



Tri-Valley ▲ San Joaquin Valley  
**REGIONAL RAIL AUTHORITY**

Board of Directors

Correspondence

May 12, 2021

May 11, 2021

The Honorable Veronica Vargas, Chair  
Tri-Valley – San Joaquin Valley Regional Rail Authority  
1362 Rutan Court #100  
Livermore, CA 94551

Dear Chair Vargas:

Subject: Support for Certification of the Valley Link Final EIR and Project Approval

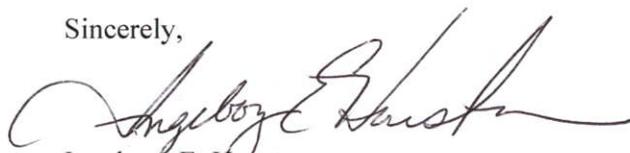
On behalf of the Dublin Chamber of Commerce, I write to commend the Authority Board for its leadership in the continued and expeditious advancement of the Valley Link Project. Completion of the Final Environmental Impact Report is a critically important milestone that moves the project forward and closer toward completion. I urge the Board to take all action needed to certify the Final EIR and approve the recommended Preferred Project.

Valley Link will link our Northern California Megaregion's workforce to affordable housing, provide opportunities for compact transit-oriented development and will have a significant impact on the reduction of greenhouse gas emissions. It will also provide an estimated 22,000 jobs during construction and when operational support 400 jobs per year with labor income of over \$19 million per year and \$69 million in business sales annually. In short, it is vital to our environment and the quality of life in our communities – and now even more vital to our economy given the recovery needs we are now facing.

The Dublin Chamber of Commerce supports the Valley Link project. Representing 250 businesses in the City of Dublin and over 4000 employees, the Chamber encourages better transportation options for its residents and workforce. As a supporter of the City of Dublin's New American Backyard initiative which seeks to make Dublin a great place to live, work, and raise a family. Valley Link supports that goal.

Please keep Valley Link on track and take positive action to certify the Final EIR and approve the project at the upcoming May 12, 2021 Authority Board meeting.

Sincerely,



Ingeborg E. Houston  
President and CEO



May 11, 2021

The Honorable Veronica Vargas, Chair  
Tri-Valley – San Joaquin Valley Regional Rail Authority  
1362 Rutan Court #100  
Livermore, CA 94551

Dear Chair Vargas:

**Subject:** Support for Certification of the Valley Link Final EIR and Project Approval

On behalf of the Innovation Tri-Valley Leadership Group (ITV), we write to commend the Authority Board for its leadership in the continued and expeditious advancement of the Valley Link Project. We urge the Board to take all action needed to certify the Final EIR and approve the recommended Preferred Project.

ITV is led by business leaders and influencers committed to connecting the businesses, research labs, educational institutions, and civic leaders in the Tri-Valley and Valley Link is one of our organization's top priorities. Valley Link is a transformational passenger rail project that will close a critical gap by connecting the Bay Area Rapid Transit (BART) system with the Altamont Corridor Express (ACE) service – linking nearly 500 miles of commuter and intercity rail with more than 130 stations throughout the Northern California Megaregion. The Altamont Corridor is also at the epicenter geographically of the Northern California Mega-Region, and there will be both environmental and economic benefits by connecting the Bay Area and Central Valley through Valley Link.

Valley Link will link our Northern California Megaregion's workforce to affordable housing, provide opportunities for compact transit-oriented development and will have a significant impact on the reduction of greenhouse gas emissions. It will also provide an estimated 22,000 jobs during construction and when operational support 400 jobs per year with labor income of over \$19 million per year and \$69 million in business sales annually. In short, it is vital to our environment and the quality of life in our communities – and now even more vital to our economy given the recovery needs we are now facing.

Completion of the Final Environmental Impact Report is a critically important milestone that moves the project forward and closer toward completion. The discussion and analysis of the alternatives being recommended for adoption as part of the "Preferred Alternative" are fully contained in the Draft EIR. The California Environmental Quality Act (CEQA) gives the Board the ability to choose among the alternatives from the Draft EIR as is being recommended by your professional staff. The information

regarding the analysis of alternatives is fully and adequately discussed in the Draft EIR and was available for the 50-day public comment period. Proper legal notice has also been provided to governmental agencies and the public to respond to the Final EIR and there is no need for additional time. After nearly four years of studies, analysis, and discussion now is the time for positive action to move this much-needed project forward without further delay.

Thank you in advance for your consideration, and it is our hope that the Authority Board votes to certify the Final EIR for the Valley Link project at its meeting on May 12, 2021.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynn Naylor".

Lynn Naylor, CEO  
Innovation TRIVALLEY Leadership Group

A handwritten signature in cursive script, appearing to read "Tim Sbranti".

Tim Sbranti, Director of Strategic Development  
Innovation TRIVALLEY Leadership Group

May 10th, 2021

The Honorable Veronica Vargas, Chair  
Tri-Valley – San Joaquin Valley Regional Rail Authority  
1362 Rutan Court #100  
Livermore, CA 94551

Dear Chair Vargas:

Subject: Strong Support for Certification of the Valley Link Final EIR and Project Approval

As a long time supporter of public transit I am writing to commend the Authority Board for its leadership in the continued and expeditious advancement of the Valley Link Project. Completion of the Final Environmental Impact Report is a critically important milestone that moves the project forward and closer toward completion. I urge the Board to take all action needed to certify the Final EIR and approve the recommended Preferred Project.

