect changes suggested by the City of Fremont.

Comment noted and considered. Please see Chapter 5, Revisions to the Draft EIR and Partial Revision of the Draft EIR.

08.09 The comment asks for clarification of assumptions regarding operation of the DRC layover yard and visual impacts related to the south layover yard options.

Response - Please see Master Response PD-1, Layover Yard. The DRC layover yard options are not a component of the Proposed Project. For the cumulative analysis in the DEIR, it was assumed that the layover yard would have the following characteristics:

- The yards would be equipped with wayside power (hotel power)
- Cleaning activities would be limited to cleaning the internal passenger compartments while trains are laying over for the night.
- Some overhead lighting will likely be required for security.
- No major maintenance activities would take place.
- No toxic or hazardous substances would be stored on site at the layover yard.

A full analysis of the impacts of the DRC layover yard location, design, and operation will be provided in the DRC environmental document.

08.10 The comment asks for clarification regarding the proposed relocation of the sound wall on the south side of the Riverwalk neighborhood.

Response - Please see Master Response PD-3, Redesigned Shinn Connection

08.11 The comment asks for clarification regarding the agency responsible for implementing and maintaining the improvements in Fremont.

Response - Please see Master Response PD-1, Layover Yard and Master Response AQ-1, Diesel Health Risk Assessment. The DRC layover yard is not part of the Proposed Project; however, the location of the layover yard would affect operation of the DRC and would affect air quality in the cumulative scenario. In response to comment on the DEIR, South Layover Yard Option A is no longer considered a feasible option and is not analyzed in the cumulative impacts analysis. Please see Response to Comment 08.09 above for assumptions regarding the characteristics of the DRC layover yards.

Health risks to sensitive receptors located along the south side of the Centerville Line in the vicinity of Shinn Street are not anticipated to increase for the following reasons:

- South Layover Yard Option B is located in an existing rail yard more than 600 feet from the nearest sensitive receptor.
- The layover yard would be equipped with “hotel power” minimizing the need for trains to idle and/or warm up.
- Relocating Capitol Corridor to the Oakland subdivision would eliminate exposure to diesel emissions from these trains for receptors along the Centerville Line east of the Shinn connection.

- Construction of the Shinn connection would displace the Van Euw Trucking Company and the associated diesel truck emissions and emissions from other mobile sources (e.g. staff) traveling to and from the company. It is assumed that the layover yard would require fewer staff than the trucking company.

The health risk assessment prepared for the DEIR and FEIR determined that health risks were within acceptable levels.

08.12 The comment asserts that the five-year timeframe for ensuring success for riparian forest vegetation is arbitrary and that monitoring should be ongoing.

Response – The Lead Agency disagrees with this assertion. The five-year time period for assessing the success of riparian forest restoration is a commonly accepted timeframe for ensuring the success of replanted vegetation.

08.13 The comment asks for expanded discussion of the transportation of hazardous materials on Capitol Corridor trains and the use of hazardous materials at the layover yard.

Response – Please see Master Response PD-1, Layover Yard. The DRC layover yard options are not a component of the Proposed Project. For the cumulative analysis in the DEIR it is assumed that no toxic cleaning materials would be stored at the layover yard and that no hazardous substances would be routinely transported on passenger trains.

08.14 The comment analysis of water quality impacts related to the layover yard.

Response – Please see Master Response PD-1, Layover Yard. The DRC layover yard options are not a component of the Proposed Project. Water quality impacts related to surface water drainage at the DRC layover yard will be analyzed in the DRC environmental document. It should be noted that South Layover Option B would be located on an existing rail yard and that no changes to drainage are anticipated because the DRC layover yard would only require replacement of existing track.

08.15 through 08.17 The comments state that the south layover yard options would be inconsistent with the City of Fremont General Plan Housing Element.

Response – Please see Master Response PD-1, Layover Yard.

08.18 The comment requests changes to Figure 3.7-1, Land Use.

Response – Figure 3.7-1 has been revised as indicated and the revised figure is included in Chapter 5, Revisions to the Draft EIR and Partial Revision of the Draft EIR.

08.19 The comments state that the south layover yard options would conflict with an existing land use plan for the City of Fremont.

Response – Please see Master Response PD-1, Layover Yard. The DRC layover yard options are not a component of the Proposed Project.

08.20 The comment requests to change “Capitol Corridor” to “Capitol Corridor” in various locations.

Response – Please see Chapter 5, Revisions to the Draft EIR and Partial Revision of the Draft EIR.

