



U.S. Department
of Transportation
Federal Transit
Administration

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FEB 8 2005

Mr. Michael J. Scanlon
Executive Director
Peninsula Corridor Joint Powers Board
1250 San Carlos Ave
San Carlos, CA 94070

Re: Record of Decision; Transbay Terminal / Caltrain
Downtown Extension / Redevelopment Project

Dear Mr. Scanlon:

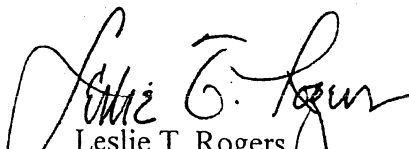
This is to advise you that the Federal Transit Administration has issued a Record of Decision (ROD) for the Transbay Terminal / Caltrain Downtown Extension / Redevelopment Project. The comment period for the Final Supplemental Environmental Impact Statement closed May 4, 2004. The Federal Transit Administration's (FTA) Record of Decision (ROD) is enclosed.

Please make the ROD and supporting documentation available to affected government agencies and the public. Availability of the ROD should be published in local newspapers and should be provided directly to affected government agencies, including the State Inter-governmental Review contact established under Executive Order 12372.

Please note that if a grant is made for this project, the terms and conditions of the grant contract will require the grantee undertake the mitigation measures identified in the ROD.

Thank for your cooperation in meeting the NEPA requirements. If you have questions about our review, please call Mr. Jerome Wiggins at (415) 744-2819.

Sincerely,


Leslie T. Rogers
Regional Administrator

RECORD OF DECISION

Transbay Terminal / Caltrain Downtown Extension / Redevelopment Project San Francisco, California

DECISION

The U.S. Department of Transportation, Federal Transit Administration (FTA), has determined that the requirements of the National Environmental Policy Act of 1969 (NEPA) have been satisfied for the Transbay Terminal / Caltrain Downtown Extension / Redevelopment Project (Project) in San Francisco, California. The Project to which this Record of Decision (ROD) applies consists of the design, construction, and future operation of a multimodal transportation terminal, underground rail access tunnel to the terminal, and redevelopment of the surrounding area.

The Project consists of three main components: a multimodal transportation terminal designed to serve local and regional buses as well as commuter rail and proposed high speed rail, an approximately 1.3 mile underground passenger rail extension from the existing Fourth and Townsend Caltrain Station to the new terminal, and transit oriented redevelopment of the area surrounding the terminal. The Project also includes support components such as a temporary bus terminal facility to be used during construction, a new, permanent off-site bus storage/ layover facility, reconstructed bus ramps leading to the west end of the new Transbay Terminal, and a redesigned Caltrain storage yard.

The Project was adopted as the Locally Preferred Alternative by the Transbay Joint Powers Authority (TJPA) and was evaluated as the Refined West Loop Terminal / Second-to-Main Tunnel Alignment / Tunneling Option / Full Build Redevelopment in the Project's Final Environmental Impact Statement/Report (Final EIS/EIR) issued in March 2004. That Final EIS/EIR provides the complete description of the Project, which is the subject of this ROD. EPA published the Notice of Availability for the Final EIS/EIR on April 2, 2004, in the Federal Register. The local lead agencies for the Project are the City and County of San Francisco, and the Peninsula Corridor Joint Powers Board. The TJPA is the Project's sponsoring agency for all project components other than the Redevelopment Plan and will be responsible for building, operating, and maintaining the Project components related to the Transbay Terminal.

AGREEMENTS

FTA and TJPA have executed a Project Development Agreement (PDA) to set forth their intentions for compliance with FTA's Record of Decision and program requirements that will govern the Transbay Terminal / Caltrain Downtown Extension / Redevelopment Project. FTA and TJPA acknowledge that this agreement may be modified from time to time to accommodate statutory or regulatory changes, changes to the Project, or changes to TJPA's project management or financing plans, as necessary or appropriate. The executed PDA is attached (Appendix D).

BACKGROUND

The San Francisco Peninsula and Transbay Corridors are served by two of the region's most important and congested highway systems (Interstate 80/101, and Interstate 280). These highways use the full right of way and cannot be significantly improved without severe environmental impacts. The Transbay Terminal / Caltrain Downtown Extension / Redevelopment Project would create the physical facilities needed to provide a high capacity and high quality intermodal transit system designed to meet growing travel demand in these two critical corridors.

The Project has been made possible by the need to make significant improvements to the existing Transbay Transit Terminal and aerial bus ramps to meet modern seismic, accessibility, and safety requirements. Rather than spending a significant amount of money to retrofit the existing building, the Project would construct a new building designed to meet future needs and facilitate much improved public transit service. This new building would provide a convenient and appealing intermodal terminal allowing passengers to transfer between regional and local buses, Caltrain, BART, and proposed high speed intercity passenger rail service.

The Project is needed to meet projected increases in demand for regional transportation expected to occur during the coming years. These studies have projected that Transbay bus ridership could triple by 2025 and that it would not be possible for the existing terminal to meet this demand. The Project has been designed to efficiently meet this anticipated increase in bus patronage. The Project also extends Caltrain to the new terminal and is expected to increase Caltrain ridership by at least 150%. This is projected to remove over 8,000 daily auto trips from Peninsula highways and save 7,200 person hours of travel time. Finally, by allowing trains to directly access downtown San Francisco, the Project is expected to increase ridership on California's proposed high speed rail system by over 200,000 trips annually. The new Transbay Terminal is projected to be the most highly used high speed station in Northern California, if the high speed rail system is ever built.

The Project includes a redevelopment component designed to take full advantage of the opportunity for transit oriented development. The redevelopment component includes a plan for providing over 3,400 new dwelling units and commercial activities designed to revitalize the neighborhood and support transit use. By reducing the number and size of aerial ramps and constructing a modern transit terminal, the Project will help alleviate blight and encourage revitalization. Furthermore, the Project will use revenues from sales of excess public property and future tax increments to help finance the new transportation facilities.

The Project has strong public support including the fact that it fulfills the mandates of several local and State laws such as San Francisco's Proposition H-Downtown Caltrain Station (November 1999), and Proposition K-San Francisco Transportation Sales Tax (November 2003), California Public Resources Code Section 5027.1(a), and California Streets and Highways Code Sections 2704.04(b) and 30914(c).

An extensive program of public involvement was established to provide the public with opportunities to contribute input into the Project's decision-making process. Public workshops, information meetings, and briefings to special interest groups were conducted regularly

throughout the study as well as through many other related studies that have been completed for the Project and/or Project components over the last fifteen years. These studies are outlined below.