Valley Link is an overdue link of our Northern California Megaregion's workforce to affordable housing, provides opportunities for compact transit-oriented development and will have a significant impact on the reduction of greenhouse gas emissions. It will also provide an estimated 22,000 jobs during construction and when operational support 400 much needed jobs per year with labor income of over \$19 million per year and \$69 million in business sales annually. In short, it is vital to our environment and the quality of life in our communities – and now even more vital to our economy given the recovery needs we are now facing.

Please keep Valley Link on track and take positive action to certify the Final EIR and approve the project at the upcoming May 12, 2021 Authority Board meeting.

Sincerely,

Evan Branning



May 11, 2021

The Honorable Veronica Vargas, Chair  
Tri-Valley – San Joaquin Valley Regional Rail Authority  
1362 Rutan Court #100  
Livermore, CA 94551

Dear Chair Vargas:

Subject: Support for Certification of the Valley Link Final EIR and Project Approval

I write to commend the Authority Board for its leadership in the continued and expeditious advancement of the Valley Link Project. Completion of the Final Environmental Impact Report is a critically important milestone that moves the project forward and closer toward completion. I urge the Board to take all action needed to certify the Final EIR and approve the recommended Preferred Project.

Valley Link will link our Northern California Megaregion's workforce to affordable housing, provide opportunities for compact transit-oriented development and will have a significant impact on the reduction of greenhouse gas emissions. It will also provide an estimated 22,000 jobs during construction and when operational support 400 jobs per year with labor income of over \$19 million per year and \$69 million in business sales annually. In short, it is vital to our environment and the quality of life in our communities – and now even more vital to our economy given the recovery needs we are now facing.

Please keep Valley Link on track and take positive action to certify the Final EIR and approve the project at your upcoming May 12, 2021 Authority Board meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Van Dorn".

Steve Van Dorn  
President/CEO

## Michael Tree-VL

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**From:** Dawn Argula <dargula@livermorechamber.org>  
**Sent:** Tuesday, May 11, 2021 11:18 AM  
**To:** Comments-vl  
**Cc:** Dawn Argula; Michael Tree-VL; Michael Tree; Inge Houston; ceo@danvillechamber.org; Stewart Bambino (stewart.bambino@sanramon.org); Steve VanDorn  
**Subject:** TVSJVRRRA Board of Directors Meeting - Meeting May 12, 2021 - Item #6 - Valley Link FEIR Certification & Project Approval  
**Importance:** High

Hello Chair Vargas & Board Members – on behalf of the Livermore Valley Chamber of Commerce and the 5-member Tri-Valley Chamber of Commerce Alliance, I am writing to express support for your action to certify the Final Environmental Impact Report and project approval of the Valley Link Project. LVCC and the TVCCA have been consistently on record throughout the development of the planning, organization and funding processes in support of Valley Link. Closing the gap and successfully connecting rail to the BART system in the Tri-Valley I-580 corridor with Eastern Alameda County and the San Joaquin Valley is critical to the economic health of the region. As you know, this corridor has been studied for decades, ad nauseum. The past 14 months have highlighted the need for focused and decisive leadership, essential to ensure a sustainable and healthy economy moving forward. Your vision and leadership has been key to moving this project and the Tri-Valley region towards delivering results. We remain committed to supporting you in this effort. We urge you to stay the course and take this action today.

Respectfully,

Dawn P. Argula  
CEO & President



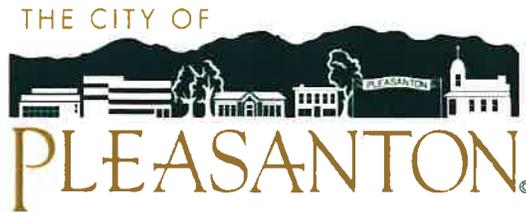
[www.livermorechamber.org](http://www.livermorechamber.org)

925-447-1606

2157 First Street

Livermore, CA 94550

C: July Lloyd, CEO -Danville Chamber of Commerce  
Inge Houston, CEO - Dublin Chamber of Commerce  
Steve Van Dorn, CEO - Pleasanton Chamber of Commerce  
Steward Bambino, CEO - San Ramon Chamber of Commerce



May 11, 2021

Mr. Michael Tree  
Tri Valley – San Joaquin Valley Regional Rail Authority  
1362 Rutan Court #100  
Livermore, CA 94551

**RE: Selection of Preferred Alternative**

Dear Mr. Tree:

The City has reviewed the draft and final Environmental Impact Report (EIR) for the Valley Link Project as well as the Board Agenda Packet for May 12, 2021, where the Board of Directors will be asked to certify the EIR and select a preferred alternative.

The City of Pleasanton supports the preferred alternative recommended by Authority staff, which includes the substitution of the South Front Road Station Alternative in place of Greenville Station and the Mountain House Alternative Station.

The City requests that this preferred alternative be expanded to include the following items:

- Design and construction of the northern pedestrian bridge from the Isabel Station to north Livermore.
- Design and construction of the “potential” overflow surface parking at the Isabel Station.
- Identification of a timeline for construction of the parking garage at the Isabel Station.
- Design and construction of the northern pedestrian bridge from the South Front Station to north Livermore.

The design and construction of the north pedestrian bridge is a critical element of the Isabel Station Design. Having access from the north via the pedestrian bridge will ensure that there is a convenient alternate to driving and parking at the south parking lot. The City is concerned that the exclusion of this bridge will adversely impact the circulation and parking at the Isabel Station.