08.21 The comment asks for modification to Figure 3.8-1.

Response – Figure 3.8-1 identifies sound levels associated with transit and non-transit sources as identified by the Federal Transit Agency (FTA) (FTA 1995). The FTA report from which Figure 3.8-1 was reproduced does not include the noise sources identified in the comment; however, typical noise levels associated with these sources are as follows:

- Trains on a tight curve/wheel squeal: 90 dBA at 50 feet
- Train engines starting from a stop: 86 dBA at 50 feet
- Trains idling: 70 dBA at 50 feet

08.22 The comment suggests analyzing the noise impacts of Layover Option A on the neighborhood south of the Centerville Line opposite the yard.

Response – Please see Master Response PD-1, Layover Yard. The DRC South Layover Yard Option A has been eliminated from consideration as a feasible option.

08.23 The comment asks for expanded discussion of the noise related to the layover yard options to include early morning and late evening ambient noise levels.

Response – Please see Master Response PD-1, Layover Yard. The DRC South Layover Yard Option A has been eliminated from consideration as a feasible option. Also, please see the recirculated noise impact analysis and responses to comments thereto. Please see page P3.8-3 in the PRDEIR for a discussion of Day-Night Sound Level (L_{dn}) and Community Noise Equivalent Level (CNEL). In calculating these noise levels, a penalty is added for noise occurring during early morning and evening hours.

08.24 The comment asks for analysis of noise related to the operation of the DRC layover yard.

Response – Please see PRDEIR.

08.25 The comment states that noise impacts at Site R2 in the Niles neighborhood should be considered significant.

Response – Please see PRDEIR.

08.26 The comment suggests changes to Table 3.8-8.

Response – Please see PRDEIR.

08.27 The comment suggests changes to Table 3.8-9.

Response – Please see PRDEIR.

08.28 The comment suggests changes to Table 3.8-9.

Response – Please see PRDEIR.

08.29 The comment suggests changes to the noise analysis in Chapter 3.8.

Response – Please see PRDEIR.

08.30 The comment suggests changes to the noise analysis in Chapter 3.8.

Response – Please see PRDEIR.

08.31 The comment suggests changes to the noise analysis in Chapter 3.8.

Response – Please see PRDEIR.

08.32 The comment suggests changes to the noise analysis in Chapter 3.8.

Response – Please see PRDEIR.

08.33 The comment suggests changes to the noise analysis in Chapter 3.8.

Response – Please see PRDEIR.

08.34 The comment suggests changes to the noise analysis in Chapter 3.8.

Response – Please see PRDEIR.

08.35 The comment suggests changes to the noise analysis in Chapter 3.8.

Response – Please see PRDEIR.

08.36 The comment suggests changes to the noise analysis in Chapter 3.8.

Response – Please see PRDEIR.

08.37 The comment suggests changes to the noise analysis in Chapter 3.8.

Response – Please see PRDEIR.

08.38 The comment suggests changes to the construction noise analysis.

Response – Please see PRDEIR.

08.39 The comment requests clarification of information incorporated from the Redevelopment Plan EIR.

Response – The Proposed Project is not expected to contribute a significant amount of traffic to local roadways. The recommended roadway improvements listed in the DEIR are intended to mitigate traffic

generated by the implementation of the Redevelopment Plan (full buildout). The Redevelopment Plan and supporting traffic analyses are available for review at the City of Union City Economic and Community Development Department.

08.40 The comment requests discussion of construction traffic impacts related to construction of the Shinn connection.

Response – Construction of the Shinn connection would displace the Von Euw Trucking Company and a portion of the Alameda County corporation yard. The Shinn connection would be built primarily at grade and would require minimal truck traffic to import and export material and equipment. Much of the equipment and construction material would likely be delivered by rail. Additionally, construction traffic would likely generate fewer truck trips than the existing uses. Nevertheless, the construction contractor would be required to comply with Mitigation Measure TC-1 and implement a set of comprehensive traffic control measures before issuance of construction permits.

08.41 The comment requests consideration of cumulative traffic impacts in the DRC environmental document at certain grade crossings and reiterates the assertion that the DEIR segments the analysis of cumulative impacts.

Response – Please see Master Response GEN-1, Project Background and Master Response GEN-2, Segmentation.

08.42 The comment states that the DEIR should identify the cumulative noise and vibration impacts of all trains using the Niles and Oakland subdivision tracks.

Response – Please see the recirculated noise impact analysis.

08.43 The comment requests analysis of an alternative to locate the passenger rail station on the Niles subdivision.

Response – Please see Master Response ALT-1, Niles Subdivision Passenger Rail Station Alternative.

