



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Agenda

Bay Area Toll Authority Oversight Committee

Margaret Abe-Koga, Chair Nate Miley, Vice Chair

Wednesday, April 8, 2026

9:35 AM

Board Room - 1st Floor

The BATA Oversight is scheduled to meet at 9:35 a.m.

Meeting attendees may opt to attend in person for public comment and observation at 375 Beale Street, Board Room (1st Floor). In-person attendees must adhere to posted public health protocols while in the building. The meeting webcast will be available at <https://mtc.ca.gov/whats-happening/meetings/live-webcasts>. Members of the public are encouraged to participate remotely via Zoom at the following link or phone number.

Members of the public participating by Zoom wishing to speak should use the “raise hand” feature or dial *9. When called upon, unmute yourself or dial *6. In order to get the full Zoom experience, please make sure your application is up to date.

Attendee Link: <https://bayareametro.zoom.us/j/82893247532>

iPhone One-Tap: US:

+16694449171,,82893247532# US

+16699006833,,82893247532# US (San Jose)

Join by Telephone (for higher quality, dial a number based on your current location) US:

888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID: 828 9324 7532

International numbers available: <https://bayareametro.zoom.us/u/kellsTt3VO>

Detailed instructions on participating via Zoom are available at:

<https://bayareametro.zoom.us/u/kdR1hznEgA>

<https://mtc.ca.gov/how-provide-public-comment-board-meeting-zoom>

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name and agenda item number in the subject line. All comments received will be submitted into the record.

Clerk: Carsie Bonner

Roster

**Margaret Abe-Koga (Chair), Nate Miley (Vice Chair),
Victoria Fleming, Barbara Lee, Amber Manfree, Myrna Melgar,
Gina Papan, Belia Ramos
Non-Voting Member: Libby Schaaf, David Ambuehl**

1. Call to Order / Roll Call / Confirm Quorum

A quorum of the BATA Oversight Committee shall be a majority of its voting members (5).

2. Pledge of Allegiance

3. Compensation Announcement (Committee Clerk)

4. Chair's Report

5. Consent Calendar

- 5a.** [26-0321](#) Approval of BATA Oversight Committee Minutes of March 11, 2026, Meeting.
Action: Committee Approval
Attachments: [5a 26-0321 3-11-2026 BATA O Draft Meeting Minutes.pdf](#)
- 5b.** [26-0357](#) BATA Resolution No. 131, Revised. Regional Measure 3 (RM3) Independent Oversight Committee Updates.
Action: Authority Approval
Presenter: Anne Meeple
Attachments: [5b 26-0357 1 Summary Sheet RM3 Independent Oversight Committee.pdf](#)
 [5b 26-0357 2 Attachment A Sonoma BoS Appointment Letterl.pdf](#)
 [5b 26-0357 3 BATA Resolution No 131 Revised.url.pdf](#)
- 5c.** [26-0340](#) Contract Change Order - Support for Implementation of a New Merchant Service Provider: Conduent State and Local Solutions, Inc. (\$590,000).
Action: Committee Approval
Presenter: Eric Davis
Attachments: [5c 26-0340 Contract Change Order FasTrak Conduent State Local.pdf](#)
- 5d.** [26-0394](#) Cooperative Agreement Amendment: West Oakland Link Project - Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED): Bay Area Toll Authority and California Department of Transportation (Caltrans) (\$700,000).
Action: Committee Approval

Presenter: Gavin Lohry

Attachments: [5d 26-0394 Cooperative Agmt West Oakland Link Project PID PAED BAT](#)

- 5e. [26-0452](#) Fiscal Year (FY) 2025-26 Bay Area Toll Authority (BATA) Statement of Revenues and Expenses for the Period Ended February 28, 2026 (Unaudited).

Action: Information

Attachments: [5e 26 0452 1 Summary Sheet BATA MFR February 2026.pdf](#)
[5e 26 0452 2 BATA MFR February 2026.pdf](#)

6. Public Comment / Other Business

*Commissioners and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial *9. When called upon, unmute yourself or dial *6.*

- 6a. [26-0515](#) Public Comment

Action: Information

Attachments: [6a Public Comment Mark Baker Moonlight Advocacy.pdf](#)

7. Adjournment / Next Meeting

The next regular meeting of the BATA Oversight Committee is scheduled to be held at the Bay Area Metro Center, 375 Beale Street, San Francisco on Wednesday, May 13, 2026 at 9:35 a.m. Any changes to the schedule will be duly noticed to the public.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Título VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

MTC's Chair and Vice-Chair are ex-officio voting members of all standing Committees.



Metropolitan Transportation Commission

Legislation Text

375 Beale Street, Suite 800
San Francisco, CA 94105

File #: 26-0321, **Version:** 1

Subject:

Approval of BATA Oversight Committee Minutes of March 11, 2026, Meeting.

Recommended Action:

Committee Approval

Attachments: List any attachments.



Metropolitan Transportation Commission Meeting Minutes

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Bay Area Toll Authority Oversight Committee

Margaret Abe-Koga, Chair Nate Miley, Vice Chair

Wednesday, March 11, 2026

9:35 AM

Board Room - 1st Floor

Roster

Margaret Abe-Koga (Chair), Nate Miley (Vice Chair), Victoria Fleming, Barbara Lee, Amber Manfree, Myrna Melgar, Gina Papan, Belia Ramos
Non-Voting Member: Libby Schaaf, David Ambuehl

Chair Abe-Koga called the Special meeting to order at 9:44 a.m.