**P.O. Box 520, Pleasanton, CA 94566-0802**

**123 Main Street**

**City Manager**  
(925) 931-5002  
Fax: 931-5482

**City Attorney**  
(925) 931-5015  
Fax: 931-5482

**Economic Development**  
(925) 931-5038  
Fax: 931-5485

**City Clerk**  
(925) 931-5027  
Fax: 931-5492

Michael Tree, Executive Director

May 11, 2021

Page 2

The availability of parking at the Isabel Station remains a concern for the City. The ridership data included in the EIR suggests that sufficient parking will be available at the station in 2025, and a parking garage will be needed at some point prior to 2040. The City requests that the "overflow" surface parking that can be built adjacent to the proposed surface parking lot be included with the project and that a timeline be established to construct the parking garage. This will ensure that sufficient parking will be available at the Isabel Station.

The South Front station appears to be a good station location and eliminates the closure of the Vasco ACE Station. There appears to be a good opportunity to design and construct a pedestrian bridge to Sunflower Court located north of I-580. This connection would provide a convenient pedestrian and bicycle connection to North Livermore and eliminate the need for those living in Springtown to drive to and use the parking at the South Front Station.

Thank you for your consideration of our requests for the preferred alternative. The City is encouraged by the speed and thorough analysis conducted by the Authority on this project and looks forward to our continued partnership in moving the Valley Link project to completion. If you have any questions, please contact Mike Tassano, Traffic Engineer, at (925) 931-5670.

Sincerely,

A handwritten signature in blue ink, appearing to read 'N. Fialho', written over the word 'Sincerely,'.

Nelson Fialho  
City Manager

Electronic cc: Mayor and City Council  
Brian Dolan, Assistant City Manager  
Michael Tassano, Traffic Engineer

## Comments-vl

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**From:** BERNARD CABANNE <bcabanne@comcast.net>  
**Sent:** Wednesday, May 12, 2021 10:59 AM  
**To:** Comments-vl; bcabanne@comcast.net; donna.cabanne@gmail.com  
**Subject:** Public comment May 12,2021 Item 4.b Selection of preferred alternative and certification of Final EIR

May 12,2021

To Board of Directors, Tri-Valley San Joaquin Rail Authority

Re: Item 4.B Selection of Preferred Alternative and Certification of Final EIR

The Authority staff has selected a Preferred Alternative that was not presented in its **entirety** in the Draft EIR; two major stations were changed as well as other components. The public did not know about the re-configured preferred alternative until April 30th, leaving only seven business days to evaluate and comment on the impacts of the replacement stations and other components that now constitute the **redesigned** preferred alternative project. While the Board has the right to consider changes, the public must **also** have adequate time to evaluate the impacts of the station changes. Seven business days is insufficient time to allow adequate public participation as required under CEQA.

Most residents in Livermore are unaware of the station change from Greenville Road to Southfront Road, yet nearby homeowners, businesses and residents will be greatly affected by the impacts of the Southfront Road Station on a daily basis. Were residences and businesses notified in writing of the change 30 days before the hearing date? If not, how were they notified? Is there a mailing list and proof of written notification of preferred project changes for addresses along Franklin Lane, McGraw Ave. and Southfront Road? Was the general Livermore public informed of the station change? How? Were other Tri-Valley residents and businesses informed? How?

Were Mountain House residents, schools and businesses informed of the changed Mountain House station? If so, how? If the Board decides to select the "staff" preferred alternative, then the Board would need to extend the public comment period for at least another 45 days to ensure adequate public and agency participation in the CEQA process. To select the preferred alternative and certify the Final EIR today could be considered improper procedure under CEQA rights of due process.

The preferred alternative will create noise impacts that are significant and unavoidable with decibels exceeding the 70 dBA limits in the general plans of all Tri-Valley cities and Alameda. Were ambient noise levels---or background noise levels---collected for the residences along Franklin Lane, McGraw Ave., South front Road and surrounding streets and entered into the data before the selection of the preferred alternative? The streets surrounding the Southfront station may already be experiencing high decibel levels of noise that would only be exacerbated by the trains, buses, and cars coming and going from this station day and night. Even increases of 5dBA added to current decibel levels are considered significant and must be identified. Construction and train noise impacts for some Livermore streets were listed and analyzed in the Draft EIR. Were the construction and train noise impacts for addresses along Franklin Lane, McGraw Ave and streets surrounding the South front station collected, analyzed and documented in the Draft EIR? Was the data for noise impacts for residences/businesses surrounding the South front Station provided in today's hearing packet? Noise impacts could be even worse around the South front station than what has been identified in the Draft EIR.

The biological mitigations proposed in the Final EIR are insufficient, incomplete and vague. The proposed biological mitigations do not specify how, when or where the mitigation would be implemented; the project covers 42 miles. Many mitigations are too vague to be enforced or are simply not enforceable. As currently written, the proposed biological mitigations do **not** render biological impacts less than significant as stated in the packet and in the Final EIR. Mitigations for endangered species and special status species in areas adjacent to the Isabel Station are inadequate to reach the conclusion that impacts are less than significant. Who pays for mitigation monitoring? Will monitoring continue for the life of the project? If not, how long? The mitigations include the use of curbs, fencing and lighting to protect endangered species and their habitat and habit crossings. Have these specific measures been approved by California Department of Fish and Wildlife? US Fish and Wildlife Service? The staff contends the South Front Road Station will have less biological impacts. Has this assertion been verified by CDF&W? By USFWS?

In a recent Sacramento Superior Court case, an EIR was set aside until specific performance criteria was added to biological mitigation and then re-circulated for public comment. The Board should delay certification of the final EIR until sufficient and detailed performance criteria is added to biological mitigation.

