

Attachment B

Summary of Comments and Responses to Comments on the
Final Supplemental Environmental Impact Statement/
Final Environmental Impact Report/Section 4(f) Evaluation
(Final SEIS/SEIR)

1.0 Introduction

The Notice of Availability for the Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (Final SEIS/SEIR) for the Santa Clara Valley Transportation Agency's (VTA's) Bay Area Rapid Transit (BART) Silicon Valley – Phase II Extension Project (Project) was published in the Federal Register on March 2, 2018. The review period concluded on April 2, 2018. After release of the Final SEIS/SEIR on February 21, 2018, the Federal Transit Administration (FTA) and VTA received a total of twenty-three (23) public comments, comprised of fifteen (15) verbal comments and one (1) written comment received at the VTA Board of Directors meeting on April 5, 2018, and seven (7) comments received via postal mail and email.

The majority of the comments were in support of or in opposition to the Project or specific project elements. Most of these comments were similar to comments submitted on the Draft SEIS/SEIR. The Final SEIS/SEIR contains the responses to comments received on the Draft. Nevertheless, FTA considered the comments received on the Draft and Final SEIS/SEIR prior to the issuance of the Record of Decision (ROD). Major themes of comment received on the Final SEIS/SEIR involved:

- Displacement of Apple Inc.'s research and development (R&D) facility
- Impacts to Marburg Place residents
- Parking Impacts at Diridon Station
- Safety Concerns related to the Single-Bore Tunnel Option
- Elimination of the Downtown San Jose Station
- Concerns regarding the Alum Rock/28th Street Station parking structure and transit-oriented joint development (TOJD) components
- BART and VTA Light Rail connections at the Downtown San Jose and Diridon Stations
- Project costs and feasibility

2.0 Agency Comments Received on the Final SEIS/SEIR during the Review Period and Responses

FTA received zero (0) letters from local, state, or federal agencies commenting on the Final SEIS/SEIR. At the April 5, 2018, VTA Board of Directors meeting, Robert Powers, Deputy General Manager for BART in Planning, Development, and Construction, and Jim Ortbal, Director of Transportation for the City of San Jose, expressed support for the Project.

3.0 Public Comments Received on the Final SEIS/SEIR during the Review Period and Responses

Displacement of Apple Inc.'s R&D Facility

One (1) letter, dated April 4, 2018, was received regarding the displacement of Apple Inc.'s R&D facility at 335 Brokaw Road in Santa Clara for use as a construction staging areas (also referred to as laydown areas) and as the location of station facilities for Santa Clara Station. Concerns expressed include: the need for the construction laydown area at Santa Clara, the Project's proposed construction schedule, availability of funding, analysis for alternative construction lay down sites, and the adequacy of the analysis for the displacement of Apple Inc.'s facility.

Need for Construction Laydown Areas

Apple Inc. indicated a concern about the impacts of demolishing its R&D facility solely for the purpose of the Project's construction lay down yard. This claim is not accurate. As discussed in the Final SEIS/SEIR, Volume II, Response to Comment P-85, the use of the property as a construction staging area is secondary to the primary purpose as part of a permanent Project facility, the Santa Clara Station. As noted in Final SEIS/SEIR Section 5.2.4.1, the footprints of permanent facilities would be used as construction staging areas to construct the permanent facilities proposed within those sites.

Construction Schedule

Apple Inc. questioned the accuracy of the schedule presented in the Final SEIS/SEIR, which indicates that the demolition and site preparation may occur in 2019. To clarify, the schedule in Figure 5-1 in Chapter 5, Volume I of the Final SEIS/SEIR shows that construction would begin as early as late 2019 /early 2020 with right-of-way planning (including appraisals and acquisitions) beginning in 2018 through 2021. Demolition activities are scheduled from 2019 through 2022. This schedule reflects the currently proposed schedule for the corridor and stations. As the Project progresses, the schedule and sequencing of construction may be refined. Coordination with and updates to property owners and the public will continue throughout the Project's development and construction.

Project Funding

Apple Inc. states that the Final SEIS/SEIR does not confirm whether funding for construction of Santa Clara Station is committed or will be available after construction of the segment of the extension within the City of San Jose in order to start construction by 2019. Section 9.4.1 of the Final SEIS/SEIR discusses the potential funding sources for this Project. Sales tax measures, including Measure A and Measure B, have been approved by the voters of Santa Clara County, supporting the Project and the Santa Clara Station. Also, the funding is not separated for each element of the Project. So, the funding of the Santa Clara Station is not separate from the funding of the BART extension within the City of San Jose. The funding is not affirmed until after approval of the project. Right-of-way acquisition would occur when funding becomes available.

Alternative Construction Laydown Areas

Apple Inc. also questioned the project description and the level of detail of the proposed uses of the construction laydown area, the timing needs, or analytical comparisons to other sites and the relative funding and cost impacts. The Final SEIS/SEIR Volume I, Chapter 2 provides information on the project description, alternatives, and options at the Santa Clara Station and laydown area. Section 2.6 provides a Project schedule and timing of activities. Section 5.2.4.1 describes the construction activities and staging areas. These areas would be used for construction, construction vehicle parking, construction equipment storage and usage, and materials storage and assembly.