1. Call to Order / Roll Call / Confirm Quorum

Present: 6 - Chair Abe-Koga, Commissioner Lee, Commissioner Manfree, Vice Chair Miley, Commissioner Papan, and Commissioner Ramos
Absent: 2 - Commissioner Fleming, and Commissioner Melgar

Non-voting members present: Commissioner Schaaf

Non-voting members absent: Commissioner Ambuehl

Ex-Officio Voting Members Present: Commission Chair Noack

Ad-Hoc Non-voting members present: Commissioner Giacopini (remote) and Commissioner Anderson (remote)

2. Pledge of Allegiance

3. Compensation Announcement (Committee Clerk)

4. Chair's Report

5. Consent Calendar

Upon the motion by Commissioner Papan and seconded by Commissioner Manfree, the Consent Calendar was unanimously approved by the following vote:

Aye: 6 - Chair Abe-Koga, Commissioner Lee, Commissioner Manfree, Vice Chair Miley, Commissioner Papan and Commissioner Ramos
Absent: 2 - Commissioner Fleming and Commissioner Melgar

- 5a. [26-0258](#) Approval of BATA Oversight Committee Minutes of February 11, 2026, Meeting.
Action: Committee Approval
- 5b. [26-0214](#) Contract Amendment - On-Call Asset Management Production Support Services: HNTB Corporation (\$500,000).
Action: Committee Approval
Presenter: Nafis Majd
- 5c. [26-0223](#) Contract for Merchant Payment Processing Services: First Data Corporation, DBA First Data Merchant Services, LLC (\$75,000,000).
Action: Committee Approval
Presenter: Ramil Tag-at
- 5d. [26-0259](#) Contract - High-Occupancy Vehicle Before and After Study: Elite Transportation Group, Inc. (\$270,600).
Action: Committee Approval
Presenter: Megan Nangle
- 5e. [26-0318](#) Contract Amendment - Stoel Rives LLP - Legal advice and representation to BATA and MTC with respect to Pending/Anticipated Litigation.
Action: Committee Approval
Presenter: Kathleen Kane
- 5f. [26-0260](#) Fiscal Year (FY) 2025-26 Bay Area Toll Authority (BATA) Statement of Revenues and Expenses for the Period Ended January 31, 2026 (Unaudited).
Action: Information
Presenter: Derek Hansel

6. Public Comment / Other Business

Written correspondence was received by Mark Baker, Soft Lights Foundation.

Aleta Dupree, Team Folds, was called to speak.

- 6a. [26-0387](#) Public Comment
Action: Information

7. Adjournment / Next Meeting

The next regular meeting of the BATA Oversight Committee is scheduled to be held at the Bay Area Metro Center, 375 Beale Street, San Francisco on Wednesday, April 8, 2026 at 9:35 a.m. Any changes to the schedule will be duly noticed to the public.

Chair Abe-Koga adjourned the meeting at 9:49 a.m.



Metropolitan Transportation Commission

Legislation Text

375 Beale Street, Suite 800
San Francisco, CA 94105

File #: 26-0357, **Version:** 1

Subject:

BATA Resolution No. 131, Revised. Regional Measure 3 (RM3) Independent Oversight Committee Updates.

Presenter:

Anne Meeple

Recommended Action:

Authority Approval

Attachments: List any attachments.

**Bay Area Toll Authority
Oversight Committee**

April 8, 2026

Agenda Item 5b-26-0357

**BATA Resolution No. 131, Revised.
Regional Measure 3 (RM3) Independent Oversight Committee Updates**

Subject:

A request that BATA Resolution No. 131, Revised, adopting updates to membership of the Regional Measure 3 Independent Oversight Committee, be referred to the Authority for approval.

Background:

In June 2019, BATA adopted Resolution No. 131, establishing the Regional Measure 3 (RM3) Independent Oversight Committee. The California Streets and Highways Code Section 30923(h)(2) requires the Independent Oversight Committee to be composed of two representatives from each county within the jurisdiction of the Metropolitan Transportation Commission, to be appointed by the applicable county Board of Supervisors to serve a four-year term, limited to two terms.

According to statute, members of the committee cannot be current or former members or staff of MTC or BATA, current employees of an organization or person that has ever received funds from MTC or BATA, or previous employees or persons who have contracted with an organization or person that has received funds from MTC or BATA within one year of having worked for or contracted with that organization or person.

Resolution No. 131 was revised in November 2023 to add the roster for the four-year term from July 2023 through June 2027, and again in October 2024 and February 2026 to update appointees for this term.

Since this last update, MTC received a resignation of a member from Sonoma County (John Maitland) and a new appointee from the same county to fill the vacancy (Michael Pickens). The letter of appointment from the Sonoma County Board of Supervisors is attached to this item.

The remaining vacancies are awaiting appointments from the respective county Boards of Supervisors. This includes one vacancy each from Marin, Santa Clara, and Solano counties, and two vacancies from San Francisco County.

Staff recommend updating Resolution No. 131, Revised to remove the member who resigned and add the newly appointed member to the current term.

Recommendations:

Refer BATA Resolution No. 131, Revised to the Authority for approval.