Project History

The Transbay Terminal / Caltrain Downtown Extension / Redevelopment Project has a long history. Over the years, there have been many studies recommending that Caltrain be extended to a new terminal in downtown San Francisco. Different alternative alignments and terminal locations were considered in these studies, but most recommended an extension to the area at or adjacent to the Transbay Terminal because of its proximity to downtown employment and opportunity to connect to other transit operators.

In the early 1990s, an analysis of the existing Transbay Terminal and its Bay Bridge access ramps showed that the terminal and ramps required significant upgrading to improve seismic performance, meet new accessibility standards, and provide better transit service.

In November 1992, the California Department of Transportation (Caltrans) and the Office of the State Architect released alternative designs for improvements to the existing Terminal.

In December 1992, the City of San Francisco (City) and Caltrans agreed that, given the high estimated costs of bringing the existing Terminal building up to modern seismic safety codes, it was reasonable to consider replacing the facility.

In November 1993, Caltrans and the Metropolitan Transportation Commission (MTC) conducted a "Transit Needs Study" to identify the operational needs of an upgraded or new facility (e.g. numbers of required bus bays, necessary space for bus operations, passenger facilities) while Caltrans proceeded with an interim seismic upgrade project designed to reduce the seismic hazards posed by the existing structures. In June 1994, San Francisco and Caltrans agreed to undertake a study of alternatives to replace the Transbay Terminal.

In December 1994, the San Francisco Board of Supervisors created the Transbay Redevelopment Survey Area to prepare a land use and transportation plan. During 1995 and 1996, terminal upgrade and replacement alternatives were studied by the San Francisco Redevelopment Agency and Planning Department, Caltrans, a Policy Advisory Committee representing the transit operators using the Transbay Terminal, a Citizens Advisory Committee, and a Technical Advisory Committee.

In 1995 the City began work on a study to evaluate potential land-use and terminal planning options, and the Peninsula Corridor Joint Powers Board (JPB), the agency responsible for operating Caltrain, began work on a Draft Environmental Impact Statement/Draft Environmental Impact Statement (Draft EIS/EIR) for the Caltrain Downtown Extension Project, which evaluated alternatives for extending Caltrain to the Transbay Terminal area. Several technical studies were completed as part of the Draft EIS/EIR study including an analysis that considered whether the existing Transbay Terminal, retrofitted to withstand a maximum credible earthquake event, could accommodate an above ground Caltrain Extension. While the study showed that an elevated Caltrain Extension was feasible; it found that seismic retrofit of the existing Terminal

would not achieve the Project purposes to modernize the Transbay Terminal, improve transit services, and revitalize the Terminal area.

The Transit Terminal Decision Report (October 1995) presented three primary options:

1. A new transit terminal on the site of the present Transbay Terminal;
2. A new terminal between Main and Beale Streets, south of the 201 Mission Street building and north of Folsom Street; and,
3. A surface terminal at the Main/Beale site.

On March 4, 1996, the San Francisco Board of Supervisors recommended the Main/Beale site (identified as Main/Beale North) as the City's preferred bus terminal alternative and recommended locating the proposed new Caltrain terminal underground at the site of the existing Transbay Terminal. This action resulted in serious objections from AC Transit, the existing terminal's main user, culminating in legal actions by AC Transit and various East Bay cities. The Board of Supervisors subsequently reversed this action, as discussed below.

The City and JPB worked closely with FTA on the Draft EIS/EIR and in March 1997, FTA signed and issued the Draft EIS/EIR. This Draft EIS/EIR did not result in the issuance of a Final EIS/EIR due to political opposition at the time, but the City's planning efforts for the Transbay Terminal and adjacent redevelopment area continued.

In December 1998, MTC, and the Bay Area Toll Authority (BATA) began the "Transbay Terminal Improvement Plan" study. A working group consisting of public agencies, organizations, and individuals affected by the Project guided the study. An Executive Committee was also formed, consisting of executive staff and policy board members from AC Transit, the City of San Francisco, the JPB, Caltrans, and MTC. The first phase of this study identified terminal components and functional requirements to guide the development of design concepts for the new facility.

In February 1999, the San Francisco Board of Supervisors passed a resolution repealing its former endorsement of the Main/Beale site for a new terminal and urging the "City and County of San Francisco to work expeditiously with AC Transit, the MTC and Caltrans to retain AC Transit and other regional bus services at the current Transbay Terminal site."

In November 1999, San Francisco voters approved Proposition H making it city policy to extend Caltrain to a new terminal at First and Mission streets. The citizen-sponsored initiative passed by a 69% to 31% margin.

BATA's Transbay Terminal Improvement Plan evaluated three terminal design concepts, and BATA selected a concept to be carried forward for additional analysis. Additional work was done on the design during 2000 to improve its functionality for transit operators. The selected concept as revised became the basis for the Transbay Terminal West Ramp Alternative that has now been incorporated into the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project EIS/EIR.

Following completion of the Transbay Terminal Improvement Plan study, work started on the development of a second Draft Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project EIS/EIR ("Draft EIS/EIR") based on the new plans for replacing the Transbay Terminal, extending Caltrain into downtown San Francisco, and creating a high density, transit oriented residential community in the adjacent redevelopment area. FTA with the City and County of San Francisco, the Peninsula Corridor Joint Powers Board, and the San Francisco Redevelopment Agency, as co-lead agencies, prepared this Draft EIS/EIR, which completely replaced the original Draft EIS/EIR. Public scoping meetings were held in San Francisco and San Carlos (Caltrain Headquarters) during April 2001.

On a parallel track, in April 2001, the City and County of San Francisco, AC Transit, and Peninsula Corridor Joint Powers Board (Caltrain) entered into an agreement creating the Transbay Joint Powers Authority (TJPA) for purposes of planning, building, and operating the new Transbay Terminal. The TJPA is comprised of a five person Board of Directors representing: the Mayor of San Francisco, the San Francisco Board of Supervisors, the San Francisco Municipal Railway, AC Transit, and the Peninsula Corridor JPB (Caltrain).

The Draft EIS/EIR was distributed to the public on October 4, 2002. The document was mailed to numerous agencies, organizations, and groups. It was made available in electronic format on the TJPA's website. Printed copies were distributed in local libraries in San Francisco, the East Bay, and the Peninsula. Printed copies were made available to citizens through the San Francisco Planning Department, Redevelopment Agency, the TJPA, and Caltrain JPB. A project newsletter was mailed to a 550-person mailing list and letters were mailed to impacted property owners. In November of 2002, three public meetings were held to take comments on the Draft EIS/EIR. Written comments were accepted until December 20, 2002. As a result of the public comments, several refinements to the Draft EIS/EIR alternatives were studied which in turn lead to the identification of certain improvements to the alternatives, especially in the design and alignment of the Caltrain track, station, and storage facilities.

