REUBEN, JUNIUS & ROSE, LLP

February 29, 2016

By Messenger

Scott Boule
Legislative Affairs and Community Outreach Manager
Transbay Joint Powers Authority
201 Mission Street, Suite 2100
San Francisco, CA 94105

Re: Comments on Transbay Joint Powers Authority ("TJPA") and Federal Transit Administration ("FTA") Transbay Transit Center Program Draft SEIS/SEIR dated December 15, 2015
Our File No.: 1875.06

Dear Mr. Boule:

On behalf of 201 Second Street LLC and 235 Property Co., LLC, which own 589 Howard Street and 235 Second Street, respectively, we submit these comments on the TJPA and Federal Transit Administration for the Transbay Transit Center Program Draft SEIS/SEIR dated December 15, 2015.

Of specific concern to us is the proposed change to the Phase 2 Transbay Program elements that would result in a widened throat structure below grade at the western entry to the Transbay Transit Center (the "New DTX Curvature"). This letter constitutes our written comments to both lead agencies, the TJPA as to the California Environmental Quality Act ("CEQA"), and the U.S. Department of Transportation's Federal Transit Administration (the "FTA") as to the National Environmental Policy Act ("NEPA").

1. As to the New DTX Curvature, the SEIS/SEIR Is Severely Deficient, and Untimely.

As to the New DTX Curvature, the SEIS/SEIR is severely deficient and untimely. In response to a request from our office, we received for the first time a copy of a report entitled "Draft Preliminary Structural Assessment of 589-91 Howard Street and 235 Second Street," on June 6, 2013, even though the report is dated May 2010, nearly six years ago. It is obvious from that report that the TJPA has been planning the New DTX Curvature for at least six years, although this was consistently denied in face-to-face meetings between our clients and representatives of the TJPA. We find this to be in bad faith. RJR-1

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben[1] | Tuija I. Catalano | Thomas Tunny
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey
Chloe V. Angelis | Louis J. Sarmiento | Jared Eigerman[2,3] | John McInerney III[2]
1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com

In fact, the ongoing construction of the Transbay Transit Center presupposes that the New DTX Curvature is a certainty. The enclosed photographs (Attachment A), taken in January 2013, show that the Transbay Transit Center has already been designed and is being constructed to align with the New DTX Curvature, despite the assertion in the SEIS/SEIR that the curvature is being evaluated for environmental impacts in a draft report dated December 15, 2016.

RJR-1
Continued

This makes a mockery of the purposes of both CEQA and NEPA, which are intended to insure informed decision-making *before* a project is undertaken. (See In *re* Bay-Delta Programmatic EIR Coordinated Proceedings (2008) 43 Cal.4th 1143, 1162; Robertson v. Methow Valley Citizens Council (1989) 490 U.S. 332, 350 [sweeping policy goals of NEPA are realized through a set of "action-forcing" procedures that require agencies take a "hard look" at environmental consequences].)

2. TJPA and FTA must Reconsider the New DTX Curvature and Analyze Economic and Other Impacts to 235 Second Street Including a Taking Of Property and the Forced Relocation of 1,000 Office Workers During Tunneling, Estimated to Cost the Public Approximately $80,000,000

Although we believe that the lead agencies are already committed to the New DTX Curvature, we urge you to reverse course. Both during construction and after completion of the Program, the New DTX Curvature and tunneling would have a substantial, negative impact on the buildings owned by our clients, which could be avoided while achieving at least most of the basic objectives of the Program. Based upon the public information currently available to us, the properties owned by our clients are at the ***most risk*** of direct and indirect impacts from the New DTX Curvature, including the forced relocation of 1,000 office workers,[1] estimated to cost TJPA approximately $80,000,000.

RJR-2

Specifically, all or a portion of our client's office building at 235 Second Street, which is Apple's first San Francisco Corporate Headquarters, with approximately 1,000 employees, will have to be partially taken and the front 40 feet demolished, and then re-built, all at public expense. Even if only the front 40 feet of the building is demolished to construct the train tunnel, the entire building would become unusable during the tunnel construction period due to considerable noise, dust, and vibration resulting from the tunneling. We expect that this would continue for at least two years or more. The relocation of Apple's 1,000 employees throughout the tunneling period would be the responsibility of TJPA, and the cost to TJPA of such relocation would be

[1] Even without the New DTX Curvature, the No Action/No Project Alternative already necessitates the taking of undeveloped parcels at the corner of Second and Howard Streets, worth millions of dollars. Our clients own those parcels as well.

REUBEN, JUNIUS & ROSE, LLP

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com

substantial, if TJPA was even able to find relocation space in a tight office market, which is uncertain at best. TJPA would also bear the cost of the lost rents during the tunneling period. We also believe that the design and proximity of the completed DTX to any remaining or rebuilt building at 235 Second Street will lead to permanent noise and vibration and other negative, compensable impacts for the building.

In summary, the costs that will be incurred by TJPA for impacts to 235 Second Street are estimated as follows:

Taking of land and a portion of the Building: (120,000 sq.ft. x $150/sq.ft.)	**$18,000,000**
Demolition and Rebuilding:	**$22,000,000**
Relocation Costs:	**$5,000,000**
Lost Rents:	**$30,000,000**
Miscellaneous Costs:	**$5,000,000**
Total:	**$80,000,000**

As for 589 Howard Street next door, which is a protected historical resource within the City's "New Montgomery-Mission-Second Street Conservation District", our understanding is that the new DTX curvature would pass directly below it. While the TJPA may wish to shore up and save that brick structure built in 1907, ultimately the only practical solution is likely to be its total demolition, for which just compensation in the tens of millions of dollars would be due.

3. Study a Broad Range of Impacts of the New DTX Curvature, including Financial Impacts.

If we cannot persuade the TJPA to reconsider the New DTX Curvature, and so avoid these substantial impacts – which are specific to our clients– then we insist that you study all such impacts thoroughly, including all appropriate mitigation measures. RJR-3

The discussion in the SEIS/SEIR does not adequately address relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including expanded commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. (CEQA Guidelines § 15126.2, subd. (a).)

REUBEN, JUNIUS & ROSE, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
tel: 415-567-9000
fax: 415-399-9480
www.reubenlaw.com

Some of the specific impacts to our client's properties that are inadequately analyzed in the SEIS/SEIR concern:

- Noise, during *and after* construction;
- Air Quality, including construction-period dust and other particulate matter;
- Vibration, during *and after* construction;
- Historic Resources;
- Land Use, including Development Potential;
- Land Acquisition and Displacements;
- Visual and Aesthetic Qualities; and
- Other Economic or Social Effects.[2]

RJR-3
Continued

The financial impacts to our clients of changing the curvature of the tracks has not even been mentioned in the SEIR/SEIS, much less analyzed or mitigated. We believe the financial impacts will be at least in the tens of millions of dollars. These financial impacts alone require consideration of less damaging or adverse alternatives to the curvature that is now being proposed for the first time.

4. Study a Third Alternative to the DTX Curvature.

The SEIS/SEIR must analyze DTX curvature alternatives *beyond* merely (1) the No Action/No Project Alternative; and (2) the Refined Phase 2 Alternative (the "Refined Phase 2 Alternative"). Specifically, the range of alternatives should include a DTX curvature that is greater than that studied under the 2004 FEIS/EIR, but less than the current proposal, thereby still avoiding substantial impacts to our clients' property.[3]

RJR-4

The discussion in the environmental document must "focus on alternatives capable of *eliminating any significant adverse environmental effects or reducing them to a level of insignificance,* even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (Kings Cnty. Farm Bureau v. City of Hanford

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[2] Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. (CEQA Guidelines § 15131, subd. (b).) Economic, social, and particularly housing factors must be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. (*Id.*, subd. (c).)

[3] It is irrelevant whether mitigation measures could be adopted with the Refined LPA to merely *lessen* such impacts. (See Laurel Hts. Improv. Ass'n v. Regents of Univ. of Calif. (1988) 47 Cal.3d 376, 403 [EIR must include a meaningful discussion of both project alternatives *and* mitigation measures].)

REUBEN, JUNIUS & ROSE, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
tel: 415-567-9000
fax: 415-399-9480
www.reubenlaw.com

(1990) 221 Cal.App.3d 692, 733, quoting CEQA Guidelines, § 15126, subd. (d)(3) [emphasis added].) Moreover:

> The range of potential alternatives to the proposed project shall include those that could feasibly accomplish ***most*** *of the basic objectives* of the project and could avoid or substantially lessen one or more of the significant effects...." (Guidelines, § 15126.6, subd. (c), italics and boldface added.)

(Preservation Action Council v. City of San Jose (2006) 141 Cal.App.4th 1336, 1354.) In the context of the Program, the two alternatives identified in the SEIS/SEIR do not constitute a "range of reasonable alternatives" and do not satisfy the requirements of CEQA.

Of course, there is no ironclad rule governing the nature or scope of the alternatives to be discussed in an EIR, other than the rule of reason, and the wisdom of approving this or any other development project. (Citizens of Goleta Valley v. Board of Sup's (1990) 52 Cal.3d 553, 576; see also Laguna Greenbelt, Inc. v. U.S. DOT (9th Cir. 1994) 42 F.3d 517, 524 [range of alternatives that must be considered in EIS need not extend beyond those reasonably related to purposes of the project].) However, CEQA "requires that those decisions [about alternatives] be informed, and therefore balanced." (Goleta Valley, supra, 52 Cal.3d at p. 576; see also NRDC, Inc. v. Morton (D.C. Cir. 1972) 458 F.2d 827, 834 [essence and thrust of NEPA is that EIS serve to gather in one place discussion of relative environmental impact of alternatives; when proposed action is integral part of coordinated plan to deal with broad problem, range of alternatives which must be evaluated is broadened].) RJR-4 Continued

The TJPA would be unable to make an informed, balanced decision about the Program were it to study *only* the extreme cases of the No Action/No Project Alternative versus the Refined Phase 2 Alternative. (See Preservation Action Council v. San Jose (2006) 141 Cal.App.4th 1336, 1352-58 [EIR failed to analyze properly reduced-size alternatives for project]; Watsonville Pilots Ass'n v. Watsonville (2010) 183 Cal.App.4th 1059, 1086 [reduced development alternative would have addressed most of plan's objectives, whereas "no project" alternative would have addressed none]; see also Natural Res. Def. Council, Inc. Evans (N.D. Cal. 2002) 232 F.Supp.2d 1003, 1041 [plaintiffs have shown likelihood of establishing that defendants acted arbitrarily in only considering in effect one alternative – the chosen one – and not considering a feasible alternative].)

An alternative with a DTX curvature different from the No Action/No Project Alternative but not significantly impactful on 589 Howard Street and 235 Second Street as the Refined Phase 2 Alternative would still serve the Program's objectives, or at least enough of them to merit analysis, while reducing some significant environmental effects. (See Sierra Club v. County of Napa (2004) 121 Cal.App.4th 1490, 1509, citing CEQA Guidelines § 15126.6, subds.(a) & (f) [EIR was not required to analyze effects of project not proposed, or to analyze effects of an alternative that would not feasibly attain most of basic objectives of the project]; Sierra Club v. Orange (2008) 163 Cal.App.4th 523, 546 [discussion of alternative that is superior only in some

Brieanne Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com

respects can suffice]; c.f. Watsonville Pilots Ass'n, *supra*, 183 Cal.App4th at p. 1087 ["It is virtually a given that the alternatives to a project will not attain *all* of the project's objectives."].)

Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives; (ii) infeasibility; or (iii) inability to avoid significant environmental impacts. (Guidelines, § 15126.6, subd. (c).) The previous environmental studies of the TJPA Transit Center Program have already established that avoiding significant environmental impacts to our clients' property can be accomplished feasibly.

The key question, then, is whether our proposed alternative DTX curvature would meet most of the basic objectives of the Program. It would. Specifically it would still improve public access to bus and rail services, modernize and improve bus and rail service by construction of a new Transbay Transit Center, reduce non-train vehicle usage, and alleviate blight and revitalize the area of the former Transbay Terminal. Our proposed alternative of a DTX curvature greater than that approved but less than the proposed 650-foot curve radius would also serve all but one of the four, more specific purposes for refinements to Phase 2.

The sole exception is the narrow and self-fulfilling objective of constructing the widened throat structure at the west entry to the train box "to respond to design specifications issued by the California High-Speed Rail Authority [the "CHSRA"] to better accommodate future high-speed train service." A lead agency may not give a project's purpose an artificially narrow purpose in this manner. (In *re* Bay-Delta Programmatic EIR Coordinated Proceedings, *supra*, 43 Cal.4th at p. 1166; Sierra Club v. TRPA (E.D. Cal. 2013) 916 F.Supp.2d 1098 [even if proposed alternative did not meet all of project's objectives, that alone is an insufficient reason to reject it]; see also Morton, *supra*, 458 F.2d at p. 834 [alternatives should not be limited to measures which particular agency or official can adopt].)

RJR-4
Continued

Why must the New DTX Curvature be adopted in order to respond to the CHSRA's design specifications? Is this the only reasonable way "to better accommodate future" high-speed train service? If that is the lead agency's position, the SEIS/SEIR has not included sufficient supporting facts, analysis or evidence. (Laurel Hts., *supra*, 47 Cal.3d at p. 404, 1388; see also Habitat and Watershed Caretakers v. City of Santa Cruz (2013) and Preservation Action Council, supra, 141 Cal.App.4th at p. 1356 [DEIR does not reflect that reduced-size building cannot co-exist on site with existing building, and bald claim to the contrary cannot substitute for analysis of potentially feasible alternative].)

The lead agencies may have, or will in the future, consider and reject alternatives other than the two listed in the SEIS/SEIR, but if they are *reasonable* alternatives, such as the one we have proposed for a smaller radius of the rail tracks as they turn northeast into the Transit Center, they *must* be discussed in the EIR itself. (City of Brookings Mun. Tel. Co. v. F.C.C. (D.C. Cir. 1987) 822 F.2d 1153, 1168-69 [agency has duty to consider responsible alternatives to its chosen policy and to give a reasoned explanation for its rejection of such alternatives].) "To be sure,

REUBEN, JUNIUS & ROSE, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
tel: 415-567-9000
fax: 415-399-9480
www.reubenlaw.com

agency consideration of otherwise reasonable alternatives in the administrative record cannot replace the CEQA mandated discussion of alternatives in the EIR." (Goleta Valley, *supra*, 52 Cal.3d at p. 569.)[4]

RJR-4
Continued

Otherwise, the SEIS/SEIR stacks the deck with all-or-nothing analysis. This is not permitted. (Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587, 599 [EIR need not analyze every imaginable alternative but it should evince good-faith and reasoned analysis].

[4] Moreover, TJPA may be obligated to study still more alternative than the one we have suggested here. (See Goleta Valley, *supra*, 52 Cal.3d at p. 568 [failure to raise specific alternatives during comment period would not necessarily have warranted a decision to exclude the sites altogether from consideration].)

REUBEN, JUNIUS & ROSE, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
tel: 415-567-9000
fax: 415-399-9480
www.reubenlaw.com

5. The SEIS/SEIR Fails to Analyze Consistency of the Transbay Program With Statewide Emissions Reduction Goals, and Fails to Adequately Analyze Greenhouse Gas ("GHG") Emissions and Impacts on Climate Change.

While the SEIS/SEIR claims, without supporting facts, evidence, or analysis, that the proposed project would result in a beneficial impact not identified in the 2004 SEIS/SEIR related to GHG emissions reductions and impacts on climate change, such claims do not suffice for CEQA analysis. In fact, California High Speed Rail Authority data estimate that a proposed high speed train would have almost no effect on auto travel, the prime source of GHG emissions. And the Legislature's budget adviser is on record stating that he believes that construction of a high speed train would actually increase GHG emissions. See San Francisco Examiner, February 22, 2016, "High Speed Rail Switching Tracks", attached as Exhibit B. Insufficient evidence has been presented to support a conclusion that the proposed rail connection would reduce GHG emissions.

The California Supreme Court in *Center for Biological Diversity vs. California Department of Fish and Wildlife*, 62 Cal.4th 204 (2016) considered a challenge to a Department of Fish and Wildlife SEIS/SEIR related to a proposed land development known as Newhall Ranch, near the City of Santa Clarita, on the ground that the SEIS/SEIR should consider the extent to which the proposed project complies with regulations and requirements adopted to implement a Statewide plan for the reduction or mitigation of GHG emissions. The Court found the SEIS/SEIR to be inadequate and required further study in the form of a detailed analysis of baseline GHG emissions and projected GHG emissions, and consistency with State plans, goals, and policies relative to Statewide reductions in GHG emissions. RJR-5

Based on the standards set forth in *Center for Biological Diversity vs. California Department of Fish and Wildlife*, the SEIS/SEIR does not adequately describe or analyze sufficient facts or evidence to support a conclusion that the proposed project would not result in environmental impacts relative to consistency with applicable State plans, policies, and goals for GHG emissions reductions.

Assembly Bill 32 set a goal of reducing Statewide Emissions by 29% from business as usual. The SEIS/SEIR analysis is insufficient to support a finding of consistency with Assembly Bill 32 because the SEIS/SEIR does not explain whether or how project-level reductions correlate with Statewide reductions or how project - level reductions meet the State's goals for GHG reductions. *Center for Biological Diversity, supra, at 365.*

No mitigation measures were required in the SEIS/SEIR to reduce GHG emissions or to reduce impacts on climate change. The SEIS/SEIR fails to meet the requirements of *Center for Biological Diversity* and must be expanded to include the appropriate analysis. Potential delays in construction to allow for adequate CEQA/NEPA analysis cannot justify acceptance of the draft SEIS/SEIR in its current form.

REUBEN, JUNIUS & ROSE, LLP

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com

The majority opinion addressed the argument that by sending the SEIS/SEIR back to the California Department of Fish and Wildlife for additional review and analysis relative to GHG emissions and impacts on climate change the Court would inordinately delay the construction of Newhall Ranch and push its residents into housing that "will undoubtedly be far less green than this project promises to be." (Id.) The Court held that "Even if Newhall Ranch offered the environmentally best means of housing this part of California's growing population, CEQA's requirements for informing the public and decision makers of adverse impacts, and for imposition of valid feasible mitigation measures, would still need to be enforced." (Id.) Accordingly, the SEIS/SEIR needs to include a thorough investigation and disclosure of the proposed project's compliance with AB 32, its correlation with Statewide reductions in GHG emissions and impact on attainment of Statewide goals for emissions reductions, and its potential impacts on climate change, that meet the standards set forth in *Center for Biological Diversity*.

RJR-5
Continued

6. The SEIS/SEIR Fails to Analyze the "Rail Yard Alternatives and I-280 Boulevard Feasibility Study ("RAB")" pertaining to the CalTrain Extension to the Transbay Transit Center.

In the RAB, City Planners argue that it doesn't make sense to invest billions of dollars to extend CalTrain and bring high speed rail service to downtown San Francisco using antiquated infrastructure. See "Transit Plan to Raze I-280 to be Unveiled", San Francisco Chronicle, February 23, 2016, attached as Exhibit C. The article states that "The study will review construction methods and rail alignments, including the possibility of moving the Cal Train Station at Fourth and Townsend Streets to Third Street, between AT&T Park and the planned Warriors arena. It will also look at the potential of creating a loop track at the Transbay Transit Center, rather than a stub, where trains have to end and exit on the same track. A loop track would increase the station's overall capacity." Included in Exhibit C are the RAB Feasibility Study Outline issued by the San Francisco Planning Department on February 23, 2016, and the RAB Summary prepared by the San Francisco Planning Department (undated).

RJR-6

Therefore, the SEIS/SEIR must analyze the proposed Project in the context of the current City proposals to move the CalTrain Station currently located at Fourth and Townsend Streets to Third Street. The SEIS/SEIR must examine, among other things, the re-routing of the rail alignment from Third Street to the Transbay Transit Terminal, how it would impact the proposed Project, and specifically whether the proposed new DTX curvature would be necessary or appropriate under these circumstances. In light of the RAB, the SEIS/SEIR is likely outdated and should be re-drafted to reflect the new circumstances and re-circulated for public review. If significant new information is added to the EIR, before certification, the lead agency must provide a second public review period and re-circulate the draft EIR for comments. (CEQA Guidelines 15088.5 (a)).

Thank you for offering us the opportunity to comment in writing.

REUBEN, JUNIUS & ROSE, LLP

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com

Please contact the undersigned if you have questions or need additional information.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

James A. Reuben

Enclosures: Exhibit A: Photographs of Transit Center, January 11, 2013

Exhibit B: San Francisco Examiner, February 22, 2016, "High Speed Rail Switching Tracks

Exhibit C: "Transit Plan to Raze I-280 to be Unveiled", San Francisco Chronicle, February 23, 2016; Railyard Alternatives and I-280 Boulevard (RAB) Feasibility Study Outline, San Francisco Planning Department, February 23, 2016; RAB Summary prepared by San Francisco Planning Department (undated).

cc: Andrew W. Schwartz
Joyce Oishi
Rob Birmingham

REUBEN, JUNIUS & ROSE, LLP

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com

EXHIBIT
A

EXHIBIT
B

High-speed rail switching tracks

The low-speed effort to build a high-speed rail system is switching tracks again.

The previous "business plan" envisioned initially linking the San Joaquin Valley — where preliminary construction is already underway — to Los Angeles.

A revised version, released last week, shifts to first connecting the valley with the San Francisco Bay Area, terming it "a clear path" to completion.

CAPITAL VIEW

By Dan Walters

It's anything but clear.

The California High-Speed Rail Authority says the northern segment is easier and cheaper to build than the southern segment, which would involve very extensive and very expensive tunneling. And that's probably true as far as it goes.

However, it's also true that routing the 200-mile-per-hour train through Southern California's San Fernando Valley had drawn sharp criticism from its largely Latino residents on the politically toxic grounds of environmental justice.

While the bullet train has fallen out of favor with Californians of all stripes, eight years after voters narrowly approved a $9.95 billion bond issue conceptual support appears to be stronger in the Bay Area.

Beyond all of that, the project — one that Jerry Brown clearly hopes will be a legacy of his second governorship — still faces many other political, legal and financial issues.

The new plan indirectly concedes that the project is not likely to receive any substantial federal aid beyond the few billion dollars already committed.

However, it says the northern segment can be financed with a combination of bond money, the existing federal aid and a hefty share of the "cap-and-trade" fees imposed on carbon dioxide emissions.

However, those fees still face a legal challenge from business groups that they are taxes and therefore must be approved by a two-thirds legislative vote. It puts the Brown administration in the awkward position of arguing in court that the fees are not meant to raise revenues while counting on them to finance a multibillion-dollar project.

Although the fees are, by law, meant to be spent on programs that reduce carbon emissions, the CHSRA's own data project that the bullet train would have almost no effect on auto travel, the prime source of those emissions. And the Legislature's budget adviser has opined that construction would actually increase emissions.

Moreover, the authority for the fees expires in just four years, yet the revised business plan assumes that they would be imposed and available indefinitely.

Nor is the bond money a sure thing. Just days before the revised plan was issued, the administration was in court, defending a lawsuit by San Joaquin Valley opponents of the project alleging that the proposed project violates several conditions voters adopted in the bond measure.

Sale of the bonds has been delayed while the suit, which casts a cloud on their legality, makes its way through the courts.

Public support for the project has been dwindling steadily, polls indicate, as its cost has grown by tens of billions of dollars over what the bond measure projected and as other public works deficiencies have become more evident.

Fundamentally, it makes no sense to spend so much money, whatever its source, on a project for which there is little or no demonstrated need, while our roadway system deteriorates for lack of maintenance and while drought underscores the abject neglect of our water supply.

Dan Walters is a political columnist for The Sacramento Bee.

EXHIBIT
C

for new jail

It's official: The city is set to turn down an $80 million grant from the state that would have helped pay for a new jail to replace the seismically unsafe one at 850 Bryant St.

When the supervisors rejected the jail plan in December, they did so under the pretense that they could potentially use the money to build a mental health facility instead.

CITY INSIDER

But the state always maintained that could not be done, and in a letter to the Board of Supervisors, San Francisco Public Works Director **Mohammed Nuru** reiterated that position. He said the supervisors have to use the money for a new jail or forfeit the grant.

"The bottom line is that the city most likely will be deemed ineligible for the grant funding if the project scope is significantly altered," Nuru wrote. "I plan to inform the state that San Francisco is turning down the $80 million grant. I want to make certain the Board of Supervisors supports this decision."

Nuru's letter comes after the Board of State and Community Corrections, which awarded

Insider continues on C2

Transit plan to raze I-280 to be unveiled

By J.K. Dineen

San Francisco residents will have their their first opportunity Tuesday to weigh in on a new study looking at the possibility of removing a 1.2-mile stretch of Interstate 280 in the city and reconfiguring the future route of high-speed rail and Caltrain into the Transbay Transit Center.

The "Rail Yard Alternatives and I-280 Boulevard Feasibility Study" — known as the RAB — is a multiagency analysis of transportation and land use alternatives South of Market, in Mission Bay, Showplace Square and lower Potrero Hill. The first part of the study — which will be unveiled Tuesday night at the Potrero Hill Recreation Center — took a year to produce. Planners expect it will take another two years to finish the rest of the document.

They argue it doesn't make sense to invest billions of dollars to extend Caltrain and bring

Transit continues on C2

2-23-16

The C.A. Thayer passes underneath

121-yea proves

By Carl Nolte

The old lumber schooner C.A. Thaye ship of its kind, returned to its home po Francisco Maritime National Historical Monday looking almost as good as new

The vessel glistened in brand new bla new rigging and three new Douglas fir could make it possible to fulfill an old d some more work, a bit of luck and some

PETER MONDAVI *1914-2016*

'A long, rich life' for wine pi

By Esther Mobley

who retired from Charles Krug

Peter Mondavi

marks the

state.

"We have not seen any documentation or analysis supporting that $30 million value," Lucchesi said. "Our own appraisal and other research indicates that the value of that easement is significantly less than that."

The seashore tussle is about Khosla's refusal to allow access across a 49-acre parcel, [illegible] coast.

Buchwald's decision was appealed. That same year, the nonprofit Surfrider Foundation also sued, arguing that the sandy shoreline had been open to all comers since at least 1918 and belonged to the public. In September 2014, Superior Court Judge Barbara Mallach ruled that Khosla's failure to just playing with the law," said Cotchett, who is planning to take the matter back to court. "If you are a multibillionaire, I guess you think you can play that game."

Peter Fimrite is a San Francisco Chronicle staff writer. Email: pfimrite@sfchronicle.com Twitter: @pfimrite

lion to subsidize the cost.

Opponents of the project said that the city should continue to invest in diversion programs to decrease the jail population and that the inmates at County Jail No. 4 should be moved to the city's three other jails.

Board President **London Breed** brokered the deal that losing out on the $60 million.

"We can with our existing resources and facilities do whatever is necessary to make our justice system work," he said.

Emily Green is a San Francisco Chronicle staff writer. Email: egreen@sfchronicle.com Twitter: @emilytgreen

Transit plan to raze I-280 to be unveiled

Transit from page C1

high-speed rail service to downtown San Francisco using antiquated infrastructure — an elevated freeway, a half-mile-long rail yard, street-level commuter rail tracks — that are vestiges of the area's industrial past.