08.44 The comment asks for analysis of an alternative that would eliminate South Layover Yard Option A, and move the Shinn curve farther to the east.

Response – Please see Master Response PD-1, Layover Yard and Master Response PD-3, Redesigned Shinn Connection.



RECEIVED

JUN 09 2005

**UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT**

June 6, 2005

Ms. June Malloy
Planning Manager
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587

Subject: Comments on DEIR for Union City Intermodal Station Passenger Rail Project
Quarry Lakes Regional Recreation Area

BOARD OF DIRECTORS

- Beverly Lane*
President
Ward 6
- Carol Severin*
Vice-President
Ward 3
- John Sutter*
Treasurer
Ward 2
- Ayn Wieskamp*
Secretary
Ward 5
- Ted Radke*
Ward 7
- Doug Siden*
Ward 4
- Jean Siri*
Ward 1
- Pat O'Brien*
General Manager

Dear June:

Thank you for providing the East Bay Regional Park District ("District") with a copy of the Draft Environmental Impact Report (DEIR) for the Union City Intermodal Station Passenger Rail Project. We also appreciated the opportunity to meet and discuss the project with you and Karl Schaarschmidt. Following our meeting, we reviewed the DEIR to determine how District facilities might be affected by construction or operation of the proposed project. The following are the District's comments on the DEIR.

Potential Construction Impacts

The District operates the Alameda Creek Trail along the levees of the Alameda Flood Control Channel. Improvements to the existing tracks and bridge over the Trail may result in temporary closure or detour of trail users. If such impacts are to occur, we request that the City closely coordinate this effort with the District to assure that a safe and convenient detour is provided for trail users, and that there be adequate notice and signage to trail users of such detours. If no effective detour alignment can be provided, then we request that the closure not take place during peak usage periods, such a summer weekends, major holidays and other planned special events.

Construction of the proposed Shinn Connection between the UPRR Oakland Subdivision and the UPRR Centerville Line may result in closures or detours for park operations staff and model boat operators seeking access to the Kaiser Pond at Quarry Lakes. Currently, there is an at-grade crossing of the UPRR Centerville Line at Shinn Street. If this access is to be closed during construction, the District will need to be provided with emergency vehicle access to the Kaiser Pond area and the Alameda Creek Trail through some suitable alternative location.



Please note that any construction in or closure of District facilities will require a District Encroachment Permit.

1 (Cont.)

Potential Operational Impacts

Should the Shinn Connection and Option A Dumbarton Service Layover Yard locations be selected, as shown in Figure 2-4 of the DEIR, there may be long-term operational and public safety impacts to District Operations staff and the public accessing Kaiser Pond for model boating. This impact will require some improvements to future crossing to mitigate this impact. Grade separated crossings are preferred where ever the topography may permit. If crossing are to be at-grade, then a signaling device, along with gates are desired to protect District staff and the public from potential collision with operating trains. We understand that signaling devices may be disruptive to adjacent neighborhood areas. Perhaps this can be addressed by a signaling and/or gate device that is pressure activated by approaching vehicles.

It is unclear if there would be similar concerns about possible selection of Option B Dumbarton Service Layover Yard on District Operations and public safety. It appears that an at-grade crossing of Option B may be avoidable. If not, then the same concerns described above would apply.

2

We understand that a number of decisions will need to be made by Union City, Fremont and the railroads before the precise project footprint is selected. We request notification by all of these parties on any project actions that may affect our existing facilities at this location. Should you have any questions, please call me at (510) 544-2622.

Sincerely,



Brad Olson
Environmental Programs Manager

cc. Eric Folmer, Alameda Creek Trails
Jim Larrance, Quarry Lakes Regional Recreation Area
Nancy Minicucci, City of Fremont

9 East Bay Regional Parks District

09.01 The comment states that an encroachment permit from the EBRPD would be necessary if construction activities resulted in closure of District facilities and that construction of the Shinn connection would affect access to the Alameda Creek Trail through the existing access gate.

Response – The agency responsible for construction of the Shinn connection would comply with all permitting requirements, to include an encroachment permit from EBRPD if it is required. Phasing of construction of the Shinn connection will be planned to assure uninterrupted access to the Alameda Creek Trail. A new gate and access to the Alameda Creek trail is planned on the east side of the Alameda Creek bridge and east of the Shinn connection that would avoid the necessity of crossing the Shinn connection tracks (see Figure 2-2). The new access would require crossing the rail access to the existing Shinn yard and potentially the DRC layover yard, however, the layover yard is not a part of this project and the location of the DRC layover yard has yet to be determined.

09.02 The comment states that the Shinn connection and layover yards could create long-term operational impacts on access to the Alameda Creek trail and Kaiser Pond.