In March 2003, the TJPA issued a Locally Preferred Alternative (LPA) Report that set forth a recommended LPA and the reasons for selecting the LPA. Following a public hearing, the TJPA selected the LPA pursuant to FTA requirements, and the co-lead agencies prepared the Final Environmental Impact Statement/Final Environmental Impact Report (Final EIS/EIR). The LPA consists of the following elements: the Second Street-to-Main Street track alignment for the Caltrain downtown extension which includes a "stacked drift" tunneling method for the segment between Townsend Street and Folsom Street; the Transbay Terminal West Ramp Alternative which includes associated bus ramps, circulation, and off-site storage; and the "full build" Redevelopment Plan.

The Transbay Terminal / Caltrain Downtown Extension / Redevelopment Project's Final EIS/EIR was published and distributed starting on March 18, 2004. The full document was mailed to over 220 agencies, organizations, and individuals including those who commented on the Draft EIS/EIR and impacted property owners. The Final EIS/EIR was also made available electronically on the TJPA's website. Printed versions were distributed to the San Francisco Main Library and Berkeley Library. Notices of document availability were mailed to over 330 agencies, organizations, and individuals.

In accordance with the laws of the State of California, the San Francisco Redevelopment Agency, the San Francisco Planning Commission, and Peninsula Corridor Joint Powers Board (Caltrain) certified the Project's Final EIS/EIR in late April 2004. Further, on April 22, 2004, after the aforementioned certifications, the TJPA approved the Project components within its jurisdiction and took other actions required by the California Environmental Quality Act and NEPA, including the adoption of mitigation measures and a mitigation monitoring and reporting program, rejection of alternatives, and approval of a statement of overriding benefits.

On August 12, 2004, FTA issued a Categorical Exclusion (CE) for the protective acquisition of 80 Natoma Street. Based on the information submitted, FTA concurred in the determination that a CE is valid under 23 CFR part 771.117(d)(12), "Acquisition of land for hardship or protective purposes; advance land acquisition loans under section 3(b) of the UMT Act. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels. These types of land acquisition qualify for a CE only where the acquisition will not limit the evaluation of alternatives, including shifts in alignment for planned construction projects, which may be required in the NEPA process. No project development on such land may proceed until the NEPA process has been completed."

FTA noted that development of this site has already begun and could imminently restart in a manner that is incompatible with the locally preferred alternative as approved by the Transbay Joint Powers Authority on April 22, 2004. This CE will maintain the viability and maximize the benefits of the locally preferred alignment alternative and the modified Transbay Terminal footprint. This CE, which was based on past experience with similar projects, found that this action: does not induce significant environmental impacts to planned growth or land use for the area; does not require the relocation of significant numbers of people; does not have a significant impact on natural, cultural, recreational, historical or other resource; does not involve significant air, noise, or water quality impacts; does not have significant impacts on travel patterns; or does not otherwise, either individually or cumulatively, have any significant environmental impacts.

ALTERNATIVES CONSIDERED

The Final EIS/EIR considered the No Federal Action Alternative (NEPA No-Build Alternative), and the Build Alternative (the LPA or Project). The Final EIS/EIR included analysis of several design options for each Project component, several of which were based on public concerns raised during circulation of the Draft EIS/EIR.

No Federal Action

The No Federal Action scenario consists of existing Caltrain service with funded improvements, and other committed bus, rail, and roadway improvements. It includes proposed development in San Francisco in the 2020 horizon year. Under this alternative the San Francisco Redevelopment Agency would not implement a Redevelopment Plan for the Transbay Area, the state-owned properties in the Transbay Terminal would not be transferred to the TJPA, and the existing Transbay Terminal would not be improved significantly beyond basic maintenance and required safety and accessibility improvements.

The No Build Alternative was rejected because, among other reasons, it fails to accommodate Year 2020 transit demand in the Transbay Corridor, fails to extend Caltrain to San Francisco thus increasing traffic congestion, travel times, and air pollution in the Peninsula Corridor, fails to provide the option of having a proposed high speed rail terminal in downtown San Francisco, fails to adhere to San Francisco voter mandates (particularly 1999's Proposition H which called for extending Caltrain to the Transbay Terminal), fails to create a transit oriented development in the Transbay Terminal Area, and fails to support construction of new housing.

Build Alternative

The Build Alternative includes all the elements in the No Federal Action Alternative plus construction of the new multimodal Transbay Terminal, an underground extension of Caltrain to the Transbay Terminal, and transit oriented redevelopment of the Transbay Terminal Area.

Numerous alternatives and design options were investigated in over fifteen years of planning studies carried out for the Project. As part of the process of selecting a Build Alternative for the Project's Final EIS/EIR, these alternatives and options were considered during the Project Scoping, and several options were evaluated, analyzed, and discussed with the public in the Project's Draft EIS/EIR. In order to facilitate informed and effective public comment the Project was separated into three components each of which had two alternatives and a design option regarding underground construction. These components and the Build Alternative are outlined below.

Selecting the LPA: Components, Alternatives and Options

The Project was divided into three components with several alternatives and design options for each component. The three main components and alternatives were:

1. New Transbay Terminal Project Component
 - West Ramp Alternative
 - Loop Ramp Alternative
2. Redevelopment Project Area Project Component
 - Reduced Scope Alternative
 - Full Build Alternative
3. Caltrain Downtown Extension Project Component
 - 2nd-to-Main Alternative
 - 2nd-to-Mission Alternative

Both alternatives for the Caltrain Downtown Extension include a design option for a pedestrian connection from the train mezzanine underneath Fremont Street to the BART/Muni Metro Embarcadero Station. The Caltrain Downtown Extension component also included two construction options for the underground segment of the Caltrain alignment between Townsend Street/Clarence Place and Second Street/Folsom Street: namely a cut-and-cover option or a stacked-drift tunneling option.

The Draft EIS/EIR, published in October 2002, analyzed all the alternatives and options for each component and described this information in detail. During public hearings on the Draft EIS/EIR and through written comments, many recommendations were made for improving the designs. In early 2003 the study team analyzed and evaluated these recommendations in detail. As a result of this examination refinements were made to the design of the underground Caltrain alignment and station to improve terminal efficiency, increase capacity, and to better accommodate future proposed high speed rail service.

In March 2003, the Transbay Joint Powers Authority (TJPA) issued the Locally Preferred Alternative (LPA) Report summarizing the advantages and disadvantages of the different alternatives for each component. This report included a description of the revisions made to the Caltrain alignment and station. On March 28, 2003, the TJPA, following FTA guidance and regulations, selected the LPA for inclusion in the Final EIS/EIR. It consisted of the West Ramp Transbay Terminal, Second-to-Main alignment (with alignment/terminal refinements), Tunneling option, and Full Build Redevelopment. The alternatives and design options are summarized below. The Project's Final EIS/EIR, issued in March 18, 2004, fully describes the environmental impacts of the LPA and incorporates measures to mitigate those impacts into the Project.