In the Final SEIS/SEIR, Volume 1, Section 2.4, Alternatives Considered and Withdrawn, an alternatives analysis was conducted for the location of Santa Clara Station and construction laydown area. The alternatives considered, as described in this section, include a Parking Structure South Option, West Option, within Newhall Maintenance Facility Option, South Option, Near Avaya Stadium Option, and No Parking Option. These alternatives were eliminated from consideration because they did not result in the reduction of environmental impacts, and in

some cases resulted in more environmental impacts, and were less operationally efficient as compared to the alternative selected in the Recommended Project Description. Also, as stated in the response to Apple Inc.'s comment letter in the Final SEIS/SEIR, Volume II, Response to Comment P-85, the alternatives analysis describes the permanent location of the Santa Clara Station facilities and that the construction laydown at that site would not be used for any project feature other than the permanent facilities located on the site. Therefore, an alternatives analysis for construction staging areas elsewhere than where the permanent facilities are located is not necessary.

Analysis of Displacement

Apple Inc. also claims that the Final SEIS/SEIR fails to adequately analyze displacement of Apple Inc.'s facilities and cost estimates in Chapter 9 must be revised to incorporate acquisition and relocation costs of Apple Inc. facilities. The Final SEIS/SEIR analyzes the displacement of these facilities in Volume I, Section 4.14 Socioeconomics (subsection 4.14.4.2) and in Volume 1, Section 2.4, Alternatives Considered and Withdrawn under #10-14 Santa Clara Station Location Options. The Final SEIS/SEIR Socioeconomics Section mentions that construction of the Santa Clara Station would displace Apple Inc.'s R&D facility.

As noted in Final SEIS/SEIR, Volume II, Response to Comment P85-4, the acquisition of property that Apple currently leases is included in the cost estimates described in Chapter 9, Financial Considerations. All displacement and relocation activities would be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Uniform Act). The Uniform Act ensures fair and equitable treatment for persons whose real property is acquired or who are displaced as a result of a federal or federally-assisted project. Government-wide regulations provide procedural and other requirements (appraisals, payment of fair market value, notice to owners, etc.) in the acquisition of real property and provide for relocation payments and advisory assistance in the relocation of persons and businesses. Coordination with adjacent property owners and stakeholders will continue throughout final design and construction.

Impacts to Marburg Place Residents

One (1) letter was received regarding impacts to residential uses in the Marburg Owners Association, located at Destino Circle and Marburg Way in San Jose, due to the Project's route for the extension which will run underneath some of the homes in the community. At the April 5, 2018, VTA Board of Directors meeting, three (3) residents in the community also expressed concerns regarding project impacts to their community. Concerns expressed include: noise/vibration impacts within homes, decreases in property value, inquiries as to why the extension alignment impacting the community was selected, structural integrity of homes being compromised, residual chemicals in groundwater and soils, and compensation for homes located above the Project's tunnel.

The comments and concerns listed in the Marburg neighborhood community's March 28, 2018 letter are similar to the comments raised during the December 28, 2016 through March 6, 2017 public comment period for the Draft SEIS/SEIR. At the request of the Marburg neighborhood community, VTA held a community meeting on February 27, 2017 to provide information about the Project, specific to the location and concerns of the Marburg community.

Two petitions were submitted by Marburg residents (dated January 30 and March 3, 2017) along with individual comments on the Draft SEIS/SEIR. These comments expressed opposition to the tunnel alignment crossing under some of the homes in the community. A response to the January 30, 2017 petition was provided in the Final SEIS/SEIR, Response to Comment Letter P32, and a response to the March 3, 2017 petition was provided in the Final SEIS/SEIR, Response to Comment Letter P78. Responses were provided to other Marburg individual comments in the responses to comments section in the Final SEIS/SEIR, Volume II, Chapter 2.

In addition, to address the Marburg owners' concerns, Master Response 4 – Marburg Place Concerns and Master Response 5 – Real Estate Acquisition for VTA Projects in the Final SEIS/SEIR were also provided in the Final SEIS/SEIR. Master Response 4 addressed the comments related to construction noise, operational noise, construction vibration, operational vibration, traffic during construction, health and safety, stability of foundations, and home values as well as provided a history of alignment alternatives considered at this location. Master Response 4 reiterated the conclusions that were disclosed in the Draft SEIS/SEIR that the Project would not result in adverse or significant impacts to the residents at Marburg Place. Master Response 5 provided VTA's process for right-of-way acquisition, including the acquisition of tunnel easements, which would be necessary within this area because the tunnel alignment passes under this community. In addition, based on the Marburg concerns, the alternatives analysis of this area was expanded in the Final SEIS/SEIR, Volume I, Section 2.4.2.2 Alignment Alternatives near U.S. 101 and Alum Rock/28th Street Station. This section describes the history of the Project's alignment dating back to 2004, along with the five alternative alignments that were considered and withdrawn from consideration. This discussion includes a discussion of all six alternative alignments considered, including the alignment in the Recommended Project Description, and why the five alternative alignments were removed from further consideration.

The Final SEIS/SEIR addressed noise, vibration, and safety impacts and disclosed that there would be no adverse or significant impacts at Marburg Place caused by the Project. Alternative alignments were considered and rejected. Regarding property values and compensation, the Project must comply with federal and state laws as explained in Master Response 5. The Final SEIS/SEIR adequately discloses and addresses the environmental impacts for the alignment at this location for the Project.

