

Memorandum

To: CHAIR AND COMMISSIONERS

Date: May 22, 2009

From: BIMLA G. RHINEHART
Executive Director

File: Book Item 2.2c (6)
Action

Ref: Final Environmental Impact Report – East Contra Costa BART Extension Project (Resolution E-09-40)

ISSUE: Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Findings of Facts and Statement of Overriding Considerations for the East Contra Cost BART Extension Project (project) and approve the project to be considered for future funding?

RECOMMENDATION: Staff recommends that the Commission accept the FEIR, Findings of Fact and Statement of Overriding Considerations and approve the project to allow for future consideration of funding.

BACKGROUND: The project consists of an approximately 10-mile extension of transit service from the current BART terminus in Contra Costa County at the Pittsburg/Bay Point BART Station to a point just east of Hillcrest Avenue in the City of Antioch. The extension would use a Diesel Multiple Unit technology, rather than conventional BART technology, and would operate in the median of State Route 4 (SR 4). The Diesel Multiple Unit (DMU) rail technology uses a self-propelled passenger vehicle that has one or more diesel engines for propulsion power. These trains, popular in Europe, do not need a dedicated locomotive. The word “Multiple” refers to the fact that these single vehicles can be coupled together to become a train of multiple units under the control of a single operator.

The San Francisco Bay Area Rapid Transit District (BART) was the lead agency for CEQA compliance for the project. BART approved the FEIR, Findings of Fact, Statement of Overriding Considerations and a mitigation monitoring and reporting plan on April 17, 2009. Significant and unavoidable impacts were identified related to transportation, visual quality, noise and vibration. BART determined that impacts from the proposed project that are beneficial include reductions to traffic volumes in the project corridor and on the regional highways; overall net reduction in regional air emissions, including greenhouse gas emissions and an overall net reduction in regional energy consumption, as well as in petroleum consumption.

The project is estimated to cost \$508,624,074. The proposed funding plan includes anticipated and/or programmed Local (\$445,107,927), TCRP (\$5,250,000), Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement

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Account (\$40,000,000), and future year STIP (\$13,000,000). In addition, a funding source has not been identified for \$5,266,147.

The project will be constructed in two phases. Phase 1A is the segment between the Pittsburg/Bay Point BART Station to Loveridge Road. Construction for Phase 1A is estimated to begin in Fiscal Year 2009/10. Phase 1B is the segment between Loveridge Road to Hillcrest Avenue. Construction for Phase 1B is estimated to begin in Fiscal Year 2013/14.

Attachments

- Resolution No. 09-40
- Project Location
- Significant and Unavoidable Impacts
- Overriding Considerations

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding 04-Contra Costa Resolution E-09-40

- 1.1 **WHEREAS**, the San Francisco Bay Area Rapid Transit District has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
- East Contra Costa BART Extension (eBART) Project
- 1.2 **WHEREAS**, the San Francisco Bay Area Rapid Transit District has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the project will improve overall transportation service and enhance mobility in the State Route 4 corridor; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.5 **WHEREAS**, written findings indicate that specific unavoidable significant impacts related to transportation, visual quality and noise make it infeasible to avoid or fully mitigate to a level less than significant level the effects associated as a result of the project; and
- 1.6 **WHEREAS**, a statement of overriding considerations was adopted and findings were made pursuant to CEQA guidelines; and
- 1.7 **WHEREAS**, a Mitigation Monitoring and Reporting Program was adopted for this project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the final environmental impact report, findings and statement of overriding considerations and approve the above referenced project to allow for future consideration of funding.

Significant and Unavoidable Impacts East Contra Costa BART Extension Project

Transportation

- Intersection operations at SR 4 and Hillcrest Avenue Interchange.
Mitigation: Intersection of SR 4 Eastbound Ramps/Hillcrest Avenue is considered infeasible which will result in unacceptable levels of delay during peak periods.