A complete description of the Project to which this ROD applies is contained in the Final EIS/EIR. A summary of that description follows:

Multimodal Terminal

The new Transbay Terminal would be a new multi-modal terminal located at Mission and First Streets on the edge of San Francisco's Financial District. The new terminal would be approximately 1,300 feet long and would be shifted slightly to the west of the existing terminal building. Bus ramps would connect directly from the terminal's bus level to the Bay Bridge. An underground rail terminal would be constructed in the building's basement, which would serve Caltrain commuter trains, and trains from California's proposed high speed rail system.

The terminal would contain six levels: four above ground and two below. The top level would be for buses from several operators, the third level for AC Transit, the second for a passenger / retail concourse, and ground level would be for building access, Muni operations, and retail. The two below ground levels consist of a bottom level for Caltrain / proposed high speed rail platforms, and a mezzanine level between ground level and train platforms for passenger circulation and building services.

The new terminal would include facilities for AC Transit, Greyhound, Greyhound Package Express, Muni, Golden Gate Transit, taxi service, paratransit service, and easily accessible bicycle storage. SamTrans buses would operate on local streets adjacent to the new terminal. AC Transit buses would circulate around a wide center platform, which would permit 26 articulated, and four standard buses simultaneously to serve arriving and departing passengers. On the upper bus level a single side-boarding platform would be provided for Muni (Treasure Island service), paratransit, Greyhound, and private operators. Midday bus storage would be located under the west Bay Bridge approaches between Second and Fourth Streets. Access to

bus storage would be via Fourth Street and a two-way “storage link” ramp that would connect with the Transbay Terminal bus ramps.

Transit Oriented Development

The Project includes a Redevelopment Plan for the area surrounding the new multimodal terminal designed to support transit-oriented development. The Plan assumes the Full Build Alternative with about 7.6 million square feet (sq. ft.) of residential/office/retail/hotel development, including approximately 5.6 million sq. ft. of residential development (4,700 residential units including affordable housing), 1.2 million sq. ft. of office development, 475,000 sq. ft. of hotel development, and 355,000 sq. ft. of retail development. This component of the Project is under the jurisdiction of the City and County of San Francisco and its Redevelopment Agency.

Rail Extension

The Project also includes an underground rail alignment from the present Caltrain San Francisco terminus at Fourth and Townsend streets to an underground terminal at the new Transbay Terminal. This alignment would consist of two to four tracks branching to six tracks leading into the terminal.

The Project’s rail alignment would begin on the existing Caltrain alignment just north of Sixteenth Street, where additional tracks and sidings would be added as the tracks approach Common Street. Four tracks would cross Common Street. From there, the easternmost track would turn east and continue on the surface into a reconstructed Fourth and Townsend Caltrain station and storage facility. This surface station would consist of six tracks with three center platforms; the station would be used for limited Caltrain service including special ballpark trains or non-electrified trains.

The three westernmost tracks (closest to Seventh Street) would begin to descend at approximately Berry Street and would curve east to a new underground Caltrain station at Fourth and Townsend. This new underground station would consist of two tracks serving a center-platform and a through track. An additional fourth track coming from the East would pass north of the other three tracks and the new underground platform. This fourth track would head to the west (toward Seventh Street) and would branch into five depressed storage tracks to be located to the south of Townsend Street between the new station platform and Seventh Street.

The four tracks passing the Fourth and Townsend underground station would merge into three tracks under Townsend Street near Fourth Street, and the alignment would continue until it reached the vicinity of the Transbay Terminal. From Fourth Street, the Caltrain alignment would continue east under Townsend Street in a tunnel constructed using the cut-and-cover tunnel technique.

At approximately Townsend Street/Clarence Place (just east of Third Street) the track alignment would curve north in a 1,100-foot long curve to Second and Folsom Streets. This section of the alignment would be constructed using the stacked drift tunneling method.

From Second and Folsom, the alignment would continue using cut-and-cover construction under Second Street to approximately Second and Tehama streets. From this point the track alignment curves 90 degrees northeasterly, along an approximately 970-foot long curve with track curve radii of 498 to 545 feet into the basement of the new Transbay Terminal. In this segment the number of tracks would increase from three to six. The underground terminal station would have six tracks and three center platforms.

Finally, five tracks would continue from the East end of the terminal in a 90-degree curve south along 498-foot to 521-foot radius curves to Main Street and continue underneath Main Street to south of Folsom Street. These tail tracks would be approximately 2,000 feet long and constructed using the cut-and-cover technique. The tail tracks would be used for temporary train storage, turning around trains, and for recovering from incidents.

BASIS FOR DECISION

The Project represents the combination of components and features, which most closely meets the Project's purpose and need as set forth in Chapter 1 of the Final EIS/EIR and summarized as follows.

The primary purposes of the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project are to:

- Improve public access to bus and rail services;
- Modernize the Transbay Terminal and improve service;
- Reduce non-transit vehicle usage; and,
- Alleviate blight and revitalize the Transbay Terminal area.

The Project is needed because the present Transbay Terminal, which was built in 1939, does not meet current seismic safety or space utilization standards. The need to modernize the Transbay Terminal provides an opportunity to revitalize the surrounding area and to extend Caltrain service from its current terminus outside the downtown area into the San Francisco employment core.

The project components address the following purposes and needs:

- Provide a multi-modal transit facility that meets future transit needs;
- Improve the Terminal as a place for passengers and the public to use and enjoy;
- Alleviate the conditions of blight in the Transbay Terminal area;
- Revitalize the Transbay Terminal area with a more vibrant mix of land uses that includes both market-rate and affordable housing;
- Facilitate transit use by developing housing in the area surrounding a major transit hub;
- Improve Caltrain service by providing direct access to downtown San Francisco;

- Enhance connectivity between Caltrain and other major transit systems including: BART, Muni, AC Transit, Golden Gate Transit, and Greyhound;
- Enable direct access to downtown San Francisco for future intercity and/or proposed high-speed rail service;
- Accommodate projected growth in travel demand in the San José – San Francisco corridor;
- Accommodate the need for additional AC Transit bus service;
- Reduce traffic congestion on US Highway 101 and I-280 between San Jose and San Francisco, the Bay Bridge, and other routes;
- Reduce vehicle hours of delay on major freeways in the Peninsula corridor;
- Improve regional air quality by reducing auto emissions;
- Support local and regional economic development goals; and,
- Enhance accessibility to employment, retail, and entertainment opportunities.