Attachments:

- Attachment A -Sonoma County Board of Supervisors Appointment letter
- BATA Resolution No. 131, Revised



Andrew B. Fremier


OFFICE OF THE COUNTY ADMINISTRATOR

County of Sonoma

575 Administration Drive - Room 100A
 Santa Rosa, CA 95403

p: (707) 565-2241

Andrew B. Fremier
 Executive Director
 Bay Area Toll Authority
 Bay Area Metro Center
 375 Beale Street, Suite 800
 San Francisco, CA 94105

Dear Mr. Fremier:

On behalf of the Sonoma County Board of Supervisors, this letter appoints the following individuals to the Regional Measure 3 Independent Oversight Committee, per your request dated January 9, 2026:

- Michael Pickens for a four-year term beginning March 3, 2026, through March 3, 2030.

This letter also certifies that the above-named individuals are eligible to serve on the committee according to the restrictions listed in California Streets and Highways Code Section 30923(h)(3), which states regarding the Metropolitan Transportation Commission (“commission”) and Bay Area Toll Authority (“authority”):

“A representative appointed to the oversight committee shall not be a member, former member, staff, or former staff of the commission or the authority, shall not be employed by any organization or person that has received or is receiving funding from the commission or the authority, and shall not be a former employee or a person who has contracted with any organization or person that has received or is receiving funding from the commission or the authority within one year of having worked for or contracted with that organization or person.”

Sincerely,

Jennie Brown

Deputy Clerk of the Board

Jennie.Brown@sonomacounty.gov

SonomaCounty.ca.gov

Date: June 26, 2019
Referred by: BATA Oversight
Revised: 07/24/19-BATA 10/23/19-BATA
11/20/19-BATA 11/15/23-BATA
10/23/24-BATA 02/25/26-BATA
04/22/26-BATA

ABSTRACT

BATA Resolution No. 131, Revised

This resolution establishes the Regional Measure 3 Independent Oversight Committee, as set forth in Section 30923(h) of the California Streets and Highways Code and approved by voters on the June 5, 2018 ballot.

Attachment A to this Resolution was revised on July 24, 2019 to update appointees.

Attachment A to the Resolution was revised on October 23, 2019 to update appointees.

Attachment A to the Resolution was revised on November 20, 2019 to update appointees.

Attachment A to the Resolution was revised on November 15, 2023 to update appointees.

Attachment B to the Resolution was revised on November 15, 2023 to update the title of the administrator.

Attachment A to the Resolution was revised on October 23, 2024 to update appointees.

Attachment A to the Resolution was revised on February 25, 2026 to update appointees.

Attachment A to the Resolution was revised on April 22, 2026 to update appointees.

Further discussion of this resolution is contained in the BATA Oversight Committee Summary Sheets dated June 12, 2019, July 10, 2019, October 9, 2019, November 13, 2019, November 8, 2023, October 9, 2024, February 11, 2026, and April 8, 2026.

Date: June 26, 2019
Referred by: BATA Oversight

Re: Regional Measure 3 Independent Oversight Committee

BAY AREA TOLL AUTHORITY
RESOLUTION NO. 131

WHEREAS, on June 5, 2018, a special election was held in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma (individually, each a “County” and, collectively, the “Counties”) to approve a toll increase of three dollars (\$3.00) phased in over time, including a one dollar (\$1.00) toll increase on January 1, 2019, a one dollar (\$1.00) toll increase on January 1, 2022, and a one dollar (\$1.00) toll increase on January 1, 2025, for vehicles traveling on the state-owned bridges located in the San Francisco Bay Area (“Regional Measure 3”); and

WHEREAS, on September 26, 2018, the Bay Area Toll Authority (“Authority”) adopted Resolution No. 126 accepting certified statements from the Registrar of Voters of the City and County of San Francisco and each of the Counties and observing that a majority of all voters voting on Regional Measure 3 at such special election voted affirmatively for Regional Measure 3; and

WHEREAS, on December 19, 2018, the Authority adopted Resolution No. 128 adopting a toll schedule phasing in the toll increase approved pursuant to Regional Measure 3, effective on January 1, 2019; and

WHEREAS, in accordance with subsection (h) of Section 30923 of the California Streets and Highways Code (“SHC”), the Authority shall, within six months of the effective date of the toll increase, establish an independent oversight committee, with specified composition and duties; now, therefore, be it

RESOLVED, that the Authority specifically finds and declares that the statements, findings and determinations of the Authority set forth in the preambles above are true and correct; and be it further

RESOLVED, that pursuant to SHC § 30923(h), the Authority hereby establishes the Regional Measure 3 Independent Oversight Committee (“Committee”); and be it further

RESOLVED, that the Committee shall annually review the expenditure of funds by the Authority for the projects and programs specified in SHC § 30914.7 and prepare and submit a report to the transportation committee of each house of the Legislature summarizing its findings, and that the Committee may request any documents from the Authority to assist the Committee in performing its functions; and be it further

RESOLVED, that pursuant to SHC § 30923(h)(2), the Committee shall include two representatives from each county within the jurisdiction of the Metropolitan Transportation Commission (the

“Commission”), and each representative shall be appointed by the applicable county board of supervisors and serve a four-year term and be limited to two terms; and be it further

RESOLVED, that pursuant to SHC § 30923(h)(3), a representative appointed to the Committee shall not be a member, former member, staff, or former staff of the Commission or the Authority, shall not be employed by any organization or person that has received or is receiving funding from the Commission or the Authority, and shall not be a former employee or a person who has contracted with any organization or person that has received or is receiving funding from the Commission or the Authority within one year of having worked for or contracted with that organization or person; and be it further

RESOLVED, that the Committee roster, as appointed by the applicable county board of supervisors, is contained in Attachment A to this resolution; and be it further

RESOLVED, that the travel reimbursement rate and stipend policy for members of the Committee is contained in Attachment B to this resolution; and be it further

RESOLVED, that the Chair of the Authority, the Vice Chair of the Authority, the Executive Director, the Chief Financial Officer and other appropriate officers and staff of the Authority, are hereby authorized and directed, jointly and severally, for and in the name and on behalf of the Authority, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this Resolution in accordance with the terms hereof and of applicable provisions of law.