Response - The design of the Shinn connection would include measures to assure safe access to EBRPD facilities. South Layover Yard Option A has been eliminated from further consideration as a feasible alternative in the DEIR cumulative analysis. Please see Response to Comment 09.01 above.

From: Marc Roddin [MRoddin@mtc.ca.gov]
Sent: Friday, May 27, 2005 9:53 AM
To: RailEIR
Cc: Joan Malloy; Alix Bockelman
Subject: MTC Comments on Union City Intermodal Station Passenger RailProject DEIR

Metropolitan Transportation Commission staff has reviewed your 2-volume Union City Intermodal Station Passenger Rail Project Environmental Impact Report. We have two comments, both editorial in nature.

The name of our organization is the Metropolitan Transportation Commission, not Metropolitan Transit Commission. Kindly correct this reference in the first paragraph on page 1-2 in the Introduction chapter of the DEIR. | 1

Figure 2-1, Project Location, should reflect that the Highway 92 bridge from San Mateo goes to Hayward and not to Fremont. | 2

Thank you for the opportunity to review this document. We look forward to receiving a copy of the Final Environmental Impact Report when it becomes available.

Marc Roddin
Metropolitan Transportation Commission
Telephone (510) 464-7827
Fax (510) 464-7886

10 Metropolitan Transportation Commission

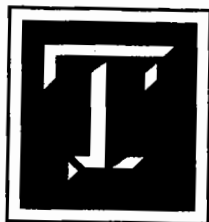
10.01 The comment corrected an error in text.

Response - Please see Chapter 5, Revisions to the Draft EIR and Partial Revision of the Draft EIR.

10.02 The comment corrected an error in DEIR Figure 2-1, Project Location.

Response – DEIR Figure 2-1 is amended to reflect that the Highway 92 bridge from San Mateo goes to Hayward.

Organizations



TECTON
CORPORATION

Union City Intermodal Station Passenger Rail Project
Attn: Joan Malloy
34009 Alvarado-Niles Road
Union City, CA 94587-4497

June 1, 2005

RECEIVED

JUN 14 2005

UNION CITY INTERMODAL STATION
& COMMUNITY IMPROVEMENT

FREMONT GLEN
APARTMENTS

889 Mowry Avenue

Fremont, CA 94536

Telephone: 510.792.7070

Facsimile: 510.792.7663

Dear Ms. Malloy,

I represent the owners of Fremont Glen Apartments, located at 889 Mowry Avenue in Fremont. We have an existing rail line at the north border of our property. I believe it is referred to on your maps as Centerville line.

We have 204 apartment units with typically some 400 residents. The existing ACE and freight trains using these tracks generate a significant noise impact and have always affected our rentals as a result.

We are very concerned about aspects of this rail project because it is very difficult to assess how the proposed changes will affect us. One of the proposed maps shows the South Layover Yard Option B, which apparently would be just north of us across the rail line north of the our Centerville line. What kind of noise and light pollution will this yard generate? | 1

Additionally, once the new connection rail at the Shinn area goes in, our understanding is that the ACE will be rerouted but that there will be additional freight train running past our doorsteps. The freight trains are already the loudest. It is critical for us that the EIR include a review of these noise pollution issues. | 2

Furthermore, we believe that mitigation will be required and would propose that the rail project mitigate the issue by the construction of sound wall adjacent to the tracks along our north property line. I do not speak for our condo neighbors to the west (The Redwoods) and the housing development (the Crossroads) to our east, but I believe they would concur. | 3

Sincerely,

Mark Feichtmeir
VP, Tecton SMP Inc.
Managing Agent, Fremont Glen Apartments, LLC



11 Fremont Glen Apartments (1)

11.01 The comment asks what the effects of South Layover Yard Option B would be on the Fremont Glen Apartments.

Response – The layover yards are not a part of the Proposed Project. The noise impacts from operation of the layover yards were analyzed in the PRDEIR and found to be less than significant. Impacts from lighting in the layover yard will be analyzed in the environmental document for the DRC.

11.02 The comment states that ACE trains would be rerouted through the Shinn connection and that freight traffic would increase along the Centerville Line.

Response – The Proposed Project would reroute Capitol Corridor trains. There are currently no plans to reroute ACE trains through the Shinn connection. Any change in future freight traffic along the Centerville Line is speculative and would be at the discretion of the freight operators and the owner of the Centerville Line.

11.03 The comment states mitigation would be necessary for noise impacts on the Fremont Glen Apartments and possibly the adjacent properties.

