



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>29 Nov 2018</i> <i>Phil M. Power</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/19/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Maurice Rattray Dept: Extensions Signature/Date: <i>11/28/18</i>	General Counsel <i>[Signature]</i> <i>11/29/18</i> [ ]	Controller/Treasurer <i>Chin Gan</i> <i>11/28/18</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> <i>11/28/2018</i> [ ]

### Project Changes and Fourth Addendum to the East Contra Costa BART Extension (eBART Project) Final Environmental Impact Report - Antioch Parking Lot Expansion

#### PURPOSE:

To consider the Fourth Addendum to the Final Environmental Impact Report (FEIR) pursuant to the California Environmental Quality Act (CEQA) for the East Contra Costa BART Extension (eBART Project) evaluating the potential environmental impacts of changes (Antioch parking lot expansion) to the eBART Project (Revised Project); find that a subsequent or supplemental environmental impact report is not necessary based upon the Addendum; and adopt the Revised Project, consistent with BART's 2016 Station Access Policy; and adopt the attached Resolution authorizing the filing of an allocation request with the Metropolitan Transportation Commission (MTC) for \$3.61 million of various bridge tolls as part of the funding plan for the Antioch Station Parking Lot Expansion.

#### DISCUSSION:

On April 23, 2009, the BART Board of Directors (Board) certified the FEIR, adopted a Mitigation, Monitoring and Reporting Plan (MMRP) and adopted the eBART Project. The eBART Project described in the FEIR and adopted by the Board (Adopted Project) consists of an approximately 10-mile extension of the BART system via a diesel multiple unit (DMU) starting from the existing Pittsburg/Bay Point BART Station and extending in the median of State Route 4 (SR 4). Commonly known as eBART, the extension is from the Pittsburg/Bay Point BART Station to a new station at Pittsburg Center in Pittsburg and a new terminus station at Hillcrest Avenue in Antioch.

Since eBART opened for revenue service on May 25, 2018, ridership at the stations has exceeded expectations, especially at the Antioch Station. Currently, the ridership is nearly double what was originally forecast with around 3,050 daily exits at the station. The success of the service has resulted in full occupancy of the 1,038 parking spaces by approximately 6:00 AM and a waitlist for parking of around 1,700. This may limit the ability of some patrons to access the system, resulting in potentially reduced BART ridership.

BART is proposing to provide additional parking at the Antioch Station to accommodate the existing parking demand by utilizing a vacant BART-owned parcel located between the current station parking lot and the Maintenance Facility. The 7.97-acre site would provide approximately 850 additional, new, spaces.

There is latent demand to use BART, and constraints on station access limit ridership. An expansion of parking, previously planned at a different location from what is being proposed in the fourth addendum, would be consistent with the original project EIR which had cleared parking expansion and BART's Station Access Policy (adopted June 9th, 2016), which states that expanded automobile parking may be pursued as a secondary investment at stations classified as "auto-dependent." The station is currently displayed as an auto-dependent station.

## **PROPOSED PARKING EXTENSION:**

The parking expansion would add approximately 850 spaces on the 7.97-acre site. The location of the parking lot is between the existing station parking lot and the DMU maintenance facility. Auto access would be via two driveways on the north side of the lot from Slatten Ranch Road. The site would be graded and paved with asphalt. Parking lot lighting, CCTV (Closed Caption Television Cameras), and emergency phones would be provided.

Solar panels are planned for the parking lot expansion. They will be similar in size and capacity to those in the existing parking lot. The Panels would cover approximately 18 percent of the new parking lot area or approximately 40 percent of the planned parking spaces. The panels would be in the center rows of the parking lot.

As part of MTC's allocation request process from eligible transportation project sponsors for the allocation of Regional Measure 2, Regional Measure 1 and AB 1171 bridge toll funds,

the Board of Directors must adopt the attached Resolution of Project Compliance that, among other things, certifies that the District is authorized to perform the Project for which funds are requested, that there are no legal impediments to the District applying for the funds, and that there is no pending or anticipated litigation which might adversely affect the project or the ability of the District to carry out the Project.