- With resumption of freight traffic on the Mococo Line at the level of frequency indicated by Union Pacific Railroad, congestion at intersections around hillcrest avenue may provide a cumulative traffic impact.
Mitigation: Without a grade separation, cannot reduce impacts to a less than significant level. Grade separation is not planned.

Visual Quality

- Change in visual character of the area east of Hillcrest Avenue. Within Antioch, the Hillcrest Avenue Median Station parking lots would substantially degrade the existing visual character or quality of the setting, and introduce obtrusive elements substantially out of character with existing conditions of the setting.
Mitigation: No measures available to mitigate the loss of rural character of the Median Station parking lots, short of leaving portions of the area undeveloped.

- Glare from vehicles at the proposed Median Station parking lots could adversely affect daytime views.
Mitigation: Bart will ensure the contractor includes landscaping within and around parking areas.

Noise and Vibration

- Vibration from construction equipment could significantly impact sensitive receptors along the project corridor.
Mitigation: employ vibration reducing construction practices. Traffic related noise impacts cannot be mitigated to less than significant level.

- Maintenance and service noises/noise due to DMU vehicles operating far from railroad switches in combination with traffic from station operations, future development in the vicinity of the stations, etc.
Mitigation: While sound walls are planned, since there is no conclusive evidence at this time that less than cumulatively considerable project noise increments would be achieved at all locations far from railroad switches, noise impacts are conservatively considered cumulatively significant and unavoidable.

Section 4

Overriding Considerations

The Final EIR indicates that if the Project is implemented, certain significant transportation, visual quality, and noise and vibration effects may be unavoidable. As required by the CEQA Guidelines Section 15093, the BART Board of Directors (BART Board) finds that the unavoidable significant effects described in Section 3 of this document are acceptable because of the overriding considerations described below. These benefits of the Project outweigh its unavoidable environmental effects.

4.1 STATEMENTS OF FACT IN SUPPORT OF OVERRIDING CONSIDERATIONS

Any remaining, unavoidable significant effect after available mitigation for the proposed project would be acceptable when balanced against the overriding social, economic, and other considerations discussed below.

Finding: The Project would create a transit alternative for individuals commuting from east Contra Costa County residences and thereby divert traffic from the congested SR 4 corridor.

Facts in Support of Findings:

- In 2007, the SR 4 corridor in East Contra Costa County was the sixth most congested stretch in the San Francisco Bay Area, with a daily weekday delay of 4,750 vehicle hours. Based on the travel demand projections presented in the Final EIR, the Project would result in a reduction of 193,100 daily car miles on the roads in 2015, when the Project would commence service, and 340,800 daily car miles on the roads in 2030.
- This diversion of motorists off the roads would translate to a reduction of 56 million vehicle miles traveled in 2015 and 98.8 million vehicle miles traveled in 2030. Under 2015 and 2030 Project conditions, in both the AM and PM peak hours, all freeway segments along SR 4 from west of Bailey Road to Laurel Road would operate at the same or a better level of service than under No Project conditions.
- The Project would serve 2,050 new transit trips in 2015 and 5,400 new transit trips in 2030. These riders are passengers who were not previously BART or Tri Delta Transit users in the SR 4 corridor.
- As a result of the Project, overall transportation service and mobility in the State Route 4 corridor would be enhanced.

Finding: The Project would extend transportation services to communities currently not served by rail transit and enhance access to transit systems.

Facts in Support of Findings:

- Rail transit service currently terminates at the Pittsburg/Bay Point BART Station near the western end of the City of Pittsburg. Access to this BART terminus station is primarily by motorists driving along SR 4 or Tri Delta Transit buses.
- In East Contra Costa County, Tri Delta Transit operates 16 local bus routes from Monday to Friday, including four express services, and three local bus routes during weekends and holidays.
- Many Tri Delta Transit routes traverse long distances to provide access to the Pittsburg/Bay Point BART Station. The extension of rail service eastward to Hillcrest Avenue would allow some of these routes to be shortened and simplified. This should result in improved service reliability and schedule adherence. Tri Delta Transit is planning to reconfigure existing routes to provide increased service to the eBART stations in response to this demand.
- Bus routes that currently run along SR 4 from the Pittsburg/Bay Point BART Station and the Project DMU stations at Railroad Avenue and east of Hillcrest Avenue (Tri Delta Transit Routes 200, 300, 391, and 393) would be targeted for replacement by the DMU service. Tri Delta Transit plans to use the buses removed from SR 4 express services to improve bus service to the Railroad Avenue and Hillcrest Avenue Stations, as well as to improve other local transit services.
- The Project would serve 2,050 new transit trips in 2015 and 5,400 new transit trips in 2030. These riders are passengers who were not previously BART or Tri Delta Transit users in the SR 4 corridor, indicating increased use and access to transit systems.