Response – The Proposed Project would reduce passenger rail traffic on the Centerville Line east of Shinn Street by 32 Capitol Corridor trains per day. These trains currently sound their whistles as they approach the Shinn Street crossing. The Proposed Project would therefore result in a significant decrease in noise levels at the Fremont Glen Apartments and neighboring properties relative to existing conditions and the future No Project scenario. As noted above, changes in freight traffic are speculative and based on the operational needs of the rail operators. Therefore, no mitigation is necessary for the residences east of Shinn Street.

Joan Malloy

From: Mark Feichtmeir [mark@kenwoodpermaculture.com]
Sent: Wednesday, June 08, 2005 3:26 PM
To: ccouncil@ci.fremont.ca.us
Subject: Union City Intermodal Project

Dear Council Members,

My name is Mark Feichtmeir and I am the Property Manager, as well as part owner, of Fremont Glen Apartments, located at 889 Mowry Avenue. We have 204 units with over 400 residents and have been a part of the Fremont community for over 30 years.

I had my on-site business manager attend your Council meeting of June 2nd, and she has relayed to me a synopsis of it. My understanding is that the City of Fremont is not happy about many of the proposals that affect residents of Fremont and has passed on this message to the representatives of the rail project.

We fully support you in this matter as we are also very concerned about the ramifications of the rail project. The existing rail line runs past our north property line, as well as The Redwoods and the Crossroads communities on either side of us. The current level of noise already affects our residents. I can't imagine what would happen down the road with a 10 fold increase in freight lines. I don't buy the rail project's notion that there are noise silencers that can be put on the train car wheels--the freight cars come from all over the place. The additional possibility of a switching/layover yard in our vicinity is downright scary.

| 1

Sincerely,

Mark Feichtmeir
Tecton SMP
Managing Agent, Fremont Glen Apartments

12 Fremont Glen Apartments (2)

12.01 The comment questions the viability of mitigation that involves putting “noise silencers” on train car wheels, expresses concern about the impacts of future increases in Capitol Corridor traffic past the apartments, and expresses concern about the impacts of the south layover options.

Response – The comment incorrectly describes the mitigation proposed for the reduction of wheel squeal on the Shinn connection curve. The top-of-rail applicators are located on the track, not on the train wheels and would be activated by any trains using the Shinn connection regardless of their origin. Please note that with regard to concerns about a “tenfold increase in freight lines,” past the apartments, the Proposed Project not affect freight rail traffic. The Proposed Project would relocate Capitol Corridor trains to the Oakland subdivision, resulting in a reduction of traffic (and related noise and air quality impacts) past the apartments. The layover yard options are not part of the Proposed Project. They are required for the proposed DRC project and impacts related to the layover yards will be analyzed in the DRC environmental document.

Union City Intermodal Station Passenger Rail Project



#13

Public Meeting - May 18, 2005

Comment sheets may be deposited in the comment box or mailed, faxed or e-mailed to:

Joan Malloy, Planning Manager
Economic and Community Development
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587-4497

E-mail: raileir@ci.union-city.ca.us

Fax: 510-475-7318

Deadline: June 9, 2005

Name: <u>Fremont Glen Apts</u> <u>Cl Mary Smith</u>	Affiliation (if applicable): <u>Tecron Mgm Smp</u>
Address: <u>889 Mowry Ave</u>	Date: <u>5/19/05</u>
Phone #: <u>510-792-7010</u>	E-Mail: <u>FremontGlen@Comcast.net</u>

Comments:

I attended the May 18th meeting @ Niles Elementary. IT OCCURRED TO ME AFTER, THAT NO MENTION OF THE HAYWARD FAULT WHICH PARALLEL'S BART'S TRACK WAS MENTIONED. SHOULD THIS BE OF CONCERN FOR THE NEW STATION CONNECTION ALSO - WOULD VERY MUCH LIKE A BLOWN UP MAP SHOWING OUR COMPLEX IN REFERENCE TO THE WHOLE PROJECT - THE WPA OVERHEAD MAPS YOU DISPLAYED ARE DIFFICULT TO PIN POINT OUR EXACT LOCATION. I BELIEVE A 9X12 SITE MAP WOULD SHOW SHIN (NEW SWITCHING STATION), THE LOT YOU REFERRED TO FOR FUTURE DEVELOPMENT + THE NEW

Please continue on back side if necessary.
Thank you for your comments.