Diridon Station Parking Impacts

One (1) letter was received from Sharks Sports & Entertainment (SSE) regarding interim parking loss during construction and long-term parking impacts at the SAP Center as a result of the Project. At the April 5, 2018 VTA Board of Directors meeting, one (1) speaker also expressed concerns regarding the Project's impacts on parking availability in the vicinity of Diridon Station. Concerns expressed include: methodology used in the Project's traffic engineering report, compliance with the California Environmental Quality Act (CEQA), interim parking loss during construction, long-term parking loss and consistency with land use plans, development of the Project's TOJD components, and references to mitigation measures included in other rail projects.

Methodology used in Traffic Engineering Report

SSE generally challenges the adequacy of the transportation studies prepared in support of the Final SEIS/SEIR. In support of its challenge to the studies, SSE provided a separate opinion of its own traffic engineer. Extensive transportation analyses were prepared for the Project as

described in the Final SEIS/SEIR, Volume I, Chapter 3 NEPA and CEQA Transportation Operations Analysis; Section 5.5, Impacts from Construction of the BART Extension; and Chapter 6, CEQA Alternatives Analysis of Construction and Operation. The SEIS/SEIR provides reasonable explanation supporting the validity of the parking analysis.

VTA Compliance with CEQA

The following discussion is VTA's response to SSE's comments regarding compliance with the SEIR's CEQA. SSE asserts that the Final SEIS/SEIR fails because there is no stable "or decipherable" project description. In fact, SSE states that "there is no section in the document that provides a project description as required by CEQA." However, the Final SEIS/SEIR provides a Recommended Project Description in Volume I, Chapter 2, where the project alternatives and options are discussed in detail. SSE, focusing on one section of the Final SEIS/SEIR relating to the TOJD, also found fault with the document because, according to SSE, the Final SEIS/SEIR did not include a full statement of objectives. To the contrary, a full chapter on the purpose and need of the transportation project was provided in Volume 1, Chapter 1.

SSE also claims that the Project is not adequately described for the TOJD because VTA needs additional approvals from the City of San José (City). As set forth in VTA's response to the City's comment L3-19, VTA's proposed TOJD is based on the current general plan designations for the sites. VTA acknowledges that the City would have responsible agency discretionary approval authority over aspects of the BART Extension with TOJD Alternative that are within its jurisdiction and that the City would consider the Final SEIS/SEIR and determine the adequacy of the document for purposes of its approvals. The fact that the City has discretionary approval authority over the TOJD does not mean that the project description is not "adequately described for CEQA purposes" as SSE claims. In fact, CEQA and the CEQA Guidelines acknowledge that a responsible agency has discretionary approval authority after the lead agency approves the environmental document. Pub Res C §21104, 21153(c), 21069.

The loss of parking spaces is no longer considered a potentially significant environmental impact under CEQA. (San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.)

Analysis of Long-Term Parking Impacts

SSE claims that the Project will cause undisclosed and unmitigated negative impacts on parking and that there is insufficient mitigation for interim parking loss in the vicinity of SAP Center during construction. However, the impacts to parking and the mitigation measures are included in the Final SEIS/SEIR as discussed below.

The Final SEIS/SEIR, Volume I, Chapter 5, Construction, and Volume II, Master Response 2 – Diridon Station Short-Term Parking addressed this topic for NEPA purposes.

As stated in Volume I, Chapter 5, Section 5.5.2.7, and Volume II, Master Response 2 in the Final SEIS/SEIR, according to the Arena Management Agreement (AMA) between the City of San Jose and San Jose Arena Management (SAJM), the City of San Jose is contractually obligated to provide at least 6,350 offsite parking spaces within 0.5 mile of the SAP Center. Of the 6,350 offsite parking spaces, 3,175 off-site parking spaces must be within 0.33 mile of the SAP Center. SSE asserts that the Project is responsible for the loss of parking that could jeopardize the City's ability to maintain its responsibilities per the AMA. However, neither VTA nor FTA is party to the AMA; therefore, neither FTA nor VTA has a contractual obligation to meet any of the

requirements of this agreement. The Project would not preclude the City from maintaining its responsibilities in the agreement. The potential impacts resulting from the loss of parking were examined in the Final SEIS/SEIR, Volume I, Chapter 5, Section 5.5.2.7, and Volume II, Master Response 2.

Mitigation Measures for Parking Impacts

Section 5.5.2.7 of the Final SEIS/SEIR states that VTA will work with the City of San Jose to develop a Master Cooperative Agreement which will include the following elements, which were included as mitigation measures in the SEIS/SEIR, during construction to minimize impacts to parking. VTA will develop and implement a Construction Education and Outreach Plan (TRA-CONST-A) to provide notification of upcoming construction activities, including roadway closures and removal of parking in order to minimize disruptions during construction. VTA will develop and implement a Construction Transportation Management Plan (TRA-CNST-B) to coordinate location-specific circulation and access within and around the construction areas for all modes to minimize disruptions during construction. VTA will develop and implement an Emergency Services Coordination Plan (TRA-CNST-C) to minimize impacts to local emergency service routes and responses due to construction activities. Contrary to SSE's assertions, construction worker parking was addressed under MMRP TRA-CNST-B. Specifically, construction workers will be required to park in designated areas or in the construction staging areas to minimize impacts to parking resulting from construction worker parking.