#### **ENVIRONMENTAL REVIEW:**

The potential environmental effects of the eBART Project were evaluated under the California Environmental Quality Act (Public Resources Code Section 21000 et seq., CEQA) and presented in a Final EIR. There have been three Addenda to the Final EIR since its certification by the Board in 2009. The first Addendum analyzed a series of modifications to the project. A second Addendum analyzed grading outside the original project footprint. A third Addendum evaluated the then undeveloped area between the parking lot and Maintenance Facility for use as construction staging and storage area. The current Addendum, the fourth, evaluated the proposed additional parking on the storage area for all categories of impact analyzed in the Final EIR (transportation, land use, visual quality, etc.). The Addendum has not identified any substantial changes in the existing environment, nor has it identified any new or more severe impacts that would result from the Revised Project that were not already identified in the Final EIR. Therefore, the Revised Project does not meet the conditions that would require a subsequent or supplemental EIR. All mitigation measures included in the adopted MMRP would also apply to the Revised Project.

All environmental clearance documents are available at:

<https://www.bart.gov/about/projects/ecc/environmental>

#### **MULTIMODAL ACCESS STRATEGIES:**

Additionally, and separate from the parking expansion, BART staff will continue to explore active access and transit improvements to provide a comprehensive access solution for the station.

#### **FISCAL IMPACT:**

There is no Fiscal Impact for this EDD.

#### **ALTERNATIVES:**

The alternative is not to adopt the Revised Project and Addendum to the Final EIR. Failure to adopt the Revised Project would preclude the construction of approximately 850 parking spaces. This may limit the ability of some patrons to access the system, resulting in potentially reduced BART ridership.

**RECOMMENDATION:**

Adoption of the attached Resolutions.

**MOTION:**

Having reviewed and considered the information contained in the Addendum, and the FEIR, the BART Board of Directors hereby:

1. Adopts the attached Resolution, approving the 4th Addendum to the FEIR and adopting the Revised Project.
2. Adopts the attached Resolution of Project Compliance authorizing the filing of an allocation request with the Metropolitan Transportation Commission for Regional Measure 2, Regional Measure 1, and AB 1171 bridge toll funds in the amount of \$3.61 million to support design of the Revised Project.

**BEFORE THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY  
AREA RAPID TRANSIT DISTRICT**

**In the Matter of the Approval of a  
Resolution of Project Compliance  
And Initial Project Report for  
Regional Measure 1, Regional  
Measure 2 and AB1171 Bridge Toll  
Funds for the eBART Project – Parking  
Lot Expansion at Antioch Station**

**Resolution No.**

WHEREAS, the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Sections 66500 *et seq.*; and

WHEREAS, the California Legislature enacted Senate Bill (SB) 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2 (“RM2”), identified transportation projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, MTC is responsible for funding projects eligible for RM2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, the San Francisco Bay Area Rapid Transit District (“BART”) and the Contra Costa Transportation Authority (“CCTA”) are eligible sponsors of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, the East Contra Costa BART Extension – Parking Lot Expansion at Antioch Station (“Project”) is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, MTC adopted Resolution No. 4137, Revised, which establishes the program of projects for Regional Measure 1 (“RM1”) 90% Rail Reserve funds; and

WHEREAS, MTC adopted Resolution No. 3434, Revised, which establishes commitments of Assembly Bill (AB) 1171 bridge toll funds to specific projects and corridors; and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for AB1171, RM1, and RM2 bridge toll funds; and

WHEREAS, RM2, RM1, and bridge toll fund allocation requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

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WHEREAS, the RM1, RM2, and AB 1171 bridge toll funds allocation request, sponsored by BART in the attached Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which BART is requesting that MTC allocate bridge toll funds;  
NOW, THEREFORE BE IT:

RESOLVED, that BART, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's RM2 Policy Guidance (MTC Resolution No. 3636); and be it further

RESOLVED, that BART certifies that the Project is consistent with the Plan Bay Area 2040 Regional Transportation Plan (RTP);

RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

RESOLVED, that the bridge toll-funded phase or segment is fully funded, and results in an operable and useable segment; and be it further

RESOLVED, that BART approves the Initial Project Report, dated December 6, 2018; and be it further

RESOLVED, that BART approves the cash flow plan; and be it further

RESOLVED, that BART has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the Initial Project Report; and, be it further

RESOLVED, that BART is an eligible sponsor of projects in the RM 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that BART is authorized to submit an application for RM2 funds for the Project in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that BART certifies that the projects and purposes for which bridge toll funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); and be it further

RESOLVED, that there is no legal impediment to BART making allocation requests for bridge toll funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of BART to deliver such project; and be it further

RESOLVED, that BART agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it further

RESOLVED, that BART indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of BART, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of bridge toll funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of bridge toll funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, that BART agrees that, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the Project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the MTC is entitled to a proportionate share equal to MTC's percentage participation in the Projects; and be it further

