



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <div style="float: right; text-align: right;"> <small>DocuSigned by:</small>    <small>47000790F2D7463...</small> </div>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 11/3/2022      11/9/2022		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Donald Dean <b>Dept:</b> Strategic Planning <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>36C11586E67B463...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">11/9/2022</div>	<b>General Counsel</b> <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>F8FD7B3A73E74E8...</small> </div> <div style="text-align: right;">11/9/2022 [ ]</div>	<b>Controller/Treasurer</b> <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">11/9/2022 [ ]</div>	<b>District Secretary</b> <div style="text-align: right;">[ ]</div>	<b>BARC</b> <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>AA8F1409A8F748E...</small> </div> <div style="text-align: right;">11/9/2022 [ ]</div>

### Adopt the Final Supplemental Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan, and Approve the BART Hayward Maintenance Complex Phase 2 Project

#### PURPOSE:

To obtain Board action on the proposed BART Hayward Maintenance Complex Phase 2 Project (HMC2 Project) as follows:

1. Adopt the Final Supplemental Initial Study/Mitigated Negative Declaration (Final Supplemental IS/MND)
2. Adopt the Mitigation Monitoring and Reporting Plan (MMRP)
3. Approve the proposed Hayward Maintenance Complex Phase 2 Project

#### DISCUSSION:

As part of the Transbay Corridor Core Capacity Program, the San Francisco Bay Area Rapid Transit District (BART) proposes to construct the Hayward Maintenance Complex Phase 2 Project (HMC2 Project). The HMC2 Project consists of both the East Storage Yard and the Northern Mainline Connector:

- The East Storage Yard includes a vehicle storage yard capable of storing approximately 250 BART vehicles. The need for the East Storage Yard is driven by BART's plan to increase its fleet size to accommodate a growing demand for reliable and more frequent train service to/from downtown San Francisco and Oakland. The East Storage Yard also features ancillary wayside and maintenance facilities needed for a fully functional, electrified, storage yard. The East Storage Yard is located on undeveloped BART-owned land on the east side of the Hayward Maintenance Complex and would provide an economical

means to expand vehicle storage on suitable, vacant land.

- The Northern Mainline Connector would be a new trackway connection between the East Storage Yard and the BART mainline trackway. The Northern Mainline Connector would be located on approximately 25 acres of undeveloped property located in the northeast corner of the Hayward Yard and would extend along the BART right-of-way to a point north of Industrial Parkway. The Northern Mainline Connector would include construction of an embankment and a new bridge over Industrial Parkway to carry the new Northern Mainline Connector trackway. The Northern Mainline Connector would also include the relinquishment of an operating easement and relocation of the western fence of the Mission Hills of Hayward Golf Course Driving Range (driving range) to a location further to the east to allow for the construction of new trackway. The golf course and driving range are owned by the Hayward Area Recreation & Park District (HARD).

### ***Environmental Review***

The HMC2 Project is an element of the larger Hayward Maintenance Complex (HMC) Project. The HMC project was originally evaluated under the California Environmental Quality Act (CEQA) in the Hayward Maintenance Complex Project Final Initial Study/Mitigated Negative Declaration (2011 IS/MND), which was adopted by the BART Board of Directors (BART Board) on May 26, 2011. Because the Project included federal funding, the Federal Transit Administration (FTA) reviewed the HMC Project pursuant to the National Environmental Policy Act (NEPA) and approved a Categorical Exclusion for the HMC Project on September 21, 2011. An Addendum to the 2011 IS/MND was adopted by the BART Board in 2013, and a second Addendum was adopted in 2017. (These environmental documents are available online at [www.bart.gov/about/projects/hmc](http://www.bart.gov/about/projects/hmc).)

Due to revisions to the East Storage Yard and the addition of the Northern Connector, BART as Lead Agency under CEQA, determined that a supplemental environmental review was necessary for the HMC2 project. A Draft Supplemental IS/MND (Draft Supplemental IS/MND) was prepared pursuant to the rules for supplemental environmental review under Public Resources Code (PRC) Section 21166 and State CEQA Guidelines Section 15163. The Draft Supplemental IS/MND evaluated the environmental impacts associated with the proposed HMC2 Project to determine whether the HMC2 Project would result in any new or substantially more severe environmental impacts than those analyzed in the prior CEQA documents.