Although there will be temporary closures to Santa Clara Street during construction, access to SAP Center will be maintained during construction before, during, and after events. Access to SAP Center after construction and during operation of the BART Extension will be improved as a result of the Project. These measures are described in detail in the Final SEIS/SEIR, Volume 1, Chapter 5, Section 5.5.1.

In addition to the above mitigation measures, as described in Section 5.5.2.7 and in Master Response 2 of the Final SEIS/SEIR, the Project will provide 450 replacement off-street parking spaces during construction through Mitigation Measure TRA-CONST-D: Provide Temporary Replacement Parking at Diridon Station. With this mitigation, the Project would result in the net loss of 305 on-street and off-street parking spaces, or 2.1 percent of the total 14,450 available parking within a 0.5-mile radius of Diridon Station for up to 8 years during construction. The area is well-served by transit service that stop on adjacent streets. Given that the loss of 2.1 percent of the total available parking spaces occurs in an area with other available parking and at an existing major transportation center in the downtown urban core of San José with many multi-modal options. Therefore, the loss of parking is not considered an adverse effect under NEPA.

SSE disagrees with VTA's parking count and asserts that there are only 11,845 off-street parking available to the general public, instead of 14,450 spaces. If the available off-street parking spaces is 11,845, the net loss of 305 parking spaces out of 11,845 parking spaces would be only a 2.6 percent loss of the available parking within a 0.5-mile radius. This is an increase of 0.5 percent compared to the Final SEIS/SEIR. The loss of 2.6 percent of the total available parking spaces would not be an adverse effect on parking under NEPA because there are on-street and off-street parking available and loss of parking would occur at an existing major transportation center in the downtown urban core of San José with many multi-modal options. The implementation of Mitigation Measures TRA-CNST-A, TRA-CNST-B, TRA-CNST-C, and TRA-CNST-D would minimize the Project's impact on parking during construction.

In its letter, SSE alleges that the SEIS/SEIR does not analyze potential indirect impacts caused by the illegal behavior of the public. It claims without evidence that the loss of off-street parking and the 40 on-street parking spaces will cause motorists to park illegally, and therefore, affects the ability of pedestrians and bicyclists to have a good line of sight and will be a safety issue. It is not reasonable to predict, analyze, and mitigate against the presumed illegal behavior. The Construction Management Plan includes safety measures for all transportation modes are maintained during construction.

Long Term Parking Loss and Consistency with Land Use Plans

SSE also challenged the analysis relating to long-term parking loss, claiming undisclosed and unmitigated negative impacts on parking in the vicinity of SAP Center upon Project completion of the Project. However, the Final SEIS/SEIR disclosed the parking impacts, as described below.

The Final SEIS/SEIR, Volume I, Chapter 5, Construction, and Volume II, Master Response 3 – Diridon Station Long-Term Parking addressed this topic for NEPA purposes. As discussed in the Final SEIS/SEIR, Volume I, Chapter 3, Section 3.5.2.12, Impact BART Extension TRA-8: Parking, and based on the parking demand analysis, this long-term parking impact at the Diridon Station would not result in either a direct or indirect adverse effect under NEPA. Also, as disclosed in Section 4.2 Air Quality, subsection 4.2.4.2 of the BART Extension Alternative, long-term operation of the BART Extension Alternative would reduce criteria pollutant emissions, relative to the No Build Alternative, and therefore result in a beneficial air quality effect.

Also, parking at Diridon Station was evaluated in the Final SEIS/SEIR, Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn* under #8 Diridon Station Parking Structure Option. This section describes that the Diridon Station Parking Structure Option was evaluated and, although previous environmental documents have evaluated parking structure options at Diridon Station, the Diridon Station Parking Garage Option has been eliminated from further consideration for the reasons described in detail in Section 2.4 of the Final SEIS/SEIR.

As stated above, according to the AMA between the City of San Jose and SAJM, the City of San Jose is contractually obligated to provide at least 6,350 offsite parking spaces within 0.5 mile of the SAP Center. Of the 6,350 offsite parking spaces, 3,175 off-site parking spaces must be within 0.33 mile of the SAP Center. SSE asserts that the Project is responsible for the loss of parking that could jeopardize the City's ability to maintain its responsibilities per the AMA. Neither VTA nor FTA is party to the AMA; therefore, neither VTA nor FTA has a financial or legal obligation to meet any of the requirements of this agreement. However, the Project does not preclude the City from fulfilling its responsibilities in the agreement. The potential impacts resulting from the loss of parking were examined in the Final SEIS/SEIR, Volume I, Chapter 5, Section 5.5.2.7, and Volume II, Master Response 2.

Travel Demand Modeling

SSE challenged the adequacy of VTA's Travel Demand Model and ridership projections. The model was developed based on the MTC's Regional Model (MTC Model) structure, coding conventions, and calculation procedures in order to ensure consistency between the two modeling systems. VTA's Travel Demand Model that generated the ridership projections for the Project was consistent with regional travel demand modeling. Additionally, the VTA model

expands on the MTC model structure in order to provide more detail and forecasting precision within and surrounding Santa Clara County.