Moving or shrinking the train yard and turning I-280 into surface a boulevard — similar to the Embarcadero and Octavia Boulevard — would knit SoMa together with neighborhoods like Potrero Hill, Mission Bay and the Dogpatch. It could also free up 25 acres of land for development, which could help pay for transportation improvements.

Menu of options

Susan Gygi, a senior planner and engineer with the city, said all of the components in the study have been looked at separately over the last 25 years "but never holistically." She said the intention is to create a menu of options ranging from figuring out the best location for Caltrain stations to the best route for trains coming into the city.

Public meeting

The presentation will take place from 6 to 8 p.m. at the Potrero Hill Recreation Center, 801 Arkansas St. in San Francisco.

One of the top objectives of the study will be looking at the feasibility of boring a train tunnel under 16th Street. The current plan calls for "trenching" 16th Street and Mission Bay Drive, the only two streets that connect Mission Bay with surrounding neighborhoods, so that trains would be able to travel on top. But submerging those streets would create grim and potentially dangerous thoroughfares for pedestrians and cyclists, said Gillian Gillett, director of transportation policy for the city.

"Those two streets will be depressed at great expense, resulting in an urban form that is invasive and hostile," Gillett said. "We don't want our streets to get trenched. We did that to Cesar Chavez Street, and it doesn't create a good environment."

The study will review construction methods and rail alignments, including the possibility of moving the Caltrain station at Fourth and Townsend streets to Third Street, between AT&T Park and the planned Warriors arena. It will also look at the potential of creating a loop track at the Transbay Transit Center, rather than a stub, where trains have to end and exit on the same track. A loop track would increase the station's overall capacity.

The Fourth and King rail yard now provides train storage, maintenance and operations activities for Caltrain. Modifying or relocating some of these activities would free up land for everything from parks to affordable housing to office buildings.

Funding falls short

The study comes as the Transbay Joint Powers Authority is scrambling to bridge a gap needed to finance construction of the $2.4 billion transit center, which is set to open in 2017. Phase two, the 1.3 mile downtown rail extension, will cost $4 billion and is largely unfunded. Meanwhile, Caltrain is $433 million short for its $1.7 billion electrification project, which is scheduled to be done by 2020. That number would be cut by $125 million under President Obama's proposed budget.

Given the funding gaps, Gillett dismissed the criticism that a three-year study could slow down efforts to bring Caltrain and high-speed rail downtown. The lack of transportation planning has led to a situation where thousands of units of housing are being developed in areas like Potrero Hill and the Dogpatch, which are poorly served by transit.

"One of the reasons we are in the soup we are in is that development and transportation improvements have not been happening at the same time," Gillett said. "If you are going to invest in this big seismic shift from diesel to electric, which we have got to do, you also have to look at all the stations. Are the tracks in the right place? Are the stations in the right place so that we can create real connections to other systems?"

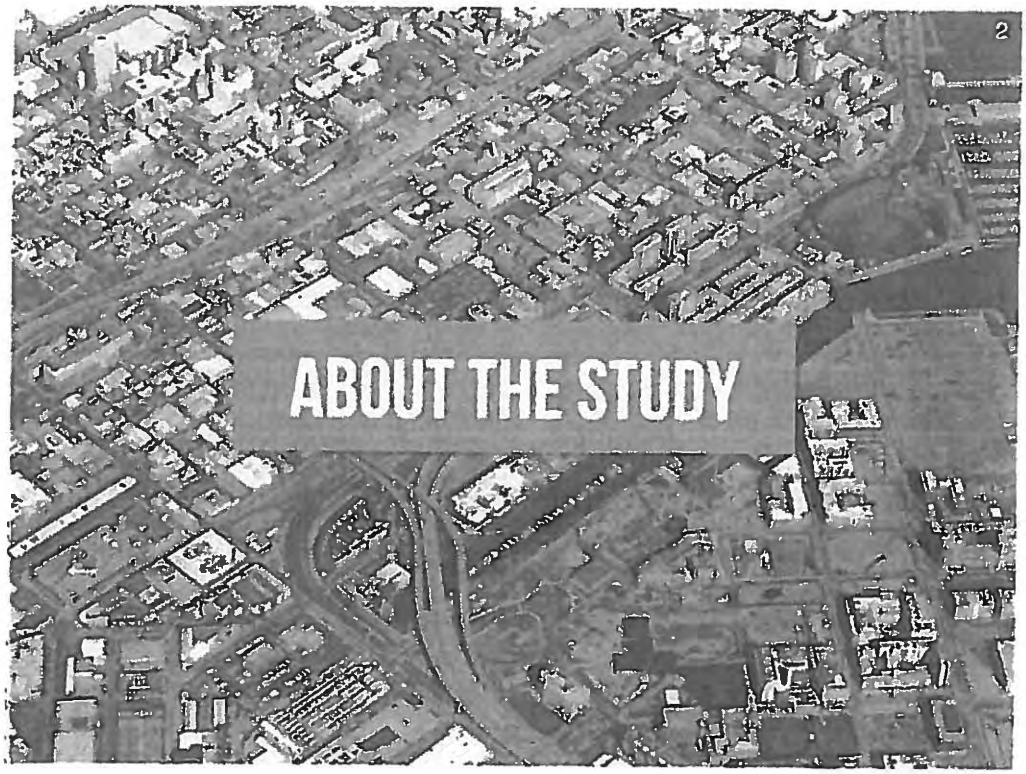
J.K. Dineen is a San Francisco Chronicle staff writer. Email: jdineen@sfchronicle.com Twitter: @sfjkdineen

RAILYARD ALTERNATIVES & I-280 BOULEVARD (RAB) FEASIBILITY STUDY

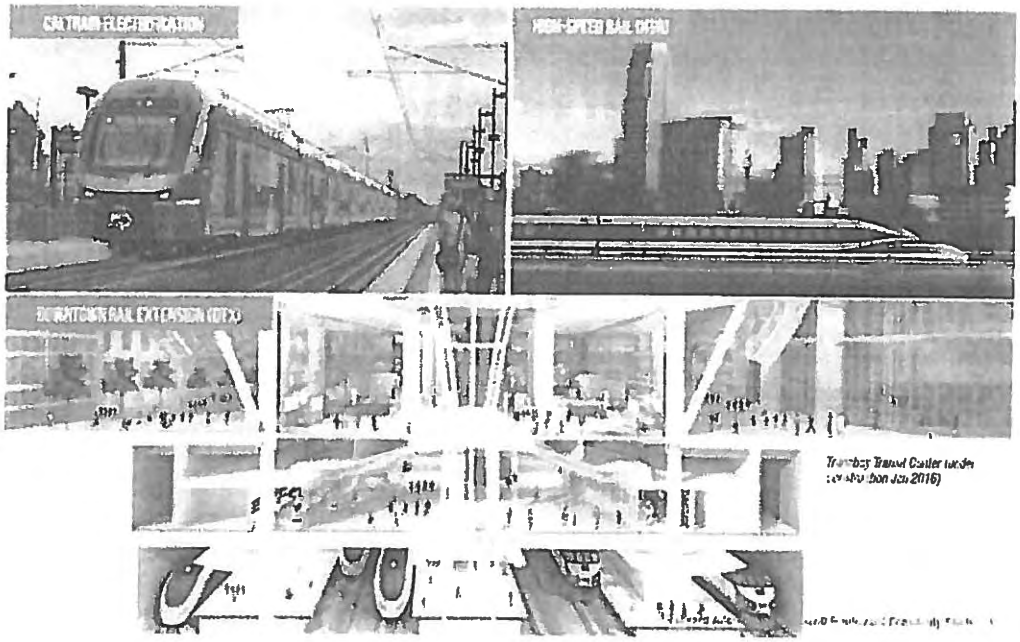
PHASE I: PRELIMINARY OPTIONS ANALYSIS

San Francisco Planning Department

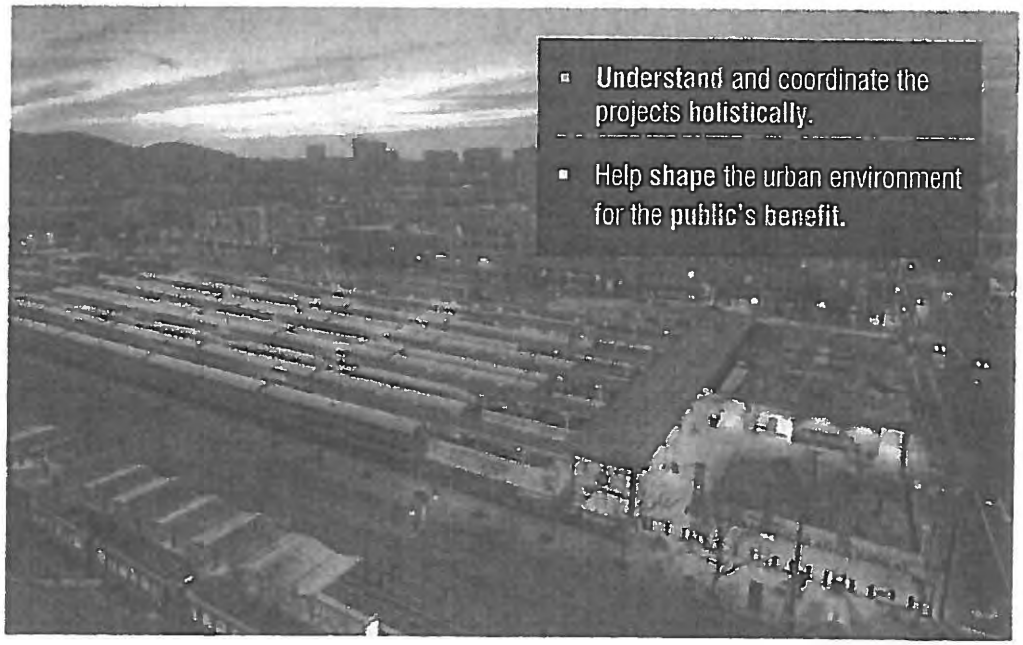
San Francisco Planning



BACKGROUND: WHY THIS STUDY NOW - MAJOR PIECES OF NEW INFRASTRUCTURE PLANNED



STUDY GOALS



FIVE PHASES

Phase I: Options for Further Analysis
Completed February 2016

Combine Phase I options to analyze up to three refined options

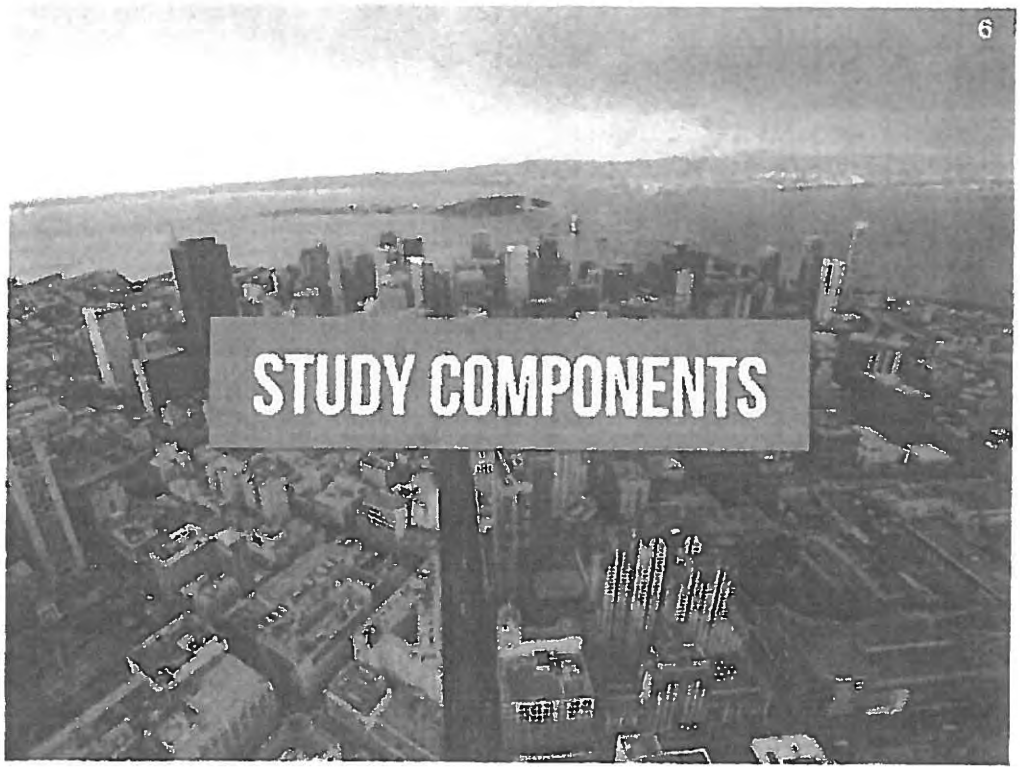
Phase II: Preliminary Alternatives
9-12 months

FUTURE PHASES

Phase III: Preferred Alternative
12-18 months

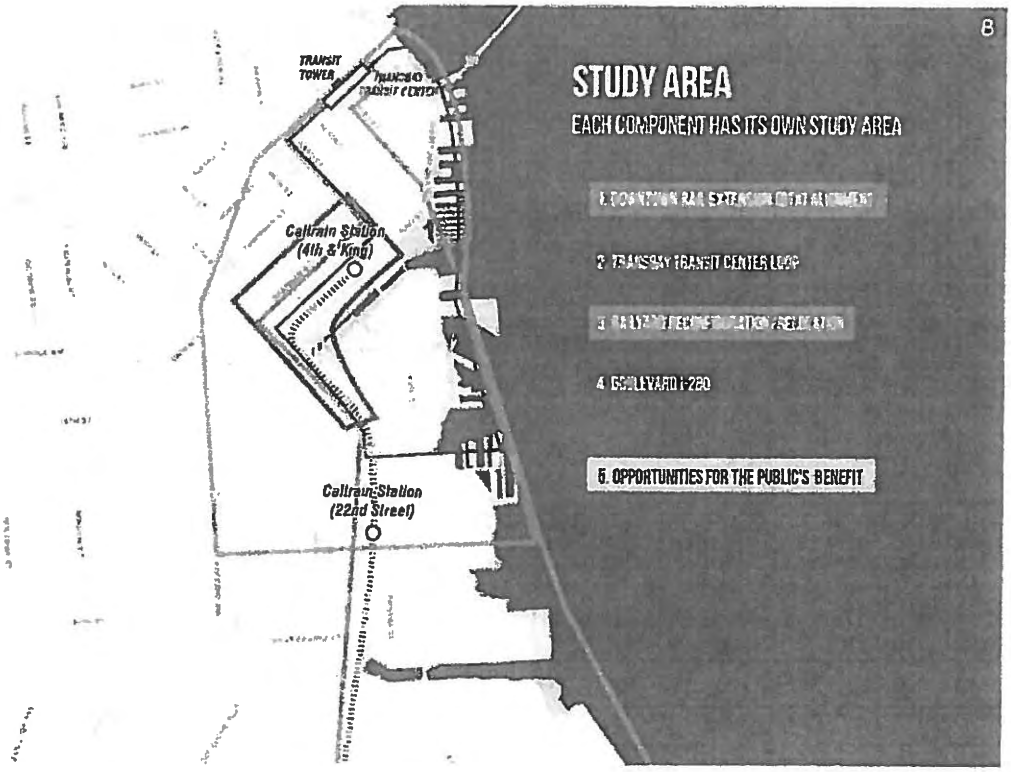
Phase IV: Environmental Clearance
18 months +

Phase V: Implementation



RAB STUDY COMPONENTS

1. DOWNTOWN RAIL EXTENSION (DTX) ALIGNMENT
2. TRANSBAY TRANSIT CENTER LOOP
3. RAILYARD RECONFIGURATION/RELOCATION
4. BOULEVARD I-280
5. OPPORTUNITIES FOR THE PUBLIC'S BENEFIT



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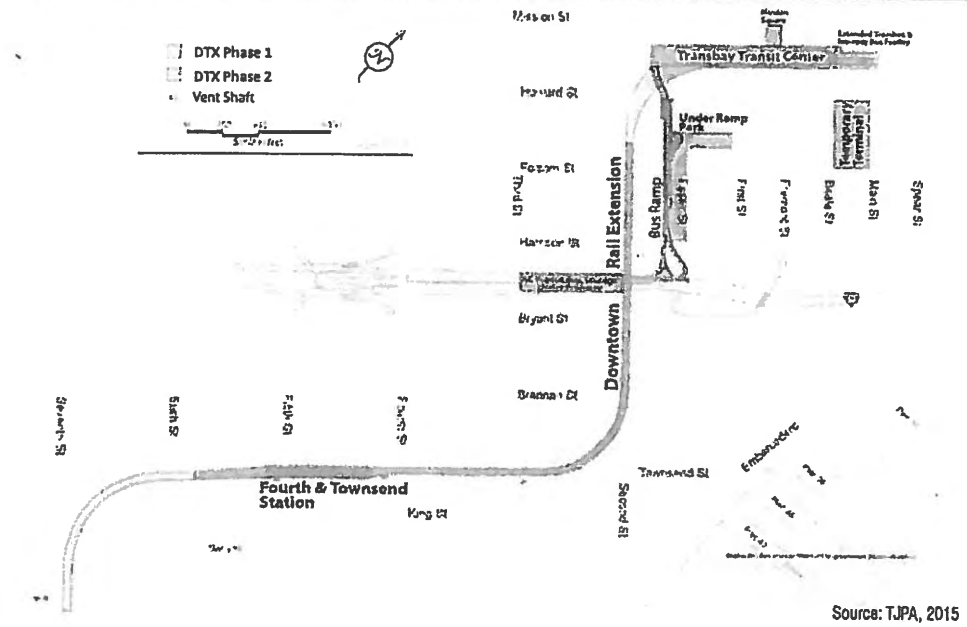
1. DOWNTOWN RAIL EXTENSION (DTX) ALIGNMENT – EXISTING



Source: TJPA, 2015

10

1. DOWNTOWN RAIL EXTENSION (DTX) ALIGNMENT

OPTIONS FOR ALIGNMENT

A. Baseline: Existing Alignment Plus Environmentally Cleared DTX
A.2 SubOption: Reduced 4th King footprint

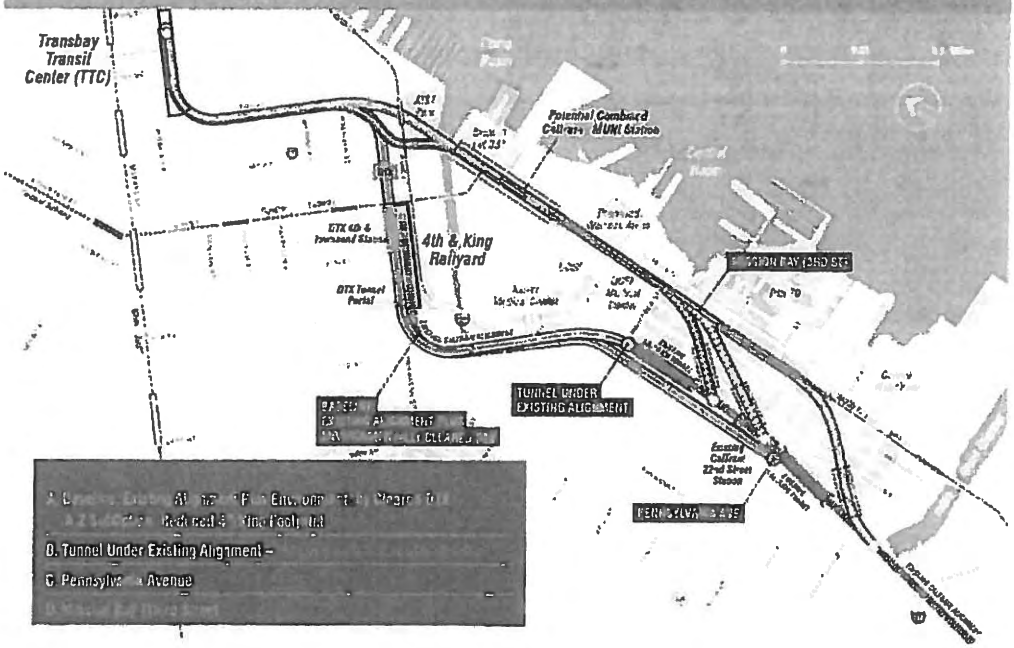
B. Tunnel Under Existing Alignment

C. Pennsylvania Avenue

D. Mission Bay (Third Street)

11

1. OPTIONS FOR DTX ALIGNMENT - SUMMARY



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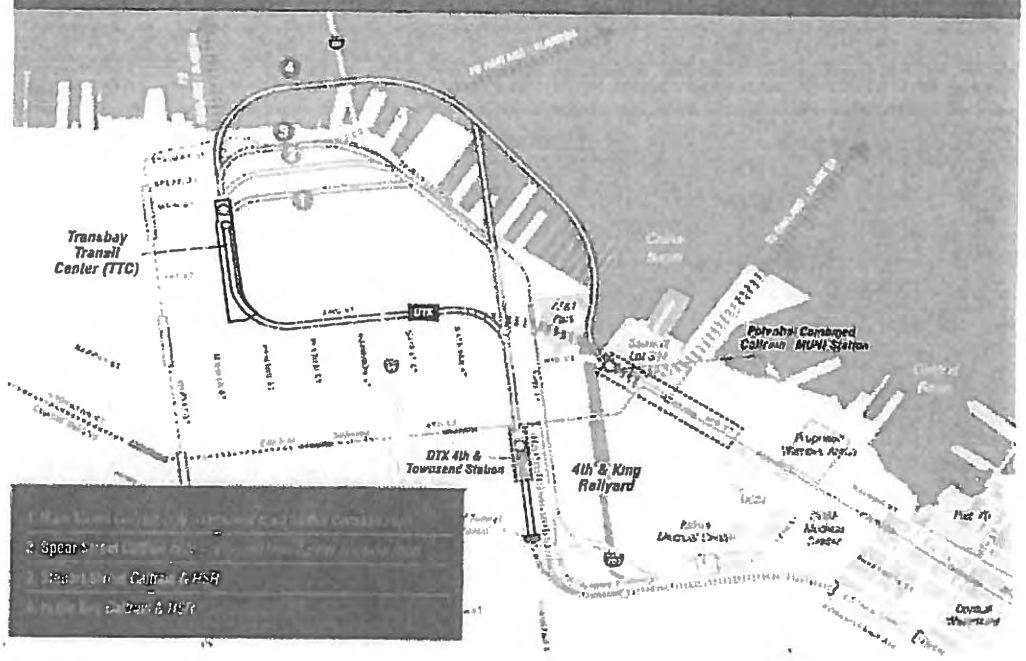
2. TRANSBAY TRANSIT CENTER LOOP

OPTIONS FOR TRANSBAY TRANSIT CENTER LOOP

1. Main Street - *Caltrain only*
2. Spear Street - *Caltrain only*
3. Stewart Street - *Caltrain & HSR*
4. In the Bay - *Caltrain & HSR*

2. TRANSBAY TRANSIT CENTER LOOP - SUMMARY

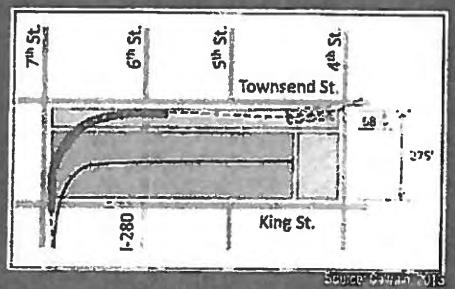


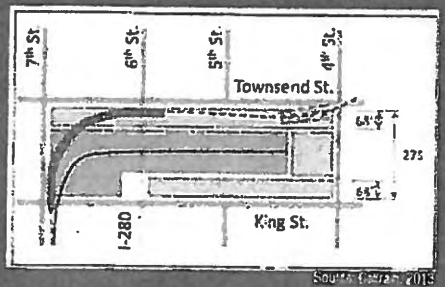
3. RAILYARD RECONFIGURATION/RELOCATION

PRELIMINARY OPTIONS

1. If maintenance, storage, and operations remained at 4th/King after electrification

2. If maintenance and storage were relocated, but operations remained at 4th/King after electrification





DTX alignment (in 2013) | Minimum area needed for Caltrain use | Available area for repurpose or other use

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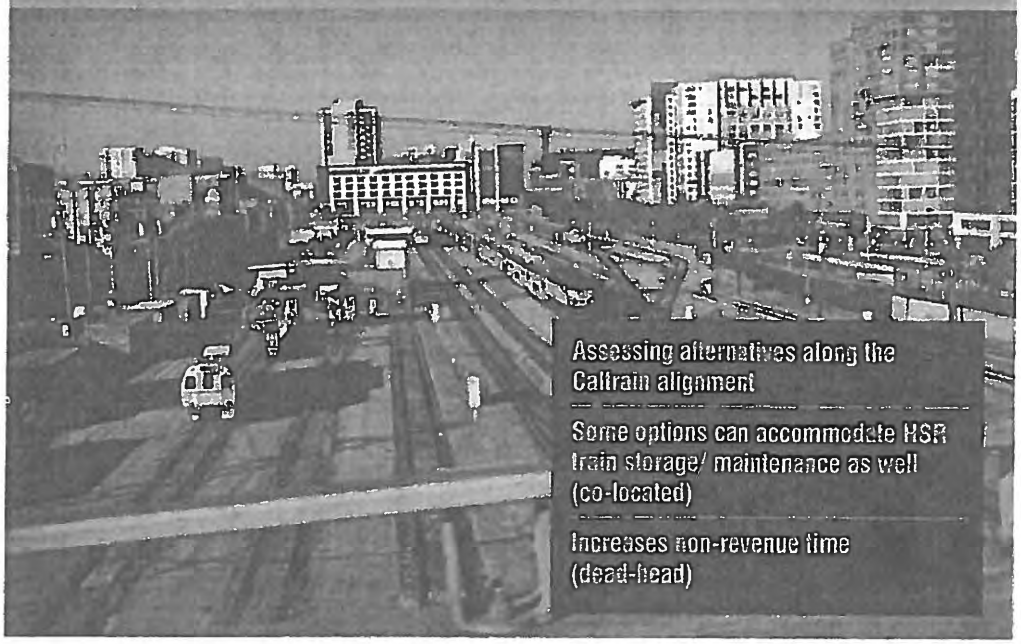
3. RAILYARD RECONFIGURATION/RELOCATION - SUMMARY



- Assessing alternatives along the Caltrain alignment
- Some options can accommodate HSR train storage/ maintenance as well (co-located)
- Increases non-revenue time (dead-head)