The Project's Final EIS/EIR finds that the Project satisfies the Project's purpose and need and makes a significant contribution to improving the Bay Area's transportation and air quality.

For these reasons and in accordance with 40 CFR 1505.2(b), the Build Alternative is the environmentally preferred alternative.

COMMENTS AND COORDINATION

The Final EIS/EIR responds to agency and community comments received during circulation of the Draft EIS/EIR. Numerous public comments on the Final EIS/EIR were also received and these comments are included in Appendix C. Most of the public comments on the Final EIS/EIR were collected at two certification meetings, held in compliance with the California Environmental Quality Act (CEQA). The following documents are included in Appendix C: April 22, 2004 memorandum from the City and County of San Francisco Planning Department to members of San Francisco Planning Commission and members of Peninsula Corridor Joint Powers Board; June 1, 2004 letter from the City and County of San Francisco Planning Department to President Matt Gonzalez and members of the City and County of San Francisco Board of Supervisors; and June 10, 2004 letter from the City and County of San Francisco Planning Department to President Matt Gonzalez and members of the City and County of San Francisco Board of Supervisors.

Additional letters that were sent to Leslie Rogers that invoke some NEPA-specific claims are also included in Appendix C. Comments and Responses from Appendix C are summarized below:

Comment: May 3 and July 19, 2004 letters from Steefel, Levitt & Weiss to Leslie Rogers raised two NEPA issues: a) a discussion of the project's impacts on the human environment should have been more comprehensive (CEQ NEPA Regulations 40 C.F.R. Section 1508.14) and b) the EIS

should have taken a broader view of direct impacts and reasonably foreseeable indirect effects on the environment (40 C.F.R. Section 1508.8). Under either of these approaches, Mr. Tosta argues that the EIS should have discussed the environmental consequences of losing the housing units that the 80 Natoma development project would have provided had it actually been built.

Response to May 3 and July 19, 2004 Letters: The environmental consequences of losing existing housing units were considered in the Transbay EIS/EIR. Impacts to the physical environment only considered existing housing. To the extent that the proposed Transbay Project would affect existing housing, the Final EIS/EIR described the loss of such housing in its sections on displacements and relocation (Chapter 5.2). Contrary to Steefel, Levitt & Weiss' claims, the 80 Natoma property is not ignored but is called out clearly as property that would need to be acquired when the project is adopted. For the reasons outlined in the Planning Department's April 22, 2004 memo to the Planning Commission and the Peninsula Corridor Joint Powers Board which was included in the Planning Department's June 1, 2004 letter to the San Francisco Board of Supervisors, the FEIS analyzed the project's potential for physical impacts to the environment.

Comment: June 25, 2004 letter from Adolph Gasser to Leslie Rogers invoking Section 4 (f) to argue that the project had a prudent and feasible alternative to destruction of historic properties, including one that Mr. Gasser owns. Mr. Gasser suggested that the Terminal could be renovated or could use proximate and adjacent parcels for its construction and that either of these approaches would avoid the taking of a large number of historic properties.

Response: Under Alternatives Considered and Withdrawn Chapter 2.3 in the EIS/EIR the Renovation of the existing Transbay Terminal Building and Associated Structures was considered and rejected. Renovating the existing terminal would not have met project objectives and the local mandate of Proposition H to build a new station. In addition, SB 1856 and AB 812 require that a new station be built on the site of the current station that will accommodate Caltrain and potential future High Speed Rail operations. The current facility cannot meet these legislative and voter mandates. The only prudent feasible way to meet the will of the voters of San Francisco and the State legislative mandate is to build a new station at the site of the current Transbay Terminal. An alternative most identical to Mr. Gasser's proposal is discussed in Section 2.3 of the EIS/EIR where various alternatives were withdrawn from further consideration (these alternatives were not considered feasible as part of the scoping process for the EIS/EIR). The Final EIS/EIR discussed various factors, including the alternative's inability to satisfy the project purpose and need, which led to the rejection of this alternative.

Comment: In a May 17, 2004 letter from South Beach SOMA Coalition, the concern is that the EIR/EIS failed to properly identify and discuss the impact of the Bus Storage Facility on the surrounding properties and indeed the entire South of Market area. The neighbors are especially concerned that the federal guidelines for diesel emissions have not been sufficiently studied, including the PM 2.5 which are known to be especially harmful.

Response: As discussed in Response No. 11.A.1 (page 16, June 1 Planning Department Letter), The supplemental air quality analysis (reported in Volume I of the Final EIS/EIR, pg. 5-57 through 5-61) addressed all land uses within approximately 500 feet of the bus storage area. As shown in the supplemental report, 16 representative receptor sites were evaluated. In addition,

concentration contours were also created around the storage facilities and reviewed to determine whether any other sensitive land uses were located within areas where ambient air quality standards would be exceeded.

MEASURES TO MINIMIZE HARM

The TJPA shall implement (or cause to be implemented) all mitigation measures provided in the Final EIS/EIR for the Transbay Terminal / Caltrain Downtown Extension / Redevelopment Plan Project. To facilitate this commitment, the mitigation measures are described in the Mitigation Monitoring Plan (Appendix A). The TJPA shall also comply with the stipulations listed in the Memorandum of Agreement (Appendix B) developed between the FTA and the State Historic Preservation Officer (SHPO).

FTA shall require as a condition of any grant or grant agreement that all committed mitigation measures in the Final EIS/EIR be implemented by the TJPA. The TJPA shall submit written reports on a quarterly basis to FTA or its designee on the mitigation implementation and FTA will monitor the TJPA's compliance as part of its project management oversight of the Project.

To address concerns regarding the effects of the Project on the Bay Bridge and Second and Howard Streets Historic Districts in the Project area, the Mitigation Monitoring Plan (in Appendix A) includes a requirement for a written re-evaluation of historic integrity and significance of the remaining structures and properties after Project completion. The purpose of to assess the continued eligibility of the two historic districts for listing on the National Register of Historic Places. The written re-evaluation shall follow the format recommended by the State Historic Preservation Office (SHPO) for such documents, and copies of it shall be provided to FTA and to SHPO.

DETERMINATIONS AND FINDINGS

Environmental Protection (49 USC Sections 5301(e) and 5324(b)) – The environmental record for the Project consists of the previously referenced Transbay Terminal / Caltrain Downtown Extension / Redevelopment Plan Draft EIS/EIR of 2002, the Final EIS/EIR of 2004, and this ROD. Cumulatively, these documents represent the detailed statement required by both NEPA and the Federal transit laws, 49 USC Sections 5301(e) and 5324(b), regarding the environmental impacts of the proposed Project.