Mode Split and Updated BART Policies

As shown in the Final SEIS/SEIR, Volume I, Chapter 3, Table 3-16, 2035 Forecast Year Mode of Access by BART Extension Station, access to the Diridon Station would be almost entirely (91 percent) by walk/bicycle, heavy and light rail transit, and bus. The remaining 9 percent would be by auto kiss-and-ride, which does not require parking. As disclosed in the Final SEIS/SEIR, Volume 2, Master Response 3, BART has implemented new policies to discourage drive-alone trips to BART stations. On June 9, 2016, the BART Board of Directors adopted a BART Station Access Policy that included a Station Access Design Hierarchy. In descending order, BART's priorities for passenger access to its stations are walk, bicycle, transit and shuttle, drop-off and pick-up, and, lastly, auto parking. The decision to not provide park-and-ride facilities for the BART Extension at Diridon Station is also consistent with BART's Station Access Policy adopted June 9, 2016, regarding "urban" BART stations. Diridon Station would be classified as an "urban" station under the policy characteristics identified in BART's Station Access Policy. Specifically, BART's definition of an Urban Station has the characteristics that are consistent with the characteristics of the Diridon Station, namely (1) combined walk, bike, and transit access of greater than 75%; (2) drive alone rates of 5% or less; (3) almost all auto access is from drop-off activity; (4) highway access is not convenient; (5) the station can be found in a downtown or neighborhood business district; (6) the station may be underground or otherwise has a limited spatial footprint; and (7) the station is well-served by many types of transit service that stop on adjacent streets.

The SSE letter states that highway access to Diridon Station is convenient due to the location of SR 87 and I-280 and that only the PM period commute of I-280 is listed by the Metropolitan Transportation Commission (MTC) in the Top 10 congested freeways in the Bay Area. VTA maintains that, while SR 87 may not be listed in MTC's Top 10, this does not refute the fact that congestion is present on SR 87 during the AM and PM commute periods. According to VTA's 2013, 2014, 2015, 2016, and draft 2017 Congestion Management Program Monitoring Reports, SR 87 has consistently been a very congested corridor. The 2016 report shows the northbound AM mixed flow and carpool lanes on SR 87 in the segment near Diridon Station, from I-280 to Coleman Avenue, operate at LOS F. Southbound PM mixed flow lanes on SR 87 in the segment near Diridon Station, from Coleman Avenue to Julian Street, operate at LOS E. The segment between Julian Street to I-280 operates at LOS F. The carpool lane between Coleman Avenue and I-280 operates at LOS D. The Project would provide a modal option to access Diridon, which would help relieve congestion at SR 87.

Parking Garage Impact on Ridership

As disclosed in the Final SEIS/SEIR, Volume I, Chapter 2, Section 2.4, *Alternatives Considered and Withdrawn* and Volume 2, Master Response 3, VTA's Travel Demand Modeling quantified the 2035 BART ridership at the four stations, including Diridon Station, with and without BART transit-specific parking. The modeling was run with and without a 500-space parking garage to determine the impact on daily ridership. The model showed that, with a parking garage, there was an increase in ridership within the four station system of only 19 passengers, or 0.0004 percent, as compared to the model run without the parking garage. The nominal increase in overall ridership (19 passengers or 0.0004 percent) that would be gained from construction of a

BART transit-specific parking structure at Diridon Station did not warrant the cost of construction; therefore, the parking structure was eliminated from further consideration.

Consistency with the City of San Jose's General Plan

The decision to not provide park-and-ride facilities for the BART Extension at Diridon Station is also consistent with the Envision San José 2040 General Plan (adopted November 2011) which includes the Commercial Downtown Land Use Plan Policies and Transportation. The General Plan's Transportation Goals, Policies, and Actions aim to establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City's share of travel by alternative transportation modes. Example policies and goals are shown in the Final SEIS/SEIR, Volume 2, Master Response 3.

Additionally, the City of San Jose has displayed their desire to meet the General Plan policies by passing Ordinance 29012 in 2011 that amended Section 20.90.220 of the City of San Jose Municipal Code, *Reduction in Required Off-Street Parking Spaces*, which allows for parking reductions if acceptable transportation demand management measures are proposed by the developer and the structure is within 2,000 feet of a proposed or existing rail station or bus rapid transit station.

Use of Station and Multi-Modal Access

The SSE letter states that they consider Diridon Station an origin station rather than a destination station. As stated in the Final SEIS/SEIR, Table 3-18, 2035 Forecast Year AM Peak Period Door-to-Door Travel Time (Minutes) for Selected Origin-Destination pairs: No Build versus BART Extension, Diridon Station is projected to function more as a destination station in the AM commute direction, as patrons travel to nearby activity centers, than as an origin station. The VTA Travel Demand Model 2035 Forecast showed 642 riders entering the Diridon Station and 1,109 riders exiting during the AM commute period. This is an indicator of a destination station. As a destination station, the parking demand at Diridon Station would be less than at stations that primarily function as origins in the AM commute period. This station is well-served by many multi-modal options for SAP customers and transit riders to access the station. BART service will only add to the many multi-modal options available to travelers to and from Diridon Station and assist in reducing parking demand. SAP Center patrons would be able to park at either the Santa Clara or Alum Rock/28th Street Station locations one to two stops from Diridon Station and ride BART to Diridon Station, which is across the street from the SAP Center, to avoid the traffic congestion before and after events.