Given the last-minute reconfiguration of the preferred alternative, the Board should re-circulate the Final EIR **if** the Board selects this alternative. In addition, the Board should delay Final certification of the EIR until biological mitigation can be re-written in a concrete, specific, and enforceable manner. Finally, insufficient reasons were given for denying the bus alternative. Connectivity and the reduction of commuter traffic can be achieved without the costly, impact-ridden preferred alternative project that is being proposed today.

Submitting comments as a member of Sierra Club, Center for Biodiversity and Livermore resident.

Respectfully submitted,  
Bernard Cabanne

## Comments-vl

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**From:** BERNARD CABANNE <bcabanne@comcast.net>  
**Sent:** Wednesday, May 12, 2021 7:36 AM  
**To:** Comments-vl; bcabanne@comcast.net; donna.cabanne@gmail.com  
**Subject:** Public Comment May 12th, 2021 Item 4.B Selection of Preferred Alternative and Certification of Final EIR

May 12, 2021

To Board of Directors, Tri-Valley San Joaquin Regional Rail Authority

re: Tri-Valley-San Joaquin Valley Regional Rail Authority Hearing May 12th  
Item 4.B Selection of Preferred Alternative and Certification of Final EIR

Reject the Authority staff preferred alternative presented in the Final EIR; it would impose severe health impacts on residents for years to come. Even with mitigations, the air quality impacts are significant and unavoidable. According to staff findings, "total cumulative health risks to residents located near the Preferred Alternative during construction and operations would exceed BAAQMD's cumulative health risk thresholds **for cancer risk and PM2.5 emissions for the Tri-Valley segment.**" (Item 4.B Attachment 4 Valley Link Findings of Facts and Statement of Overriding Concerns, pps.55-56).

Furthermore, "as shown in Table 3.3-17, dispersion modeling confirms that PM10 emissions from construction activity would contribute to violations of the 24-hour PM10 CAAQS. (Attachment 4 pps.54-55). These impacts would be significant and unavoidable. Even after mitigation, construction of the Preferred Alternative would contribute diesel particulate matter and PM2.5 emissions to a significant and unavoidable cumulative health risk impact in the Tri-Valley segment due to ambient conditions." (Attachment 4 pg. 56) The Tri-Valley is a non-attainment air basin. The Tri-Valley triggered 14 spare the air days in 2018, and 56 spare the air days in 2020. Air impacts would be further "exacerbated due to the construction of other cumulative projects in the same area." (Attachment 4 pg. 56). Even with proposed measures, "construction would also result in significant and unavoidable air impacts in the San Joaquin Valley portions of Valley Link (including proposed and alternative facilities) due to the effect on localized PM10 ambient air quality conditions" (Attachment 4 pg. 56).

Proposed mitigations such as idling restrictions, fugitive dust control and voluntary emissions reduction agreements are completely inadequate. More stringent mitigations must be added such as requiring electric or non-diesel construction vehicles for the project. Mitigations should also include banning the use of diesel powered leaf blowers and other landscaping equipment in all Tri-Valley cities and San Joaquin County. These small diesel engines significantly add to green house gas emissions, PM10 and PM2.5 particulates. (Tri-Valley Air Quality Community Alliance). Adopting the above measures could reduce air quality impacts much more effectively than what is being proposed. Postpone the certification of the Final EIR until these or similar air mitigations are incorporated into the EIR.

In addition to air impacts, **noise and vibration impacts in the preferred alternative are unacceptable.** Proposed measures "cannot guarantee that sensitive residential receptors in the vicinity of the construction area would not be exposed to noise levels exceeding the 80 dBA limit

during the day and the 70 dBA limit at night." Furthermore, "construction would have to occur at night to avoid disruption of active freight and passenger rail operations" ( Attachment 4 pg. 57) These noise decibels exceed limits in the general plans and city ordinances for Dublin, Pleasanton, Livermore, and Alameda County. To conclude that construction noise is above decibel limits but short-term is disingenuous; construction is projected to last at least six years. **How will residents sleep with ongoing noise levels this high for years?**

The preferred alternative would also lead to **unacceptable noise levels during operations**. It will " generate both train engine and wheel noise, as well as train horn noise for at-grade crossings and at the approach to stations "( Attachment 4 pg. 59) This is especially troubling because Valley link trains will run directly behind classrooms at Amador Valley High School in Pleasanton and close to Kaiser Medical facilities in Livermore where the placement of a sound wall is infeasible. In addition, "the preferred alternative would share its corridor with other identified rail projects...Regular, concurrent operation of multiple trains from various operators are expected to occur. Noise attenuation strategies will not mitigate noise impacts when multiple trains are operating concurrently." (Attachment 4 pg. 60) Noise impacts during construction and operations are significant and unavoidable.

For all the above reasons, vote no for the preferred alternative until all impacts relating to human health including noise can be reduced to less than significant. The health of residents must remain the number one priority. The adoption of the preferred alternative will place the health and well-being of Tri-Valley and San Joaquin residents at risk for years to come. The Board should consider other alternatives such as a large scale dedicated bus service. A dedicated bus service--similar to those run by tech companies--- could operate in a dedicated lane for buses only. This alternative could take thousands of cars off the road between San Joaquin Valley and Alameda County along the 205/I-580 corridor, without the need for major construction. This option would reduce air impacts substantially by running non-diesel buses (electric, solar powered) and could become effective almost immediately with current funding.

Reject the certification of the final EIR until an alternative with less serious and unavoidable health impacts is selected.