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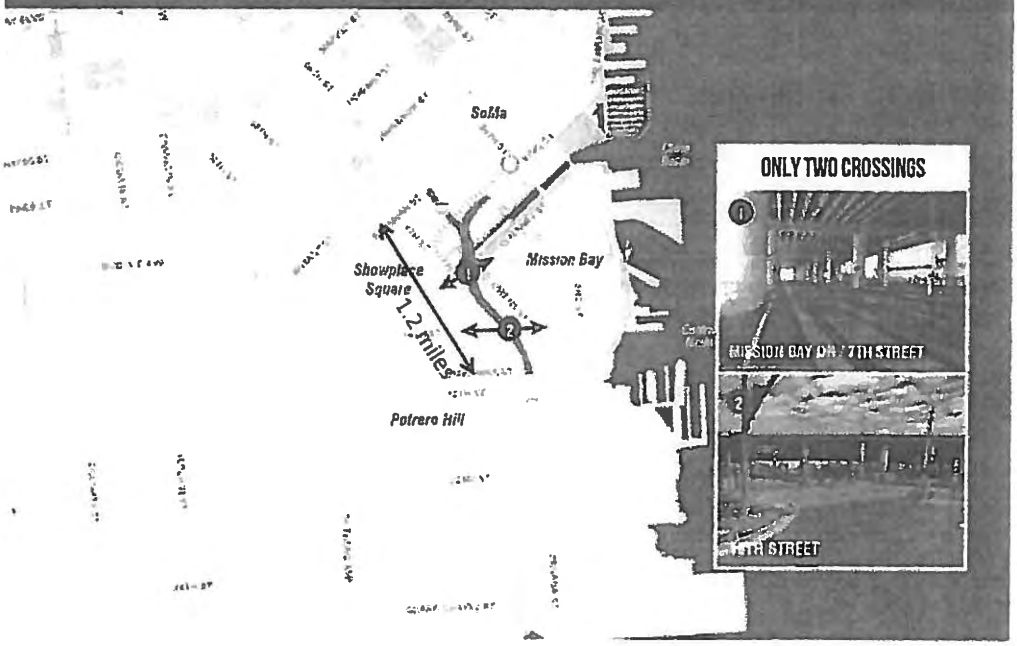
4. BOULEVARD I-280: EXISTING CONDITIONS



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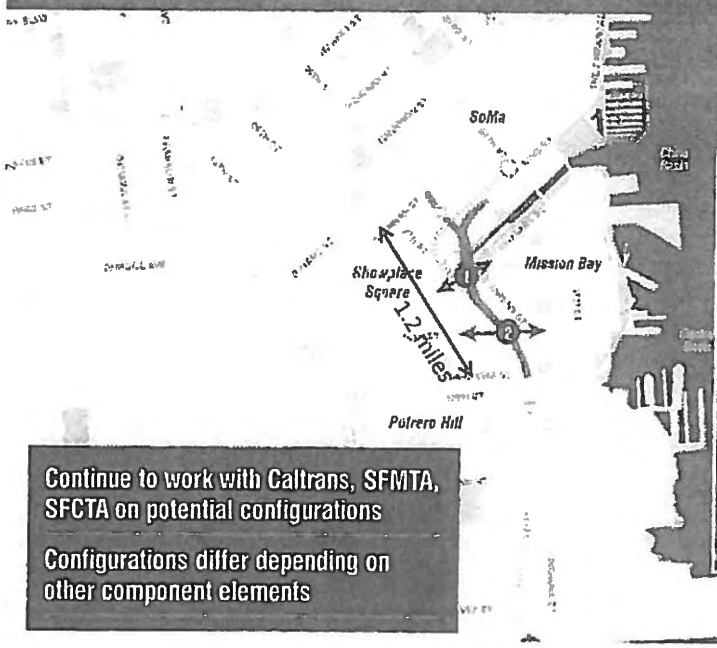
4. BOULEVARD I-280: SUMMARY



ONLY TWO CROSSINGS

Continue to work with Caltrans, SFMTA, SFCTA on potential configurations

Configurations differ depending on other component elements

SUMMARY OF OPTIONS TO BE STUDIED IN PHASE II

1. DOWNTOWN RAIL EXTENSION (DTX) ALIGNMENT

- Three of the four alignments options moving forward
- Removed the "Tunnel under Existing Alignment" option

2. TRANSBAY TRANSIT CENTER LOOP

- Two of the four loop track options moving forward
- Removed the Main Street and Spear Street options

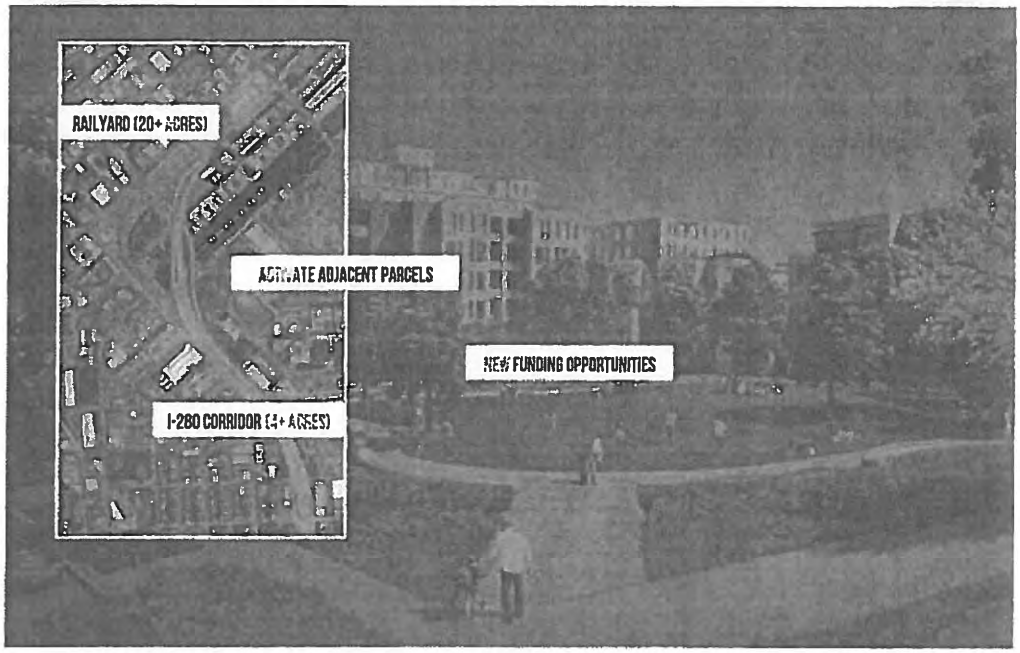
3. RAILYARD RECONFIGURATION / RELOCATION

- Continue to work with Caltrain and California High Speed Rail Authority (CHSRA) on possible reconfiguration/ relocation options

4. BOULEVARD I-280

- Continue to work with Caltrans, San Francisco Municipal Transportation Agency (SFMTA), San Francisco County Transportation Agency (SFCTA) on traffic operations

OPPORTUNITIES TO SHAPE THE URBAN ENVIRONMENT FOR THE PUBLIC'S BENEFIT



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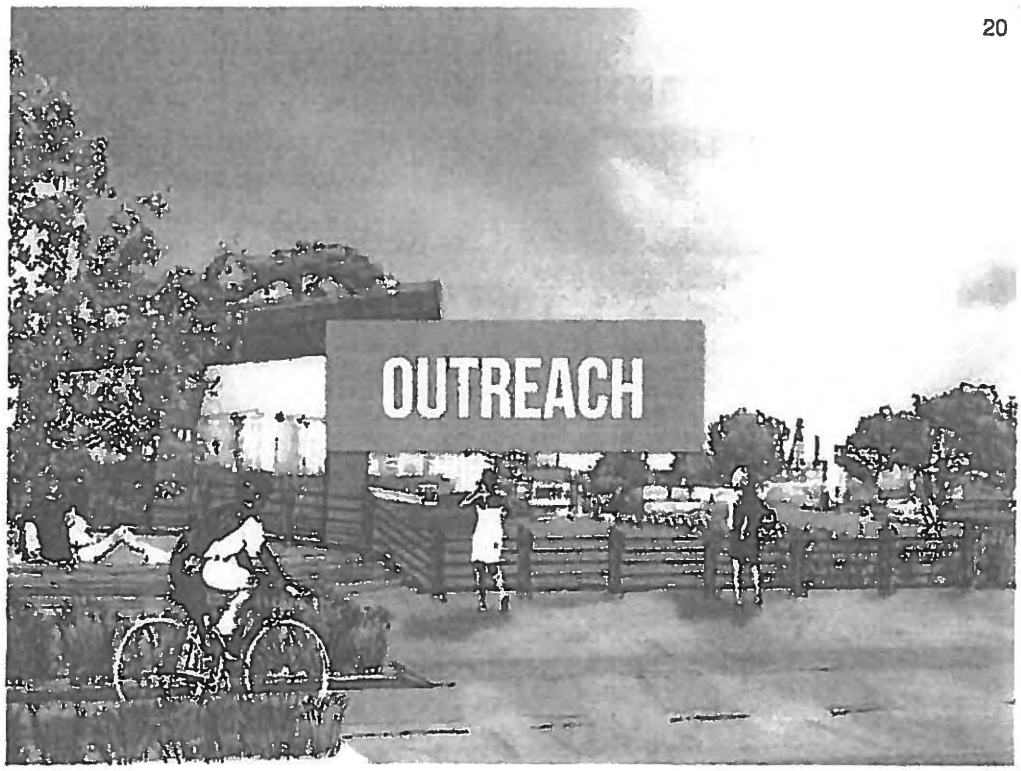
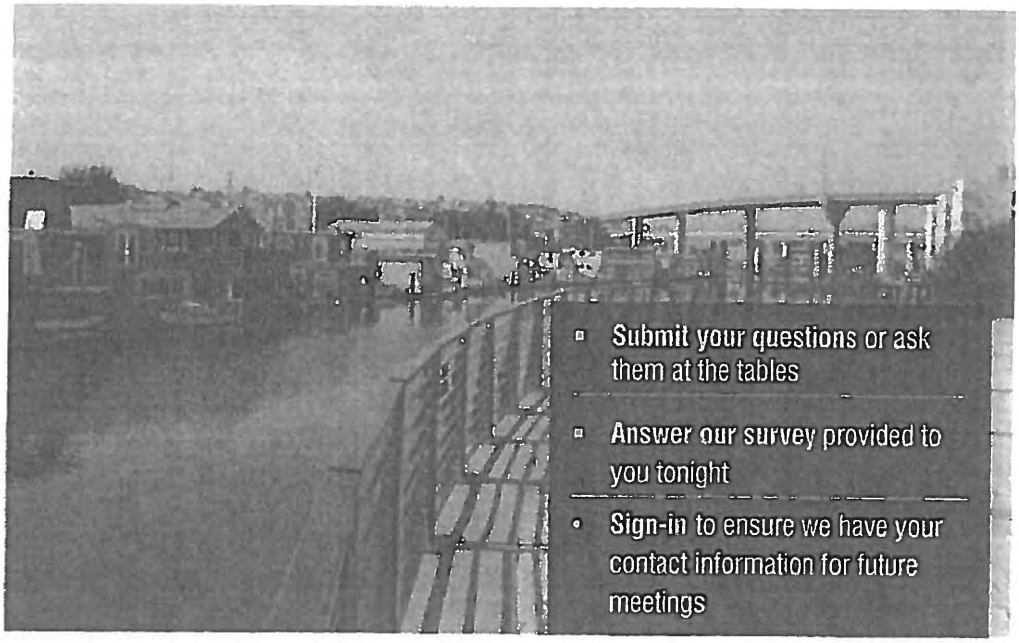


JOIN THE CONVERSATION



COMMUNITY ENGAGEMENT – HOW CAN YOU PARTICIPATE?

PHASE I
Preliminary Options Analysis
June 2014-Feb 2016

PHASE II
Alternatives Development
9-12 months

PUBLIC MEETING February 2016
Preliminary Options Analysis
Public Input

PUBLIC MEETING
Anticipated Winter 2017
Finalize Alternatives & Public Input

Community Advisory Group
Minimum of Two CAC Meetings

Community Advisory Group
Minimum of Two CAC Meetings

PUBLIC MEETING –
Anticipated Fall 2016
Draft Alternatives
Public Input

Additional community meetings will be held upon request

PHASE III
Preferred Alternative
12-18 months

PHASE IV
Environmental Phase
(could be semi-concurrent with Phase III)

PHASE V
Funding and Implementation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THANK YOU
www.sf-planning.org/rab
Study Manager
Susan Gygi, PE
San Francisco
Planning

San Francisco Planning

The Railyard Alternatives and I-280 Boulevard Feasibility Study (RAB)

The Railyard Alternatives and I-280 Boulevard Feasibility Study (RAB) is a multi-agency analysis of transportation and land use alternatives in the most rapidly growing areas of the City: South of Market, Mission Bay, and Showplace Square/Lower Potrero Hill.

San Francisco has committed to significant transit and infrastructure investments in this area. The **Downtown Rail Extension (DTX)**, the **electrification of Caltrain** and **High-Speed Rail** service are planned around existing infrastructure that includes an elevated freeway, a half-mile long railyard, and street-level commuter rail tracks. However, this infrastructure was built in a time when the area was primarily an industrial neighborhood. This presents a number of challenges that potentially divides these densifying neighborhoods, reduces connectivity and exacerbate congestion for public transit, cars, pedestrians and cyclists.

Further, these facilities inhibit the opportunity for transit-oriented jobs and housing in this central city location, an important consideration in an age where climate change, lack of affordable housing, congestion and loss of open space due to regional sprawl are growing concerns. Rather than simply considering how to build each project independently in the existing circumstances, the City wants to coordinate these projects into a unified vision for the area.

The RAB will evaluate whether these challenges can be addressed through a comprehensive, regional approach to building a future that integrates land use with local and regional transportation and builds a high-quality urban environment.

The study is divided in two phases:

- Phase I: Technical Feasibility Assessment; and
- Phase II: Alternatives Development

Phase I of the RAB studies four distinct components. Each component will include a thorough analysis of existing conditions and prepare conceptual design alternatives within three study areas: the 16th Street grade separation, the 4th and King Railyard, and I-280. In addition, this study will analyze the possibility of new transit-oriented development and public amenities in the overall area of the City to accommodate growth.

1. Making I-280 into a Boulevard

Replace the end of I-280 north of Mariposa or 16th Street with an urban surface boulevard, similar to the Embarcadero or Octavia Boulevard. This boulevard could create new open space, improve circulation and allow connectivity throughout the area that is currently separated by 1.2 miles of I-280.

Creating a boulevard of 280 and a relocated Caltrain/HSR alignment can allow for connecting the street grid, providing more access points between the Mission Bay, Dogpatch, Pier 70 area and the rest of the City.

San Francisco Planning

→ find a way to fund DTX

2. Value Engineer the Proposed Downtown Rail Extension (DTX) alignment
The DTX is a planned 1.3 mile tunnel connecting high-speed rail and Caltrain to the Transbay Transit Center. The Downtown Rail Extension project is currently estimated at $2.6-3.0 billion. The RAB analysis will review construction methods and rail alignment configurations and seek opportunities to fund and build the project more cost effectively.

3. Create a Loop Track/Extension to the East Bay to Enhance Operational Capacity
Currently, the Transbay Transit Center (TTC) is a stub-end station, meaning trains use the same track to go in and out. This can reduce the station's overall capacity. A loop track or extension to the East Bay will increase the station's overall capacity.
The feasibility study will update the existing loop track study according to an updated design of the Transit Center, as well as the financial and physical feasibility of such a loop, including constraints posed by existing and planned buildings.

4. Reconfigure, Relocate, or Substantially Reduce the 4th and King Railyard
Currently, the 4th and King Railyard provides train storage, maintenance and operations activities for Caltrain. Modifying or relocating some of these activities would allow Caltrain to continue on a smaller footprint while potentially freeing up land for future development opportunities. The study will analyze potential locations to relocate railyard functions, as well as assess the train storage capacity and train operations associated with a consolidated railyard.

Create Placemaking, Neighborhood Connectivity, Employment and Transit Oriented Development Opportunities
Creating a new Boulevard and relocating the railyard at 4th and King makes new parcels of land available for a number of development or repurposing possibilities. The RAB will also study the possibility of new transit-oriented development, neighborhood connectivity, open space and public amenities to accommodate growth in this area of the City.

Phase II of this study will combine options from each of the components from Phase I and conduct further analysis of up to three refined alternatives before a preferred alternative is determined.

Schedule
The study underway is Phase I and II of a five phase project.

Phase I – Options for further analysis	9-12 months (Jan 2015 – Jan 2016)
Phase II – Alternatives Development	12-15 months (Fall 2016 – Winter 2017)
Funding for Phase III, IV, and V have not be secured but are anticipated.	
Phase III – Determination of Preferred Alternative	12-18 months (Winter 2019 -
Phase IV – Environmental Clearance	Undetermined at this time
Phase V – Implementation	As money and priorities allow

At this time, the study is not expected affect the construction schedules of the Transbay Transit Center, Downtown Rail Extension (DTX), and/or Caltrain electrification. As the preferred alternative (Phase III) is determined, there may be modifications to projects depending on the preferred alternative. Potential costs and time impacts will be preliminarily examined under Phase II and in more detail in Phase III.

Funding

The study currently has received approximately $1.7 million through the following:

- Two MTC Priority Development Area (PDA) competitive planning grants of $519,940 (Phase I) and $700,000 (Phase II)
- Strategic Growth Council (SGC) Sustainable Communities Planning grant of $490,672 (Phase II)
- Planning General Funds $125,000 for additional rail operations sketch modeling (Phase II)

Agency Coordination

The study has a technically advisory committee (TAC) which includes representation from Metropolitan Transportation Commission (MTC), Caltrans, California High Speed Rail Authority (CHSRA), Caltrain, Transbay Joint Powers Authority (TJPA), California State Transportation Agency (CalSTA), Federal Transit Administration (FTA), Federal Railroad Administration (FRA) and various City and County Departments including: San Francisco Planning, San Francisco County Transportation Authority (SFCTA), San Francisco Port Authority, San Francisco Municipal Transportation Agency (MTA), San Francisco Department of Public Works (DPW), San Francisco Office of Community Investment and Infrastructure (OCII), San Francisco Office of Economic and Workforce Development (OEWD), and San Francisco Mayor's Office.

We are working with the TAC to ensure that all users of the area are accommodated. More technical analysis is being completed through Phase II and in conjunction with each member of the TAC.

San Francisco Planning has also contracted with international engineering firm CH2M Hill to aid the City in this effort.

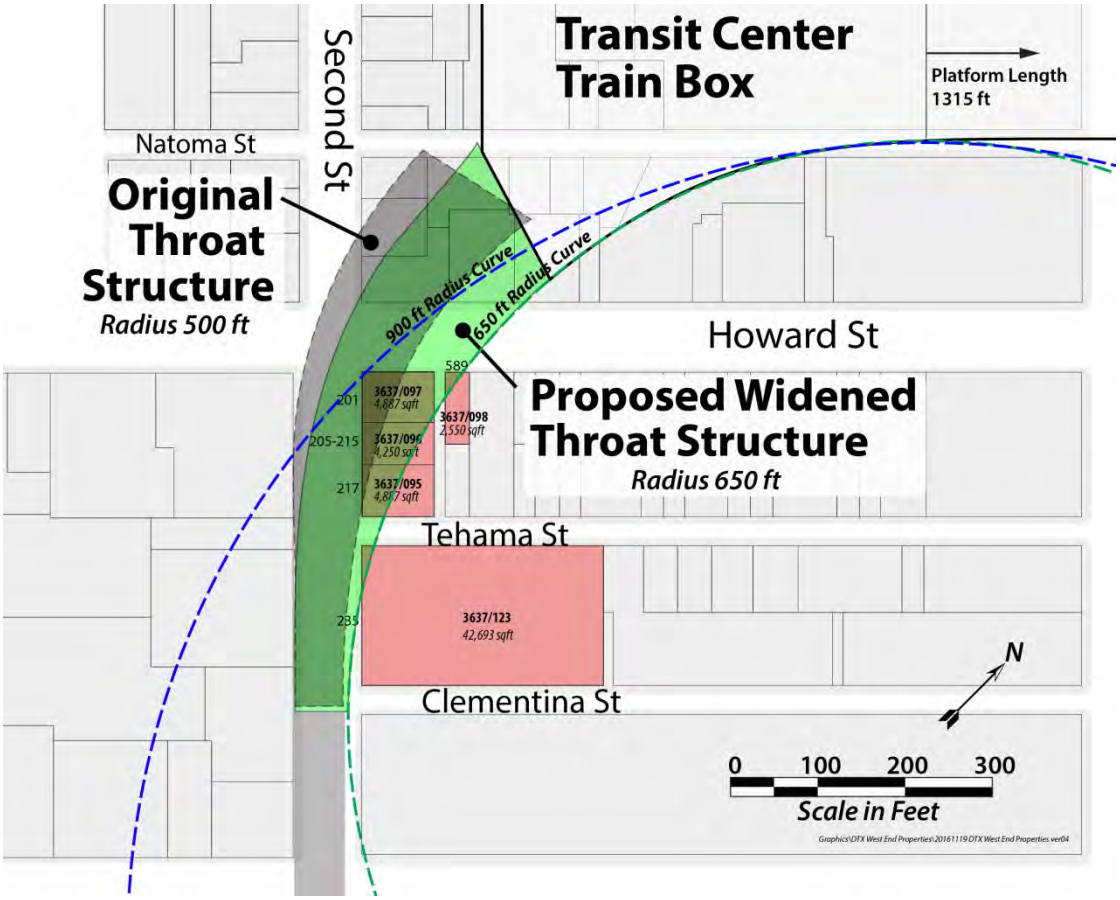
Reuben Junius Rose, LLP
February 29, 2016

RJR-01 The original plans that were analyzed in the 2004 FEIS/EIR were conceptual. More detailed alignments, facility siting, construction techniques, and costs have been prepared and successively refined as the project delivery process advances. All of this is standard design, engineering and construction practice. It is not unexpected, therefore, but commonplace and anticipated, that refinements to a project, in particular a large infrastructure project such as the Transit Center Program, will occur during the course of project implementation as further designs and investigations are conducted. The changes may come about for a number of reasons, such as new design specifications, value engineering that aims to reduce the capital costs, more specific site investigations that may reveal challenging soil or rock conditions or environmental contamination, changing requirements of transit operators that will use the Transit Center and the DTX, or protecting or preserving sensitive resources. Accordingly, six addenda to the 2004 FEIS/EIR were prepared and adopted prior to approval of changes in the Program design.

Since the sixth addendum, further refinements to the Program have been sufficiently well defined to be proposed changes, including the widened throat structure. The proposed changes in the DTX throat structure are based on the design requirements of the transit providers which, as described in the Draft SEIS/EIR on page 1-7, have changed since the 2004 EIS/EIR. Due to CHRSA changes in curve radius requirements, the 2010 Reevaluation by FRA (the federal lead agency for the HSR project) acknowledged that construction of the DTX component under Phase 2 of the Transbay Program would require modifications to the track curvature within the throat structure where it connects to the Transit Center train box, and an increase in the tangent length of the HSR rail platforms in accordance with the CHSRA design criteria and to provide sufficient capacity for HSR service (page 2-6 of the Draft SEIS/EIR). The corresponding design changes in the Transit Center have not yet been approved, but are necessitated by new circumstances; i.e., the requirements of other agencies and, accordingly, are analyzed in this SEIS/EIR.

Specifically, the CHSRA identifies a minimum 900-foot horizontal curve radius for low-speed tracks. Strict compliance with these minimum standards would require significant property acquisitions at the western end of the train box where Caltrain and HSR tracks approach the train box from the west because the CHSRA also requires fully tangent platforms, which extends the starting point of the curve westward from the 2004 alignment. The figure on the next page illustrates the 900-foot curve radius and the properties it would affect. To avoid the additional property acquisition needs for this curve, which would have adversely affected historic properties and the historic district, the TJPA proposed a variance to the CHSRA specification. The CHSRA agreed, with conditions, that a smaller 650-foot horizontal curve radius would be acceptable. The project revises the design of the track alignment to increase the track radius and widens the throat structure to accommodate HSR service.

The photographs included in the commenter's letter show construction of the train box. The throat structure, which is the connection between the tunnel segment and the train box where the six tracks at the Transit Center would converge to three tracks in the tunnel segment, has not yet been constructed. Although the train box, as constructed, could be modified to accommodate other throat structure alignments, such modifications would have cost implications to reconfiguring the already built transit center. Therefore, although the design of the train box, as constructed, does not preclude other designs for the throat structure, many of



them would be infeasible under CEQA and unreasonable under NEPA due to cost and/or would create greater impacts on people and properties in the surrounding area, as explained below and in response to Comment RJR-02.

In seeking the variance from the CHSRA and designing the proposed widened throat structure, the TJPA considered different curvature alignments. Key criteria in this evaluation included:

- meeting CHSRA design requirements,
- maintaining operational flexibility and minimizing maintenance costs,
- minimizing acquisition of private properties,
- minimizing direct and indirect effects to historic properties and the National Register-listed Second and Howard Streets District, and
- minimizing potential noise impacts from wheel squeal.

The proposed widened throat structure and alignment curvature satisfy the above criteria. The proposed design allows CHSRA trains to enter the Transit Center on a curve approved by the FRA and the CHSRA, meets the operational (speed) and maintenance (standard crossovers, reduced wear on the rails) requirements, and reduces wheel noise by smoothing the curve so that the wheels do not grind against the rails. On the other hand, larger radii curves would adversely affect additional properties along Second Street, including a 35-story office tower, and historic properties within the Second and Howard Streets Historic District. Consideration of alternative curve radii was conducted in response to changes in CHSRA design specifications. Section 2.5 and Table 2-7 of this Final SEIS/EIR describes alternatives to specific project components, including the widened throat structure. The table in this section indicates that possible alternatives have either been previously examined and rejected (this is relevant for the No Action Alternative throat structure), would be non-compliant with existing regulations, would increase costs, would not substantially reduce adverse impacts and in some cases would result in greater impacts than those of the proposed project, or would not satisfy the purpose and need and objectives.

The SEIS/EIR describes the environmental consequences of approving the widened throat structure and the curve radius. Potential construction and operational effects are disclosed throughout the Draft SEIS/EIR, but particularly in Section 3.4, Socioeconomics, Population, and Housing; and Section 3.6, Historic and Cultural Resources. Specific to the property that the commenter represents, the proposed track alignment and curve would require underpinning the northwest corner of the building at 235 Second Street (see response to Comment RJR-02, below) and possible temporary displacement of employees during construction. The proposed curve alignment also would have the benefit of avoiding an historic building at 171 Second Street that was proposed to be removed.

None of these changes can be implemented until the TJPA has certified a Final EIR and the FTA has published a ROD. This examination of the impacts, disclosure to the public, and subsequent consideration of the proposed project components are consistent with CEQA/NEPA law and guidelines. If the proposed project is not approved, the TJPA could still implement the approved train box, throat structure, and track alignments, although the impacts would be greater than the program as revised by the proposed project. In addition, if the proposed project were not approved, the train box would not be able to accommodate HSR, which is part of the purpose and need of the project.

RJR-02 The TJPA has performed an analysis of 235 Second Street to determine if partial demolition could be avoided. The study reveals that the building can be feasibly underpinned during construction.