(over)

& Existing TRACKS AS THEY Affect my
 Complex - Currently we have ACE Train
 8 per DAY (AM + evening) AND OCCASIONAL
 freight TRAINS - THE TRACK DO SQUEL WITH
 THE freight TRAINS - AS I UNDERSTAND THIS
 PROJECT, our Section of track will NO
 longer have ACE BUT INCREASED freight
 DUE TO OAKLAND PORT TRAFFIC - Am I
 ON THE RIGHT PAGE? ALSO COULD YOU
 TELL US - THERE IS A 2nd SET OF TRACKS
 NORTH A SHORT DISTANCE & APPEARING TO BE
 A PART OF THE SHEET ROCK PLANT PROPERTY?
 ARE THESE TRACKS IN ANYWAY INCLUDED
 IN THIS PROJECT?

We are 204 APTS, HAVE ADJUSTED
 TO CURRENT TRACK USAGE BUT ARE
 EXTREMELY CONCERNED ABOUT effects of
 more noise, vibrations + pollution - NOT
 TO MENTION CONCERNS OF DERAILMENT
 SHOULD AN EARTHQUAKE HIT THE HAYWARD
 FAULT - Please Respond AS YOUR
 TIME ALLOWS BUT PRIOR TO THE
 JUNE 9TH DEADLINE - SO WE MIGHT
 HAVE OPPORTUNITY FOR MORE QUESTIONS.

FAX-
 510-792-7663

Mary M. Smith
 Business Manager
 Fremont Glen Apartments

2
(Cont.)

3

4

13 Fremont Glen Apartments (3)

13.01 The comment expresses concern about the proximity of the Hayward Fault to the Proposed Project.

Response – The Proposed Project would be designed and engineered to meet all applicable seismic safety standards, reducing any impacts associated with the proximity of the Hayward Fault to a less-than-significant level.

13.02 The comment requests a 9” x 12” location map that shows the location of the Fremont Glen apartments.

Response – The Fremont Glen Apartments are located east of Shinn Street in an area that is not directly affected by the Proposed Project. The apartments would experience a reduction in noise related to the Capitol Corridor trains with implementation of the Proposed Project. Please see Response to Comment 11.03 above.

13.03 The comment expresses concern about impacts related to increases in freight traffic on the Centerville Line.

Response – Please see Response to Comment 11.02 above. Additionally, the tracks immediately north of the apartments are associated with the “sheet rock plant” and are not associated with the Proposed Project. The existing rail yard north of the plant may be used as a layover facility for the DRC, however, the layover facility is not a part of this project.

13.04 The comment expresses concern about the impacts of the Proposed Project on the Fremont Glen Apartments.

Response – Please see Response to Comments 11.03 and 13.01 above.

2247 National Ave.
Hayward, CA 94545
Phone: (510) 780-8587 Fax: (510) 780-7535



#14

Fax

To: Joan Malloy (Planning Manager) **From:** Alex Faymonville

Fax: (510) 475-7318 **Pages:** 4

Phone: **Date:** 6/9/2005

Re: Union City Intermodal Station Passenger **CC:**
Rail Project

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

Good Afternoon Ms. Malloy,

Here is a letter from the Riverwalk Homeowner's Association regarding the Union City Intermodal Station Passenger Rail Project for your review. Thank you for your kind attention to this matter.

Should you have any questions please contact me via e-mail at alex@massingham.com or via telephone at (510) 780-8587 ext. #312.

Best Regards

Alex Faymonville

**Riverwalk Homeowner's Association
2247 National Ave.
Hayward, CA 94545
(510) 780-8587 Fax (510) 780-7535**

June 8, 2005

Joan Malloy, Planning Manager
Economic and Community Development Department
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587-4497

Re: Union City Intermodal Station Passenger Rail Project

Dear Ms. Malloy:

On behalf of the 122 Riverwalk Homeowners, we, the Riverwalk Board of Directors wish to express our support for the "No Build" Option as described in the Draft Environmental Impact Report. We believe the Union City Intermodal Station Passenger Rail Project, as currently proposed, is far too burdensome to our homeowners. In particular, we are concerned with the adverse noise, vibration, construction and emissions related to: 1) the Proposed Layover Yard at the Shinn Connection, 2) the Shinn Connection and 3) the Turnout.