I am submitting these comments as a resident of Livermore, a member of the Sierra Club, and a member of the Center for Biological Diversity.

Sincerely,

Donna Cabanne  
[bcabanne@comcast.net](mailto:bcabanne@comcast.net)

## Comments-vl

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**From:** Jean King <whjaking@comcast.net>  
**Sent:** Wednesday, May 12, 2021 10:28 AM  
**To:** Comments-vl  
**Cc:** Jean King  
**Subject:** Public Comment - May 12, 2021 Item #6 4B

Public Comment - May 12, 2021 Item #6 4B

Tri-Valley-San Joaquin Valley Regional Rail Authority Hearing May 12th  
Item 4.B Selection of Preferred Alternative and Certification of Final EIR

I am concerned about the Preferred Alternative (PA) and the acceptance of the Draft EIR.

PA includes the Southfront Road Station Alternative in place of the Greenville Station proposed in the Draft EIR (DEIR). The DEIR should not be approved until more information is included about the Southfront Road Station Alternative.

### Findings

The report states that "Even with mitigation measures identified in the Final EIR, the Preferred Alternative would have significant and unavoidable impacts to the following resources:

Agricultural Resources

Air Quality

Noise & Vibration

Written findings for each of these significant effects must be given with a brief explanation of the rationale for each finding and supporting substantial evidence in the record.

Southfront Road Station in Livermore

The Findings are not adequate for the Southfront Road Station between McGraw Avenue and Franklin Lane. This is between First Street and Vasco Road, both of which are very busy I-580 exchanges already and have substantial traffic.

What is their present traffic rating?

I am concerned about the impact of the traffic in this area from 3,310 parking spaces provided on 10.6 acres if

Southfront Road Station is designated as an IOS. [2-2 page 43]

The construction of the necessary widening of I-580, realignment of on and off ramps, barriers and retaining walls and realignment of Southfront Road will be substantial.

Agriculture lands:

Pages 52-54 Concerns the taking of agricultural lands that cannot be mitigated to a less than significant level. In mitigation, new ag lands are not created. Easements are put on already existing land. This is concerning with the consequences of climate change, agricultural lands are more important than ever. This Finding is totally inadequate.

Page 53, 3-4 "Implementation of the Preferred Alternative would result in the direct conversion of approximately 383 acres of Important Farmland.

Air Quality

Pat 54, 3-5 "The Preferred Alternative would exceed established thresholds for cities pollutants in the SJVAPCD." "Without the criteria pollutant mitigation, the Preferred Alternative contributions would be higher," In other words, it is better than it might be, but the pollution is still terrible.

Noise and Vibration

Page 57, 3-8 "Generally, construction of the Preferred Alternative could last anywhere from 8 to 24 months,...."

"However, the measures would not necessarily guarantee that all sensitive residential receptor in the vicinity of the

construction area would not be exposed to noise levels exceeding the 80 dBA limit during the day or the 70 dBA limit at night. It is probable that construction near some residential areas will have to be conducted at night.....”

“Impact NOI-1b. Operation of the Preferred Alternative would result in a substantial permanent increase in ambient noise levels.”

3.3.2.1 Aesthetics Lighting and violation of Scenic corridors at Southfront Road Station - mitigation is necessary

3.3.2.4 Biological Resources - better mitigation required for the many species and wildlife corridors

**Cost**

Given a price estimate now of \$2.4 - \$2.9 billion and that most projects are considerably more expensive when actually built, the bus alternative with dedicated bus lanes could be a better financial alternative that could be accomplished much sooner.

Thank you for considering my comments.

Jeanette King  
Livermore CA



**Tri Valley Air Quality Community Alliance**

[tvaqca1@gmail.com](mailto:tvaqca1@gmail.com)

[www.TVAQCA.org](http://www.TVAQCA.org)

Date: May 12, 2021

To: Tri-Valley-San Joaquin Valley Regional Rail Authority

Sent via email attachment to: [comments@valleylinkrail.com](mailto:comments@valleylinkrail.com)

From: Tri-Valley Air Quality Community Alliance (TVAQCA) Oversight Committee

Subject: Public Comment May 12, 2021 - Adoption of Resolutions Regarding Certification of Final EIR

Comments for record:

1. Given that I-580 traffic is one the largest sources of air pollution emissions in the Tri-Valley, the Tri-Valley Air Quality Community Alliance (TVAQCA) Oversight Committee supports a Valley Link Project which will significantly reduce future emissions on the I-580 corridor.
2. TVAQCA strongly supports maximizing construction mitigation measures, especially with respect to diesel emissions. Except for the significant Diesel PM10 emissions, while the proposed mitigated construction emission estimates represent only a fraction of current total diesel emissions in the Tri-Valley, any reduction in diesel emissions will reduce health risks.

TVAQCA Oversight Committee members involved in this comment: Ron Baskett, Ann Brown, Bruce Daggy (Lead), Laurene Green, and Van Rainey.

TVAQCA Oversight Committee Contact: Bruce Daggy, [bruce.daggy@gmail.com](mailto:bruce.daggy@gmail.com).

Note: These comments were prepared and coordinated by Ron Baskett with concurrence of a majority of the Oversight Committee.

TVAQCA BAAQMD Sponsor: Aneesh Rana, copied for information, but not involved in this comment.