The TJPA does not anticipate long term noise or vibration stemming from the completed DTX tunnel because the structure would be reburied under nearly 35 feet of soil after construction of the structural box is complete, the radii of the proposed curves would not result in significant wheel noise, decelerating train speed as trains approach the Transit Center would further reduce potential noise and vibration, and track design including direct fixation (where the tracks are attached directly to a concrete slab) would also reduce vibration. The 2004 FEIS/EIR examined noise and vibration impacts for sensitive land uses along the Second Street in both the tunnel and cut-and-cover segments. Because train operations would be underground and separated from the land uses along Second Street, there would be no noise

impacts from train operations. Vibration impacts could be significant, but can be mitigated to below the FTA significance criteria using high-resilience track fasteners or a resiliently supported tie system (see pages 5-64 through 5-77 of the 2004 FEIS/EIR).

The previously approved 2004 FEIS/EIR and MMRP identify mitigation measures that have been adopted and incorporated into the Transbay Program and would reduce direct and indirect impacts from the widened throat structure and associated alignment modifications. Included as Appendix D of this Final SEIS/EIR, the 2004 MMRP contains the following key measures that would reduce project impacts to 235 Second Street:

- Prop 1, providing property acquisition/relocation assistance;
- VibO1, providing for special track design where operational vibration effects would exceed the established vibration criteria;
- SG 1, SG 4, SG 5, addressing ground movement, effects to adjacent buildings, and underpinning existing buildings;
- NoiC 1 through NoiC 6, addressing construction noise;
- VibC 1 through VibC 6, addressing construction vibration; and
- PC 1, requiring pre-construction building structural surveys.

The TJPA also performed an assessment of 589 Howard Street and found that underpinning the structure is feasible (Parsons Transportation Group, September 2010: Draft Preliminary Structural Assessment of 589-591 Howard Street for the Caltrain Downtown Extension Project).

The previously approved mitigation measures in the 2004 MMRP and new mitigation measures identified in the Final SEIS/EIR have been defined in accordance with CEQ NEPA regulations at 40 CFR Section 1508.20 and State CEQA Guidelines Section 15126.4. In addition, CEQ guidance governing environmental mitigation commitments recognizes that some measures will necessarily be implemented by other jurisdictions, but, to be effective, there must be sufficient legal authorities and resources to perform or ensure the performance of the mitigation and the measure must lower the level of impacts so that they are not significant (see January 14, 2011 CEQ memorandum on Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact). The performance standards that have been included in the Final SEIS/EIR would be implemented by the City, TJPA, Caltrain, and/or the CPUC.

RJR-03 The TJPA and FTA have prepared this SEIS/EIR to evaluate the proposed changes to the approved Transbay Program and to consider new information that may have a bearing on the impacts previously reported. Impacts to the Second Street environment and resources were evaluated in the 2004 FEIS/EIR, and the mitigation measures identified in the 2004 FEIS/EIR were adopted and incorporated into the Transbay Program and are part of the proposed project. The proposed project includes three particular changes to the approved Transbay Program along Second Street: 1) widened throat structure, 2) rock dowels, and 3) Second /

Harrison vent structure/adjacent land development. The impacts of each of these components are analyzed in the Draft SEIS/EIR within each resource topic.

The 2004 FEIS/EIR contains a description of cut-and-cover construction techniques and temporary disruption to circulation, businesses, and residences, and impacts on socioeconomics, air quality, and noise due to construction. The 2004 FEIS/EIR specifically evaluated cut-and-cover construction impacts on a portion of Second Street. Mitigation measures were identified in the 2004 FEIS/EIR to reduce the disruption created by cut-and-cover construction activities. These mitigation measures, which are reproduced in Appendix D of this Final SEIS/EIR, were adopted and incorporated into the Transbay Program, and will be implemented as part of the proposed project that is evaluated in the Draft SEIS/EIR.

Please see Master Response 4 regarding cut-and-cover construction activities, impacts, and mitigation. To assist the commenter in better understanding the effects that would apply to the construction segment along Second Street, please see the following:

- Traffic-related impacts are analyzed in Impact C-TR-7, beginning on page 3.2-35;
- Socioeconomic impacts are analyzed for the entire proposed project in Impact C-SE-6 on page 3.4-27;
- Cultural resource and paleontological impacts are analyzed in Impact CR-1, Impact CR-2, and Impact C-CR-4 on pages 3.6-31, 3.6-35, and 3.6-42, respectively;
- Biological impacts, particularly for nearby nesting birds, are analyzed in Impact C-BR-1, beginning on page 3.7-8;
- Water quality and dewatering discharges are analyzed in Impact C-WQ-6, beginning on page 3.8-23;
- Potential settlement during excavation is analyzed in Impact C-GE-4, beginning on page 3.9-19;
- Emissions and toxic air contaminants generated during construction activities are analyzed in Impact C-AQ-5 and Impact C-AQ-6, beginning on page 3.13-18;
- Impacts to emergency response and access to parks and community facilities during construction are analyzed in Impact C-PS-3 on page 3.15-17; and
- Impacts to underground utilities are analyzed in Impact C-UT-7 on page 3.17-12.

Operational impacts from noise and vibration would not be significant under CEQA or adverse under NEPA (see response to Comment RJR-02).

The land use and economic impacts to properties affected by the proposed project are presented in Table 3.4-16 and Table 3.4-17, which describe the loss of businesses, and employees, respectively. Impacts to 235 Second Street as a result of the widened throat structure are discussed beginning on page 3.4-20. The transportation analysis builds on and incorporates by reference the analysis in the 2004 FEIS/EIR, 2010 FRA Reevaluation, and

2012 TCDP EIR. The transportation analyses in these documents adhere to and are consistent with the Transportation Research Board's Highway Capacity Manual and the City's Transportation Impact Analysis Guidelines for Environmental Review.

RJR-04 FTA and the TJPA previously considered numerous alternatives since planning for the Transbay Program began in 1975, including multiple DTX alignments and station locations that were considered and withdrawn in favor of the Transbay Program that was adopted in 2004, as documented in Appendix B to the Draft SEIS/EIR and in the 2004 EIS/EIR. Proposed project component alternatives that were considered but withdrawn from further consideration (see Section 2.5 of the Final SEIS/EIR) include a smaller horizontal curve radius in the widened throat structure and modified construction methods at 589 Howard Streets. The smaller horizontal curve radius was eliminated from further consideration because it would slow operational speed, increase maintenance requirements and costs, create greater wheel squeal/noise impacts, and potentially limit the length of trains. Removing a portion of the building at 589 Howard Street was eliminated from further consideration because loss of this building would impact a contributor building to an historical resource.

As explained in response to Comment RJR-01, throughout the design process for the Transbay Project, the TJPA's consultants studied curve adjustments to the throat structure to minimize impacts to the surrounding buildings. As originally approved in 2005, the throat structure had a curve radius of 500 feet which directly affected about 10 properties. Thereafter, in 2011, the TJPA was granted a variance to 650 feet from CHSRA's new HSR design requirements for a 900-foot curve radius in order to keep the curve from increasing in size and impacting more properties, several of which are historic. As described on page 1-7 of the Draft SEIS/EIR, had the TJPA not obtained the variance the curvature of tracks would have affected eight additional properties along Second Street, including a 35-story office tower. The proposed curve analyzed in this SEIS/EIR affects approximately the same number of properties as the originally approved throat structure with the benefit of preserving one historic building that had been previously identified for demolition. The proposed curvature and widened throat structure will allow high-speed trains to enter the Transit Center on a track curvature approved by the FRA and CHSRA, meet the operational (speed) and maintenance (standard cross-overs, reduced wear on the rails) requirements, and reduce wheel noise by smoothing the curve so that the wheels do not grind against the rails.

Based on the analysis in Chapter 3 (Affected Environment, Consequences, and Mitigation Measures), there are no significant unavoidable impacts to 235 Second Street as a result of the proposed project. All impacts would be reduced to a less-than-significant level under CEQA (no adverse effect under NEPA).

The alternative suggested by the commenter for the DTX alignment entering the widened throat structure would result in greater impacts than that of the proposed project. Alternatives involving a larger curve radius, which might avoid impacts to 235 Second Street would extend beyond the public right-of-way on the west side of Second Street, thereby resulting in land use and economic impacts to a greater number of properties and were therefore considered environmentally and economically inferior. The greater physical and socioeconomic costs of the curvature alternative are primary reasons that FTA and TJPA withdrew this alternative from consideration. Smaller curve radii alternatives would adversely affect train operations and result in a potential for noise impacts due to wheel squeal (see Table 2-7 in Section 2.5 of

this Final SEIS/EIR for more information). Alternatives with smaller curve radii also would impact a greater portion of the building at 235 Second Street. As a result, these alternatives would have greater impacts and would be more costly; therefore, were rejected from further consideration as environmentally and economically inferior. Accordingly, the SEIS/EIR considers a reasonable range of alternatives in accordance with 40 CFR Section 1502.14 and CEQA Guidelines Section 15126.6. Furthermore, the preparation of the SEIS/EIR is consistent with 23 CFR 771.130(f) which states that a supplemental EIS may be required to address issues of limited scope, such as the extent of proposed mitigation of the evaluation of location or design variations for a limited portion of the overall project.

RJR-05 Page 3.14-12 of the Draft SEIS/EIR states that the proposed project would help contribute to a projected carbon dioxide (CO2) emissions reduction of 3,375,155 tons per year expected from rail transit improvements in the Bay Area. The analysis also quantified construction emissions as 8,939 metric tons per year. As stated in the discussion of Impact CU-CC-1, the project would contribute to a net reduction in GHG emissions, which is a beneficial effect of the proposed project, and identifies the sources and bases for this conclusion.

The commenter claims that the SEIS/EIR impact analysis of GHG emissions should be revised in accordance with the California Supreme Court case Center for Biological Diversity v. California Department of Fish and Game 62 CAl.4th 204, 259, because the SEIS/SEIR does not explain whether or how project-level reductions correlate with Statewide reductions or how project-level reductions meet the State's goals for GHG reductions.

Page 20 of the Court ruling states that, "The Scoping Plan set out a statewide reduction goal and a framework for reaching it—a set of broadly drawn regulatory approaches covering all sectors of the California economy and projected, if implemented and followed, to result in a reduction to 1990-level GHG emissions by the year 2020. The plan expressed the overall level of conservation and efficiency improvements required as, among other measures, a percentage reduction from a hypothetical scenario in which no additional regulatory actions were taken. But the Scoping Plan nowhere related that statewide level of reduction effort to the percentage of reduction that would or should be required from individual projects."

In addition, page 25 of the Court ruling states that, "[A] lead agency might assess consistency with A.B. 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities." The project analysis in the Draft SEIS/EIR relied on this criterion to demonstrate significance. As stated on page 3.14-12 of the Draft SEIS/EIR, "Consistent with the State CEQA Guidelines and BAAQMD recommendations for analyzing GHG emissions under CEQA, potential impacts associated with the proposed adjacent land development and other proposed project components were assessed using San Francisco's Strategies to Address Greenhouse Gas Emissions." The project was demonstrated to comply with these strategies.

Regarding Assembly Bill (AB) 32, the Scoping Plan outlines a series of technologically feasible and cost-effective measures to reduce statewide GHG emissions, including expanding energy efficiency programs, increasing electricity production from renewable resources (at least 33% of the statewide electricity mix), and increasing automobile efficiency, implementing the Low-Carbon Fuel Standard, and developing a cap-and-trade program. The technologically feasible and cost-effective measures listed in the AB 32 Scoping Plan are

designed to be implemented by state agencies. Nevertheless, local governments and private developments can support AB 32 goals through consistent implementation of AB 32 Scoping Plan policies, where applicable. Extension of transit and increased electrified transit are core AB 32 strategies. Accordingly, the proposed project would support state goals for alternative transportation. Moreover, as previously discussed, the proposed project would reduce regional GHG emissions by encouraging transit.

Transit projects and transit-oriented developments are integral components of all State, regional, and local GHG reduction plans. The proposed project is entirely consistent with Statewide goals to increase transit and reduce GHG emissions from on-road vehicles. The Draft SEIS/EIR correctly concludes that GHG emissions impacts would not be significant, pursuant to CEQA guidance from the City, the Bay Area Air Quality Management District, and the State Office of Planning and Research.

GHG emissions of the No Action Alternative and the proposed project are quantified on page 3.14-10 and in Impact CU-CC-1, beginning on p. 3.14-11, respectively. Impacts due to climate change are discussed under sea-level rise in Section 3.8, Water Resources and Water Quality (see Impact CU-WQ-9 starting on page 3.8-25). Figures 3.8-2 through 3.8-4 show impacts of sea-level rise.

RJR-06 Please see Master Response 1, regarding the RAB Study. As noted in the Draft SEIS/EIR on pages 2-24 and 3.2-42, funding has not been secured beyond Phase II alternatives development, to undertake or implement any aspect of this project. The study is early in the conceptual planning phase, is not included in any adopted plan, and would be the subject of separate environmental review by Caltrain or the City and County of San Francisco. As a result, any future redevelopment of the Caltrain railyard, alteration to I-280, or realignment of the already approved DTX alignment would not be considered reasonably foreseeable, and any analysis of this study in the Draft SEIS/EIR would be speculative. Because this study considers a possible long-range vision for this area of the City, it is important that it be described for public disclosure and informational purposes. For the reasons cited above, the RAB study and its major components have not been included in any of the cumulative analyses for recently certified EIRs by the City, including the Golden State Warriors Arena EIR. It is noted, however, that according to the City, the recommendations from the RAB study would not be expected to affect the construction schedules of the rail station at the Transit Center or the DTX, and have reaffirmed the DTX alignment previously approved and modified as part of the proposed project.

Roland Lebrun
ccss@msn.com
February 29, 2016

2015 DTX draft SEIR

Dear Mr. Boule,

Thank you for the opportunity to comment on the 2015 Caltrain Downtown Extension draft SEIR.

My comments pertain to the following aspects of the project:

- Train box extension design conflict with SB916 (no Transbay connection to the East Bay)
- Widened throat structure impacts and costs
- Lengthy, risky and prohibitively expensive sequential mining tunnel construction
- Fourth and Townsend underground station location
- Unnecessary 7th Street tunnel stub box proposal
- Turnback track impacts on 16th Street grade crossing gate down time
- Alignment conflict with AB3034 (Diridon to Transbay in 30 minutes)

Each comment is followed by a recommendation for an alternative to be studied in the final SEIR.

Thank you in advance for your consideration.

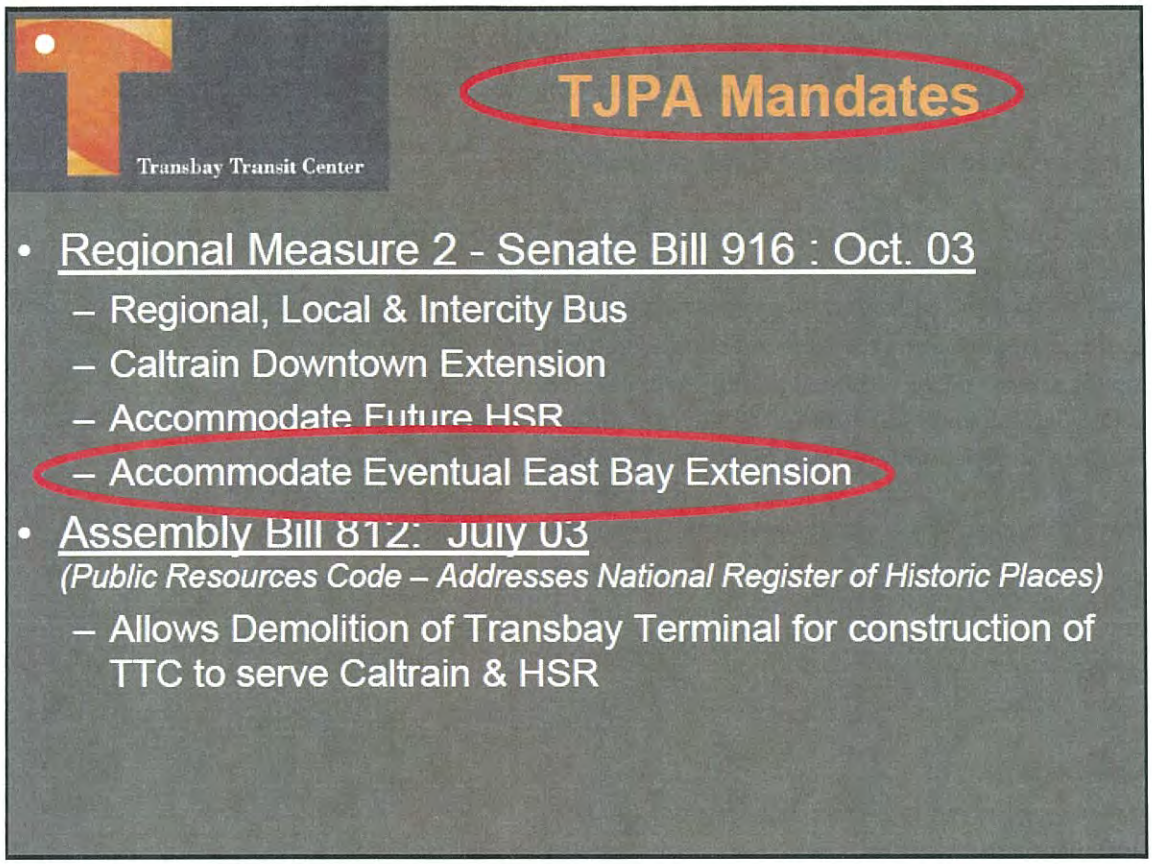
Roland Lebrun

CC

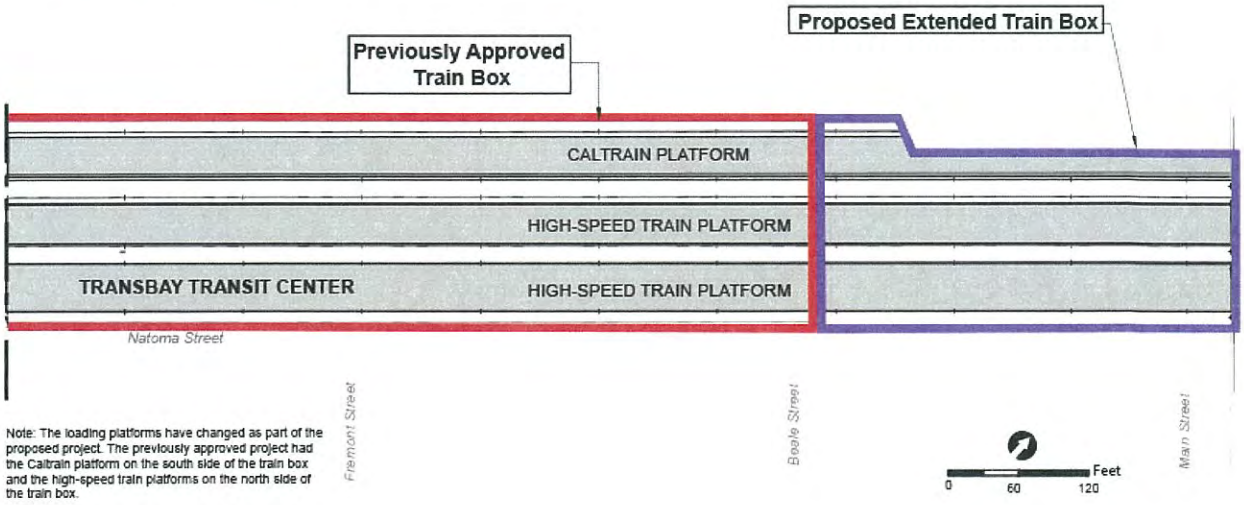
Metropolitan Transportation Commission Board of Directors
SFCTA Board of Directors
Caltrain Board of Directors
California High Speed Rail Authority Board of Directors
SFCTA Citizens Advisory Committee
Caltrain Citizens Advisory Committee

1) Train Box Extension

- The train box extension design violates SB916 (2003) codified in Streets & Highways Codes section 30914(22) (http://law.justia.com/codes/california/2011/shc/division-17/30910-30922/30914) by failing to provide any kind of engineering solution for a future East Bay extension



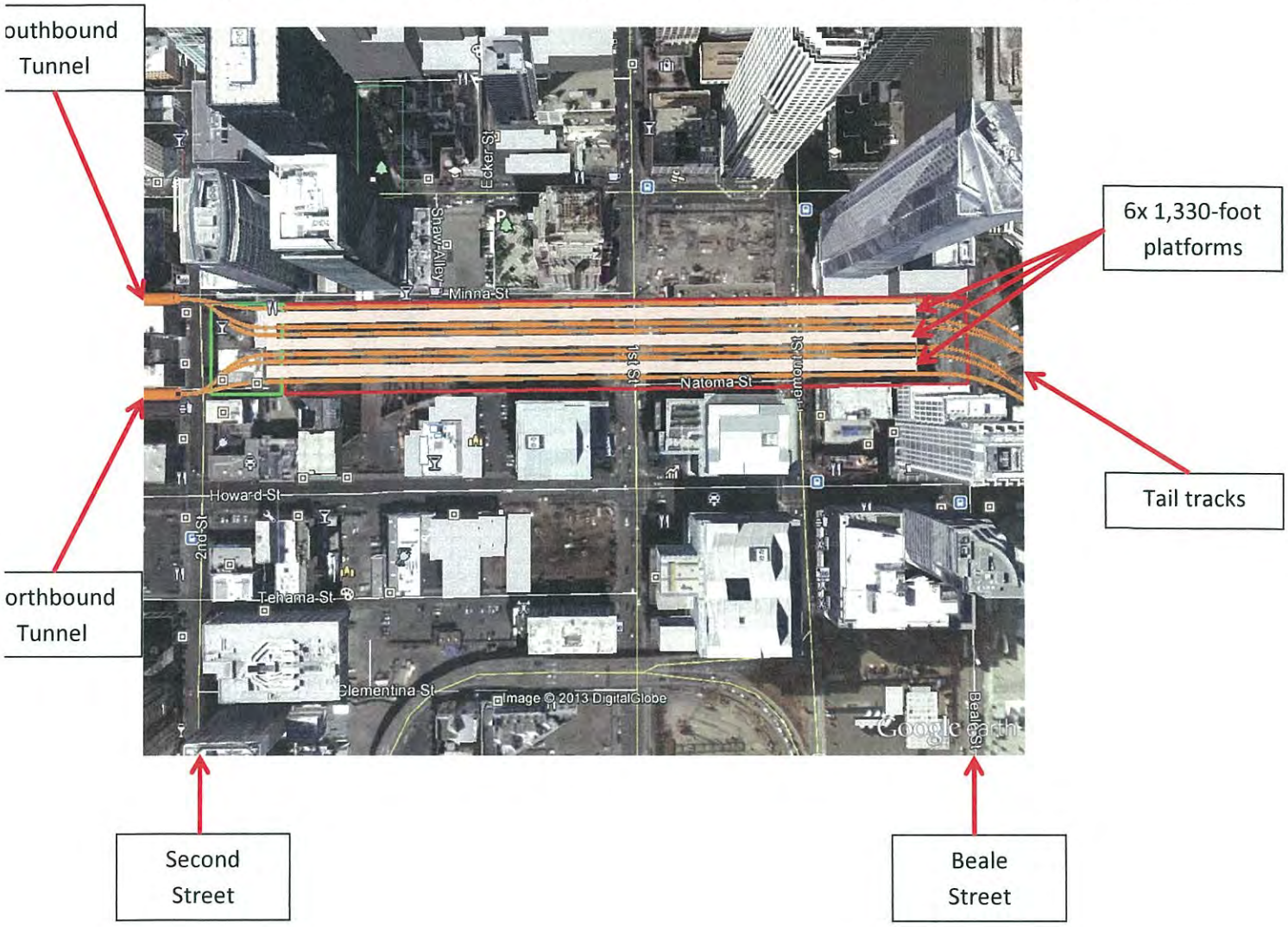
- The proposed Caltrain storage is insufficient to enable Caltrain to vacate the 4th & King railyard until after relocation to Oakland.



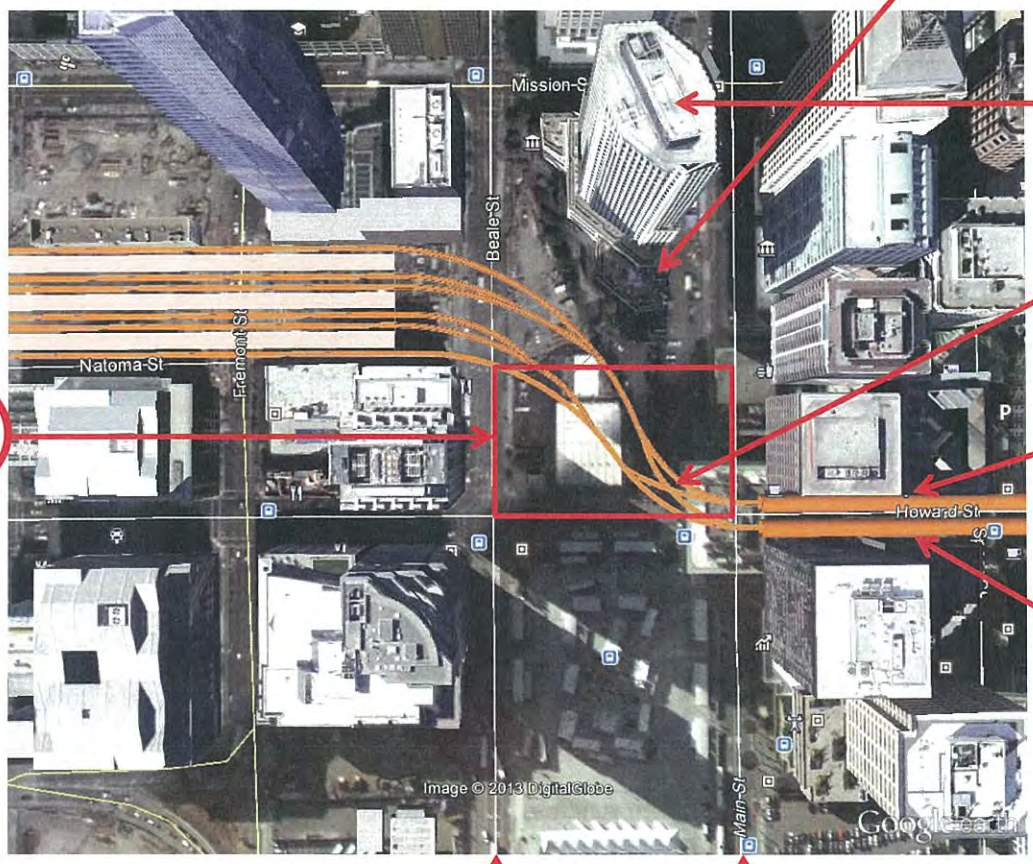
Lebrun-1

Recommendation #1

The SEIR should consider an alternate DTX alignment which would enable platform lengthening by extending the train box one block west (towards 2nd Street) while simultaneously providing a viable connection to a Transbay tunnel. This alignment would also eliminate conflicts with the 201 Mission building and enable a 6th full-length through platform (total 3 eastbound and 3 westbound platforms).