RESOLVED, that assets purchased with bridge toll funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the MTC shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that bridge toll funds were originally used; and be it further

RESOLVED, that BART shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with RM1, RM2 and AB 1171 Toll Revenues; and be it further

RESOLVED, that BART authorizes its (Executive Director, General Manager, or his/her designee) to execute and submit an allocation request for the construction phase with MTC for Regional Measure 1, Regional Measure 2 and AB 1171 bridge toll funds in the amount of \$3,614,651, for the project, purposes and amounts included in the Initial Project Report; and be it further

RESOLVED, that BART's General Manager, or his/her designee is hereby delegated the authority to make non-substantive changes or minor amendments to the Initial Project Report dated December 6, 2018 as he/she deems appropriate.

RESOLVED, that a copy of this Resolution shall be transmitted to MTC in conjunction with the filing of the Initial Project Report dated December 6, 2018 referenced herein.

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**BEFORE THE BOARD OF DIRECTORS OF THE  
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

In the Matter of Adopting  
the eBART Revised Project

Resolution No. \_\_\_\_\_

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the BART Board of Directors on April 23, 2009, certified the Final Environmental Impact Report (FEIR) and adopted the eBART Project (Adopted Project). The Adopted Project consists of an approximately 10-mile extension of the BART system starting from the existing Pittsburg/Bay Point BART Station and extending in the median of State Route 4 (SR 4) to a new station in Antioch, just east of Hillcrest Avenue; and

WHEREAS, staff has come before the Board on previous occasions to seek approval of various eBART Project changes; and

WHEREAS, the design and construction plans have evolved since the Adopted Project and revised projects were approved in 2009, 2011, and 2013 respectively; and

WHEREAS, a change to the eBART Project is now being contemplated (the Fourth Addendum), to provide additional parking at the Antioch Station to accommodate the existing parking demand by utilizing the area between the current station parking lot and the Maintenance Facility for additional parking. The 7.97-acre site would provide approximately 850 additional, new, parking spaces. Auto access would be via two driveways on the north side of the lot from Slatten Ranch Road. The site would be graded and paved with asphalt. Parking lot lighting, CCTV (Closed Caption Television Cameras), and emergency phones would be provided; and

WHEREAS, Section 15164 of the CEQA Guidelines allows a lead agency to prepare an addendum to a previously certified EIR, rather than a subsequent EIR (SEIR), if some changes or additions to a project are necessary, as long as none of the conditions described in Section 15162 requiring the preparation of an SEIR have occurred. Section 15162 states that, when an EIR has been certified, no SEIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that there are substantial changes proposed in the project which require major revisions of the previous EIR, substantial changes occur with respect to the circumstances under which the project is undertaken, or there is new information of substantial importance regarding new or substantially more severe significant effects, new mitigation measures or alternatives, or the feasibility of mitigation measures or alternatives previously considered; and

WHEREAS, staff has revisited the analysis conducted in the FEIR and evaluated the potential effects of the changes described in the Fourth Addendum, surrounding circumstances and new information; and

WHEREAS, based upon the evaluation, none of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a SEIR have occurred; and therefore an addendum is appropriate; and

WHEREAS, CEQA Guidelines Section 15164(d) provides that the lead agency's decision-making body shall consider an addendum, together with the FEIR, prior to making a decision on changes to the project.



THEREFORE, BE IT RESOLVED that the BART Board of Directors, having reviewed and considered the information contained in the FEIR and the Fourth Addendum for the East Contra Costa BART Extension (eBART Project):

- 1) Finds that, on the basis of substantial evidence contained in the FEIR and the Fourth Addendum and in light of the whole record, that:
  - (a) there are no substantial changes proposed in the Fourth Addendum that will require major revisions to the FEIR due to the involvement of new or substantially more severe significant environmental effects; and
  - (b) there are no substantial changes with respect to the circumstances under which the Project changes considered in the Fourth Addendum will be undertaken which will require major revisions of the FEIR due to the involvement of new or substantially more severe significant environmental effects; and
  - (c) there is no new information of substantial importance, which was not known at the time the FEIR was certified, showing that:
    - (i) the changes considered in the Fourth Addendum will have new or substantially more severe significant effects,
    - (ii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce significant effects of the changes considered in the Fourth Addendum or
    - (iii) mitigation measures or alternatives considerably different from those analyzed in the FEIR would substantially reduce significant effects of the changes considered in the Fourth Addendum and
- 2) Adopts the changes considered in the Fourth Addendum, and
- 3) Authorizes staff to implement the changes considered in the Fourth Addendum.