



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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2014

February 14, 2014

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Mr. Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Re: BART Comments on *Possible Topics to be Addressed in the 2014 CEQA Guidelines Update*

Dear Mr. Calfee:

The San Francisco Bay Area Rapid Transit District (BART) is pleased to respond to your office's solicitation for input on *Possible Topics in 2014 CEQA Guidelines Update*. Our comments respond to the suggestions provided in your letter of December 30, 2013. BART is also sending comments on *Preliminary Evaluation of Alternative Methods of Transportation Analysis* under separate cover.

BART is a rapid transit district providing rail service in San Francisco, Alameda, Contra Costa, and San Mateo counties. BART owns and operates 44 transit stations, the majority of which serve urban neighborhoods. Four new stations in eastern Contra Costa County and Alameda County are currently planned or under construction. New BART extensions and other BART improvement projects benefit the environment by shifting commuters from thousands of cars to BART's fleet of 669 electric-powered railcars, reducing air pollutant and greenhouse gas emissions, traffic congestion and energy consumption.¹ BART's projects are subject to the requirements of CEQA review.

We are commenting on one of the possible topics suggested in your December 30 letter, Section 15064 (Determining Significance of Environmental Effects). In addition we are suggesting one additional topic addressed in BART's August 30, 2013 letter that did not make the list of possible topics, yet seems to offer some promise for future action. Our comments are offered by topic below.

¹ BART's average weekday ridership exceeded 392,000 riders in fiscal year 2013.

Section 15064–Determining the Significance of Environmental Effects Caused by a Project

As stated in CEQA Guidelines Section 15064(a), determining whether a project may have a significant effect plays a critical role in the CEQA process. A key aspect of the process is defining levels of significance for different topics of analysis. While the selection of thresholds of significance is left to the discretion of the lead agency, supported by substantial evidence, lead agencies may consider thresholds of significance adopted or recommended by other public agencies or recommended by experts (CEQA Guidelines 15064.7(c)). BART endorses the proposal by the Office of Planning and Research (OPR) to clarify this process by adding a definition of “regulatory standards” which may be used in determining the significance of environmental impacts. However, consistent with section 15064.7(c), the standards adopted by “other public agencies” should not be limited solely to the standards set by environmental regulatory agencies, such as air districts and water boards.

As a transit district operating in multiple jurisdictions over 40 years, BART has developed considerable expertise dealing with transit issues, such as system capacity, train capacity, and station access. In considering the ability of public agencies to define thresholds of significance, we urge OPR to recognize that many public service providers, such as BART, are the best judge of their own needs and capabilities and should be considered experts in identifying appropriate standards for impacts on their service. More specifically, CEQA Guidelines Appendix G, section XVI(a), identifies conflicts with applicable plans, ordinances or policies establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit. Again, transit operators are best able to establish such measures of effectiveness for their own systems. Accordingly, BART urges that any changes to Section 15064 relating to the definitions of regulatory agencies or regulatory standards be defined broadly to include major public service providers such as BART, or if the latter is too broad, to include major transit agencies such as BART. This suggestion would allow public agencies to use their own expertise in providing thresholds of significance for those areas of analysis that most affect them and their riding public. By reinforcing the expertise of agencies operating regional public transit networks, this suggestion would be consistent with statewide legislative goals to reduce greenhouse gas emissions and enhance multimodal transportation networks.

Sections 15301 and 15302–Categorical Exemptions

In addition to developing new transit stations/extension projects, BART also undertakes projects to renovate or improve its older, urban core stations. This improvement effort is ongoing and entails a variety of activities in and around the stations. BART encourages OPR to consider clarifying and, where appropriate, expanding existing categorical exemptions to include the restoration, reconstruction, and upgrade of existing transit facilities where improvements do not go beyond the district’s existing property or right-of-way.

As an example, BART regularly works to expand multimodal access to its stations, which means increasing opportunities for non-automobile travel to the station (bicycle, bus, pedestrian, car sharing, etc.). Expanding multimodal access often involves redesigning older stations that were originally conceived for automobile commuters or for less dense urban downtowns. For certain urban core stations with parking lots, BART is considering converting selected, existing parking spaces to pedestrian pathways, bicycle storage facilities, safe and well-lit bus shelters, or multimodal traffic control areas. For other urban core stations without

parking lots, BART is considering enhancing non-automobile access by expanding the number of covered bus shelters near the station entrances, improving pedestrian-oriented lighting, and expanding bicycle storage. These projects typically cost much less than a new BART station. Yet, CEQA review costs and, more importantly, delays could limit BART's ability to develop such minor projects.

Section 15301 (Existing Facilities) provides a list of activities related to the improvement or limited expansion of existing facilities. Section 15302 (Replacement or Reconstruction) also relates to the replacement and reconstruction of existing facilities. However, neither exemption specifically mentions transit uses. BART suggests that these exemptions could be revised to specifically reference transit improvements. Three specific revisions are suggested. (Additions are underlined.).

Revise existing Section 15301(a) to read as follows:

Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; and including lighting, signage, pedestrian amenities, increased security measures, and increased access to transit facilities.

Revise existing Section 15301(c) to read as follows:

Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and enhanced motorized and non-motorized access to transit, and similar facilities (this includes road grading for the purpose of public safety).

Add a new subsection to Section 15302 (Replacement or Reconstruction) to read as follows:

15302(e) Replacement, reconstruction, or upgrade of existing transit facilities or access within the agency's existing property or right-of-way.

Because these projects support state-wide goals to reduce greenhouse gas emissions and because they encourage development in the urban core, we urge OPR to consider revising or clarifying the Guidelines to facilitate categorical exemptions for transit improvement projects. Like other categorically exempt projects, they would be subject to the exceptions in CEQA Guidelines 15300.2 in the event of cumulative impacts or significant impacts due to unusual circumstances, thus avoiding the risk that achieving transit benefits might have adverse side-effects. In addition, these changes to the exemptions would make them more consistent with the expanded categorical exclusions for federally-funded transit projects provided by the Federal Transit Administration.

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In conclusion, we respectfully request that OPR consider BART's recommendations and welcome the opportunity to continue the dialogue. If you would like to discuss further or require more information, please contact Andrew Tang, BART Principal Planner, at (510) 874-7327 or atang@bart.gov.

Sincerely,



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