This alignment would eliminate the need to demolish the 201 Mission podium structure.



201 Mission

Crossover

Potential Block 5 conflict

Interim Train storage

Future Transbay tunnel

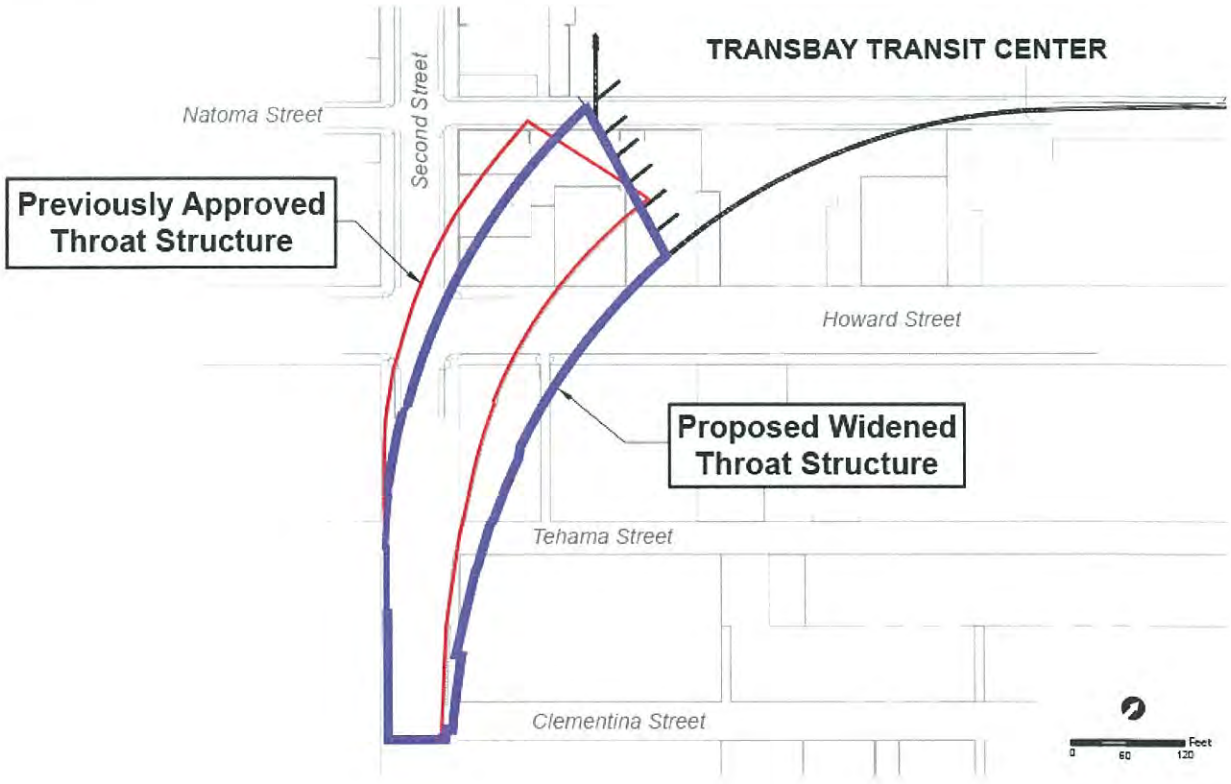
Beale Street

Main Street

Lebrun-1 Continued

2) Widened throat structure

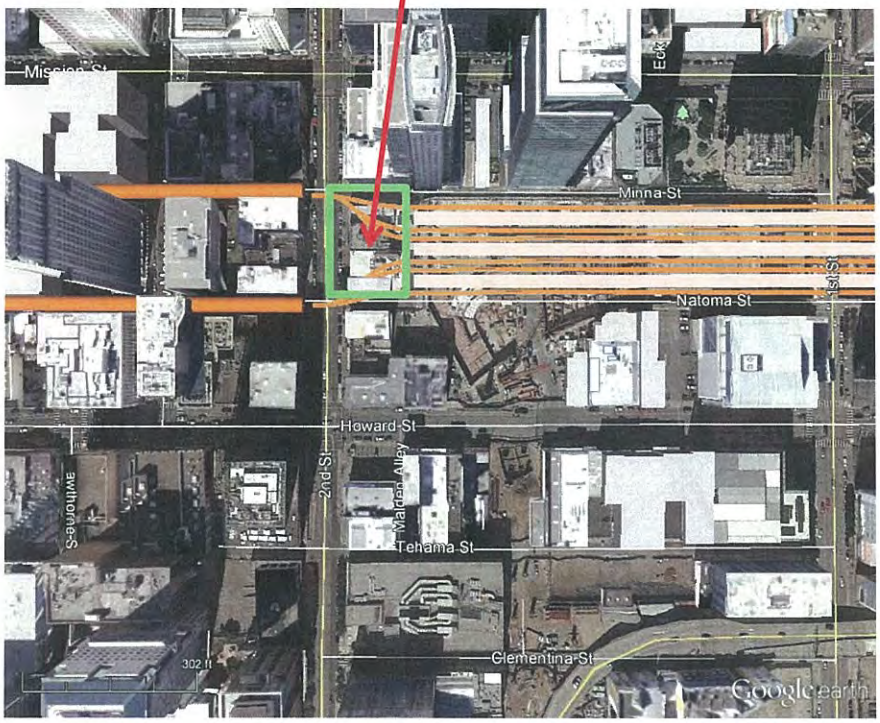
The SEIR proposes a widened approach to the Transbay Center train box via a massive cut & cover structure that will impact numerous properties as far south as Clementina Street. Construction costs are expected to run into the hundreds of millions and will result in massive circulation and noise impacts on the adjacent neighborhoods for many years.

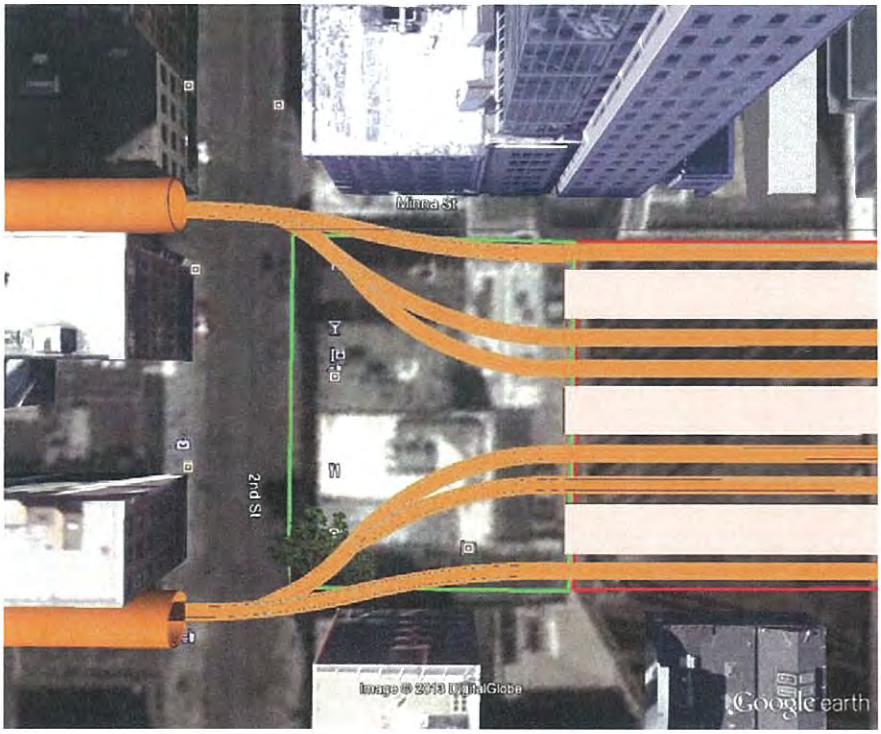


Lebrun-2

Recommendation #2

The SEIR should consider an alternate DTX alignment and construction technique that would limit impacts to a small number of buildings on 2nd Street between Minna and Natoma.
There would be no additional surface impacts in SOMA north of Townsend.

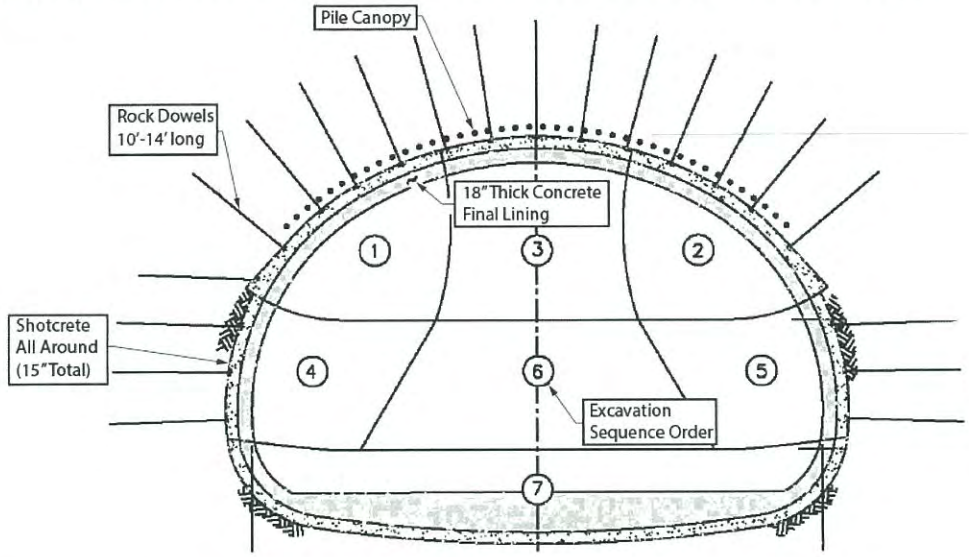




Lebrun-2 Continued

3) Tunnel design

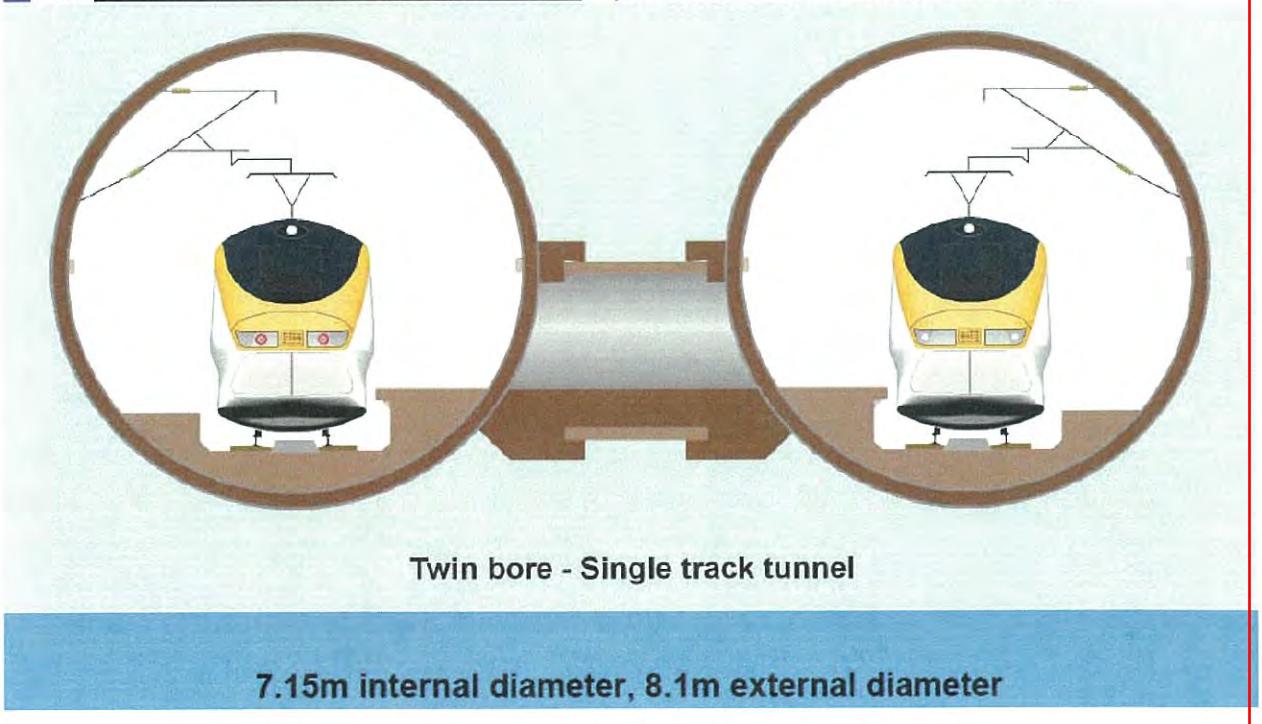
The current DTX design contemplates the construction of a 3-track sequentially excavated tunnel without any apparent plans for the evacuation of a train travelling on the middle track. This is of particular concern with High Speed trains which have a single door per carriage.



Recommendation #3

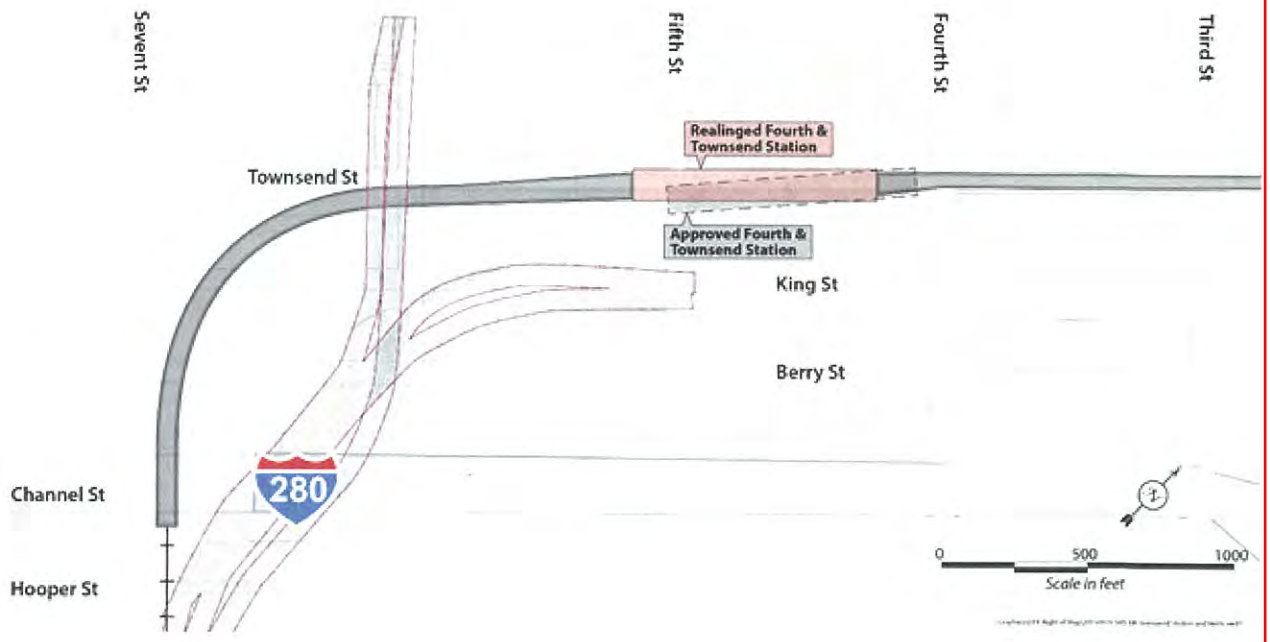
The SEIR should consider a twin-bore tunnel design with cross-passages for emergency evacuation (similar to the Central Subway) and a ventilation system designed to eliminate any requirement for vent/evacuation structures north of Townsend.

Please refer to Appendix A (Tunneling Studies) in the HS2 Final Report http://www.railwaysarchive.co.uk/documents/HS2_RouteEngineeringStudyAppendices_2010.pdf and **Section A1.4 Fire Safety Engineering** in particular for additional information.



4) Fourth and Townsend Underground Station location

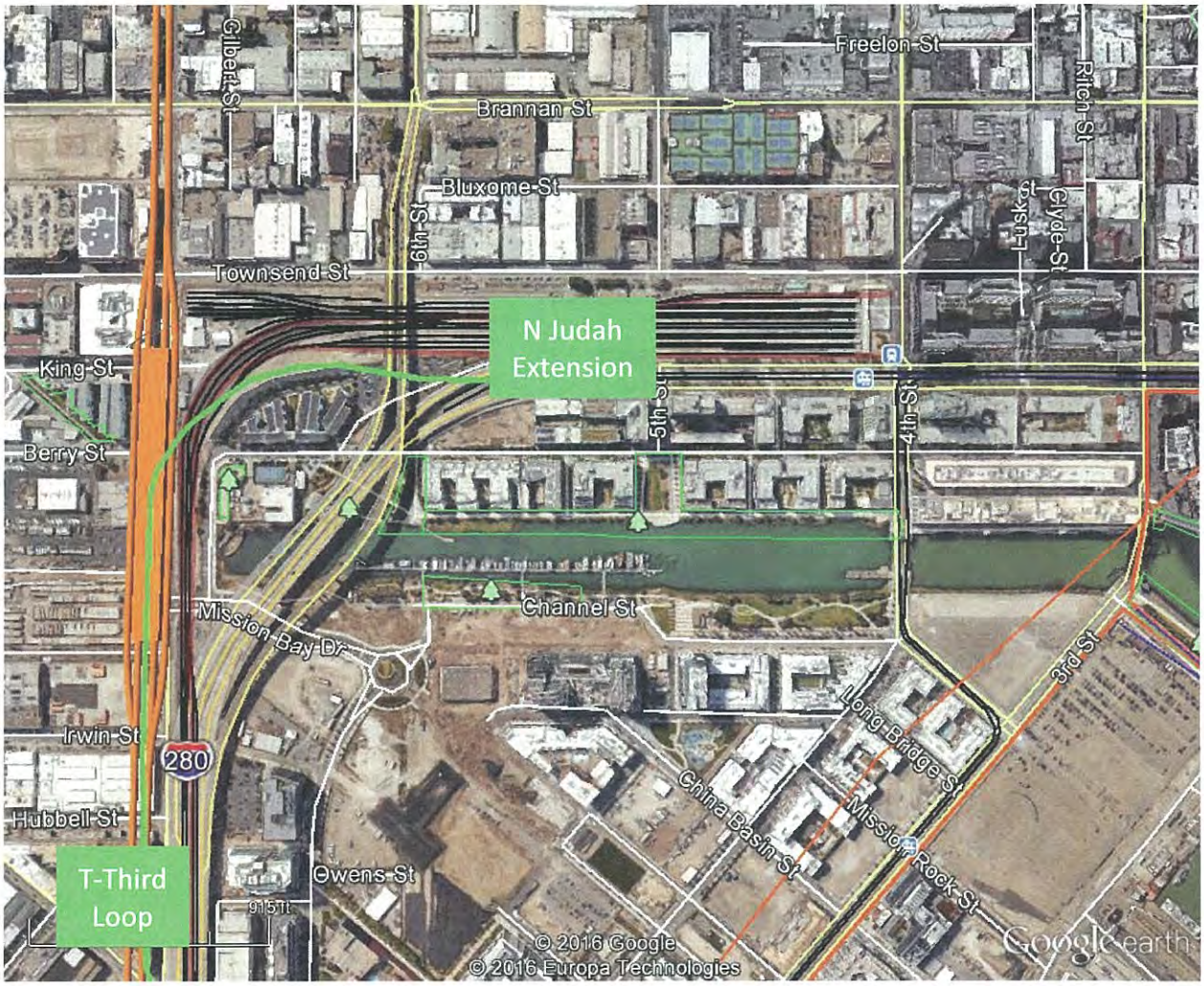
It is unclear how a relocated Caltrain station on Townsend could possibly accommodate the ridership demand from Mission Bay including UCSF, AT&T Park and the proposed Warriors Arena.



Lebrun-4

Recommendation #4

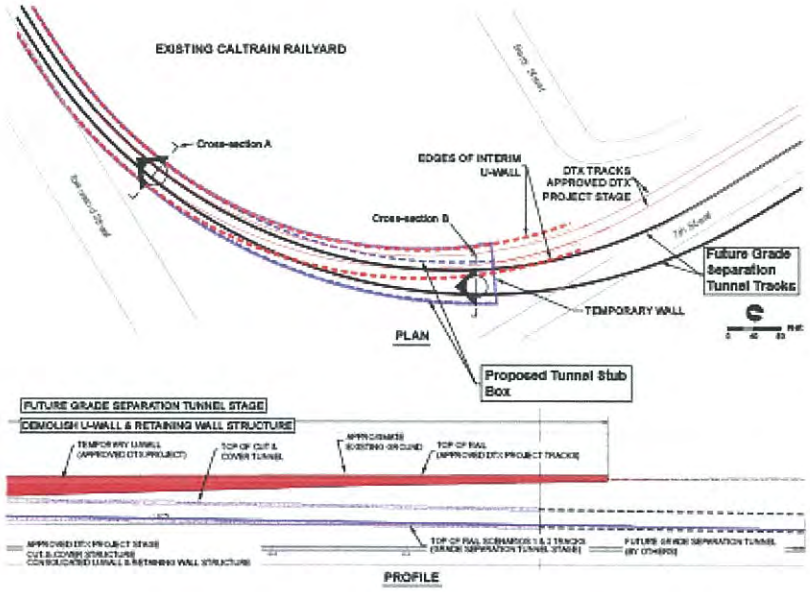
The SEIR should consider relocating the Townsend station to 7th Street and providing connectivity to the Central Subway via an extension of the N line connecting to the Mission Bay loop via 16th Street. This station should be designed to accommodate the Grand Boulevard at a later date.



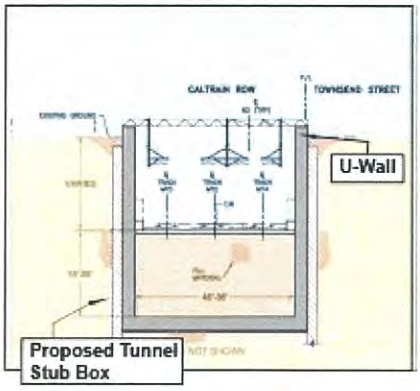
Lebrun-4 Continued

5) 7th Street Tunnel Stub Box

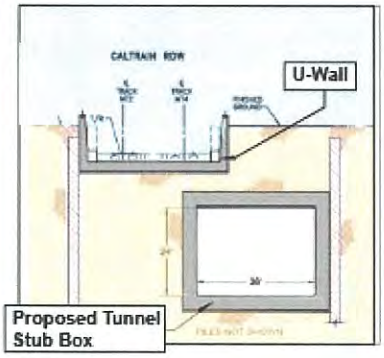
The SEIR proposes to terminate the DTX on 7th Street with a "tunnel stub box" designed to accommodate a future 16th Street grade separation.



Cross-Section A

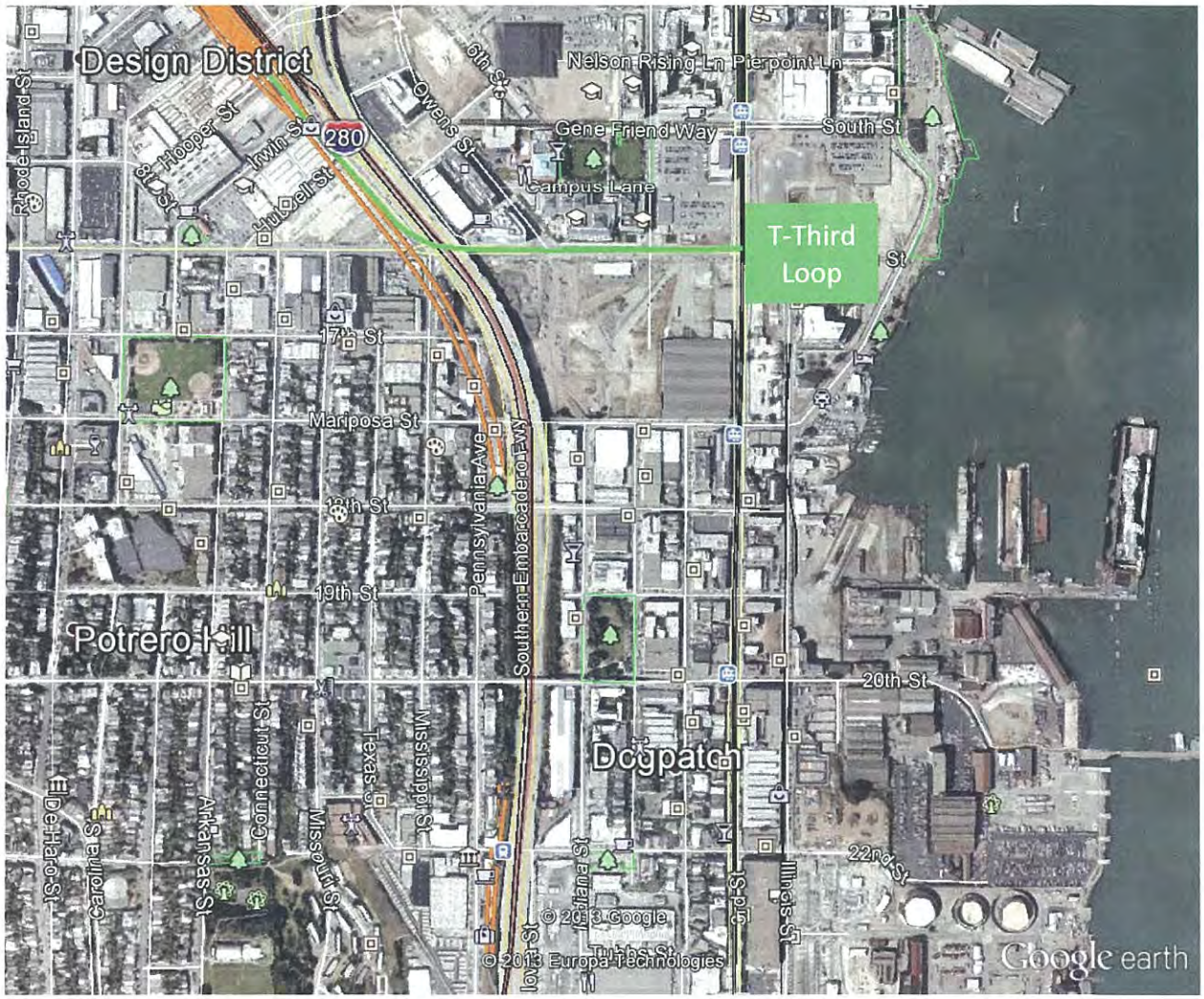


Cross-Section B



Recommendation #5

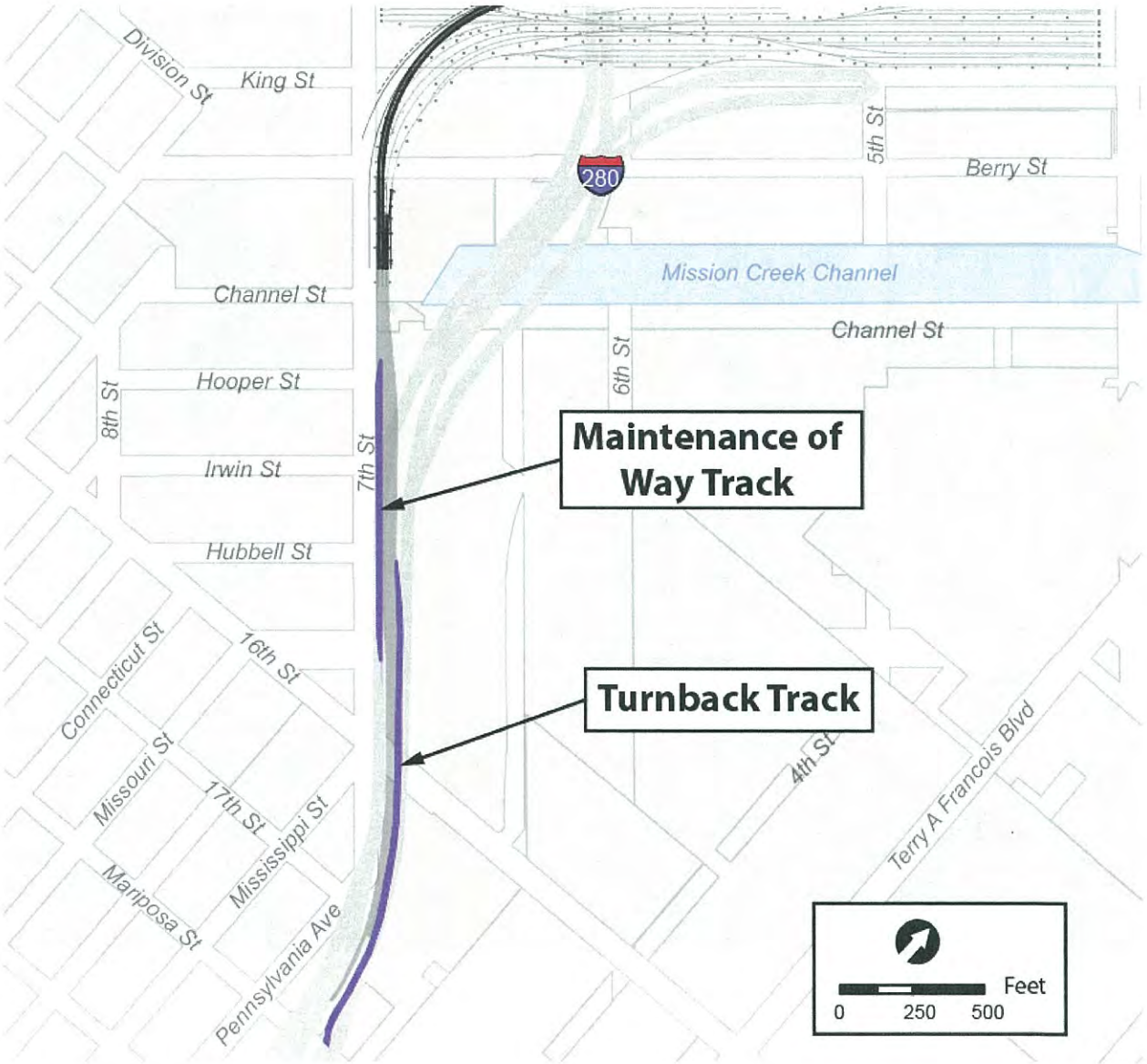
The SEIR should consider a direct connection to the Planning Department's Pennsylvania Avenue RAB study alternative. This would achieve 16th Street Grade separation as soon as Caltrain operations are relocated to the Transbay terminal and would save hundreds of millions by eliminating cut & cover structures @ 7th & Townsend



Lebrun-5 Continued

6) Turnback Track impacts on 16th Street grade crossing

The SEIR proposes the addition of two additional tracks on 7th Street, including a turnback track across 16th Street, thereby increasing gate downtime for each train crossing by an additional 10 seconds (10 minutes per day).