BAY AREA TOLL AUTHORITY

Scott Haggerty, Chair

The above resolution was entered into by the Bay Area Toll Authority at a regular meeting of the Authority held in San Francisco, California, on June 26, 2019.

Date: June 26, 2019
 Referred by: BATA Oversight
 Revised: 07/24/19-BATA 10/23/19-BATA
 11/20/19-BATA 11/15/23-BATA
 10/23/24-BATA 02/25/26-BATA

Attachment A
 BATA Resolution No. 131
 Page 1 of 2

Regional Measure 3 Independent Oversight Committee Membership 2019-2023

County	Member Name	Term Length	Term No.
Alameda	Anu Natarajan	July 2019 – June 2023	First
Alameda	William Harrison	July 2019 – June 2023	First
Contra Costa	Nazanin Shakerin	July 2019 – June 2023	First
Contra Costa	Kathy Chang	July 2019 – June 2023	First
Marin	Kevin Hagerty	July 2019 – June 2023	First
Marin	William McNicholas	July 2019 – June 2023	First
Napa	David Bailey	July 2019 – June 2023	First
Napa	Pamela Kindig	July 2019 – June 2023	First
San Francisco	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
San Francisco	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
San Mateo	Frederick A. Hansson	July 2019 – June 2023	First
San Mateo	Pam Frisella	July 2019 – June 2023	First
Santa Clara	Joanne Benjamin	July 2019 – June 2023	First
Santa Clara	David Fung	July 2019 – June 2023	First
Solano	Steve Lessler	July 2019 – June 2023	First
Solano	William G. Jerry Hayes	July 2019 – June 2023	First
Sonoma	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First
Sonoma	<i>To be appointed by Board of Supervisors</i>	July 2019 – June 2023	First

Regional Measure 3 Independent Oversight Committee Membership 2023-2027

County	Member Name	Term Length	Term No.¹
Alameda	Anu Natarajan	July 2023 – June 2027	First
Alameda	Tim Ambrose	July 2023 – June 2027	First
Contra Costa	Nazanin Shakerin ²	July 2023 – June 2027	First
Contra Costa	Kathy Chang ²	July 2023 – June 2027	First
Marin	Kevin Hagerty	July 2023 – June 2027	First
Marin	<i>To be appointed by Board of Supervisors³</i>	July 2023 – June 2027	First
Napa	Aisha Nasir ²	July 2023 – June 2027	First
Napa	Pamela Kindig	July 2023 – June 2027	First
San Francisco	<i>To be appointed by Board of Supervisors³</i>	July 2023 – June 2027	First
San Francisco	<i>To be appointed by Board of Supervisors</i>	July 2023 – June 2027	First
San Mateo	Frederick A. Hansson	July 2023 – June 2027	First
San Mateo	Walter Batara ³	July 2023 – June 2027	First
Santa Clara	Harry Neil ³	July 2023 – June 2027	First
Santa Clara	<i>To be appointed by Board of Supervisors</i>	July 2023 – June 2027	First
Solano	William G. Jerry Hayes	July 2023 – June 2027	First
Solano	<i>To be appointed by Board of Supervisors²</i>	July 2023 – June 2027	First
Sonoma	Michael Pickens ⁴	July 2023 – June 2027	First
Sonoma	Steve Birdlebough	July 2023 – June 2027	First

Notes

1. The IOC did not meet during the 2019-2023 term due to ongoing litigation and no expenditure of RM3 funds. Therefore, for any reappointees for the 2023-2027 term, the 2023-2027 term shall count as the first term for the purposes of fulfilling term limits in SHC 30923(h)(2).
2. In October 2024, the roster for this term was updated to add two new appointees from Contra Costa County, to remove members who resigned from San Mateo County and Solano County, and to replace one member who resigned from Napa County with a new appointee from the County.
3. In February 2026, the roster for this term was updated to remove members who resigned from Marin County and San Francisco County, add a new appointee from San Mateo County, and add a new appointee from Santa Clara County
4. In April 2026, the roster for this term was updated to replace one member who resigned from Sonoma County with a new appointee from the County.

Date: June 26, 2019
Referred by: BATA Oversight
Revised: 11/15/23-BATA
10/23/24-BATA

Attachment B
BATA Resolution No. 131
Page 1 of 1

Travel Reimbursement Rate and Stipend for Members of the Regional Measure 3 Independent Oversight Committee

1. Individual members of the Regional Measure 3 Independent Oversight Committee (“Committee”) appointed by county boards of supervisors shall each be eligible to receive a stipend of \$50 per meeting of the Committee, as defined below, with a maximum of four meetings per year. Meetings are defined as publicly noticed meetings or subcommittee meetings of the Committee.
2. Members of the Committee may be reimbursed for actual travel expenses, as defined below, for a maximum of four meetings per year.
3. The mileage reimbursement rate is the rate allowable by the Internal Revenue Service when a personal vehicle is used. Related bridge tolls, parking fees and actual expenses for use of public transit will be reimbursed.

All requests for stipend and reimbursement of expenses shall be submitted quarterly to the Committee staff liaison and processed according to the procedures established by MTC's Executive Director.