TVAQCA Background: Funded by California AB 617 in March 2020, the Tri-Valley Air Quality Community Alliance (TVAQCA) is a community organization working with the Bay Area Air Quality Management District along with a broad constituency of citizens, public interest groups, businesses, city and county governments in the communities in and around San Ramon, Dublin, Pleasanton, and Livermore to understand our local air quality problems, and to find local, long-term, sustainable mitigation strategies. From our diverse population we draw local leaders and advisors for guidance and counsel, as well as scientists and engineers to develop science-based insight and solutions. Our Oversight Committee coordinates overall direction of our activities in conjunction with our BAAQMD Sponsor. More details are at:

<https://www.tvaqca.org/>.

## Michael Tree-VL

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**From:** ALICE ENGLISH <aliceenglish@comcast.net>  
**Sent:** Tuesday, March 16, 2021 5:11 PM  
**To:** Michael Tree-VL; rattray@valleylinkrail.com; Bill O-Hair-VL; Candice Kendall-VL; marianne-payne@comcast.net; operez@cole-mgtandeng.com; Pakinjo@ci.lathrop.ca.us; bcantu@ci.manteca.ca.us; Sdhaliwal@ci.lathrop.ca.us; btingle@sjgov.org; Rickman, Robert [BOS]; tpatti@sjgov.org; mayorwoerner@cityoflivermore.net  
**Subject:** Valley link, Light Rail, problematic  
**Attachments:** Mr.docx

Good Mr. Michael Tree , San Joaquin Valley Reginal Rail Authority/Valley Link.  
LAVTA, John Mc Partland, Bart Director. Tri-Valley Mayor's and city Council.

I am sending this letter, for our residents in the City of Tracy. In our opinion abuse power of your Chair Vargas and her own land development, conflict of interest and more. You will be hearing from more citizens, we are in the process of gathering signatures and will be forward to this group too.. I am retired and very concern for the future of my family and friends that resides in Tracy. Mr. Tree I do not have all the emails for some of the team, please forward to the rest of the team, please. . Many of the residents of Tracy would like to know, why the decision Valley Link will not stop in Tracy or along the corridor.

Thank you,  
ALICE ENGLISH  
Date: 03/15/2021 6:09 PM  
Subject: Fw: /Valley link

Mr. Michael Tree, San Joaquin Valley Regional Rail Authority/ Valley Link

I would like to address the Board and Valley Link Rail Team.

I thought the purpose of the Valley Link is to alleviate traffic congestion, address our mutual and urgent transportation need in the norther California megaregion. Not create more housing and traffic congestion. Tracy is the second largest city in San Joaquin County. I believe 103,000 residents, not including the housing in the pipeline, approved by planning and council, by 2030 possible 115,000+. Housing, mix use. Why would the Valley Link tell the residents of Tracy, if we do not have a TOD in place, adding 2200 units in half mile radius. Downtown Tracy is in the half mile radius. WE HAVE RIGHT NOW 1750 homes, apartments, includes senior housing, low to medium income homes. This does not include several small businesses, restaurants/bar lounges/Beauty shops/auto service, markets and many more. The Valley link is stating we need more mix use, more traffic and congestion in and around downtown, this will create more traffic, gentrification?! Many of you have seen the video on our beautiful city and what we have to offer.

On October 11, 2017, Your project concept had the Megaregion connection to Tri Valley Bart extension from West Tracy station and maintenance yard to travel from West Tracy to potential Greenville Bart. on June 2018 and July 2018 the Valley Link board received letter from Tracy City Center Association (TCCA) "this site already has existing infrastructure and was built with rail commuters in mind" We have the housing and business to support the light rail. The only thing that has change is the name from Bart is the Valley Link in Livermore.

What Happen in 2019??? Board, Your Chair Vargas, has her own company, she is the CEO, land use, land development and more. We believe she's has lost sight of the Valley Link for what appears solely for her mission and her personal agenda. Back on June and July 2018, letters from TCAA to support the light rail. Did she see an opportunity for her future pocket?? We now need a TOD in order for the Valley link to consider Tracy for a Train Station stop. Is that why the Old Ellis train station location, in west Tracy disappeared as a potential stop, which was a better use for the light rail, plenty of land for parking and easy access on and off the freeway, yet the maintenance yard remains. Vargas will be term out in 2022. Will the Valley Link down the road, come back and reconsider the location in West Tracy? Why would the residents of Tracy Pay for EIR and studies for her special interest in downtown development in and around downtown?? She will be long gone, having the residents paid the price, 2028/2030 possible train in San Joaquin County. Billions of dollars for the light rail to connect Tri-Valley with San Joaquin Valley. On the Tracy Press dated 11/21/2019, you can see her on the front page!! Again, what is she looking at, an opportunity?? How did 20 people, including staff, TCCA and some residents thought it was ok to add UR1 not in the half mile radius, speaking for 100,000 residents. Going circumvent measure A and now against the will of the people again, citizens voted against measure Y, NO on TOD.

Vargas continues to push for the TOD in order for the Valley link to stop downtown Tracy (even though the City of Tracy has no say where the train will stop). The council gave it to the voters to decide. The City Attorney gave instruction to the council they can educate but not promote. Well, like always council woman Veronica Vargas ignore the advice. She had private meetings at her home and downtown office several times, looking for support and even reach out to members that were running for local office for 2020, had them sign endorsement to support the TOD, door hangers for Yes on Y with her name on it?? It's not the first time she continues to ignore, her mis-conduct on City Council and allegedly colluding with a council member that she supported for Mayor 2020 office, also telling residents if we do not support the TOD, the Valley Link will just go on by. Vargas continues to cross the line, no code of ethic, go against city code of conduct, more information to come to support this statement.

On November 3, 2020. Measure Y = TOD project was defeated, the citizens of Tracy, 19,155 residents voted and clearly and said no.