There are several event centers that are near transit stations, including the Oakland Coliseum and Oracle Arena, which rely upon transit for a percentage of their attendees' ridership. Projecting a conservative estimate that only 10 percent of the patrons (17,500 seating capacity) accessing SAP Center events would arrive and depart from Diridon BART Station, then the parking demand would be reduced by 1,750 spaces, which more than offsets the loss of 715 spaces. Additionally, the cost of riding BART to an SAP Center event would also likely be less than or comparable to the operating cost per mile to drive a vehicle (\$0.535/mile) to the SAP Center plus the cost to park at an off-street parking lot (in July 2017 parking rates were \$15-25 and cash only, depending on proximity).

Transit-Oriented Joint Development (TOJD)

SSE asserts that the TOJD needs to be analyzed under NEPA. FTA evaluated the CEQA BART Extension with TOJD Alternative under the NEPA cumulative impacts section of the Final SEIS/SEIR. The Final SEIS/SEIR provides an explanation that TOJD is an independent action by VTA, with no federal action nor federal participation. The design of the stations and structures for the BART extension would not preclude TOJD. The coordination of the TOJD with a federal transportation project does not result in the federalization of the TOJD for NEPA purposes.

Reservation of Rights and Reference to Similar Projects

SSE also compared this Project to other rail projects in Southern California and their mitigation measures. However, these studies were prepared a number of years ago, and were approved prior to the State eliminating direct parking loss impacts as an environmental topic that needed to be addressed under CEQA. Therefore, these studies are not applicable to the CEQA adequacy of this Final SEIR.

Neither the Los Angeles Metro Subway nor the Regional Connector Transit Corridor Project included parking at each rail station. Additionally, mitigation measures are identified in the Final SEIS/SEIR and are tailored to the context in which the impact occurs. The mitigation developed for the Project takes into consideration the features and circumstances of this Project and the local and regional land use policies and BART's policies, which are different than City of Los Angeles and the Los Angeles County Metropolitan Transportation Authority (LACMTA).

Single-Bore Option Safety Concerns

Two (2) letters were received regarding safety concerns associated with the Single-Bore Option for the Project's tunnel and stations. Also, at the April 5, 2018 VTA Board of Directors meeting, one (1) speaker expressed concerns about the safety of the Single-Bore Option for the Project. Concerns expressed include: structural collapse of the upper track on the lower track in an emergency event such as earthquakes or fires.

VTA conducted multiple studies and analysis in the development of the Single-Bore Option, specifically in regards to operations, maintenance, and safety. Following an initial preliminary analysis on the feasibility of a Single-Bore Option, in October 2016, VTA initiated VTA's BART Silicon Valley Phase II Single-Bore Tunnel Technical Studies (April 2017). This study, based on the criteria established in consultation with BART, provided verifications of preliminary findings and conceptual designs for a single-bore tunnel alignment, profile, station configuration, station and tunnel ventilation, and emergency egress and response based on current national codes and standards, including the National Fire Protection Association (NFPA 130), California Building Code (CBC), and applicable BART Facility Standards (BFS). The findings of the report confirmed that the single-bore tunneling methodology would meet applicable industry and applicable BART facility standards for operations and safety. The single-bore design was refined between the Draft SEIS/SEIR and Final SEIS/SEIR based on the findings of VTA's BART Silicon Valley Phase II Single-Bore Tunnel Technical Studies.

In addition to the technical studies, VTA staff conducted the BART Silicon Valley Extension Phase II Tunneling Alternatives Comparative Analysis, Independent Risk Assessment to aid in the decision-making process. The risk assessment systematically and comprehensively evaluated the risks associated with overall project cost, schedule, constructability and operability. To

perform the analytical comparison of risk associated with each tunneling methodology, VTA selected Aldea Services, Inc. to conduct the independent risk assessment (September 2017). The Executive Summary and findings of the assessment were presented to VTA's Board of Directors at the September 22, 2017 Board Workshop to assist in their decision-making process and can be located at <http://www.vta.org/get-involved/board-of-directors> (direct link: http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/bod_092217_wrksp_packet.pdf).

In November 2017, VTA and BART agreed to form a peer review panel, the Phase II Tunnel Technology Methodology Peer Review Panel (Panel), of transit operators with experience operating deep-tunnel stations. The panel consisted of members of peer agencies with extensive experience in heavy rail operations, safety, and maintenance. Agencies represented include LACMTA, Washington Metropolitan Area Transit Authority (WMATA), Metropolitan Atlanta Rapid Transit Authority (MARTA), New York City Transit (NYCT), New York Metropolitan Transportation Authority (NYMTA), San Francisco Municipal Transportation Agency (SFMTA), and Transportation Resource Associates, Inc. VTA and BART staff presented the relevant aspects of the Twin-Bore and Single-Bore Options to the peer reviewers based on prior engineering work and technical studies (including the findings of the Single-Bore Technical Studies and the Tunneling Methodology Independent Risk Assessment). The Panel was asked to evaluate the single-bore configuration and related technical information from the perspective of the transit operator. Barcelona's Line 9 metro system is an example to understand lessons learned and experience the system's operations. The Line 9 metro system is the only operating single-bore transit system in the world that has running track and station platforms within a single-bore tunnel. The Panel concluded that the Single-Bore Option as presented could be operated safely. The findings of the Panel were presented to VTA's Board of Directors at their December 7, 2017 meeting and are attached to the meeting agenda, which can be found at <http://www.vta.org/get-involved/board-of-directors> (direct link: http://vtaorgcontent.s3-us-west-1.amazonaws.com/Site_Content/bod_120717_packet.pdf).