The MTC Chief Deputy Executive Director, shall administer this Attachment B. Any questions regarding its application shall be decided by the MTC Chief Deputy Executive Director, whose decision shall be final.



Metropolitan Transportation Commission

Legislation Text

375 Beale Street, Suite 800
San Francisco, CA 94105

File #: 26-0340, **Version:** 1

Subject:

Contract Change Order - Support for Implementation of a New Merchant Service Provider: Conduent State and Local Solutions, Inc. (\$590,000).

Presenter:

Eric Davis

Recommended Action:

Committee Approval

Attachments: List any attachments.

**Bay Area Toll Authority
Oversight Committee**

April 8, 2026

Agenda Item 5c-26-0340

**Contract Change Order – Support for Implementation of a New Merchant Service
Provider: Conduent State and Local Solutions, Inc. (\$590,000)**

Subject:

A request to approve a contract change order with Conduent State and Local Solutions, Inc. (Conduent) in an amount not to exceed \$590,000 to modify the FasTrak® Customer Service Center (CSC) system for implementation and testing as it transitions payment processing to a new merchant payment processing service provider.

Background:

Based on a competitive selection, BATA entered into a contract with Conduent (formerly, Xerox State and Local Solutions, Inc.) on March 27, 2013 for the management and operation of the FasTrak® CSC. Under the contract, Conduent provides the FasTrak account management system, transaction processing, call center operations, web services, payment processing, customer communications, violation image review and violation noticing for bridges and express lanes in the Bay Area.

Currently, patrons may use cash, check, or payment card (credit or debit) as a payment method to fund and replenish their accounts, pay for toll invoices, and pay for toll violations. BATA has an existing contract with Bank of America Merchant Services to provide payment card processing services including the settlement and deposit of all funds into BATA's financial depository accounts. This contract is set to expire on June 30, 2026.

In March 2026, BATA Oversight Committee approved the selection of First Data Corporation, DBA First Data Merchant Services, LLC (First Data) as the next merchant services provider. Staff is requesting authority to enter into a contract change order with Conduent in an amount not to exceed \$590,000 to cover modification of the FasTrak CSC system for integration with First Data.

Attachment A includes a summary of Conduent and its project team's small business enterprise status.

Issues:

None identified.

Recommendations:

Staff recommends that this Committee authorize the Executive Director or designee to negotiate and enter into a contract change order with Conduent in an amount not to exceed \$590,000 to provide implementation support for the new merchant service provider as described herein. This amount is included in the FY 2025-26 BATA Operating Budget.

Attachments:

- Attachment A – Small Business Enterprise Status
- Request for Committee Approval – Summary of Proposed Contract Change Order



Andrew B. Fremier

Attachment A

Small Business Enterprise Status

	Firm Name	Role on Project	SBE* Yes	If SBE Yes, List #	SBE No
Prime Contractor	Conduent	System Development and Operations			X
Subcontractor	Atos	Network Management			X
Subcontractor	Protiviti	Support for Financial Reconciliation			X

* Denotes certification by the State of California.

Request for Committee Approval

Summary of Proposed Contract Change Order

Work Item No.: 8900

Consultant: Conduent State and Local Solutions, Inc.
San Francisco, CA

Work Project Title: Implementation of a New Merchant Service Provider

Purpose of Project: Support implementation of a new merchant payment processing service provider

Brief Scope of Work: Contractor to modify the CSC system for implementation of a new merchant payment processing service provider

Project Cost Not to Exceed: \$590,000 (this change order)

Current contract amount before this Change Order Amendment:
\$687,312,015

Maximum contract amount after this Change Order Amendment:
\$687,902,015

Funding Source: BATA Operating Funds

Fiscal Impact: Funding is included in the FY 2025-26 BATA Operating Budget

Motion by Committee: That the Executive Director or designee is authorized to negotiate and enter into a contract change order with Conduent State and Local Solutions, Inc. for the services described above and in the BATA Oversight Committee Summary Sheet dated April 8, 2026 and that the Chief Financial Officer is authorized to set aside \$590,000 for such contract change order.

BATA Oversight Committee:

Margaret Abe-Koga, Chair

Approved: April 8, 2026



Metropolitan Transportation Commission

Legislation Text

375 Beale Street, Suite 800
San Francisco, CA 94105

File #: 26-0394, **Version:** 1

Subject:

Cooperative Agreement Amendment: West Oakland Link Project - Project Initiation
Document (PID) and Project Approval and Environmental Document (PA&ED): Bay Area Toll
Authority and California Department of Transportation (Caltrans) (\$700,000).

Presenter:

Gavin Lohry

Recommended Action:

Committee Approval

Attachments: List any attachments.

**Bay Area Toll Authority
Oversight Committee**

April 8, 2026

Agenda Item 5d-26-0394

Cooperative Agreement Amendment: West Oakland Link Project - Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED): Bay Area Toll Authority and California Department of Transportation (Caltrans) (\$700,000)

Subject:

A request for the Bay Area Toll Authority (BATA) to amend the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) Cooperative Agreement with Caltrans in an amount not to exceed \$700,000 to complete the Project Study Report – Project Report (PSR-PR) for the West Oakland Link project (Project) in Alameda County.

Background:

The West Oakland Link project (04-4W480) is proposing to construct a new Class I multi-use path between West Oakland and the existing San Francisco Bay Trail (Bay Trail), leading to the East Span of the San Francisco-Oakland Bay Bridge in Oakland. The Project intends to connect pedestrians and cyclists in the West Oakland neighborhood to the regional San Francisco Bay Trail, the Bay Bridge East Span Path, the Port of Oakland, and the Judge John Sutter Regional Shoreline.