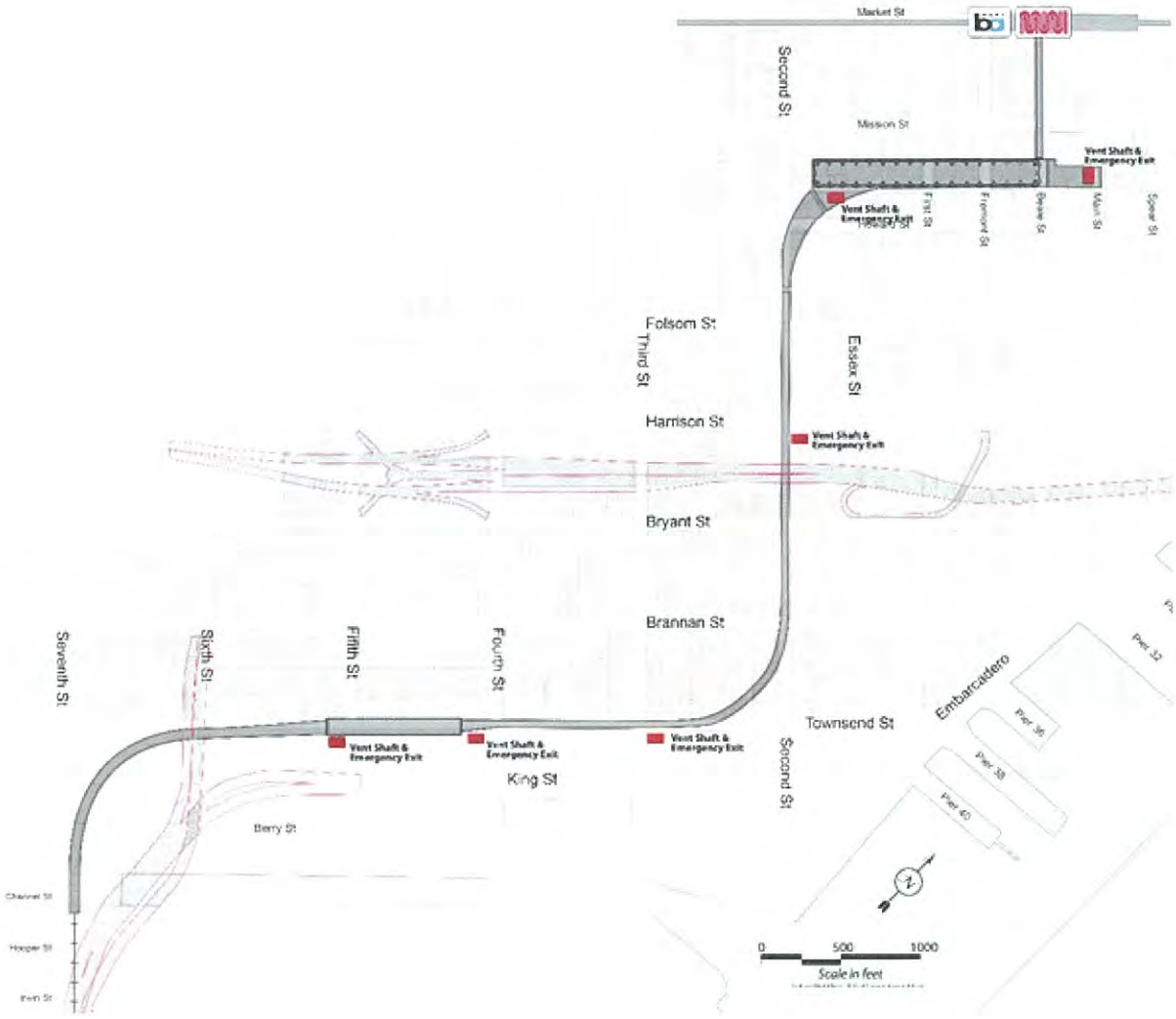
Recommendation #6

The SEIR should consider a direct connection to the planning department's Pennsylvania Avenue alternative (see recommendation #5 above) and turn trains around further south. The SEIR should also consider the abandoned tunnel #1 for storage.

Lebrun-6

7) Alignment conflict with AB3034 (San Jose to Transbay in 30 minutes)
The current DTX alignment consists of 3 sharp curves each with a maximum speed of 25 MPH which extend the travel time between 7th Street and the Transbay Terminal by an additional 3 minutes.

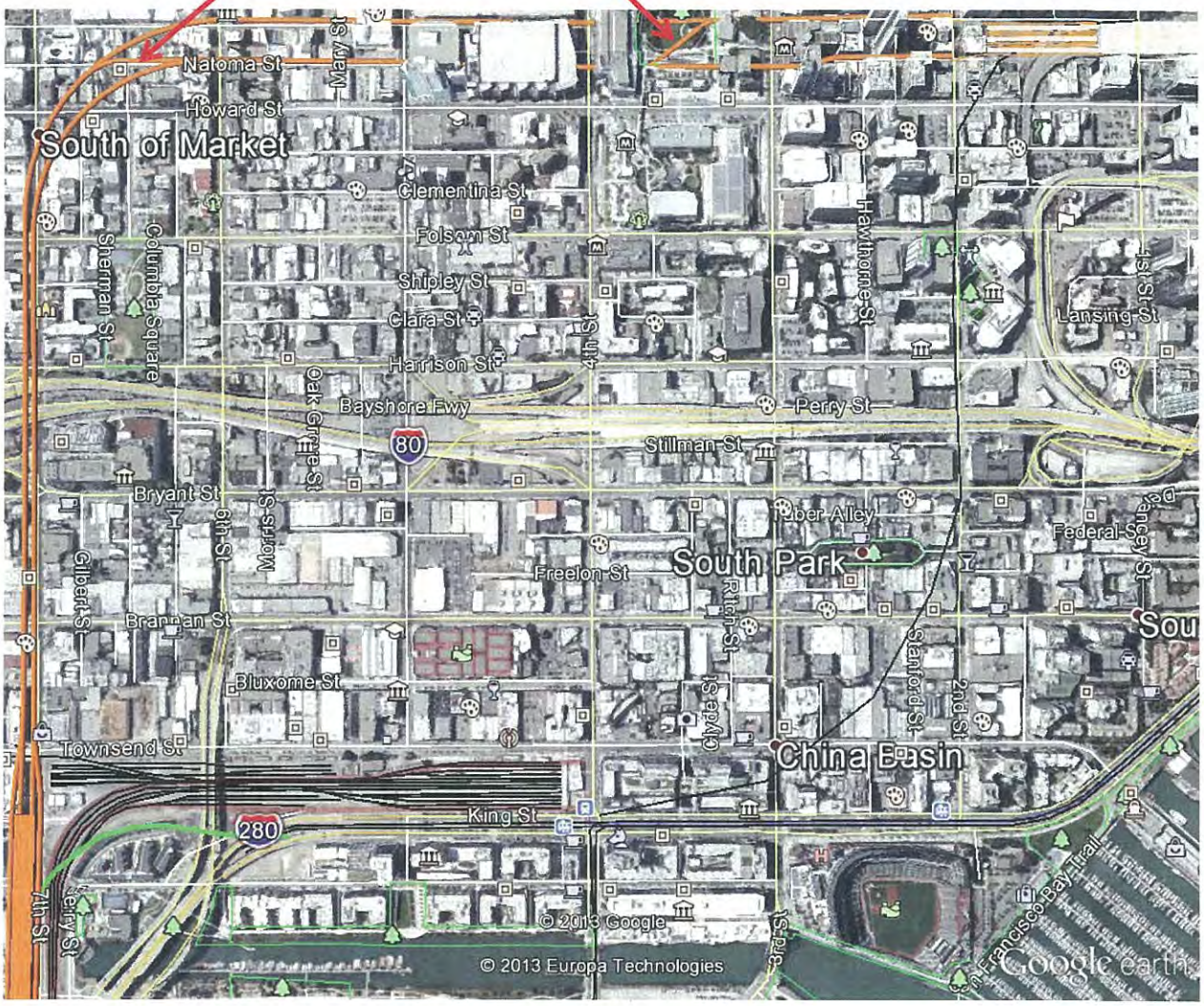
This alignment conflicts with AB3034 (2007) codified in Streets & Highways code section 2704.09(b) http://www.leginfo.ca.gov/cgi-bin/displaycode?section=shc&group=02001-03000&file=2704.04-2704.095
"Maximum nonstop service travel times for each corridor that shall not exceed the following:
(3) San Francisco-San Jose: 30 minutes."



Mined crossovers

Recommendation #7

The SEIR should consider an alternate alignment designed to enable an 80 MPH approach to the Transbay Transit Center.



Respectfully submitted for your consideration

Sincerely,

Roland Lebrun

Lebrun-7 Continued

Roland Lebrun
February 29, 2016

Lebrun-01

TJPA's consultants on the DTX Design Team prepared a technical memorandum dated July 7, 2014, which examined the potential for a future East Bay connection from the extended train box. It was determined that an East Bay connection is technically feasible with the train box extension in five different configurations: with an extension from the east side of the train box down Steuart Street and along the Embarcadero to the Bay, with a spur off Second Street to Townsend Street/Embarcadero to the Bay, from Townsend Street through Townsend Street/Embarcadero to the Bay, or from Townsend Street past King Street to the Bay. As a result, the train box extension would not preclude an eventual East Bay extension as alleged by the commenter.

The Transbay Program's scope regarding Caltrain's Fourth and King Railyard is limited to replacing facilities affected by DTX construction; maintenance needs of Caltrain are not a part of the Transbay Program but are part of the Caltrain and CHSRA programs. In particular, rail maintenance sites will be evaluated in the Blended System EIR/EIS by the CHSRA. That analysis is currently underway.

The construction of the structural box of the Transit Center's below grade levels is complete. Changing the design of the west end, by extending the train box one block to the west, as recommended by the commenter, would substantially increase costs. Due to the design of the entire below-grade Transit Center, any changes to the west end of the structure could have impacts that would require changes to the rest of the Transit Center, which opened August 2018 though it is temporarily closed for repairs. Shifting the train box westward for a future connection to the East Bay would not eliminate conflicts with the 201 Mission Street terraces because Block 5 (now called the Park Tower) is currently under construction and will include deep foundations and two levels of parking below grade, which would prohibit a tunnel from passing beneath it at the depth required on the east end of the Transit Center. The commenter notes that his proposal may have a potential conflict with Block 5. Because construction is underway and the building foundations are complete and shoring for the parking level has commenced, these potential conflicts are now actual conflicts.

Lebrun-02

The throat structure, including the cut-and-cover construction method, was analyzed in the 2004 FEIS/EIR and approved as part of the Transbay Program. The widened throat structure is not much larger than the previously approved throat structure: the approved throat structure is 64,610 square feet, and the proposed widened throat structure would be 78,670 square feet, a net increase of 14,060 square feet. As a result, the construction of the widened throat structure would not cause a substantial increase in construction duration or impacts compared to the previously approved throat structure. The diagram provided in the commenter's letter shows that this wider footprint would affect two properties not previously affected which have been disclosed and acknowledged in the SEIS/EIR. The minimal additional footprint and affected properties would not significantly affect circulation and noise beyond the impacts already evaluated and mitigated in the 2004 FEIS/EIR.

The construction of the structural box of the Transit Center's below grade levels is complete; therefore, changing the design of the west end would have substantial cost

Roland Lebrun
February 29, 2016

implications to reconfiguring the already constructed train box, as described above in the response to Comment Lebrun-01.

The trackwork proposed by the commenter, which involves entering into two single-track tunnels, would create single points of failure at the west end of the Transit Center, resulting in severe operational, safety, and maintenance issues if a train were to become disabled where the tracks enter/leave the tunnel. The curves proposed in the diagram prepared by the commenter may not meet the radius requirements of Caltrain and the CHSRA. Additionally, a major AT&T duct bank (which AT&T has stated cannot be relocated) is located along Second Street in the location of the proposed trackwork, and would require cut-and-cover construction across Second Street.

Lebrun-03 The three-track sequentially excavated tunnel was analyzed in the 2004 FEIS/EIR and approved as part of the Transbay Program. Evacuation of trains on the middle track will occur on walkways between the train tracks with cross-walks to access the outside walkways and emergency exits proposed at 400 feet (maximum) intervals.

Twin-bore single-track tunnels, recommended by the commenter, would eliminate the operational flexibility required by Caltrain and CHSRA and that is provided by a third track. If the commenter's recommendation for tunnel design were to be implemented, the cross-passages required between the two tunnels for safety would likely need to be at least one block long and may necessitate cut-and-cover construction, which would be more disruptive to businesses and circulation than the approved tunnel plans. There would also need to be more of these cross-passages because the required time for egress would increase dramatically with such long cross-passages. Locating additional cross-passages would be technically and financially difficult due to the large number of existing buildings with deep foundations and below-grade parking.

Lebrun-04 The Fourth and Townsend Station was analyzed in the 2004 FEIS/EIR and approved as part of the Transbay Program. The Draft SEIS/EIR evaluates a location shift in the alignment (further into the Townsend Street right-of-way). The station's size has not substantially changed as part of this shift, however. Ridership studies have included a surface station at Fourth and King as well as the Fourth and Townsend Station.

Convenient access to the Central Subway would be available from the realigned Fourth and Townsend Street Station by escalator to street level at Fourth Street. Relocating this station further west to Seventh Street, as recommended by the commenter, would detract from this convenient connection. The current DTX alignment would not prohibit the commenter's suggestion for a future boulevard if proposed, approved, and funded.

Locating an underground station at Seventh Street would still require cut-and-cover construction due to the soft ground conditions in the vicinity. There also would be concerns about conflicts with SFPUC facilities in that area, including the Division Street outfall which provides drainage for the northern portion of San Francisco and

Roland Lebrun
February 29, 2016

cannot be relocated. SFPUC is also currently planning a connection (Central Bayside Improvement Project) to the Berry Street box, which would directly conflict with a station at the commenter's suggested location on Seventh Street. In addition to conflicts with SFPUC facilities, the fiber optic backbone for AT&T is in the Seventh Street right-of-way in the vicinity of the suggested underground station and would conflict as well. Disruption of this fiber optic backbone would have economic impacts to residents and businesses throughout San Francisco.

Lebrun-05 The proposed tunnel stub in the Caltrain right-of-way adjacent to Seventh Street allows a phased approach for trains to enter the Transit Center as soon as possible (as required by Proposition H) once environmental review is conducted and funding is acquired for a potential grade separation tunnel.

Direct connection to a grade separation tunnel, as recommended by the commenter, would cause years of delay as there is no approved tunnel to which the proposed tunnel stub box could connect. This proposed project component has been included in the Draft SEIS/EIR to facilitate future below-grade Caltrain and HSR service and preserve future grade separation options. Such plans would need to undergo environmental review, complete engineering, and obtain funding, all of which would be at an unidentified time in the future. The approved Transbay Program includes a U-wall for Caltrain and future HSR trains to transition from at-grade operations to the underground alignment to the Transit Center.

A relocation of the proposed underground Fourth and Townsend Station west to Seventh Street, as suggested by the commenter, would not eliminate the cut-and-cover construction techniques and the resultant impacts. The ground conditions in the vicinity of Seventh and Townsend Streets would still require cut-and-cover construction techniques.

Lebrun-06 Currently, there are no reasonably foreseeable tunnels available for connection. Long-term train storage and maintenance facilities for Caltrain and/or CHSRA will be addressed in the Blended System EIR/EIS currently being prepared by CHSRA.

For additional information regarding the turnback track impacts on 16th Street circulation, please see Master Response 2.

Lebrun-07 The curve speeds on the DTX alignment are 22 mph entering the Transit Center station where the trains would come to a complete stop, and 35 mph on the other two curves. The travel times for HSR between San Jose and San Francisco will be reviewed in the CHSRA's Blended System EIR.

Because the Transit Center is a terminal station, train speeds entering the station would be slow regardless of the curve radius. The tracks (and one mined crossover) shown in the commenter's figure associated with Recommendation #7 would pass underneath the Moscone Center. This suggested alignment would not be feasible because much of the Moscone facility, including its underground parking, is below

Roland Lebrun
February 29, 2016

grade and would be prohibitively expensive to remove in order to accommodate the commenter's recommendation. Going deeper to avoid the basement of the Moscone Center would result in a grade that is too steep for the trains to enter the Transit Center.

The commenter's proposed alignment also would necessitate acquiring a large number of permanent underground easements on the curve from Seventh Street to Minna/Natoma Streets, along Seventh Street to account for the required separation of the single-bore tunnels that would likely extend beyond the public right-of-way, and along Minna and Natoma Streets because the bores would also likely extend beyond the public right-of-way.

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

February 29, 2016
By E-Mail to:
SEIS.EIR@
transbaycenter.org

Scott Boule
Community Outreach Manager
Transbay JPA
201 Mission Street, Suite 2100
San Francisco CA 94105

Re: Draft SEIS/EIR

Dear Mr. Boule:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is a long-time supporter of the Transbay Project and the Caltrain Downtown Extension (DTX). We commented on the DEIS/EIR way back in 2002, and were active in protecting the needed train throat right-of-way at 80 Natoma from development. We are pleased to see the draft SEIS/EIR out for comment, as that will allow the DTX to proceed with an up-to-date environmental document.

1. We support an underground pedestrian connection to BART, and note the desirability of selecting the Embarcadero station because of its proximity to the Ferry Terminal. Will the SEIR propose a moving sidewalk within the Transbay Center, to connect to this connector? It will be at least a long block away from the Center's centroid of activity. TRANSDEF-1

2. While we very much support access by Amtrak buses, we question the impact on land uses of the proposed location. We would like to see alternative locations studied. TRANSDEF-2

3. How will the security of the AC Transit bus storage facility be maintained if it is open to public use? TRANSDEF-3

4. The description quoted below seems to imply that the lower train-box level could not be constructed without demolishing the upper deck. If that is accurate, it would result in an interruption of service to cut-over from surface-level set of tracks to the underground set. It seems like the roof of the train box needs to be able to support the trackway. TRANSDEF-4

When grade-separated intersections farther south on the Caltrain alignment (a separate project not part of the proposed project) are constructed, the upper deck of the U-wall portion could be demolished and the lower train-box level could be outfitted with tracks, signaling, and other required elements. The tunnel stub box would not preclude service to existing Caltrain stations. (2-30.)

TRANSDEF-4 Continued

5. A definition of controlled vehicle ramp is needed prior to p. 2-36.

TRANSDEF-5

TRANSDEF is pleased to see work continue on the DTX.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

Transportation Solutions Defense and Education Fund
February 29, 2016

TRANSDEF-01 A moving walkway in the Transit Center's Lower Concourse is not envisioned at this time. Passengers exiting Caltrain or future high-speed trains would proceed to one of several available elevators and escalators to connect from the platform level up to the Lower Concourse where passengers can access the underground pedestrian connector to the BART/Muni Embarcadero Station. Because there are multiple access points between the platform level and the Lower Concourse, passengers would be able to travel between the two levels conveniently, and a moving walkway would not be necessary.

TRANSDEF-02 A reasonable range of alternatives should be examined that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project (State CEQA Guidelines, Section 15126.6). The Draft SEIS/EIR did not identify any significant impacts, including effects on nearby land uses, associated with the intercity bus facility and, thus, there is no CEQA reason to examine alternatives to reduce significant effects. The effect of this intercity bus facility on nearby land uses is evaluated in Impact LU-3 (see specifically page 3.3-20). Section 2.5, Table 2-7 of this Final SEIS/EIR summarizes other locations for the intercity bus facility that were considered and the reasons for their rejection.

TRANSDEF-03 As stated on page 3.15-15, the AC Transit bus storage facility parking would provide nighttime and event parking when AC Transit buses are not using the facility. Parking lot staff and security lighting would serve as deterrents to unlawful activities that could increase calls for law enforcement. AC Transit and Golden Gate Transit also have security personnel to monitor their facilities in the vicinity of the Transit Center (see page 3.16-4). The AC Transit bus storage facility parking is an existing facility that would be used by the general public for off-hours and nighttime or event parking when not in use by AC Transit for regular operations. Sound walls will surround the bus storage facility on three sides, and the fourth side along Stillman Street will be secured by fencing and will be under surveillance, as required (see page 3.26-7).

TRANSDEF-04 The goal of the tunnel stub is to minimize, not eliminate, service disruption. There would still be a service interruption to cut-over from surface-level tracks to underground tracks, but this disruption in service would be less than if the tunnel stub were not built.

TRANSDEF-05 The controlled vehicle ramp is a secured accessway from Howard Street to the Lower Concourse level of the Transit Center. The ramp would have limited access for service and maintenance vehicles. To clarify this, text in the Draft SEIS/EIR was revised as shown on page 2-71 of the Final SEIS/EIR.

TRANSBAY JOINT POWERS AUTHORITY

PUBLIC MEETING

Draft Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/EIR)

Transbay Transit Center Program

201 Mission Street, Suite 2100, San Francisco, CA

February 10, 2016 -- 5:00-7:00 p.m.

COMMENTS

The Transbay Joint Powers Authority, Federal Transit Administration, and Federal Railroad Administration are conducting an environmental review process to supplement the previous environmental analysis for the Transbay Program. Thank you for participating in tonight's Public Meeting; your comments on the Draft Supplemental EIS/EIR are appreciated.

Name (please print): Sandra Schmit

Affiliation (if applicable): Millennium Tower

Phone: 510.410.8008 Email: sandra.schmit@hotmail.com

Address: 301 Mission St Unit 17J ~~SF~~

City, State, Zip: SF, CA 94105

COMMENTS

Schmit-1 (1) What is the impact of traffic on Beale Street w/ the addition of the ~~bus~~ inter city bus facility?

Schmit-2 (2) Traffic + pedestrian patterns — was current construction in area considered? It does not seem plausible that significant congestion would not exist w/ the proposed changes. Please comment.

Schmit-3 (3) What is impact to 301 Mission residents for entry driveway off Beale (Millennium Tower).

Mail comments to: Scott Boule, TJPA Legislative Affairs & Community Outreach Manager,
201 Mission Street, Suite 2100, San Francisco, CA 94105
Phone: (415) 597-4620 or Email: SEIS.EIR@transbaycenter.org

Sandra Schmit
February 10, 2016

Schmit-01 Please see Master Response 3, which provides information regarding traffic and circulation along Beale Street with the addition of the proposed intercity bus facility.

Schmit-02 Please see Master Response 3, which provides information regarding traffic and circulation around and associated with the intercity bus facility. In particular, the Master Response evaluates long-term vehicular and pedestrian movements around the intercity bus facility and describes the short-term construction impacts and mitigation measures that were adopted as part of the Transbay Program and are included as part of the proposed project.

Schmit-03 Please see Master Response 3, which provides additional information regarding traffic and circulation around and associated with the intercity bus facility. Ingress and egress for local businesses and residences are also discussed in that Master Response. The intercity bus facility would be located on the opposite side of Beale Street (east side) from the Millennium Tower (west side), and activity at the intercity bus facility along Beale Street would consist entirely of buses exiting the facility and continuing onto southbound Beale Street. There would be no left turns from Beale Street into the intercity bus facility; the only ingress to the intercity bus facility would be from Main Street. Given the total width and capacity of Beale Street (three total travel lanes), the physical separation of the Millennium Tower access and the intercity bus facility egress, and the expected level of bus activity at the intercity bus facility, conflicts would not be expected between these two traffic flows such that ingress and egress for Millennium Tower residents would be adversely or significantly affected, considering the thresholds described beginning on page 3.2-12 of the Draft SEIS/EIR.