The citizens of Tracy called in to City Council meeting on March 2, on consent calendar, Item 1D and Item 1 E. if you have time listen to the residents, all against the TOD and Vargas except two. 18 minutes to 48 minutes and then again 1E, time 2:08 about 20 minutes, Please listen to consent item, misleading, trust me if this was on a regular agenda item you would of heard more opposition. Veronica Vargas should not be on the this board, let alone the Chair. She has a FPPC investigation and I heard some residents will like to conduct their investigations.

For over three years I have been a supporter of the Altamont Rail Authority, light Rail. In my opinion Veronica Vargas lost the vision for the Valley Link, for housing development, sits on other rail boards, is this her real mission? I thought the mission of the Valley Link was to alleviate traffic, not tell cities that we need more housing and widen our main streets. I believe Mountain House will not have the same requirements in order for them to have a station all in a half mile radius walkability. Valley Link, 19,000+ residents, voted NO. Why would Mayor's and council members in San Joaquin allow this person continue on the board and Alameda already invested millions of dollars on this project.

The Valley Link, made it clear at our special meeting, 5 P.M. dated February 2, 2021. This meeting was about GMO. 50 minutes on the agenda, You clearly will hear From your Chair Vargas, stating if we do not have the TOD "the train will stop in Mountain House" Again at 52 minutes, I'm trying to develop this, additional TOD's ?? Vargas, pushing a TOD and talking about the Valley Link during GMO meeting (abusing her power?) She denied this when it came to city council under consent item 1D. dated 3/2/21 to a resident when they called in time 52 minutes on the consent calendar. This is billion dollar project that all of you Mayor's, City Council members, Board members especially in San Joaquin, working hard to get funding to this major project. We thought the light rail was to connect to Lathrop/Manteca, eventually to the city of Stockton.

Thank you for your time.

## Comments-vl

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**From:** shirley lewandowski <shirley.lewandowski@att.net>  
**Sent:** Tuesday, May 11, 2021 8:08 AM  
**To:** Comments-vl  
**Subject:** Extend public review of Valley Link FEIR

To Whom It May Concern,

I request you give the public 45 days to review the FEIR that was released on April 30, 2021. Two weeks is too short a timeframe to have a detailed understanding of whether all the environmental mitigations stated in the report are sufficient.

Thank you for your consideration to allow for full transparency.

Shirley Lewandowski  
Dublin Resident

**LAW OFFICES OF JASON A. BEZIS**  
**3661-B Mosswood Drive**  
**Lafayette, CA 94549-3509**  
**jason@bezislaw.com**

May 12, 2021

Board of Directors  
Tri-Valley-San Joaquin Valley Regional Rail Authority  
1362 Rutan Court #100  
Livermore, CA 94551  
VIA E-MAIL TO [comments@valleylinkrail.com](mailto:comments@valleylinkrail.com)

Re: May 12, 2021 Meeting: Agenda Item 6: Opposition to Valley Link Project Approval

To the TVSJVRRRA Board of Directors:

This office represents the Alameda County Taxpayers' Association (ACTA), which is opposed to the TVSJVRRRA Board of Directors' approval of the extremely flawed Valley Link project.

**I. TVSJVRRRA Lacks Legal Authority Under Public Utilities Code §§ 132651, et seq. (AB 758) to Plan, Develop, and/or Deliver the Valley Link Project.**

First, project approval cannot take place because TVSJVRRRA does not have the legal authority to plan, develop, and/or deliver the Valley Link project, as currently proposed.

Assembly Bill 758 created TVSJVRRRA in 2017. AB 758 is codified at Public Utilities Code §§ 132651, et seq. Section 132652 is effectively the charter or legal mission statement for TVSJVRRRA. It states in part, "The authority is hereby established for purposes of planning, developing, and delivering cost-effective and responsive transit connectivity, between BART's rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley region of California ..." (Emphasis added.)

The "Tri-Valley" clearly is defined by the Legislature in the TVSJVRRRA enabling act to exclude any portion of San Joaquin County. Section 132651(e) states, " 'Tri-Valley' means the Cities of Danville, Dublin, Livermore, Pleasanton, and San Ramon."

Alameda CTC Resolution No. 20-007 admits in its fourth "Whereas" clause, "The goal of TVSJVRRRA is to deliver a cost-effective connection from the San Joaquin Valley to the BART system and the ACE system in the Tri-Valley ..." (Emphasis added.)

For nearly 20 years, BART and Tri-Valley cities have promoted a connection between East Dublin/Pleasanton BART station and ACE, most often at Greenville Road in eastern Livermore, by some form of rail or by express buses. For example, Senate Bill 916 (2003), implemented through voter-approved 2004 Regional Measure 2, says that MTC/Bay Area Toll Authority

“shall ... fund ... rail or High-Occupancy Vehicle lane direct connector to BART and other improvements on I-580 in Alameda County for use by express buses.”

A “Southfront” station would lack connectivity with ACE, making the only connection between Valley Link and ACE at the future North Lathrop station. Because the North Lathrop station is not in the “Tri-Valley,” the proposed project would not comply with P.U.C. § 132652.

If the TVSJVRRRA board were to approve the project, then TVSJVRRRA act in flagrant violation of P.U.C. § 132652. TVSJVRRRA would abuse its discretion by engaging in *ultra vires* actions. This letter provides actual notice of these legal concerns to TVSJVRRRA. A reasonable TVSJVRRRA board member, exercising due care, would not aid and abet such illegal activity.