Finding: The Project would promote transit-oriented land use initiatives and policies.

Facts in Support of Findings:

- BART's Strategic Plan emphasizes the importance of transit investments supporting local land use, planning, and development activities. In December 1999 and December 2002, the BART Board adopted the BART System Expansion Policy and the System Expansion Policy Criteria and Process which contain evaluation criteria for proposed expansions of BART transit service.
- In order to demonstrate sufficient anticipated ridership for the Project, BART's System Expansion Policy provides that a Ridership Development Plan (RDP)

be prepared and implemented by the local jurisdiction in which stations are proposed.

- The City of Pittsburg is expected to adopt a Ridership Development Plan in the form of a Specific Plan for the Railroad Avenue Station area in mid-May 2009. This Specific Plan intends to channel growth into the Railroad Avenue area in order to achieve a community desire for the development of a compact, mixed-use district in the area. The Specific Plan envisions the development of approximately 1,845 new residential units and 1,004,000 square feet of new commercial space within walking distance of the Railroad Avenue Station.
- The City of Antioch is scheduled to adopt its Ridership Development Plan in the form of a Specific Plan for the Hillcrest Station Area in mid-April 2009 to accommodate desired growth of up to 2,500 dwelling units and 2.5 million square feet of commercial space near the transit station.
- The Project would be consistent with BART's System Expansion Policy and with MTC Resolution #3434 on Transit Oriented Development, which require that transit projects have a high level of coordination with local land use and access planning. The Project would, through improving public transit availability, serve as a catalyst for transit-oriented public and private development. The Project would provide development investment benefits by inducing higher land values near station locations, increased rents, and tax revenues to cities.
- Under the System Expansion Policy, the corridor ridership threshold necessary to justify investment for the Proposed Project utilizing the DMU technology is 5,801 patron entries and exits for an average weekday in 2030. The projected ridership of 10,100 entries and exits from the two eBART stations by 2030 would be almost double the ridership threshold.
- The MTC threshold requires an average of 2,200 housing units per station, within one-half mile of all stations (including the existing station to which the extension will connect). The number of existing and future housing units around the Pittsburg/Bay Point, Railroad Avenue, and Hillcrest Avenue Stations would exceed this threshold with an average of 3,433 housing units per station, more than 50 percent above the threshold.

Finding: The Project is implementable now and has widespread public support.

Facts in Support of Findings:

- BART needs to act soon in order to construct the Project concurrently with the scheduled widening of SR 4 being undertaken by Caltrans and the CCTA. If the Project were delayed, the motoring public and residential and commercial uses along SR 4 would be heavily impacted since construction for the SR 4

widening would occur, followed by a second disruption shortly thereafter for construction of the Project.

- BART, Caltrans, and CCTA seek to avoid such a lengthy disruption to SR 4 and any extended inconvenience to the motoring public. The integration of SR 4 and Project construction schedules will allow more efficient construction of elements common to both projects and reduce overall costs of each.
- The Project estimated capital cost is \$479 million, and a total of \$502 million of funding from state, regional, and local sources has been secured. Negotiations are underway with the cities of Pittsburg and Antioch to fund additional Project components.
- Passage of Measure J mandates that, by law, revenues derived from the half-cent sales tax be expended for the transportation projects and programs set forth in Contra Costa Transportation Authority's adopted transportation expenditure plan. This measure was extended by vote in November 2004. The Project would implement the mandate of Contra Costa voters as described in Measure J.