On the basis of the evaluation of social, economic, and environmental impacts as presented in the Final EIS/EIR and the written and oral comments offered by the public and other agencies, FTA has determined, in accordance with 49 USC 5324(b), that:

1. An adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest in the Project;
2. Fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the proposed Project is to be located; and,

3. No feasible and prudent alternative to the adverse environmental effects exist and all reasonable steps have been taken to minimize any such effects.

Section 106 -- FTA has determined that the Transbay Terminal / Caltrain Downtown Extension / Redevelopment Project will have adverse effects on properties that are currently listed on or have been determined to be eligible for listing in the National Register of Historic Places (NRHP). Several historic properties will be acquired and demolished, including the existing Transbay Terminal and aerial ramps connecting to the San Francisco Oakland Bay Bridge and other buildings. Furthermore, it is likely that the Project will have impacts on archaeological resources located in the construction area. In accordance with the regulation implementing section 106 of the National Historic Preservation Act, FTA conducted a consultation process with the California State Historic Preservation Officer (SHPO) and others to identify and resolve the adverse effects of the Project on historic and archaeological resources. The section 106 consultation process culminated in the signing of a Memorandum of Agreement (MOA) that is attached to this Record of Decision (Appendix B).

The following commitments were inadvertently omitted from the final Section 106 MOA between FTA and the California State Historic Preservation Officer. FTA is nevertheless committed to the implementation of these stipulations and includes them in this ROD to ensure that result. The first paragraph (Bay Bridge) starts on line 11 of page G-4 (Appendix) of the FEIS, and states: "Within 180 days after FTA determines that the Undertaking has been completed, TJPA, in consultation with FTA and SHPO, will re-evaluate the Bay Bridge, a property listed on the NRHP, and determine whether the National Register nomination should be amended or whether the bridge no longer qualifies for listing and should be removed from the National Register. As appropriate, TJPA will prepare and submit to the FTA and SHPO either an amended nomination or petition for removal, to be processed according to the procedures set forth in 36 CFR Part 60 (60.14 and 60.15)."

The second paragraph pertains to the Second and Howard Streets Historic District and starts on line 10 of page G-5 (Appendix) of the FEIS, and states: "Within 180 days after FTA determines that the Undertaking has been completed, TJPA, in consultation with FTA and SHPO, will re-evaluate the Second and Howard Street Streets Historic District and determine whether the National Register nomination should be amended or whether the district no longer qualifies for listing and should be removed from the National Register. As appropriate, TJPA will prepare and submit to the FTA and SHPO either an amended nomination or petition for removal, to be processed according to the procedures set forth in 36 CFR Part 60 (60.14 and 60.15)."

Conformity with Air Quality Plans – The Clean Air Act (CAA), as amended, requires that transportation projects be in conformance with the State Implementation Plan's (SIP) purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and of achieving expeditious attainment of such standards. The EPA regulation implementing this provision of the CAA (40 CFR Part 93) establishes criteria for demonstrating that a transportation project conforms to applicable air quality plans.

In order to demonstrate conformity with the federally approved SIP, as required by EPA conformity regulations, a project must satisfy a number of regulatory conditions established in

the regulations. The Final EIS/EIR provides documentation (Section 5.7.4) that the proposed Project satisfies all such conditions.

Section 4(f) Findings

1. Use of the Historic Transbay Terminal and Associated Ramps

a. Alternatives Considered

The historic Transbay Terminal and some associated historic elements must be demolished. Two alternatives to this use of the historic Transbay Terminal were considered: (1) the rehabilitation of the existing terminal, and (2) locating a new multimodal terminal at an alternative site between Main and Beale.

(i) Rehabilitation – To satisfy the project purpose and need, the rehabilitation alternative would require retrofitting the existing terminal to accommodate the Caltrain tracks and station platforms. Two options were considered: an underground Caltrain alignment and an aerial Caltrain alignment. The underground option would have required bringing the Caltrain tracks into the basement of the present terminal. This was determined to be infeasible from an engineering perspective since the underground rail terminal would not fit within the existing building foundation and support structure. The only feasible way of building an underground rail terminal that would meet the project's purpose and need would be to tear down the existing terminal.

The aerial option would have required construction of a new ramp for the Caltrain tracks from a tunnel portal on Essex Street up to the Transbay Terminal's existing aerial ramp level. Due to the area's topography, this new ramp would impact vertical clearance for vehicles traveling on Howard Street and would have introduced visual impacts (the bridge over Howard Street would need to be very large to support the weight of trains). The existing aerial ramps would need to be rebuilt to meet the increased loading of commuter trains, but their radii could not be increased to allow a gentler transition into the Transbay Terminal building given the location of buildings surrounding the ramp footprint. The ramp's existing radii would not be acceptable for proposed high speed rail operations and would create unacceptable noise impacts as commuter trains passed through the curve. The construction of larger aerial ramps would also impose new visual impacts into the area. Furthermore, this option would have displaced AC Transit and Greyhound operations from the terminal without providing an alternative location. The aerial option was determined to be infeasible from an engineering perspective since it would not be possible to design a rail terminal that would accommodate proposed high speed rail and from an environmental perspective since it would impose new traffic, noise, and visual impacts to the area.

Finally, it should be noted that many alternatives to demolishing the Transbay Terminal have been considered in the many environmental and planning studies completed for the project over the last twenty years. All these studies found that, to meet the project purpose and need, it was (practically speaking) impossible to rehabilitate the existing Transbay Terminal building. The level of reconstruction needed would have almost completely rebuilt the existing building and would have resulted in a project that did not meet the project purpose (for example it would not

have had sufficient track capacity to meet future rail service demand). Furthermore, even without adding rail service to the Transbay Terminal, the building requires an extensive rehabilitation and seismic retrofitting to meet current standards and needs. Table G, below, from Volume II of the Final EIS/EIR (pg 92), provides a list of basic deficiencies, as determined by the State of California, which would need to be corrected if additional rehabilitation actions were to be undertaken for a terminal retrofit.