On April 5, 2018, the VTA Board of Directors unanimously approved the Project, which included the single-bore tunneling methodology. On April 26th, 2018, the BART Board of Directors approved the Project as approved by VTA.

Eliminating the Downtown San Jose Station

One (1) letter was received suggesting the elimination of the Downtown San Jose Station from the Project to reduce project costs and avoid environmental impacts to the downtown area.

Volume I, Chapter 1, Section 1.4, BART Extension Project History, summarizes all the planning efforts for the Project, which includes the Downtown San Jose Station. In 2001, VTA completed a Major Investment Study (MIS) that evaluated the alignment and transportation technology for the Silicon Valley Rapid Transit Corridor. The purpose of this study was to address the potential benefits and impacts of alternative transportation investment strategies, leading to the selection of a Preferred Investment Strategy for the corridor. This study resulted in the selection of the Union Pacific Railroad corridor with BART as the preferred technology. Station locations included Milpitas, Berryessa, Alum Rock, Downtown San Jose, Diridon, and Santa Clara, with a maintenance and storage facility at Newhall Yard. The MIS was adopted by the VTA Board of Directors in November 2001. The VTA Board of Directors have continued to support this Project

through certification and approval of the Recommended Project Description in the 2004 Final EIR, 2007 Final Supplemental EIR, and 2018 Final Subsequent EIR.

In November 2000, the voters in Santa Clara County approved Measure A, a 30-year half-cent sales tax devoted to specified public transit capital improvement projects, which include extending BART from Alameda County to the cities of Milpitas, San Jose, and Santa Clara. Since that time, Santa Clara County voters have approved two additional sales tax ballot measures. In 2008, voters passed an eighth-cent 30-year sales tax dedicated solely to the operation, maintenance, and infrastructure renewal costs of the BART extensions in Santa Clara County. This tax became effective in March 2012. In 2016, voters passed a half-cent 30-year sales tax for transportation priorities that became effective in April 2017. Both of these sales tax measures supporting the extension to Santa Clara were approved by over two thirds of the voters.

Table 3-13, 2035 Forecast Year Average Weekday Ridership by Station with the BART Extension Alternative, identifies the Downtown San Jose Station as having 24,287 projected daily riders. This represents over 46 percent of the Phase II BART ridership. Transit ridership in the corridor is expected to increase by over 20,000 weekday boardings with the BART Extension, as shown in Table 3-11, 2035 Forecast Year No Build and BART Extension Alternative Average Weekday Boardings by Transit Operator. While some ridership will be diverted from other transit modes, the Project will generate new transit riders primarily diverted from automobiles.

Volume I, Chapter 1, Section 1.2.2.1 Continuing Rapid Growth in Travel Demand, describes a dramatic increase in population of 100 percent and 58 percent in employment from 2015 to 2035 within the San Jose Business District, of which only the proposed Downtown Station is located in. The Downtown San Jose Station would directly serve a priority development area, identified by the City of San Jose. By providing the extension into Downtown San Jose, the BART extension would directly connect, without transfers, the three main central business districts in the Bay Area, including San Francisco and Oakland, with areas that contain populations dependent on transit.

Concerns Regarding the Alum Rock/28th Street Station Parking Structure and Proposed CEQA BART Extension with TOJD Components

At the April 5, 2018, VTA Board of Directors meeting, one (1) speaker and one (1) commenter submitted a written comment stating that in the BART Extension with TOJD Alternative under CEQA, the Project's plans for the Alum Rock/28th Street Station parking and TOJD are inconsistent with the Five Wounds Urban Village Plan. Concerns expressed include conflicts between the Project's design and the Five Wounds Urban Village Plan, specifically, the number of levels for the parking structure, number of residential units, and amount of square footage for commercial and office spaces. FTA analyzed the effects of the CEQA BART Extension with TOJD Alternative under the NEPA cumulative impacts section of the SEIS/SEIR. VTA analyzed the CEQA BART Extension with TOJD Alternative as part of the SEIS/SEIR alternatives analysis.

Under the BART Extension with TOJD Alternative, there would be 500 parking spaces for BART patrons and 2,150 parking spaces for TOJD. The Alum Rock/28th Street TOJD analyzed in the SEIS/SEIR is intended to be consistent with the land uses, densities, and parking requirements from the City of San Jose's General Plan and applicable Specific Plans. The TOJD analyzed for the Project is 11 acres within the larger Five Wounds Urban Village Boundary. The

City of San Jose's parking requirements were also an element of the proposed densities of the Alum Rock/28th Street TOJD, and those requirements constrained the development densities. No underground parking was assumed for the TOJD at the Alum Rock/28th Street Station as it is cost prohibitive.