In July 2023, BATA entered into a Cooperative Agreement with Caltrans for the Project Initiation Document (PID) and Project Approval and Environmental Document (PA&ED) phases of the work, in an amount not to exceed \$200,000. Since the initial PSR-PR Cooperative Agreement was signed, BATA and Caltrans have worked collaboratively to progress the Project with stakeholder and community engagement. However, challenges related to right-of-way and development of projects adjacent and within the limits of the Project, along with stakeholders and community feedback, resulted in modifications to the Project’s design and alignment. Hence, Caltrans required an increase in staff hours to complete their oversight of the PSR-PR.

This contract amendment covers both the additional costs incurred by Caltrans for the completion and approval of the Project’s PSR-PR document, which allows the Project to proceed to the design phase, and the work related to the Supplemental PSR-PR and CEQA addendum following PSR-PR approval.

Recommendation:

Staff requests that this Committee authorize the Executive Director or designee to negotiate and enter into a Cooperative Agreement amendment with Caltrans in an amount not to exceed \$700,000 to complete the PSR-PR for the PID and PA&ED phase of the West Oakland Link Project.

Attachments:

- Request for Committee Approval – Summary of Proposed Cooperative Agreement Amendment



Andrew B. Fremier

Request for Committee Approval

Summary of Proposed Cooperative Agreement Amendment

Work Item No.: 1251

Consultant: California Department of Transportation (Caltrans)
Oakland, California

Work Project Title: Cooperative Agreement for PID/PA&ED Phase of the West Oakland Link project: 04-4W480 – Caltrans

Purpose of Project: The Project is proposing to construct a new Class I multi-use path between West Oakland and the existing San Francisco Bay Trail (Bay Trail) leading to the East Span of the San Francisco-Oakland Bay Bridge in Oakland.

Brief Scope of Work: The Cooperative Agreement defines the roles and responsibilities between BATA and Caltrans to complete the Project Study Report – Project Report (PSR-PR) for the Project, and outlines associated funding.

Project Cost Not to Exceed: This amendment: \$700,000
Total Cooperative Agreement amount before this amendment: \$200,000
Total approved Cooperative Agreement amount with this amendment: \$900,000

Funding Source: BATA Bridge Tolls

Fiscal Impact: Funds are included in the FY 2025-2026 BATA Toll Bridge Program Capital Budget.

Motion by Committee: That the Executive Director or designee is authorized to negotiate and enter into a PID/PA&ED Cooperative Agreement amendment with Caltrans for completion of the PSR-PR document as described above and in the Bay Area Toll Authority Summary Sheet dated April 8, 2026, and that the Chief Financial Officer is authorized to set aside \$700,000 for such contract amendment.

BATA Oversight Committee:

Margaret Abe-Koga, Chair

Approved: April 8, 2026



Metropolitan Transportation Commission

Legislation Text

375 Beale Street, Suite 800
San Francisco, CA 94105

File #: 26-0452, **Version:** 1

Subject:

Fiscal Year (FY) 2025-26 Bay Area Toll Authority (BATA) Statement of Revenues and Expenses for the Period Ended February 28, 2026 (Unaudited).

Recommended Action:
Information

Attachments: List any attachments.

**Bay Area Toll Authority
Oversight Committee**

April 8, 2026

Agenda Item 5e-26-0452

Fiscal Year (FY) 2025-26 Bay Area Toll Authority (BATA) Statement of Revenues and Expenses for the Period Ended February 28, 2026 (Unaudited)

Subject:

Statement of revenues and expenses for the period ended February 28, 2026 (unaudited)

Background:

The Bay Area Toll Authority manages the electronic toll revenues collected from the Bay Area's seven bridges owned by the California Department of Transportation (Caltrans). BATA also manages FasTrak[®], which is the electronic toll payment system for the bridges and express lanes. Caltrans is responsible for the operation and maintenance of these bridges.

The Statement of Revenues and Expenses has been prepared in accordance with the generally accepted accounting principles (GAAP). The columns have been designed to provide an easy comparison of current fiscal year-to-date actuals to the prior fiscal year-to-date actuals, including dollar and percentage variances.

Operating Revenue:

Regional Measures (RM) 1, 2, and 3 are tolls on the state-owned bridges to finance specific bridge and roadway improvements and transportation projects. Year-to-date toll revenues collected were \$627.6 million, which was about \$63.7 million more than the prior year-to-date actual. Revenue increased primarily due to toll rate adjustments, including a \$1 RM3 toll increase effective January 1, 2025, and a subsequent \$0.50 increase effective January 1, 2026.

Violation revenues and other revenues collected were \$30.6 million, which was \$2.4 million more than the prior year-to-date actual violation revenues and other revenues. Higher violation revenues in FY 2025-26 were primarily attributed to an increase in DMV hold revenue.

Operating Expenses:

As of February 28, 2026, Operating Expenses were \$115.7 million, which was \$9.0 million more than prior year-to-date actual. Higher operating expenses in FY 2025-26 were primarily due to timing differences in several key areas. In FY 2024-25, the first RM3 Operating disbursement occurred in December, at the end of the second quarter. For FY 2025-26, allocations were approved earlier, allowing eligible disbursements to be processed in the first half of the fiscal year. This shift

in timing, combined with the toll rate increases, accounts for the higher allocations to other agencies. These increases were partially offset by lower FasTrak operational charges due to timing differences.