**Table G
Transbay Transit Terminal Building – Remaining Deficiencies**

Work Item	Work Description
Fire Protection/Fire Exiting Restoration	<ul style="list-style-type: none"> • Add new fire sprinkler systems and fire extinguishers. • Rehabilitate or modify existing exit stairways/ramps to provide proper exit route.
Handicap Accessibility – General	<p>Resolve the following:</p> <ul style="list-style-type: none"> • The lack of accessible vertical circulation at all levels and bus platforms. • The path of travel from the public streets into and throughout the building interior. • The lack of accessible parking (designated) at street curbside, surface/street level parking and within parking garages. • The tenant spaces, which serve the “public”, have numerous accessibility deficiencies. • The “public” toilet rooms require extensive renovation to provide accessibility. (Funded)
Handicap Accessibility – Elevators	<ul style="list-style-type: none"> • Install new passenger elevators in Central Unit to provide “accessible” exit routes.
Plumbing Systems	<ul style="list-style-type: none"> • Virtually each piece of plumbing equipment is dangerously beyond its expected lifespan, including the steam piping and appurtenances. • Demolish and replace all public and tenant restrooms. • All piping needs to be seismically braced.
Ventilation of Bus Deck	<ul style="list-style-type: none"> • Complete installation of new ventilation system at bus deck, including exhaust fan and window louvers.
Heating/Ventilating Systems	<ul style="list-style-type: none"> • Complete replacement of all existing heating and ventilating systems, including boiler plant in basement. Additional new mechanical systems to existing tenant spaces.
Electrical – New Service	<ul style="list-style-type: none"> • Existing electrical power is insufficient to provide required loads – cost dictated by power company.
Electrical Systems	<ul style="list-style-type: none"> • Service switchboards and related equipment require replacement due to questionable performance and no ground fault protection. • Existing exit signs require replacement and additional exit signs and emergency fluorescent fixture battery packs installed to comply with exit and egress requirements. • Relocate existing manual fire alarm pull stations to comply with height requirements and additional pull stations installed to comply with fire and life safety requirements. • Replace existing fire alarm system with new and interface with existing newer fire alarm panels. • Remove all “unapproved” adapters, extension cords and provide approved wiring to all electrical equipment.

	<ul style="list-style-type: none"> • Install new covers on existing junction boxes/outlets with exposed wiring. • Install emergency telephones throughout the facility. • Increase the reliability of the existing standby generator set.
General Renovation Work	<ul style="list-style-type: none"> • Renovate entire terminal per historical requirements. • Provide new building security and video monitoring systems. • Major reconstruction and paving of bus lanes and loading platforms. • Rebuild deficient ramps and stairways. • Install noise abatement system at bus deck. • Rehabilitation and new tenant rental spaces. • Total re-striping of parking garages. • Relighting of exterior of buildings and site. (Partially completed) • Exterior repair and repainting of exterior building and interior spaces. • Add new transit graphic signage system. • Reconstruct exterior art-deco aluminum canopies. • Place or rebuild all aluminum frames and windows. • Addition of adequate seating, trash receptacles and amenities. • Rehabilitation of existing escalators. • Remove and replace all existing doors and door hardware. • Roadway repair at front of terminal. • Repair and replace interior drainage system.
[a] State Architect dated December 6, 1995	

In summary, it is infeasible from an engineering perspective to rehabilitate the existing Transbay Terminal and meet the project's purpose and need.

(ii) Main / Beale Alternative – The alternative site at Main/Beale did not meet the project's purpose and need because the site was too small for a rail terminal that would accommodate the proposed commuter and proposed high speed rail services, there was no feasible rail alignment to the site, and the site did not meet AC Transit's long-term transit needs.

The Main/Beale site is constrained in the north by Mission Street and in the South by the United States Postal Service building. This means that there is not enough space available to allow tracks to branch into station tracks with platforms long enough to serve all the trains that would use the station. Several of the tracks could only be approximately 700 feet long, far short of the proposed high speed rail train design criteria of 1,300 feet trains.

It would also be infeasible to reach the Main/Beale site with an underground rail alignment. Two possible alignment options were considered in the 1997 Caltrain Downtown Extension Draft EIS/EIR study: a cut-and-cover option and a tunneling option. The cut-and-cover option would have required cut-and-cover construction of a relatively deep trench directly in front of the

San Francisco Bay Bridge cable anchorage. After meetings with the bridge operators, Caltrans, it was determined that this option was infeasible given the construction difficulties and the danger of undermining the stability of the Bay Bridge. The cut-and-cover option would also have required excavation in the Embarcadero, thus impacting traffic, Muni's new light rail line, the Giants Stadium (SBC Park), and the new residential neighborhood. The tunneling option was also determined to be infeasible since geological investigations found that rock in this area was poor for tunneling, thus increasing the likelihood of cave-ins and surface subsidence. The tunneling option also would have required construction staging areas on property that has since been built-upon, and, given the angle with which the tunnel would intersect Beale Street, it would have further reduced the effective area available for the terminal platforms.

Finally, the Main/Beale site did not meet AC Transit's long-term transit needs. The recently completed Bay Crossings Study estimated that travel in the Bay Bridge corridor will increase substantially by year 2025 and that, as a result, Transbay bus ridership could triple. AC Transit is developing plans to meet this demand and has determined that the Main/Beale site is not large enough and the site is not properly oriented to facilitate efficient bus operations.

In summary, the Main/Beale alternative is infeasible from an engineering standpoint, would not meet the project's purpose and need, and would impose unacceptable environmental impacts on the South Beach neighborhood.

FTA therefore determines that there is no feasible and prudent alternative to the demolition of the Transbay Terminal building that would satisfy the project's purpose and need.

b. Measure to Minimize Harm to the Transbay Terminal and Associated Historic Elements

Permanent Interpretive Exhibit at the New Terminal: TJPA will integrate into the design of the new terminal a permanent interpretive exhibit that show the design of the historic terminal and associated historic elements and presents the historic relevance of the facility.

Salvage: TJPA, in consultation with the Caltrans, will identify elements of the existing Transbay Terminal that are suitable for salvage for interpretive use in the aforementioned interpretive display, or in museums, and will salvage the identified elements prior to demolition.

Oakland Museum of California Exhibit: TJPA will consult with Caltrans and with the Oakland Museum, prior to demolition of the Transbay Terminal, about contributing photographs, drawings, salvaged artifacts, and other historically relevant materials relating to the Bay Bridge and Transbay Terminal and will provide such materials as are agreed upon.

Documentation: Prior to demolition, TJPA will consult with SHPO to ensure that the Transbay Terminal has been adequately documented to SHPO's satisfaction. TJPA will supplement the existing documentation as necessary to fully document the Terminal in accordance with HABS/HAER standards.

FTA finds that the above measures constitute all possible planning to minimize the harm resulting from the demolition of the historic Transbay Terminal.

2. Use of Three Historic Buildings at 165-173 Second Street, 191 Second Street, and 580-586 Howard Street

a. Alternatives Considered

Three historic buildings at 165-173 Second Street, 191 Second Street, and 580-586 Howard Street must be demolished to allow the tunneling for the Caltrain extension. The following avoidance alternatives were considered:

Cut-and-Cover Construction of the Tunnel: This alternative would have resulted in the demolition of 13 historic buildings, an even greater number than the 3 demolition required by the selected alternative. The cut-and-cover alternative was therefore rejected.