The TOJD is located within an area that will be used as a construction staging area to construct the Project; therefore, the site will not be immediately developed with TOJD. VTA will continue to work with the cities and communities to integrate the TOJD design with the station design to maximize ridership. VTA has kicked-off a TOD Strategy Study in close partnership with the City of San Jose. The 15-month study will support and implement local community visions for station area development. It will focus on feasible and implementable land use strategies and financing tools to maximize transit ridership and catalyze TOD. The study will include extensive interaction with the neighborhood communities to ensure broad input and support for the final guidelines and strategies. Community members are welcome and encouraged to participate in planned interactive workshops focused on each station area. The workshops are listed on VTA's website: www.vta.org/bart/upcomingmeetings.

VTA supports increased densities to maximize transit ridership and support local and regional land use goals. Although the SEIS/SEIR discloses impacts for 2,150 parking spaces for TOJD, VTA staff will continue to work with our city partners to determine appropriate parking requirements consistent with a regional BART station. These efforts will include maximizing shared parking and providing multi-modal access opportunities to encourage reduction in drive-alone travel patterns. If a proposed TOJD plan includes increased densities or altered land uses, then a subsequent environmental analysis would be conducted as required. Once VTA formally initiates the entitlement process, if the development proposals put forth by VTA (or a third-party) are different from what is analyzed in this SEIS/SEIR, the cities and VTA will work together to provide adequate CEQA review and fulfill the cities' entitlement requirements.

VTA appreciates the support of maximizing densities near BART stations and encourages residents to continue to participate in station planning processes. Staff will continue to work closely with the cities of San Jose and Santa Clara and with the communities near all stations as the Project moves forward.

BART and VTA Light Rail Connections at the Downtown San Jose and Diridon Stations

At the April 5, 2018, VTA Board of Directors meeting, one (1) speaker inquired whether there would be BART and VTA Light Rail connections at the Downtown San Jose or Diridon Stations. The commenter expressed that the Project should enable transfers between BART and other modes of transit and transportation.

For both the Diridon and Downtown San Jose BART Stations, connections will be made from BART to VTA light rail and other transit modes. Access planning is currently underway in coordination with the cities of San Jose and Santa Clara, Caltrain, BART, and High Speed Rail, which will review station facilities such as entrances and walking paths, to ensure seamless passenger connections between transit modes.

The Downtown San Jose Station would provide excellent transit connectivity due to the proximity of the 1st and 2nd Street Transit Malls (VTA light rail and bus stations). For the Downtown San Jose Station, access planning is underway and will be completed as part of the BART Phase II TOD Corridor Strategy and Access Planning Study.

The Diridon BART Station will consolidate transit infrastructure closest to Santa Clara Street with important connections at the existing Diridon Multimodal Station with VTA light rail and buses, commuter rail from Caltrain, Amtrak, ACE, and AC Transit, as well as regional and private shuttles. To assist with this connectivity, VTA, with the City of San Jose, Caltrain, and High Speed Rail, have entered into a partnership to develop the San Jose Diridon Integrated Station Concept Plan. The Plan is a critical building block to achieving the potential of this Station and access to the surrounding area. To achieve this goal, a final integrated, innovative solution for the facility requirements for all current and planned transportation services in the Station, as well as the facilities that will be required to provide seamless passenger connections to and between those services and the adjacent communities will be developed. It is expected that several of the existing facilities, such as the VTA bus transit center, would be reconfigured for better access and circulation to accommodate projected transfers to and from the BART station. The Plan will analyze the projected transfers between the transit modes and prioritize the appropriate access routes in the design process.

Project Costs and Feasibility

At the April 5, 2018, VTA Board of Directors meeting, two (2) speaker expressed concerns regarding the Project's cost and feasibility. Concerns expressed include: whether the Single-Bore Option could pass under the Caltrain concourse, feasibility of the Project's tunnel, and a cost-benefit analysis for the Project.

For, the Diridon Station (North Option) with the Single-Bore Option, the station entrances would be located south of East Santa Clara Street, adjacent to the existing Diridon Caltrain station. The tunnel (with boarding platforms), would remain under Santa Clara Street and connect to the station entrances via underground passageways.

VTA conducted multiple studies and analysis in development of the Single-Bore Option, specifically in regards to operations, maintenance, and safety. Following an initial preliminary analysis on the feasibility of a Single-Bore Option, VTA completed VTA's BART Silicon Valley Phase II Single-Bore Tunnel Technical Studies in April 2017 and conducted the BART Silicon Valley Extension Phase II Tunneling Alternatives Comparative Analysis, Independent Risk Assessment in September 2017. In November 2017, VTA and BART formed a peer review panel, the Phase II Tunnel Technology Methodology Peer Review Panel of transit operators with experience operating deep-tunnel stations. Based upon the extensive studies completed, VTA concluded that it is safe to construct and operate the Single-Bore Option and that the Project can operate safely under the Caltrain concourse.

Volume 1 Chapter 9, Financial Considerations of the SEIS/ SEIR details project cost information including estimated capital, operating, and maintenance costs and funding.