Finding: The technology is flexible and can be expanded to serve future needs as demand warrants.

Facts in Support of Findings:

- The Project would operate with a two-car configuration, which would be expanded to a three-car configuration as demand increases. As each DMU car can accommodate approximately 220 riders, the proposed configuration would adequately meet anticipated demand.
- The DMU technology does not preclude later conversion to conventional BART.

Finding: The Project would improve regional air quality and support Bay Area air quality management plans.

Facts in Support of Findings:

- The Proposed Project would reduce automobile travel by 193,100 vehicle miles per day in 2015 and 340,800 vehicle-miles per day in 2030.
- Based on the reduction in vehicle miles traveled, the Project would result in 710 pounds per day less of carbon monoxide, 75 pounds per day less of nitrogen oxide, 10 pounds per day less of particulate matter, and 146,650 pounds per day less of greenhouse gas, measured as carbon dioxide, in 2015. Greater reductions are forecast for 2030.

- The Project is included as a transportation control measure in the Bay Area Air Quality Management District Bay Area 2005 Ozone Strategy, which is the most recent Clean Air Plan for the region that the District has developed to describe the strategy for compliance with the State ozone standard.

Finding: The Project would reduce greenhouse gas emissions and support state initiatives to reduce climate change effects.

Facts in Support of Findings:

- The Proposed Project would reduce automobile travel by 193,100 vehicles miles per day in 2015 and 340,800 vehicle-miles per day in 2030.
- The predominant greenhouse gas emitted from fossil fuel combustion is CO₂. The projected reduction in vehicles miles would result in about 168,670 fewer pounds per day of CO₂ in 2015 and 291,700 fewer pounds per day in 2030. These reductions are offset slightly by greenhouse gas emissions associated with the operation of the Project; however, the net reductions of 146,650 pounds per day in 2015 and 258,670 pounds per day in 2030 are substantial.
- The projected reduction in greenhouse gas emissions would support the State's Executive Order S-3-05 goals to lower emissions by 2020 to 1990 emission levels and by 2050 to 80 percent below 1990 levels.
- The projected reduction in greenhouse gas emissions would also support implementation of AB 32, the California Global Warming Solutions Act of 2006 which codifies the state's goal to reduce emissions to 1990 levels by the year 2020.

Finding: The Project would reduce consumption of non-renewable fossil fuels.

Facts in Support of Findings:

- The Proposed Project would reduce automobile travel by 193,100 vehicles miles per day in 2015 and 340,800 vehicle-miles per day in 2030. The reduction in 2030 represents about 13,600 gallons of auto fuel saved each day. In comparison, the fuel consumption of the DMU service is about 1,360 gallons per day.
- Based on the average fuel economy standard for new passenger cars and an "energy intensity factor" (in British Thermal Units [Btu] per mile), the above reductions in vehicle miles travels can be converted to a decrease in energy consumption. In 2015, the decrease in automobile miles traveled totals about 259 billion Btu per year; in 2030, the reduction in energy consumption grows to about 426 billion Btu per year.

- This projected reduction in energy consumption would be offset by energy consumed to operate and maintain the Project; however, the net reductions in energy consumption of about 233 billion Btu in 2015 and 445 billion Btu in 2030 are substantial.

Finding: The Project would create jobs.

Facts in Support of Findings:

- The Project would generate between 40 and 80 full-time equivalent (FTE) positions, including train operators, maintenance personnel, and other employees.
- In addition to permanent operation-related jobs, the Proposed Project would also generate employment during the construction period. The Project would directly create approximately 614 jobs in the Construction, Information, and Public Administration sectors.
- There would be additional employment generated throughout the County as a result of an “economic multiplier” effect. The economic multiplier refers to the way that income injected into one sector of the economy is then spent, and re-spent in other sectors of the economy, generating waves of economic activity. Based on IMPLAN, an economic model, the Project would generate about 400 additional jobs due to the economic multiplier effect.