The Supplemental IS/MND determined that the proposed HMC2 Project would not have a significant effect on the environment. For the most part, the environmental impacts associated with the HMC2 Project would be the same as or similar to those identified in the 2011 IS/MND. New potential impacts were identified for two environmental areas: biological

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resources and noise/vibration. However, the Supplemental IS/MND determined that all the environmental impacts could be reduced to less-than-significant levels following implementation of mitigation measures identified in the 2011 IS/MND or new, project-specific mitigation measures identified in the Supplemental IS/MND.

The Draft Supplemental IS/MND was released to the public on June 17, 2022. Notices were posted on the BART website, with the Alameda County Clerk, and with the State Clearinghouse. In addition, stakeholders were notified by mail and by email. A public comment meeting was held July 14, 2022. Comments also were accepted by mail and email. The comment period ran for 53 days, closing on August 8, 2022.

A Final Supplemental IS/MND has been prepared, and comments received during the review period and corresponding responses are provided in Appendix E of the Final Supplemental IS/MND. A Mitigation Monitoring and Reporting Plan (MMRP) was prepared for the project and will ensure implementation of mitigation measures in the Supplemental IS/MND as required by Public Resources Code Section 21080.6. The Final Supplemental IS/MND and MMRP were made available to the Board and to the public on October 28, 2022. The Draft Supplemental IS/MND, Final Supplemental IS/MND, and MMRP are available online at [www.bart.gov/about/projects/hmc](http://www.bart.gov/about/projects/hmc).

In order to advance the HMC2 project, staff is bringing the proposed Project forward to the Board at this time.

### ***Next Steps***

If the Board adopts the Final Supplemental IS/MND and MMRP and approves the Proposed HMC2 Project, staff would then: 1) Complete the project design; 2) Complete applications for resource agency permits, 3) Negotiate with HARD for relinquishment of its easement, and potentially, portions of its property, 4) Discuss with the Federal Transit Administration a request for a Categorical Exclusion; 5) Advance to contracting; and 6) Return to the Board for award of construction contracts.

### **FISCAL IMPACT:**

There is no fiscal impact at this time associated with Board action to adopt the Final Supplemental IS/MND and MMRP and approve the proposed HMC2 Project. The entire HMC2 Project (East Storage Yard and Northern Mainline Connector) would cost approximately \$600 million. The Project would be funded through an FTA Full Funding Grant Agreement which was awarded in 2020.

### **ALTERNATIVES:**

The Board could choose not to adopt the Final Supplemental IS/MND and MMRP and/or approve the proposed HMC2 Project. This would delay or prevent construction of the

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Project, which is necessary for providing vehicle storage to accommodate demand for reliable and more frequent train service to/from downtown San Francisco and Oakland and a more efficient connection to the BART mainline. If the project is not constructed it could, in the long run, hinder overall service on the system and constrict plans for service expansion. Delay of project adoption could also result in cost escalation.

**RECOMMENDATION:**

Approval of the following Motion.

**MOTION:**

Having reviewed and considered the information contained in the Final Supplemental Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan, the BART Board of Directors hereby:

1. Finds that on the basis of the whole record before the Board, there is no substantial evidence that the proposed HMC2 Project will have a significant effect on the environment (the potentially significant impacts identified can all be mitigated to less-than-significant levels following implementation of mitigation measures identified in the Final Supplemental Initial Study/Mitigated Negative Declaration); and
2. Finds that the Final Supplemental Initial Study/Mitigated Negative Declaration reflects the Board's independent judgment and analysis; and
3. Adopts the Final Supplemental Initial Study/Mitigated Negative Declaration; and
4. Adopts the Mitigation Monitoring and Reporting Plan; and
5. Approves the HMC2 Project as proposed.