**II. The TVSJVRRRA Board Should Not Approve the Valley Link Project Because \$400 Million from the Alameda County Transportation Commission Is Legally Questionable: Altamont Pass and San Joaquin Valley Segments Would Violate 2014 Measure BB Requirements That Transportation Improvements “Benefit” Alameda County.**

Second, expenditure of \$400 million to construct a new rail line through Altamont Pass to San Joaquin County would violate the terms of voter-adopted Alameda County Measure BB because such a transportation improvement would not “benefit” Alameda County.

The “Introduction” to the 2014 Measure BB Transportation Expenditure Plan promised voters in large print on page 1, “This Plan benefits people who live in Alameda County.” Page 35 promised voters, “Under no circumstances may the proceeds of this transportation sales tax be applied to any purpose other than for transportation improvements benefitting Alameda County.”

TEP Implementing Guideline No. 14, under the “RESTRICTIONS ON FUNDS” category, states in part, “Under no circumstances may the proceeds of this transportation sales tax be applied to any purpose other than for transportation improvements benefitting Alameda County.”

TEP Implementing Guideline No. 19 states in part, “Fiduciary Duty: By augmenting and extending the transportation sales tax, Alameda CTC is given the fiduciary duty of administering the proceeds of this tax for the benefit of the residents and businesses of Alameda County.” (Emphasis added.)

MTC admits that the Altamont Pass component of the Valley Link project is “interregional” for the purported benefit of the “megaregion.” That component of the project does not benefit Alameda County. The project does not include any station within Alameda County east of Southfront station. Very few people reside in Alameda County between the eastern limit of the City of Livermore (the easterly edge of the “Tri-Valley”) and the proposed Mountain House station. Almost no Alameda County residents would access the Valley Link system through Mountain House station. Very few Alameda County residents likely would be “reverse commuters” from Alameda County into San Joaquin County. In short, the Altamont Pass Valley Link segment provides no benefit to Alameda County, placing the entire \$400 million allocation in legal limbo and jeopardizing claims of “guaranteed local funding” in Sacramento and Washington, D.C.

**III. TVSJVRRRA Should Not Approve the Valley Link Project Because the *Hayward Area Planning Association* Precedent in Defense of Voter-Adopted Alameda County Transportation Plan Provisions Must Be Carefully Considered.**

Third, the First Appellate District has a history of striking down projects that violate a voter-adopted Transportation Expenditure Plan (TEP). In 1999, the Court ruled that Alameda County Transportation Authority (Alameda County Transportation Commission's predecessor agency) violated the 1986 Measure B TEP in attempting to alter the alignment of the proposed Hayward Bypass freeway through a process inconsistent with the law.

If the tax revenues generated by Measure B may now be taken and applied to an entirely new highway alignment for which no tax was authorized, the many protections the Act provides--full disclosure of the expenditure plan, strict limitations on the use of voter-generated tax revenues, and voter involvement in expenditure plan amendments--are thus evaded, affording no protection whatsoever to taxpayers. *Hayward Area Planning Assn. (HAPA) v. Alameda County Transportation Authority* (1999) 72 Cal.App.4th 95, 106.

Although the Alameda County Transportation Commission is organized today under a different statute and has different governance, *HAPA* has strong precedential value.

Voters approved narrowly Measure BB in 2014 (despite strong Tri-Valley opposition) with the understanding that BART would be extended to Isabel Avenue in western Livermore. Voter surveys as Measure BB was developed and promoted showed that BART improvements were among the features of the Measure BB TEP that were most appealing to voters. The \$400 million diversion of funds to Valley Link upsets voter expectations by "revising" (not merely "amending") the TEP, deleting the largest single capital project in the TEP, "BART to Isabel Avenue" and replacing it with an ambiguous "rail project through Altamont Pass."

ACTA emphasizes that voters in all five Tri-Valley cities have rejected recent transportation tax measures. In 2014, Livermore, Pleasanton, and Dublin voted 49.8 percent, 54.0 percent, and 60.5 percent "yes" respectively on Alameda County Measure BB, well below the requisite two-thirds threshold. In 2020, Danville voted just 44.0 percent "yes" and San Ramon voted just 45.6 percent "yes" on Contra Costa County Measure J. In 2018, the five Tri-Valley cities rejected the Regional Measure 3 bridge toll increase with just 43.4 percent "yes" overall. Your constituents are extremely skeptical of wasteful, costly and ineffective transportation projects like Valley Link, plagued with legal irregularities and foisted upon them by powerful outside forces.

The Alameda County Taxpayers' Association asks your Board of Directors to carefully and deliberately consider these concerns and reject the Valley Link project, as currently proposed. A reasonable TVSJVRRRA board member, exercising due care, would not approve the project in light of these serious legal and political problems. Decision makers will be held accountable.

Respectfully submitted,



JASON A. BEZIS, Attorney for Alameda County Taxpayers' Association

## Comments-vl

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**From:** Joseph Grcar <jfgrcar@comcast.net>  
**Sent:** Wednesday, May 12, 2021 8:46 AM  
**To:** Comments-vl  
**Subject:** Stop the madness and kill Valley Link

To whom it may concern,

I am opposed to the Valley Link Rail project. It will use Alameda County money to create a rail system primarily for the use of residents of other counties. Furthermore, it is a one-of-a-kind design which will be difficult to maintain. Lastly, as a single-track line through the tunnel on the Greenville pass the Valley link system will offer no meaningful service for commuters. Incredibly , it is a diesel train which will pollute the Livermore Valley. For these reasons I urge you to kill this stupid project.

Sincerely,  
Joseph Grcar  
jfgrcar@gmail.com