Notwithstanding our position described above, we recognize the large scale benefits to the community which may result from the expansion of passenger rail service throughout the Bay. In the event this project MUST move forward, we would like to offer the following suggestions for mitigation:

- 1) Locate the layover yard in an industrial location outside of Fremont. Proposed Layover Yard options A and B are, in our opinion, too close to the Riverwalk and Benchmark residences as well as the recreational and wildlife rich Alameda Creek and Quarry Lakes region. 1
- 2) Move the Shinn Connection further east, such that the tight-radius turn commences after the Capital Corridor trains pass underneath the BART overpass when traveling eastbound. This, relative to the current design, would preserve the natural embankment over which the BART trains pass in front of the most affected homes in Riverwalk, thereby providing natural sound, vibration and visual protection to all homes in Riverwalk. We believe this design modification may have the related beneficial effect of significantly reducing or eliminating costly construction on the BART bridge at the Shinn Connection. 2

- 3) Move the Turnout further West (from its proposed location opposite Cherry Blossom Court), to a position near the Paseo Padre overpass, such that turnout related noise and vibration occurs primarily in the non-populated area of Riverwalk, near the development's entrance. 3

- 4) Erect a wood or concrete sound wall approximately 8 feet high and 1 foot thick at the Shinn Connection and along Riverwalk Drive. This would provide significant sound, vibration and visual protections to our residents. We recognize that our neighbors on the other side of the Centerville line, who live in the Benchmark Neighborhood, may take issue with such a sound wall and our response is to suggest a dual sound wall such that residents on both sides of the Centerville line would benefit. To the extent reverberation of sound is a concern, we recommend a full enclosure. 4

- 5) Plant Sequoia or other such trees in the Riverwalk cul-de-sac at the Shinn Connection. These trees currently stand along the majority of the south side of Riverwalk Drive on the Riverwalk side of the sound fence along the Centerville line. We believe they should be extended to provide a "visual shield" from the tall Capital Corridor trains as they begin their tight radius turn at the Shinn Connection. 5

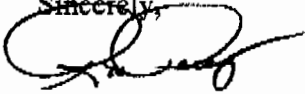
- 6) Plant Sequoia or other such trees along the Eastern end of the Riverwalk neighborhood near the Shinn Connection, such that these trees would provide a "visual shield" from the BART trains as they pass along the Eastern end of the Riverwalk Neighborhood. 6

- 7) Work with UPRR (a Project Partner) to consider noise decreasing upgrades (new tracks, rubber under lays, etc.) to the existing UP tracks along the Centerville line within 1/2 mile of the Shinn Connection. If UPRR, were to upgrade these tracks where Freight and Ace Trains will continue to run, it could dramatically decrease the overall noise and vibration levels for our homeowners. 7

- 8) Work with BART (a Project Partner) to determine the possibility and feasibility of upgrading the existing BART tracks (new tracks, rubber under lays, etc.) within 1/2 mile of the Shinn Connection. If BART were to upgrade its tracks near the Shinn Connection, it could dramatically decrease the overall noise and vibration levels for our homeowners. 8

In summary, we respectfully ask Union City to propose a comprehensive solution to our homeowners resulting in an overall noise, vibration and visual footprint that is no worse than our most affected homeowners currently experience. We believe multiple measures can be taken, many of which we've suggested above, to actually reduce the overall noise, vibration and visual impacts to the homeowners of Riverwalk. 9

Sincerely,



Ric Perez, CCAM, Senior Association Manager

On behalf of

Riverwalk Board of Directors and Riverwalk Homeowners

14 Riverwalk Homeowners Association

14.01 The comment suggests locating the DRC layover yard outside of the City of Fremont.

Response – Please see Master Response PD-1, Layover Yard.

14.02 The comment recommends redesigning the Shinn connection to move the Shinn curve farther to the east.

Response – Please see Master Response PD-3, Redesign Shinn Connection.

14.03 The comment recommends redesigning the Shinn connection to move the turnout opposite the Riverwalk neighborhood farther to the west.

Response – Please see Master Response PD-3, Redesign Shinn Connection.

14.04 The comment recommends building a sound wall to replace the existing sound wall on the south side of the Riverwalk neighborhood.

Response – Please see Partial Revision of the DEIR. The noise impacts on the Riverwalk neighborhood result from wheel squeal associated with the Shinn connection. The wheel squeal is mitigated to a less-than-significant level with implementation of Mitigation Measure NV-1. No further mitigation is necessary. Please note that relative to the No-Project scenario, the Proposed Project would reduce noise impacts on the Riverwalk neighborhood associated with future increases in Capitol Corridor train traffic by eliminating the need to sound train whistles approaching the Shinn grade crossing.

14.05 The comment recommends planting sequoia or similar trees at the end of the Riverwalk cul-de-sac to create a visual shield for Capitol Corridor trains using the Shinn connection.