Non-Operating Revenues and Expenses:

As of February 28, 2026, Total Non-operating Revenues and Expenses resulted in a net expense of \$147.1 million, which was \$24.1 million more than non-operating expenses in the prior year-to-date actual. The increase in net non-operating expenses was primarily attributed to higher interest expense due to new money debt issuance in FY 2024-25.

Contributions and Transfers:

As of February 28, 2026, Total Contributions and Transfers resulted in a net outflow of \$190.6 million, an increase of \$39.5 million compared to the prior year-to-date actual. The primary driver of this increase is a \$45.0 million increase in transfers to capital funds. This was partially offset by a \$6.3 million reduction in transfers related to MTC for ERP implementation costs and timing differences in other MTC-related transfers.

Budget & Forecast Updates:

FY 2025-26 total operating expenses are currently projected to be within budget. More details will be provided in future reports.

Recommendations:

None. Information only.

Attachments:

- Attachment A: BATA Statement of Revenues and Expenses for the Period Ended February 28, 2026 (unaudited)



Andrew B. Fremier

BAY AREA TOLL AUTHORITY (BATA)

STATEMENT OF REVENUES AND EXPENSES

Fiscal Year 2026

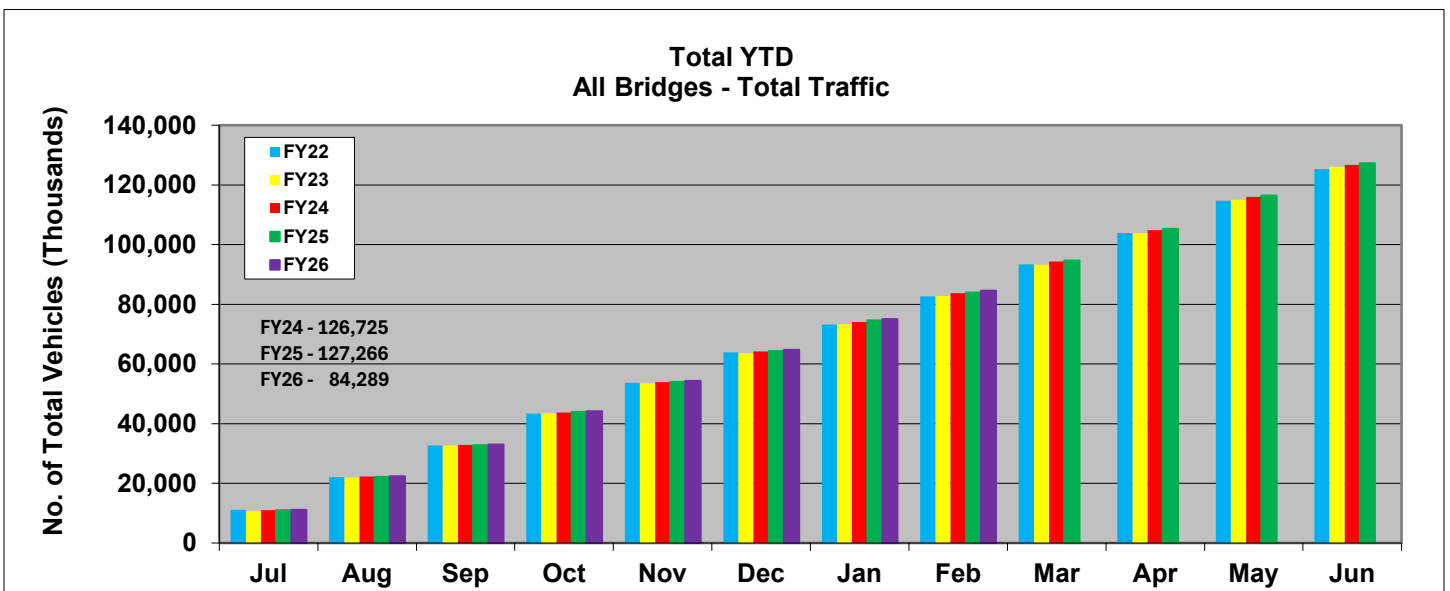
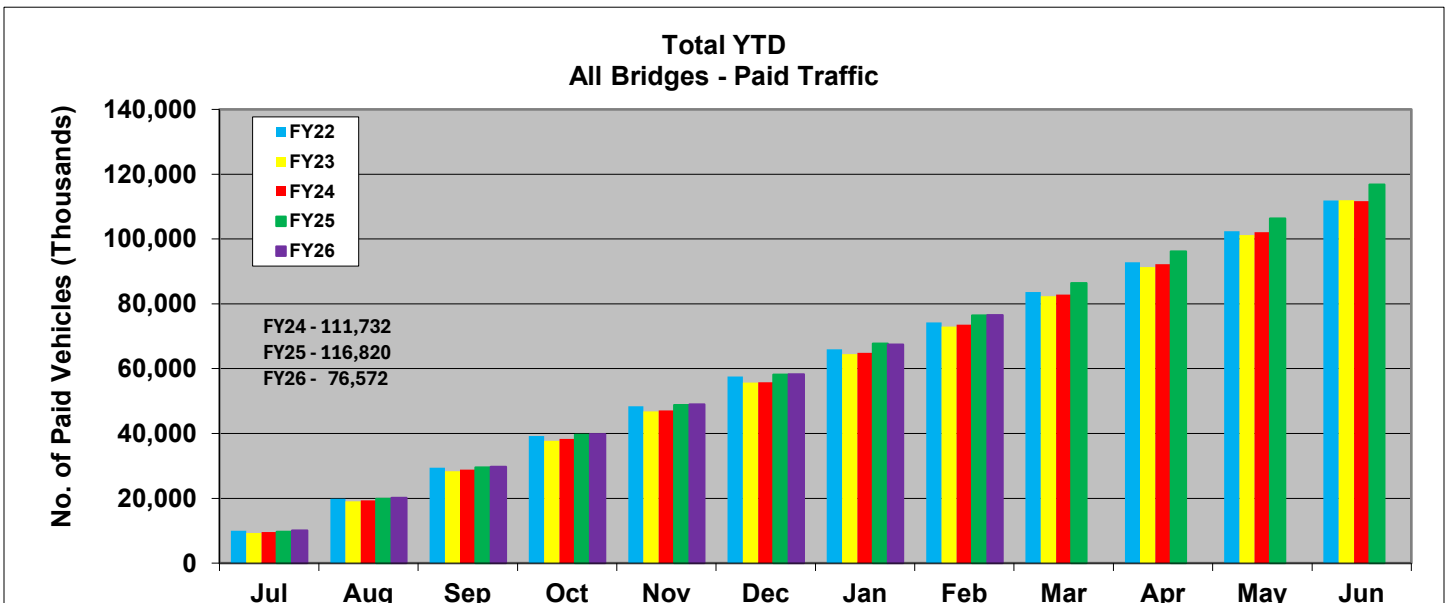
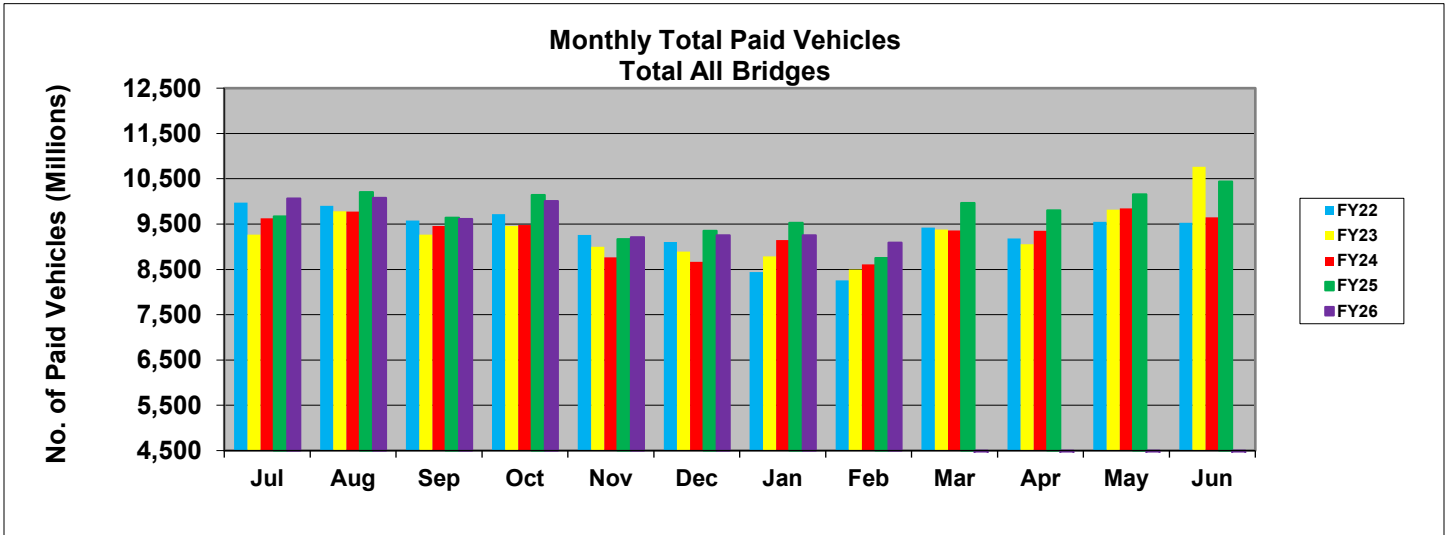
For the Period Ended Feb 28, 2026