James Whitaker
201 Harrison St. Apt. 229
San Francisco, CA 94105-2049

February 12, 2017

Brenda Perez
Federal Transit Administration, Region 9
90 7th Street, Suite 15-300
San Francisco, CA 94103-6701

CC:
Scott Boule
Legislative Affairs and Community Outreach Manager
Transbay Joint Powers Authority
201 Mission Street, Suite 2100
San Francisco, CA 94105

Dear Ms. Perez,

Please accept my comments on the December 2015 Draft SEIS/EIR for the Transbay Transit Center Program (online: http://transbaycenter.org/uploads/2015/12/TJPA_Draft_SEIS-EIR_Main_Document_Final.pdf.pdf)

I do not believe the document is adequate or properly addresses the livability for residents nor the livelihoods of business owners affected by this multi-year project. San Francisco's South of Market businesses and residents' lifespans are very much negatively impacted (ie: shortened lives) by the cumulative impacts of a decade and counting of very intense construction activities where our breathing air is polluted much more signicantly by dozens of large projects than what any one environmental impact document is willing to acknowledge. We should not spare expenses due to prior mismanagement of monies that results in killing residents – or at the very least, putting pedestrians and bicyclists at greater risks of severe injuries over the duration of these projects such as the Downtown Extension.

Whitaker -01

I moved to the Rincon Hill neighborhood in 2006 in part because of the dream to see a 2.5 hour high-speed rail train connection to southern California in my lifetime from the Transbay Transit Center. However, I do not want to see neighbors die due to overly political decisions about construction methods due to faulty past budget actions, such as cut-and-cover tunneling on Townsend Street and part of 2nd Street, instead of using construction methods that may be more costly but will preserve the intersections along Townsend Street and 2nd Street to mitigate air pollution, pedestrian hazards, bicyclist hazards, noise, and destruction to historic resource buildings along those roadways.

Whitaker -02

Please do not approve a document that does not consider the environment health impacts on me and the thousands of other residents.

Specifically, Pages 2-8 through 2-11 of the December 2015 Draft SEIS/EIR for the Transbay Transit Center Program document do not address the impacts of various cut-and-cover methods on the soils, the structures, the traffic intersections, the sidewalks, and the businesses with realistic explanations or mitigations for what we know is an extremely busy area when 50,000+ San Francisco Giants baseball fans are trying to walk to the AT&T ballpark.

With the Millennium Tower's (301 Mission Street, San Francisco, CA 94105) worldwide news-making structural sinking and tilting on likely similar landfill to what will be encountered along Townsend Street, the SEIS/EIR needs to address the soil impacts – what will one-half mile long, 50 foot deep trench along Townsend Street do to the structures? What are the risks of the 50 foot deep trench along historic structures on 2nd Street? The residents and business owners need to know – and there needs to be mitigations to minimize damages to these properties. What are the mitigations for stakeholders (residents, property owners, businesses) relating to soil and foundational issued potentially caused by the choice of cut-and-cover construction? Witnessing the cut-and-cover construction methods impacts on businesses in South of Market whereby many decades-old businesses are closing or, if you have the money like Apple, Inc., getting out of Dodge and moving to another location not impacted by the cut-and-cover construction, this document does not appear to properly inform businesses (or residents) about the length of time, the changes to the roadways and sidewalks, nor the mitigations to those changes that will impact their health, livelihoods, and air quality for several years, and I believe the document needs to be improved in this regard. How will property owners be repaid for lost property due to soil issues – possibly related to the cut-and-cover method and possibly due to the groundwater table draw down related to the tunneling (with Millennium Tower again fresh in our minds)?

Whitaker-02 Continued

Also, the community has spent an inordinate amount of time trying to make 2nd Street a safe boulevard for pedestrians and bicyclists. We are a Vision Zero city, meaning that we aim to redesign our roadways to eliminate traffic related deaths of pedestrians, bicyclists, transit users, and motorists. How does the cut-and-cover tunneling conflict with and harm the public safety goals of the City's vision zero policy – how can we change a DIFFERENT construction methodology that will not delay or harm our 2nd Street Infrastructure Improvement Project and keep folks alive?

How will the project navigate around the Central Subway – and how will the operations of the Central Subway trains be impacted by the downtown extension? Will the tunnel go below the Central Subway? How are the users, nearby businesses and residences, and transportation infrastructure of the existing Caltrain Station at 4th and King affected and what are the mitigations to address traffic congestion related air pollution that shortens lives and pedestrian/bicyclist dangers? Many San Francisco Giants fans come to ballgames via Caltrain. Senior housing complexes are nearby on King Street and 4th Streets, folks with respiratory health challenges already I don't believe that is adequately addressed in this document. We

Whitaker-03

have thousands of residents south of Townsend Street who rely on the train working for their livelihoods.

Whitaker-03 Continued

As identified in Table S-2, the unavoidable effects of noise from construction activities implies that there are no mitigations for noise which I believe is unequivocally false. The document fails to identify which types of loud construction equipment will be banned from usage during the evenings and at night to minimize or eliminate noise impacts – the document fails to provide residents and business owners with these carve outs that are known means to avoiding noise and vibration issues in the project areas.

Whitaker-04

Table S-2, Impact TR-3 relating to public sidewalk overcrowding and hazards is also lacking specifications. The document should inform residents and business owners to what degree sidewalks will be narrowed. The document fails to inform readers whether the cut-and-cover construction method will temporarily close sidewalks, such as we've seen along Stockton Street in Union Square during the Central Subway construction, so that they are unusable by residents, San Francisco Giants fans, businesses who need deliveries, and so on for the 4-5 years anticipated for this project. Sidewalk narrowing and impacts must be more clearly studied and identified in this document to be acceptable. People need to know what a HUGE impact the cut-and-cover tunneling is going to have on getting around Townsend Street, 2nd Street, and nearby major arteries impacted by this multi-year project as it affect Bay Bridge traffic congestion that shortens lives with increased air pollution and risks to pedestrians/bicyclists from impatient drivers' dangerous behaviors.

Whitaker-05

Table S-2, Impact C-GE-4 does not adequately address questions residents, business owners, and property owners may have, especially with Millennium Tower fresh in our minds, about excavation and dewatering causing additional settlement for adjacent properties and create hazards for construction workers and the public – especially if, God forbid, an strong earthquake occurs. The groundwater table drawdown and potential for soil changes/subsidence that affect building settlement have vague mitigation approaches and more details need to be identified. Will there be temporary access easements identified to provide access for MEASURING additional surface or subsurface settlements of adjacent structures? This needs to be in this document. The alignment is being proposed UNDERNEATH some existing structures – how will the TJPA and related parties prevent the further settlement of these structures when there is very limited physical access during construction activities? I believe this document needs improvement – needs to identify ALL easements required to protect the existing buildings that are either above or adjacent to these 50 foot deep trenches that will be opened up for years.

Whitaker-06

Thank you for your consideration,

James Whitaker

James Whitaker

James Whitaker
February 12, 2017

Whitaker-01 Cumulative impacts are addressed in each of the environmental topics analyzed in Chapter 3 of the Draft SEIS/EIR; those topics most relevant to livability, livelihood, and health identified by the commenter include transportation, land use, socioeconomics, visual quality, hazardous materials, noise, air quality, and safety and security. With respect to air pollution, construction and cumulative air quality impacts are discussed in Section 3.13, Air Quality, of the Draft SEIS/EIR on pages 3.13-23 and 24. Impacts from exposure to pollutants are discussed in the Draft SEIS/EIR on pages 3.13-15 to 17 and pages 3.13-22 and 23. For additional information on cut-and-cover construction activities, impacts, and mitigation measures, please see Master Response 4.

Whitaker-02 A description of the cut-and-cover construction method is provided on page 2-8 in Chapter 2, Project Alternatives, of the Draft SEIS/EIR. Figure 2-2 indicates where this method is proposed along the DTX alignment, primarily along Townsend Street for the alignment and Fourth and Townsend Street station, along Second Street for the widened throat structure, and along Beale Street for the underground pedestrian connector. A detailed description of the cut-and-cover construction method is provided in Section 5.20, Construction Staging and Methods, of the 2004 FEIS/EIR, which is incorporated by reference into this SEIS/EIR.

For additional information on cut-and-cover construction activities, impacts, and mitigation measures, please see Master Response 4. Master Response 4 summarizes transportation, socioeconomic, historic resource, water resource and water quality, geological/soil, noise and vibration, and air quality impacts that could result from the cut-and-cover construction method. Master Response 4 also summarizes the related mitigation measures and additional efforts to minimize disruption during the construction period.

Prior to construction, specific studies and recommendations to avoid or minimize potential impacts from the cut-and-cover construction method will be undertaken by TJPA and its contractors. They include:

- Traffic control plans to identify truck and equipment movements, construction staging areas, lane closures, detours, directional and safety warnings, means to maintain access to properties, means to allow safe circulation by automobiles, transit vehicles, service and emergency response vehicles, pedestrians, and bicyclists), and construction hours and restrictions.

- Site-specific building surveys to identify the structural integrity of existing buildings adjacent to and over the proposed underground alignment; assessment of building response to tunneling using empirical and numerical modeling methods; as needed development of preconstruction building settlement mitigation methods such as underpinning or compensation grouting; and working with property owners to monitor potential impacts due to dewatering, settlement, soil limitations, and excavation face stability during construction; and to recommend immediate actions to maintain any movements within predetermined thresholds.

- Pre-construction Business Surveys to identify business usage, delivery/shipping patterns, and critical times of the day or year for business activities, in order to be able to adapt construction to maintain critical business activities, to provide alternate access routes for customers and service deliveries, and prepare traffic control and detour plans that maintain access as much as possible.

Each of these studies will be prepared in coordination with the appropriate City planning, transportation, building, and engineering departments and agencies so that the recommendations to avoid, minimize, and mitigate impacts are consistent with local regulations and standards.

With respect specifically to soil impacts and ground settlement, all structural components of the proposed project would be designed and built in agreement with the prevailing building codes and standards (such as CBC or ASCE 7). Mitigation Measures SG1 (monitor adjacent buildings), SG2 (apply design measures to mitigate potential settlement), SG4 (underpin existing pins where necessary), and SG5 (design and construct foundations to control potential settlement) previously identified in the 2004 FEIS/EIR and adopted and incorporated into the proposed project, would continue to apply and would be implemented. Also, designers and builders would comply with the TJPA DTX Design Criteria, which includes specific chapters on geotechnical, seismic design, structural, and protection of existing buildings. These measures and design criteria were in part formulated to address the potential geotechnical and dewatering impacts associated with excavation and underground construction of the now approved Transbay Program and would serve to minimize impacts to nearby properties and structures. Additionally, groundwater monitoring wells will be installed around the cut-and-cover excavations to monitor the groundwater levels and ensure that the groundwater draw down surrounding the excavation does not reach levels that could lead to building impacts.

With respect to pedestrian circulation and safety, pages 3.2-16 through 3.2-18 of the Draft SEIS/EIR identify seven pedestrian circulation mitigation measures and another nine pre-construction and construction mitigation measures from the 2004 FEIS/EIR that were adopted and incorporated into the Transbay Program. Therefore, the proposed project with these measures included as part of the project would reduce construction and operational pedestrian impacts to less than significant under CEQA (no adverse effect under NEPA). Please see Appendix D.1, Sections 13 through 15, of the Final SEIS/EIR for a list of all pedestrian, pre-construction, and general construction mitigation measures that are included as part of the project and would assist toward achieving the City's Vision Zero program.

With respect to bicycle circulation and safety, the TJPA will prepare and implement a Construction Traffic Management Plan to address local circulation, detours, access to businesses and residences, temporary striping and signage, and other controls to ensure safe traffic flow. Contractors would be required to comply with the City's Blue Book, which contains regulations for working on City streets. Page 3.2-36 reports that lane and sidewalk closures are subject to review and approval by both the Department of Public Works and the Interdepartmental Staff Committee on Traffic and Transportation. As a result of these requirements and the pre-construction and

James Whitaker
February 12, 2017

construction mitigation measures summarized on pages 3.2-16 through 3.2-18 of the Draft SEIS/EIR, construction impacts on bicycles would be less than significant under CEQA (no adverse effect under NEPA) and would assist toward achieving the City's Vision Zero program.

The determination about which segments of the alignment are appropriate for cut-and-cover construction versus other construction methods involves careful consideration of environmental and socioeconomic impacts, property effects, costs, constructability, and scheduling. In 2017, the TJPA prepared a Tunnel Options Study to identify other construction methods that could reduce the impacts associated with the cut-and-cover construction technique. Those methods are described in Section 2.4 of this Final SEIS/EIR and evaluated in various sections in Chapter 2. The TJPA Board will consider the above factors and select a preferred construction method after completion of the 30 percent Preliminary Engineering design for the proposed project.

Whitaker-03

The Transbay Program project team will work closely with the SFMTA to coordinate a design and construction scenario that works for both TJPA and SFMTA. The Central Subway will be completed before DTX is constructed, so no cumulative construction impacts between the two projects would occur. It is envisioned that a support bridging structure would be constructed across Townsend Street to allow Central Subway service to continue at grade along Fourth Street with minimal disruption while DTX construction is underway. For example, DTX construction activities could be scheduled for weekends in coordination with SFMTA. Because the DTX would cross below grade under the Central Subway, which will operate at the street level at Townsend Street, and because the trains run on different currents (AC for DTX and DC for Central Subway), there would be no operational conflicts between the rail systems once construction is completed.

For a discussion of transportation impacts to Caltrain facilities, including the Fourth and King Station, please see Section 3.2, Transportation, of the Draft SEIS/EIR under Impact CU-TR-9. Additional information has been included in this Final SEIS/EIR to address the cumulative impacts of additional land development and transportation improvement projects in the area around the Caltrain 4th and King Station. Please refer to Section 2.7 of this Final SEIR/EIR for the updated transportation discussion.

Whitaker-04

Issuance of a nighttime construction waiver from the City requires that noise levels are not allowed to exceed 5 dBA above ambient levels after 10:00 p.m. For work occurring after 10:00 p.m.:

- No high-impact and/or pneumatic tools and equipment shall be used.
- All excavation work shall be done with the use of hand tools.
- Work shall not produce a noise level more than 10 dBA above the local ambient at a measured distance of 25 feet from the edges of the construction site.

James Whitaker
February 12, 2017

The TJPA and its contractors are required to comply with the above restrictions for nighttime work. Because these restrictions and standards are mandatory, they are not defined as mitigation measures. As part of the application for a nighttime construction waiver, the TJPA and its contracts must identify the measures to be implemented to satisfy the above restrictions and standards. In spite of these additional requirements for construction noise, the SEIS/EIR conservatively indicates that there would be a significant and unavoidable impact.

Whitaker-05 Impact TR-3 and Master Response 4 both describe the anticipated impacts associated with cut-and-cover construction. Temporary sidewalk and traffic lane closures are expected and more crowded conditions along sidewalks would occur, as they do for virtually all of the major construction projects in the City. As explained above in response to Comment Whitaker-02, the TJPA will prepare and implement a Construction Traffic Management Plan to address local circulation, detours, access to businesses and residences, temporary striping and signage, and other controls to ensure safe traffic flow. Contractors would be required to comply with the City's Blue Book, which contains regulations for working on City streets. Page 3.2-36 reports that lane and sidewalk closures are subject to review and approval by both the Department of Public Works and the Interdepartmental Staff Committee on Traffic and Transportation. The TJPA has implemented a communications plan to keep residents and businesses apprised of Transbay Program Phase 1 construction activities, and this same effort will continue during Phase 2.

Whitaker-06 The pre-construction building surveys described in Master Response 4 will include monitoring of existing buildings and utilities. Temporary access easements will be required to provide access for installing monitoring instruments. Temporary access easements will be secured upon further engineering to identify the type of instrumentation needed for specific structures. For additional information on cut-and-cover construction impacts and mitigation measures, particularly related to settlement and dewatering, please see the response to Comment Whitaker-02, above, and Master Response 4.

COX CASTLE NICHOLSON

Cox, Castle & Nicholson LLP
50 California Street, Suite 3200
San Francisco, California 94111-4710
P: 415.262.5100 F: 415.262-5199

Margo N. Bradish
415.262.5101
mbradish@coxcastle.com

March 6, 2017

VIA E-MAIL

Transbay Joint Powers Authority
201 Mission Street, Suite 2100
San Francisco, CA 94105
Attn: Scott Boule

Federal Transit Administration
Region 9
90 7th Street, Suite 15-300
San Francisco, CA 94103-6701
Attn: Brenda Perez

Re: Comments on Transbay Transit Center Program Draft Supplemental Environmental Impact Statement/Environmental Impact Report

Dear Mr. Boule and Ms. Perez:

Cox, Castle & Nicholson LLP represents Alexandria Real Estate Equities ("ARE") in connection with a variety of real estate matters. On behalf of ARE, we previously submitted comments on the Transbay Joint Powers Authority's ("TJPA") Transbay Transit Center Program Draft Supplemental Environmental Impact Statement/Environmental Impact Report ("SEIS/SEIR"), dated February 26, 2016, with regard to the potentially significant impacts that the improvements described in the SEIS/SEIR could have on ARE's properties located at 1700 and 1670 Owens Street. ARE also owns 510 Townsend Street in the Western SoMa area of San Francisco, where an approximately 300,000 square foot office building and 19,000 square foot underground parking structure currently are under construction ("510 Townsend"). 510 Townsend is located in close proximity to two components of the project analyzed in the SEIS/SEIR—the tunnel stub box and the realigned Fourth and Townsend Street Station (referred to in this letter as the "Project").

Background

The 510 Townsend site is approximately 54,000 square feet and is located on the block bounded by Townsend Street to the south, Brannan Street to the north, the Interstate 280 (1-280) Sixth Street on- and off-ramps to the east, and 7th Street to the west. The City approved the 510 Townsend project in August, 2015, and the project currently is under construction. The

completed project will consist of an approximately 300,000 square foot, five- to seven-story, 65- to 85-foot tall office building with basement-level parking and primary pedestrian entry on Townsend Street.

The Western SoMa Community Plan and the Western SoMa Mixed Use Office zoning that apply to the 510 Townsend site are intended to promote a variety of smaller-scale office uses, digital media and "high-tech" uses, and other uses amidst a mix of neighborhood-serving commercial and institutional uses. (Policies 1.2.3 & 2.2.6.) The office use under construction at 510 Townsend, which is fully leased and will be occupied by the payment technology company, Stripe, furthers these core purposes.

Two components of the project evaluated in the SEIS/SEIR—the tunnel stub box and the realigned Fourth and Townsend Street Station—are in close proximity to 510 Townsend. As described in the SEIS/SEIR, the tunnel stub box is a new below-grade train box that would be constructed to the southwest of 510 Townsend and is intended to accommodate future grade separations and below-grade Caltrain and High Speed Rail trains. The tunnel stub box would go beneath a previously approved U-wall, requiring additional excavation and dewatering activities. The realigned Fourth and Townsend Street Station would be moved from its approved location partially in the existing railyard, and would instead parallel Townsend Street immediately to the east of 510 Townsend. This new station would require significant ground-disturbing activity, resulting in circulation disruption along Townsend Street, including near 510 Townsend.

As described in more detail below, the SEIS/SEIR fails to identify, analyze, or provide mitigation to address potentially significant impacts with respect to pedestrian and bicycle circulation and safety along Townsend Street in the vicinity of 510 Townsend, and the SEIS/SEIR does not provide information regarding soil destabilization from dewatering activities and plans to address impacts to adjacent properties, such as 510 Townsend.

1. Transportation Impacts.

The analysis of transportation impacts in the SEIS/SEIR is inadequate under both the National Environmental Policy Act ("NEPA") and the California Environmental Quality Act ("CEQA").

a. Impacts to Pedestrian and Bicycle Circulation and Safety

CCN-01

The San Francisco Transportation Impact Analysis Guidelines for Environmental Review ("TIA Guidelines") require the SEIS/SEIR to assess whether the Project would cause major traffic hazards and whether the Project would create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility to the Project site and adjoining area. The adjoining area includes 510 Townsend, although the SEIS/SEIR omits 510 Townsend from diagrams showing adjacent land development.

Impact TR-3 states that "[t]he proposed project would not result in substantial overcrowding on public sidewalks, create hazardous conditions for pedestrians, or interfere with pedestrian accessibility to the site and adjoining areas." (SEIS/SEIR, p. 3.2-29.) The SEIS/SEIR concludes that impacts from the realigned Fourth and Townsend Street Station would be less than significant. Unfortunately, the SEIR/SEIS lacks sufficient information to support this conclusion. The SEIS/SEIR fails to include any intersections or pedestrian impact study areas along Townsend Street and, thus, wholly omits consideration of impacts to the Townsend Street sidewalk, including along the 510 Townsend Street frontage, that would result from the Station realignment. The Project would require substantial amounts of additional excavation, causing blocked streets and sidewalks, sidewalk overcrowding, and resultant safety impacts to pedestrians and bicyclists. Operations at the new station could also result in sidewalk overcrowding and reduce pedestrian flow, causing potential conflicts with automobile and bicycle traffic and resultant safety impacts. Without any evaluation of these impacts, the SEIS/SEIR's conclusion is unsupported and potentially hazardous conditions for pedestrians are unmitigated.

CCN-01
Continued

Similarly, Impact TR-4 provides that "[t]he proposed project would not be expected to substantially interfere with bicycle accessibility to the site and adjoining areas." (SEIS/SEIR, p. 3.2-31.) For this impact, too, the SEIS/SEIR fails to include any information regarding bicycle accessibility and safety impacts along Townsend Street that could result from construction of the Project. First, the SEIS/SEIR states that the Realigned Fourth and Townsend Street Station would "reduce bicycle access and parking" during construction, but concludes that TJPA's allocation of $25 million to mitigate construction-related impacts will reduce any impacts from this component to bicycle circulation and safety. The SEIS/SEIR, however, does not explain how the funds will mitigate these impacts, whether alternate bicycle access and parking will be provided, or how these funds will address accessibility issues to other properties along Townsend Street. (See *id.*) For the tunnel stub box, the SEIS/SEIR concludes, without support, that no impacts will result because the component will not cause changes to travel demand or facility operations for bicyclists. For both components, the SEIS/SEIR fails to identify and mitigate impacts to bicycle accessibility and safety caused by the roadway and sidewalk disruptions that will occur from the substantial increase in excavation activity along Townsend Street.

b. Construction-Related Impacts to Townsend Street

The tunnel stub box "would involve extensive underground shoring and construction of a cut-and-cover tunnel box." (SEIS/SEIR, p. 2-48.) The realigned Fourth and Townsend Street Station would similarly require extensive excavation and cut-and-fill construction work.

Regarding impacts during construction, Impact C-TR-7 concludes that "[t]he proposed project would result in temporary impacts on the surrounding transportation network as

a result of construction activity, but these impacts would be reduced by previously approved measures incorporated into the project, City requirements, and the DTX Design Criteria, which call for preparation of a plan for maintenance and protection of traffic." (SEIS/SEIR, p. 3.2-35.) Thus, according to the SEIS/SEIR, impacts would be less than significant. The SEIS/SEIR acknowledges, however, that "additional street closures along Townsend Street for the realigned underground station" and extended tunneling would be required. (*Id.*) Further, "[n]ew proposed project components that were not identified in the 2004 FEIS/EIR that involve considerable excavation, hauling, and materials delivery include . . . the tunnel stub box, which would result in additional construction-period transportation disruption." The SEIS/SEIR goes on to provide that this disruption "would be substantial compared to the other refinements and improvements." (*Id.*) Also, "[c]onstruction staging areas . . . would likely include the adjacent sidewalks and parking lanes along Townsend and Seventh Streets." (SEIS/SEIR, p. 3.2-37.) Despite the "substantial disruption" to vehicle, bicycle, and pedestrian traffic along Townsend Street, including in front of 510 Townsend, the SEIS/SEIR fails to include any information to support the conclusion that the impact would be less than significant and, therefore, fails to identify any mitigation measures that may be required to mitigate the impacts.

CCN-01 Continued

The SEIS/SEIR should fully evaluate these impacts and identify any additional mitigation measures that would be required to reduce their significance.

2. Land Use

The Project would conflict with several adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, and policies intended to improve the performance or safety of such facilities. The SEIS/SEIR does not adequately evaluate the Project's inconsistency with these plans and policies and resultant physical impacts.

The Land Use and Planning analysis in the SEIS/SEIR does not include the Western SoMa Plan as part of the regulatory background. The Project with respect to Townsend Street and the 510 Townsend project is in conflict with several policies and objectives of the Plan that are intended to prevent traffic and pedestrian conflicts and to protect public health and safety. One of the basic planning principles for the Plan Area is to "[p]romote safety in all areas of the public realm (e.g., streets, sidewalks, parks, etc.)." Specifically, Policy 4.4.2 states that development in the Plan Area should "promote pedestrian and bicycle transportation and safety." Policies 4.21.1 (ensure convenient and safe pedestrian crossings) and 4.21.4 (maintain the physical state of streets and sidewalks) similarly require that pedestrian and bicycle safety be considered. Policy 4.22.1 specifically calls for transportation projects in the Area to "coordinate pedestrian improvements so that they are carefully integrated with other transportation projects in the area." As described above, the Project poses a serious risk to pedestrian and bicycle safety and would impede pedestrian and bicycle circulation on Townsend Street during construction, possibly impeding access to 510 Townsend. This increased risk directly conflicts with the basic objectives of the Plan.

CCN-02

Further, Policy 4.20.1 calls for transit agencies to "[c]oordinate transit improvements in the Western SoMa SUD so that they are consistent with larger transit efforts." At its core, the Project evaluated in the SEIS/SEIR will result in a disconnected and inefficient transit network. Rather than utilizing the existing station at Fourth Street and King Street, the Project includes a new Fourth Street and Townsend Street Station that is not integrated with the existing station and is, thus, inconsistent with larger transit planning efforts. The new station at Fourth Street and Townsend Street also is disconnected from the planned T-Third Line station of the Central Subway project. Such planning is inefficient, short-sighted, and will result in unnecessary environmental impacts from construction of the new station. CCN-03

Also, as noted in our previous comment letter (attached), the Project is inconsistent with several policies and objectives of the General Plan and of the Transit Center District Plan intended to increase traffic safety, with special attention to hazards to pedestrians and bicyclists. (See General Plan Policies 1.2, 19.2 & 27.3; Transit Center District Plan, Objs. 4.34 – 4.37.) CCN-04

As discussed above, the SEIS/SEIR does not evaluate potential impacts to pedestrians and bicycles along Townsend Street, and it fails to mitigate potentially significant impacts to pedestrian and bicycle safety. As a result, the Project conflicts with the policies and plans listed above that are intended to address these impacts. The SEIS/SEIR should identify these policy conflicts and identify and mitigate the related physical impacts that may result from the Project.