Response – Please see Master Response PD-3, Redesign Shinn Connection. The redesigned Shinn connection moves the proposed tracks away from the cul-de-sac at the end of Riverwalk Drive in the Riverwalk neighborhood and only about 15 feet closer than they would be in the No-project scenario. Given the proximity of the Riverwalk neighborhood to both the Centerville Line and the BART tracks, trains are a dominant part of the existing visual environment. Increases in Capitol Corridor train traffic on the Centerville Line would occur independent of the Proposed Project. There were no significant visual impacts on the Riverwalk neighborhood associated with the Proposed Project, therefore no mitigation is required.

14.06 The comment recommends planting sequoia or similar trees at the eastern end of the Riverwalk neighborhood to create a visual shield for BART trains.

Response – The Proposed Project would not change views of BART trains from the Riverwalk neighborhood. CEQA does not authorize a lead agency to require mitigation for impacts for which there is no nexus to the Proposed Project. (Guidelines Section 15041)

14.07 The comment recommends replacing existing freight track on the Centerville Line to reduce noise and vibration impacts on the Riverwalk neighborhood.

Response – Please see Partial Revision of the DEIR. The noise impacts on the Riverwalk neighborhood result from wheel squeal associated with the Shinn connection. The wheel squeal is mitigated to a less-than-significant level with implementation of Mitigation Measure NV-1. Capitol Corridor trains traveling on the Centerville Line would not create any significant vibration impacts. No further mitigation is necessary. Please note that relative to the No-Project scenario, the Proposed Project would reduce noise impacts on the Riverwalk neighborhood associated with future increases in Capitol Corridor train traffic by eliminating the need to sound train whistles approaching the Shinn grade crossing.

14.08 The comment recommends making improvements to the BART tracks to reduce overall noise in the Riverwalk neighborhood.

Response – Please see Partial Revision of the DEIR. The noise impacts on the Riverwalk neighborhood result from wheel squeal associated with the Shinn connection. The wheel squeal is mitigated to a less-than-significant level with implementation of Mitigation Measure NV-1. No further mitigation is necessary. Please note that relative to the No-Project scenario, the Proposed Project would reduce noise impacts on the Riverwalk neighborhood associated with future increases in Capitol Corridor train traffic by eliminating the need to sound train whistles approaching the Shinn grade crossing.

14.09 The comment requests that the Lead Agency consider a comprehensive approach to mitigating noise, vibration, and visual impacts on the Riverwalk neighborhood.

Response – Comment noted and considered.

UNION PACIFIC RAILROAD COMPANY
REAL ESTATE DEPARTMENT



49 Stevenson Street, Suite 1050, San Francisco, CA 94105
(415) 541-7050 • Facsimile (415) 541-7060
RLGooch@up.com

RECEIVED

JUN 01 2005

**UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT**

R. L. Gooch
Director
Special Properties: Sales & Development

In reply, please refer to:

May 31, 2005

VIA UPS OVERNIGHT

Ms. Joan Malloy, Planning Manager
Economic and Community Development Department
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587-4496

Dear Ms. Malloy:

I am writing on behalf of Union Pacific Railroad (UP) regarding the Draft Environmental Impact Report (EIR) entitled Union City Intermodal Station Passenger Rail Project dated April 2005.

UP objects to the partial acquisition of its rail line which is referred to as Oakland Subdivision between Melrose District in Oakland commencing at 46th Avenue and Niles Junction in the City of Fremont, approximately 20 miles to the south. UP will not sell only a portion of that right of way as contemplated in the EIR and will only consider sale of the right of way in its entirety from 46th Avenue in Oakland to Niles Junction in Fremont.

1

UP objects to the partial acquisition of its Shinn Yard located at Niles Junction in the City of Fremont. The Shinn Yard, which is an operating yard, is mentioned as a possible location of the Dumbarton Service Layover Yard. UP will not allow partial acquisition of Shinn Yard as contemplated in the EIR and will only consider sale of the entire yard area.

2

UP does support the building of a connection between the Oakland Subdivision and the UP Centerville line (Niles Subdivision) shown as the Shinn Connection as depicted on Figure ES-4, Shinn Connection in the EIR.

3

If you have questions or wish to discuss this further, please contact me at the number shown above.

Very truly yours,

Rick Gooch

CC: Mr. Jerry Wilmoth-UPRR- Roseville
Mr. Patrick Kerr-UPRR-Roseville
Mr. Gary Riddle-UPRR-Omaha

15 Union Pacific Railroad Company

15.01 The comment states that the UPRR is opposed to partial acquisition of the Oakland subdivision.

Response – Comment noted and considered.

15.02 The comment states that the UPRR is opposed to partial acquisition of the Shinn yard in the City of Fremont.

Response – Comment noted and considered.

15.03 The comment states that the UPRR supports construction of the Shinn connection.

Response – Comment noted and considered.