Stacked-Drift Tunneling of the Caltrain Extension: This construction method is the selected alternative to which this ROD applies. It was developed in an attempt to avoid the demolition of historic buildings. However, engineering studies indicated that ground conditions in the Second and Howard Street area would not permit this form of tunneling under the three historic buildings. In the vicinity of the buildings, the tracks leading north on Second Street must splay out to six tracks leading into the basement of the terminal. Soils near Second and Howard are exceptionally weak and soft, and the excavations required for the multiple tracks would extend under the buildings. It is not feasible to open so many tunnels so close to each other in soft soil and to ensure the integrity of the buildings above. Therefore the buildings must first be removed.

FTA finds that there is no feasible and prudent alternative to the demolition of the three historic buildings in question.

b. Measures to Minimize Harm to the Three Historic Buildings on Second and Howard Streets

Recordation: Prior to the demolition of any contributing element of the Historic District, JTPA will ensure that the three historic properties at 165-173 Second Street, 191 Second Street, and 580-586 Howard Street have been recorded in accordance with HABS/HAER standards by a qualified historic architect to SHPO's satisfaction.

FTA finds that this measure constitutes all possible planning to minimize the harm to the individual historic resource caused by its demolition. The harm to the Second and Howard Streets Historic District as a whole is addressed below.

3. Use of Second and Howard Streets Historic District

a. Alternatives Considered

The three historic buildings on Second and Howard Streets that must be demolished are contributing elements of the Second and Howard Streets Historic District. The loss of these contributing elements and the resulting isolation of other contributing buildings in the Historic District constitute a use of the Historic District by the project.

Avoidance of the Second and Howard Streets Historic District is complicated by its orientation. It lies immediately south of the Transbay Terminal site, and the existing Caltrain terminus at Fourth and Townsend Streets is even further south. A line connecting the two terminals under existing streets (to minimize community impacts) will pass through the Historic District.

Nevertheless, numerous alignments of the Caltrain Extension to the Transbay Terminal were considered. All were evaluated in terms of cost, engineering feasibility, impacts to historic resources, impacts on the community, impacts on traffic, and the extent to which each would satisfy the purpose and need of the project. These alignment variations are described in section 2.3 of the Final EIS/EIR and are depicted in Figure 2.3-1. As presented in this section of the Final EIS/EIR, each of the alternative alignments considered presented unique engineering problems, failed to avoid an historic area of the city, failed to meet purpose and need, or involved acceptable impacts on the community. FTA finds that the alignment through the Second and Howard Streets Historic District is the only feasible and prudent alignment alternative for the Caltrain extension.

b. Measures to Minimize Harm to the Second and Howard Streets Historic District

Stacked-Drift Tunneling: To minimize surface impacts within the Historic District, the tunnel will be constructed using the stacked-drift tunneling method. This tunneling method is described in the FEIS beginning on page 5-175.

Recordation: Prior to the demolition of any contributing elements of the historic district, JTPA will ensure that the historic district is adequately recorded in accordance with the guidance from the National Park Service on recordation of historic districts.

Repair of Inadvertent Damage: JTPA will consult with the owners of buildings that are contributing elements of the historic district and that are adjacent to project construction sites regarding existing conditions of the buildings and appropriate protections. JTPA will ensure that any damage to contributing elements of the Historic District caused by the project is repaired in accordance with the Secretary of the Interior's Standards for Rehabilitation.

Re-evaluation of the Historic District: Within 180 days after Caltrain Extension begins operation at the Transbay Terminal, TJPA, in consultation with SHPO, will have a qualified professional re-evaluate the Second and Howard Streets Historic District and determine whether the National Register nomination should be amended or whether the district no longer qualifies for listing and should be removed from the National Register. As appropriate, TJPA will prepare and submit to the SHPO either an amended nomination or petition for removal, to be processed according to the procedures set forth in 36 CFR Part 60 (60.14 and 60.15).

FTA finds that measures listed above constitute all possible planning to minimize the harm to the Historic District caused by the project.

Final Consultation with the Department of the Interior on Section 4(f) Matters

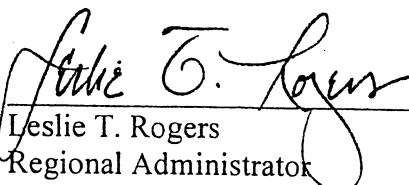
In a letter dated December 3, 2004, the Department of Interior (DOI), stated that “the concerns of DOI have now been adequately addressed.” These concerns included comments in a March 9, 2004 letter from DOI to FTA regarding the impact of the demolition of certain structures in the Second and Howard Streets District on the remaining contributing resources in the District, as well as the overall potential impact of the Project on the National Register of Historic Places (NRHP) listing of the Second and Howard Streets District. DOI also stated they would not object to Section (4)f approval of the Project if these issues were addressed through measures to minimize harm in the project plans and implementation.

Environmental Justice – Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (February 11, 1994), provides, in pertinent part, that FTA identify and address “disproportionately high and adverse human health or environmental effects” of Federally-funded mass transit projects “on minority populations and low-income populations...” and that FTA “conduct its programs, policies, and activities in a manner that ensures that such programs, policies, and activities do not have the effect of subjecting persons... to discrimination...because of their race, color, or national origin.”

In accordance with the terms of Executive Order 12898 and the guidance set forth in the Presidential Memorandum accompanying the Executive Order, the FTA and TJPA applied the analytical frameworks of NEPA to assess the effects of the Project on minority and low-income populations in the study area. From these analyses, FTA has determined that minority populations and low-income populations will not be subjected to discrimination through the construction or operation of the Project, and furthermore, that all people within the study area will enjoy significantly improved mobility as a result of the Project. Sections 4.2 and 5.3.5 of the Final EIS/EIR address this subject, providing an overview of the income and minority demographics of the study area and an assessment of the potential impacts on minority or low-income populations in the corridor.

Summary NEPA Finding

On the basis of the determinations made in compliance with relevant portions of federal law, the FTA finds that the Transbay Terminal / Caltrain Downtown Extension / Redevelopment Project, as described in the Final EIS/EIR, including the mitigation measures identified therein and summarized herein as Appendices A and B, satisfies the requirements of the National Environmental Policy Act of 1969, 49 USC 5301(e) and 5324(b), the National Historic Preservation Act of 1966, the Clean Air Act of 1970, the Department of Transportation Act of 1966, all as amended.



Leslie T. Rogers
Regional Administrator
Federal Transit Administration
Region IX

FEB 8 2005

Date

APPENDIX A: MITIGATION MONITORING PROGRAM

**APPENDIX B: MEMORANDUM OF AGREEMENT with Federal Transit Administration
and State Historic Preservation Officer**

APPENDIX C: SUMMARY OF PUBLIC COMMENT

APPENDIX D: EXECUTED PROJECT DEVELOPMENT AGREEMENT