3. <u>Geology, Soils, and Seismicity</u>

The SEIS/SEIR acknowledges that most of the Project components, including the tunnel stub box and the realigned Fourth and Townsend Street Station near 510 Townsend, "would be situated below or near the groundwater table; therefore, construction of these components may require dewatering . . . Because soils in the project area are expected to consolidate upon application of additional load, structures located within the radius of influence of the dewatering system may settle." (SEIS/SEIR, p. 3.9-20.) If this occurs, according to the SEIS/SEIR, "settlement-induced damages on adjacent structures" may result. (*Id.*) Impact C-GE-4 states that "[d]uring excavation, the proposed project could cause settlement for adjacent properties and create hazards for construction workers and the public, but this potential effect would be reduced by proposed mitigation to address changes to groundwater levels." (SEIS/SEIR, p. 3.9-19.) Therefore, the SEIS/SEIR concludes this impact would be less than significant with mitigation. CCN-05

Though it acknowledges that this impact would be potentially significant, Mitigation Measure GE-4.1, requiring that a minimum two foot groundwater level beneath excavation be maintained, applies only to the extended train box and transit center vent structures. As acknowledged in the SEIS/SEIR, however, the potential dewatering impacts could also result from other components of the Project, including the tunnel stub box and the realigned

Fourth and Townsend Street Station near 510 Townsend. (*Id.*) As such, the impacts from these Project components are unmitigated. Further, even if the Mitigation Measure were extended to these other Project components, the SEIS/SEIR does not provide a schedule for the drawing down of the groundwater table, nor does it include soil stabilization plans or otherwise support the conclusion that the Mitigation Measure would, in fact, mitigate this impact and prevent damage to adjacent structures. For this reason, the SEIS/SEIR is deficient and should be revised to address these impacts.

CCN-05 Continued

4. Recirculation

The SEIS/SEIR should be revised to analyze and mitigate the potentially significant impacts identified above. If mitigation is not feasible, then the SEIS/SEIR must identify these impacts as significant and unavoidable. With the addition of this required information, the SEIS/SEIR should be recirculated for additional public review and comment. Failure to recirculate the SEIS/SEIR would deprive the public of a meaningful opportunity to comment on this new information.

CCN-06

We look forward to working with TJPA to revise the SEIS/SEIR to address the concerns identified in this letter. Please do not hesitate to contact me with any questions regarding this letter.

Sincerely,

Margo N. Bradish

Attachment

cc: Mr. Stephen Richardson, ARE

MNB/SRM

069766\8597395

Cox, Castle, Nicholson
March 6, 2017

CCN-01 Construction of the realigned underground Fourth and Townsend Station and the tunnel stub box would result in circulation impacts along Townsend Street for all modes of transportation. These impacts are disclosed in Section 3.2, Transportation, of the Draft SEIS/EIR under Impact C-TR-7.

The underground station is part of the approved Transbay Program that was analyzed in the 2004 FEIS/EIR. The proposed Phase 2 refinements include a realignment of the station, at the request of the City, so that it lies entirely within the Townsend Street right-of-way, which adds approximately one-half block of cut-and-cover construction in the public right-of-way. The construction method and the potential impacts during construction were analyzed in the 2004 FEIS/EIR (see, in particular, Section 5.20, Construction Staging and Methods), and mitigation measures applicable to the proposed underground station were identified in the 2004 FEIS/EIR and adopted and incorporated into the Transbay Program. These mitigation measures will apply to the proposed Phase 2 refinements and are summarized in the Draft SEIS/EIR in the discussion of the No Action Alternative, which for purposes of the SEIS/EIR is the previously approved Transbay Program.

As described in Impact C-TR-7, construction staging areas for the tunnel stub box would largely occur at the Caltrain railyard, but would likely include the adjacent sidewalks and parking lanes along Townsend and Seventh Streets. It is expected that trucks would use Seventh, Berry, and Townsend Streets for travel to and from the railyard, adding to the congestion in this area and affecting motorized and non-motorized traffic. Impact C-TR-7 specifically acknowledges on page 3.2-35 that the number of truck trips and the duration of construction activities would be substantial compared to the other refinements and improvements. Nevertheless, the construction-period transportation impacts from this proposed project component would be similar in nature to the vehicular and pedestrian circulation impacts described in the 2004 FEIS/EIR, for which mitigation measures were adopted and incorporated into the Transbay Program and would continue to apply. Additionally, the cut-and-cover construction activities for both the realigned station and the tunnel stub box would be noticeable but less adverse than other locations further east along Townsend Street, where the construction would be in the public right-of-way and affect both sides of Townsend Street. Construction related to the realigned station would be on the other side of the Interstate 280 ramps and east of the subject property, and construction related to the tunnel stub box would be partially within the Caltrain railyard across Townsend Street and south of the subject property. As a result, construction activities would be noticeable and affect the property at 510 Townsend Street, but not as much if they were immediately adjacent to the property.

Pages 3.2-16 through 3.2-18 of the Draft SEIS/EIR identify seven pedestrian circulation mitigation measures and another nine pre-construction and construction mitigation measures from the 2004 FEIS/EIR that were adopted and incorporated into the Transbay Program. Among these measures are coordination with the affected community including property owners, local businesses, and residences; inclusion of provisions in construction contracts to require maintenance of driveway access; installation of signage for alternate routes; and providing level decking at the cut-and-cover sections to be flush with the existing street or sidewalk levels. Possible

impacts to street circulation and access to businesses and other property owners on a given block where cut-and-cover construction would occur would last approximately 3 to 4 months. Therefore, the proposed project with these measures included as part of the project would reduce construction and operational pedestrian impacts to less than significant under CEQA (no adverse effect under NEPA). Please see Appendix D.1, Sections 13 through 15, of the Final SEIS/EIR for a list of all pedestrian, pre-construction, and general construction mitigation measures that are included as part of the project. With respect to bicycle impacts, the TJPA will prepare and implement a Construction Traffic Management Plan to address local circulation, detours, access to businesses and residences, temporary striping and signage, and other controls to ensure safe traffic flow. Contractors would be required to comply with the City's Blue Book, which contains regulations for working on City streets. Page 3.2-36 reports that lane and sidewalk closures are subject to review and approval by both the Department of Public Works and the Interdepartmental Staff Committee on Traffic and Transportation. As a result of these requirements and the pre-construction and construction mitigation measures summarized on pages 3.2-16 through 3.2-18 of the Draft SEIS/EIR, construction impacts on bicycles would be less than significant under CEQA (no adverse effect under NEPA).

Operational impacts on pedestrian and bicycle circulation from the proposed project are presented in Impact TR-3 and Impact TR-4. Once operational, the project components would have less-than-significant impacts on local circulation, access, and parking. Please refer to the updated Transportation analysis in Chapter 2 of this Final SEIS/EIR for additional information on project and cumulative circulation impacts, and for additional information on cut-and-cover construction activities, impacts, and mitigation measures, please see Master Response 4. This master response also describes the TJPA-initiated Tunnel Options Study to identify other construction methods that could reduce the impacts associated with the cut-and-cover construction technique. That 2017 study as amended and the other construction methods that may be possible are described in Section 2.4 of this Final SEIS/EIR and evaluated in various sections in Chapter 2.

CCN-02

The proposed underground realignment of the Fourth and Townsend Station within the Townsend Street right-of-way would be within the portion of the Western SoMa Plan that is also covered by the Central SoMa Plan (originally referred to as the Central Corridor Plan). As stated in the Central SoMa Plan, "The Central Corridor Plan's geography includes areas within easy walking distance of the SoMa portion of the Central Subway, two blocks on either side of the subway's 4th Street alignment. It overlaps a number of existing and/or ongoing Plan Areas, including Western SoMa" (San Francisco Planning Department, Central Corridor Plan, Draft for Public Review, April 2013). The plan also states, "Arising out of the Eastern Neighborhoods planning process, Western SoMa was defined as a separate area in 2004, and the Western SoMa Citizens Planning Task Force was established to develop a plan. The Western SoMa Plan and its associated rezoning were adopted in March 2013. The Western SoMa Plan area overlaps the southwestern portion of the Central Corridor. The Central Corridor Plan is synchronous and consistent with many of the core policies and proposals of the Western SoMa Plan, including prioritizing capital improvements such as a new park and transformative streetscape improvements

along Folsom Street. The Central Corridor Plan does, however, propose changes to land use controls to support more transit-oriented growth west of 4th Street" (San Francisco Planning Department, Central Corridor Plan, Draft for Public Review, April 2013).

Given this geographic overlap in the boundaries of the two plan areas and the core policies common to both documents, the Draft SEIS/EIR's description of the Central SoMa Plan in the Land Use Regulatory Framework (see text beginning on page 3.3-12) adequately characterizes the future land use character and vision for this portion of the project study area.

Text has been added to the Land Use Affected Environment section in the Final SEIS/EIR regarding the overlap of the two plans under the description of the Central SoMa Plan and, in addition, in a newly inserted description of the Western SoMa Community Plan.

The proposed project would improve connectivity within the city and for the region and enable residents, commuters, visitors, and others to travel to SoMa without having to drive. The purpose and need for the proposed project is consistent with the City's Transit First Policy and, by diverting automobile traffic, should improve the safety for pedestrians and bicyclists in the neighborhood. In terms of the project causing or contributing to overcrowded sidewalks and adversely affecting access to 510 Townsend Street, the following added text is found in the updated Transportation analysis in Chapter 2 of this Final SEIS/EIR: "Pedestrian volumes and entries/exits at the Fourth and Townsend Street Station would not be different from the No Action Alternative, because the proposed project would involve only a realignment of the station and a modification to its profile. As discussed further under Impact CU-TR-8, this proposed project component, which would be constructed as part of the DTX during Phase 2 of the Transbay Program, would be expected to lessen pedestrian volumes and impacts on sidewalks and street corners, compared to future conditions without DTX. As a result, pedestrian impacts would be not adverse/less than significant."

CCN-03 The Transbay Program, including the underground Fourth and Townsend Station, has been in the planning stages since the mid-1990s and is recognized as a regionally important transit connection that would benefit the public locally, regionally, and potentially statewide with future high-speed rail service. The value of this capital investment and the recognition of its importance is presented in Chapter 1, Purpose and Need for the Proposed Project, of the Draft SEIS/EIR. The existing and future rail operators, the TJPA, the Peninsula Corridor Joint Powers Board, the City, the California High-Speed Rail Authority, the Federal Transit Administration, and the Federal Railroad Administration have all been involved in the planning activities for the Fourth and Townsend station. The proposed underground station, the existing Caltrain terminus, and the Central Subway all serve to enhance transit connectivity and mobility and support the City's Transit First Policy. As a result of this long-term, joint planning effort, the TJPA, the City, Caltrain, and the California High-Speed Rail Authority all concur that the realigned underground station at Fourth and

Townsend would be necessary and would be coordinated and consistent with larger transit efforts. Its siting, design, and operation have all been integrated with the plans for improved Caltrain service and future High-Speed Rail service.

CCN-04 The TCDP was completed after the approval of the Transbay Program and the start of construction of the Transit Center. The intent of the TCDP is to promote land use, transportation, and public realm improvements that will support, be consistent with, and help implement the Transbay Program. As a result, the proposed project, which consists of proposed refinements to Phase 2 the Transbay Program and promotes additional transit and pedestrian/bicycle connectivity, would not be inconsistent with a plan intended to support the Transbay Program. This notwithstanding, TCDP objectives 4.34 through 4.37 related to traffic flow, safety and circulation are addressed under Impact TR-1 and Master Response 2.

Regarding General Plan Transportation Policies 1.2, 19.2, and 27.3, all of which pertain to safety, the proposed project would not result in significant pedestrian or bicycle conflicts or safety issues as described in Impacts TR-3 and TR-4 and Master Response 2. In addition, the proposed project would not significantly affect pedestrian circulation and would support use of bicycles for transportation.

CCN-05 As stated in Section 3.9, Geology, Soils, and Seismicity, of the Draft SEIS/EIR under Impact C-GE-4, "Potential construction impacts from seismic and non-seismic geotechnical hazards would be adverse/potentially significant for excavations deeper than 25 to 30 feet below ground surface into Young Bay Mud, which would result in potential base failure. All structural components would be designed and built in agreement with the prevailing building codes and standards (such as CBC or ASCE 7); Mitigation Measures SG1, SG2, SG4, and SG5, previously identified in the 2004 FEIS/EIR and adopted and incorporated into the proposed project, would continue to apply and would be implemented. Also, designers and builders would comply with the TJPA DTX Design Criteria, which includes specific chapters on geotechnical, seismic design, structural, and protection of existing buildings." These measures and design criteria were in part formulated to address the potential geotechnical and dewatering impacts associated with excavation and underground construction of the now approved Transbay Program. The approved Transbay Program includes the underground station at Fourth and Townsend; therefore, these mitigation measures and DTX Design Criteria to reduce geotechnical and dewatering impacts apply to this station, and would serve to minimize impacts to nearby properties and structures. Additionally, groundwater monitoring wells will be installed around the cut-and-cover excavations to monitor the groundwater levels and ensure that the groundwater draw down surrounding the excavation does not reach unacceptable levels that could lead to building impacts.

New Mitigation Measure C-GE-4.1 was identified in the Draft SEIS/EIR to address groundwater levels at the base of excavation and to further reduce potential geotechnical impacts. This measure has been expanded in this Final SEIS/EIR to

clarify the groundwater control required to reduce potential ground stability impacts for the different construction methods proposed for the project:

New-MM-C-GE-4.1 *Groundwater Control during Construction* ~~*Dewatering at the Extended Train Box and Transit Center Vent Structures Sites*~~. Groundwater control shall be implemented to reduce ground instability in the construction area, where excavations encroach into the prevailing groundwater table ~~*Groundwater level shall be maintained a minimum of 2 feet or more beneath the bottom of the excavation throughout construction to minimize the potential of base failure due to high seepage gradients*~~.

- For excavations with the cut-and-cover technique, the groundwater level within the footprint of the excavation shall be maintained a minimum of 2 feet or more beneath the bottom of the excavation throughout construction to minimize the potential for failure of the base of the excavation due to high groundwater seepage at construction sites. The groundwater level outside of the excavation footprint shall remain unchanged.

- For excavations with the SEM construction method in rock, groundwater intrusion into the tunnel excavation is expected to be minimal and localized at joints in the rock. Groundwater seeping into the excavation shall be controlled locally by panning and piping channel inflows to sump pumps located in the portal area.

- For excavations with the SEM construction method in soft ground conditions (i.e., sands and clays), the groundwater level shall be locally drawn down to below the bottom of the excavation in order to increase the strength of the ground and reduce potential ground instability.

For additional information on cut-and-cover construction activities, impacts, and mitigation measures, please see Master Response 4.

CCN-06 No "significant new information," as defined in Section 15088.5(a)(1)-(4) of the State CEQA Guidelines, has been presented in response to this or other comments; therefore, recirculation of the Draft SEIS/EIR is not required. Similarly, the comments or responses presented in the Final SEIS/EIR do not warrant a supplemental NEPA document or recirculation of the Draft SEIS/EIR pursuant to 23

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March 6, 2017

CFR 771.130 and the Council on Environmental Quality guidance found in 40 CFR 1502.9 and 1506.3 because:

- Changes to the proposed project would not result in significant environmental impacts that were not previously evaluated or the proposed project is substantially the same as that covered by the original environmental impact statement, or

- New information or new circumstances relevant to environmental concerns and bearing on the proposed project or its impacts would not result in significant environmental impacts not previously evaluated.

REUBEN, JUNIUS & ROSE, LLP

March 27, 2017

By Messenger

Scott Boule
Legislative Affairs and Community Outreach Manager
Transbay Joint Powers Authority
201 Mission Street, Suite 2100
San Francisco, CA 94105

Brenda Perez
Federal Transit Administration
Region 9
90 7th Street, Suite 15-300
San Francisco, CA 94103-6701

Re: Comments on Transbay Joint Powers Authority ("TJPA") and Federal Transit Administration ("FTA") Transbay Transit Center Program Draft SEIS/SEIR
Our File No.: 6250.25

Dear Mr. Boule and Ms. Perez:

Our office represents Tishman Speyer Development Corporation ("**Tishman Speyer**"), with regard to its real property located at 655 Fourth Street and 222 Second Street, among others, adjacent to the prosed Downtown Rail Extension ("**DTX**") component of the Transbay Program. On behalf of Tishman, we submit these comments to the Transbay Transit Center Supplemental EIS/EIR (the "**SEIS/SEIR**") dated December 15, 2015, which evaluates refinements to the DTX.

Tishman Speyer supports development of the DTX and many of the design refinements proposed under the SEIS/SEIR. However, of specific concern is the cut-and-cover construction method to be utilized at the DTX throat structure and portions of the tunnel along Townsend Street. (SEIS/SEIR, p. 2-9, see Figure 2-2.)

A. Property Context

655 Fourth Street is located at the northeast corner of Fourth and Townsend Streets, and is the site of a proposed high-rise residential development. This Property is located kitty-

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Tuija I. Catalano | Jay F. Drake | Matthew D. Visick | Lindsay M. Petrone | Sheryl Reuben[1]
Thomas Tunny | David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight
Chloe V. Angelis | Louis J. Sarmiento, Jr. | Corie A. Edwards | Jared Eigerman[2,3] | John McInerney III[2]
1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

corner to the proposed Fourth and Townsend Station, and a portion of the DTX tunnel will abut its southern property-line. (SEIS/SEIR, p. 1-2, see Figure 1-1.)

222 Second Street is located on the southeast corner of Howard and Second Streets, and is the site of a 26-story office tower with approximately 2,200 square feet of ground-floor retail and two subterranean levels of parking. This property is located across Second Street from the proposed DTX train box and adjacent to portions of the amended throat structure. (SEIS/SEIR, p. 1-2, see Figure 1-1.)

B. Cut and Cover Construction Impacts

The cut-and-cover construction method proposed for the DTX throat structure and portions of the tunnel along Townsend Street could result in significant and broad-reaching impacts to nearby property owners, residents, workers, commuters and pedestrians. Tishman Speyer urges the TJPA and FTA to consider implementing alternate methods or adopting more detailed mitigations to minimize the associated hardship.

The proposed cut-and-cover technique is described as follows on page 2-8 of the SEIS/SEIR.

> *Cut-and-cover construction techniques can vary from 'bottom up' to "'top down' to 'semi-top-down.' ... the eventual choice will depend on site constraints at the time of construction, the traffic management plan approved by the City, shoring systems, construction schedule, and contractor's preference. Typically, the bottom-up method completes the excavation, after the temporary shoring walls are constructed, from street level all the way down to the floor of the permanent structure. Temporary longitudinal walers and transverse struts will be installed as the excavation progresses deeper to prevent movement of soil outside of the two shoring walls. Construction of the permanent structure will start with the base slab, then progress upward toward the surface: up along the side walls, the intermediate floors (if any), the side walls again, and finally the roof slab. In areas where traffic decking is deployed to facilitate surface traffic while allowing excavation to continue below the street, the decking supporting beams will be adopted as the first layer of struts.*

RJR-01

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

The cut-and-cover technique is extremely invasive on the surrounding streetscape and would likely result in a range of significant impacts, including:

- Transportation. DTX excavation at the street level would necessarily result in block closures for pedestrians, bicyclists, and vehicles, as well as increased construction traffic and staging operations in immediately adjacent blocks.

  The exact duration of such closures in unknown, but could extend for quite some time as the widened throat structure and tunnel stub box are each anticipated to take approximately 2 ½ years to construct. (SEIS/SEIR, p. 3.2-37.) The SEIR/SEIS acknowledges that newly-proposed project components, including the train box extension and tunnel stub box, would "involve considerable excavation, hauling, and materials delivery," and "result in additional construction-period transportation disruption." (SEIS/SEIR p. 3.2-35.) It is anticipated that during the tunnel stub box's 45-month construction period, related construction staging activities would "likely include the adjacent sidewalks and parking lanes along Townsend and Seventh Streets." (SEIS/SEIR p. 3.2-37.) Similar construction staging impacts for the widened throat structure are anticipated to effect adjacent sidewalks and parking lanes along Natoma, Howard, and Second streets for approximately 2 ½ years. (SEIS/SEIR, p. 3.2-37.) In light of the anticipated "substantial" transportation disruptions, the SEIS/SEIR should include additional information and analysis to support its conclusion that construction-related impacts would be less than significant.

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Continued

- Economic. Cut-and-cover will worsen economic conditions in the vicinity, in particular the operation of businesses fronting on Second and Townsend Streets. Anticipated sources of disturbance would include dust, noise, and vibration during surface excavation; construction staging operations; and potentially lengthy closures or reduction in width to adjacent sidewalks, traffic lanes, and curbside parking, as well as potential disruption of utility services (water, power, gas, tele/com). These activities may result in be substantial, long-term impacts on local shopping patterns.

- Conflicts with Central Subway. The Central Subway Project ("**Central Subway**") will extend the T Third light rail line 1.7 miles from the intersection of Fourth and King Streets to Union Square. The Central Subway is anticipated to open in 2019, with ridership in 2030 projected to be 35,100 daily boardings. (SEIS/SEIR, p. S-8). The proposed cut-and-cover construction method for the DTX along Townsend Street between Third and Sixth Streets (see SEIS/SEIS, p. 2-9), would bisect Fourth Street. It is unclear from the SEIS/SEIR how Central Subway rail service along Fourth Street would

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

be impacted during the lengthy DTX construction process. This could necessitate removal of the T Third line's surface tracks, resulting in significant transit service disruptions.

- Air Quality, Noise, Vibration. DTX construction activities and staging will result in significant dust, noise, and vibration impacts to adjacent businesses, residences, and office buildings.

- Property Damage. Excavation and dewatering associated with the cut-and-cover method may impact adjacent building foundations and stability, causing settlement and long-term property damage.

RJR-01
Continued

In fact, the 2004 FEIS/EIR for the Transbay Terminal/ Caltrain Downtown Extension/ Redevelopment Project Final Environmental Impact Statement/ Environmental Impact Report ("**2004 FEIS/FEIR**") acknowledges that the cut-and-cover technique will result in extensive construction entailing "loss of access for businesses, disruption of travel ways, noise, and air emissions." (SEIS/SEIR, pg. 3.4-16.) While some mitigations were adopted in response to these concerns under the 2004 FEIS/FEIR, the potential for long-term, significant impacts to area owners and residents remains.

C. Conclusion

For the reasons stated above, Tishman Speyer urges the TJPA and FTA to either reject the proposed cut-and-cover method in a favor of a less disruptive approach, or to implement additional substantive mitigations to minimize associated impacts.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP

Melinda A. Sarjapur

cc: Dan Belldegrun
Andrew Junius

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

Reuben, Junius, and Rose
March 27, 2017

RJR-01 This letter offers comments similar to those submitted by the commenter on February 29, 2016. As a result, responses to that comment letter are relevant and should be reviewed in combination with the responses below.

A description of the cut-and-cover construction method is provided on page 2-8 in Chapter 2, Project Alternatives, of the Draft SEIS/EIR. Figure 2-2 indicates where this method is proposed along the DTX alignment, primarily along Townsend Street for the alignment and Fourth and Townsend Street station, along Second Street for the widened throat structure, and along Beale Street for the underground pedestrian connector. A detailed description of the cut-and-cover construction method is provided in Section 5.20, Construction Staging and Methods, of the 2004 FEIS/EIR, which is incorporated by reference into this SEIS/EIR.

The commenter repeats the impacts identified in the Draft SEIS/EIR, particularly for transportation, economics, air quality, noise, vibration, and property damage, and states that these concerns are especially important to properties represented by the commenter at the northeast corner of Fourth and Townsend Streets and at the southeast corner of Howard and Second Streets. Master Response 4 summarizes the potential impacts described in the Draft SEIS/EIR, as well as the related mitigation measures and additional efforts to minimize disruption during the construction period.

Of particular relevance to surface disruption and socioeconomic impacts associated with cut-and-cover construction, Master Response 4 explains that specific studies and recommendations to avoid or minimize potential impacts from the cut-and-cover construction method will be undertaken by TJPA and its contractors. They include:

- Traffic control plans to identify truck and equipment movements, construction staging areas, lane closures, detours, directional and safety warnings, means to maintain access to properties, means to allow safe circulation by automobiles, transit vehicles, service and emergency response vehicles, pedestrians, and bicyclists), and construction hours and restrictions.

- Site-specific building surveys to identify the structural integrity of existing buildings adjacent to and over the proposed underground alignment; assessment of building response to tunneling using empirical and numerical modeling methods; as needed development of preconstruction building settlement mitigation methods such as underpinning or compensation grouting; and working with property owners to monitor potential impacts due to dewatering, settlement, soil limitations, and excavation face stability during construction; and to recommend immediate actions to maintain any movements within predetermined thresholds.

- Pre-construction Business Surveys to identify business usage, delivery/shipping patterns, and critical times of the day or year for business activities, in order to be able to adapt construction to maintain critical business activities, to provide alternate access routes for customers and service deliveries, and prepare traffic control and detour plans that maintain access as much as possible.

Each of these studies will be prepared in coordination with the appropriate City planning, transportation, building, and engineering departments and agencies so that the recommendations to avoid, minimize, and mitigate construction impacts identified by the commenter are consistent with local regulations and standards.

It is also noted that following the release of the Draft SEIS/EIR, the TJPA prepared a Tunnel Options Study in 2017 and subsequently amended in early 2018. The study was conducted in order to identify other construction methods that could reduce the surface disruption and socioeconomic impacts associated with the cut-and-cover construction technique. A summary of the other construction methods is found in Chapter 2, Section 2.4 and Section 2.5, of this Final SEIS/EIR. Of relevance to the properties represented by the commenter, other construction methods are identified that may be viable and could reduce potential impacts. At the Howard Street crossing of the widened throat structure, a jacked box tunnel could substitute for cut-and-cover construction and at the Fourth and Townsend intersection, the sequential excavation method or the sequential excavation method with tunnel boring machines could substitute for cut-and-cover construction. Because these construction techniques occur primarily underground, the surface disruption due to cut-and-cover construction would be reduced. Master Response 4 describes these other construction techniques and how their impacts differ from cut-and-cover construction. The determination of which construction method is appropriate for the proposed project will be made following further design and evaluation of the construction methods' cost and schedule implications, constructability, and environmental and public policy considerations.

With respect to conflicts with the Central Subway, the Transbay Program project team will work closely with the SFMTA to coordinate a design and construction scenario that works for both TJPA and SFMTA. The Central Subway will be completed before DTX is constructed, so no cumulative construction impacts between the two projects would occur. It is envisioned that a support bridging structure would be constructed across Townsend Street to allow Central Subway service to continue at grade along Fourth Street with minimal disruption while DTX construction is underway. For example, DTX construction activities could be scheduled for weekends in coordination with SFMTA. Because the DTX would cross below-grade under the Central Subway, which will operate at the street level at Townsend Street, and because the trains run on different currents (AC for DTX and DC for Central Subway), there would be no operational conflicts between the rail systems once construction is completed.