	CURRENT ACTUAL	PRIOR YEAR ACTUAL	\$ VARIANCE	% VARIANCE	APPROVED BUDGET	ANNUAL % OF BUDGET
OPERATING REVENUES						
RM1 revenue and Seismic	\$ 338,821,346	\$ 331,493,042	\$ 7,328,304	2.21%	\$ 538,671,101	62.90%
RM2 revenue	70,984,618	70,716,629	267,989	0.38%	108,228,094	65.59%
RM3 revenue	217,772,467	161,655,392	56,117,075	34.71%	337,727,706	64.48%
Toll revenues collected	627,578,431	563,865,063	63,713,368	11.30%	984,626,902	63.74%
Toll violation revenues	29,327,203	27,937,119	1,390,084	4.98%	29,088,329	100.82%
Other revenues	1,306,987	287,293	1,019,693	354.93%	171,942	760.13%
Other operating revenues	30,634,190	28,224,412	2,409,777	8.54%	29,260,270	104.70%
TOTAL OPERATING REVENUES	658,212,620	592,089,475	66,123,145	11.17%	1,013,887,172	64.92%
OPERATING EXPENSES						
Operating expenses incurred by Caltrans	2,263,998	1,276,100	987,897	77.42%	5,532,600	40.92%
Operating expenses - Transbay JPA	1,551,892	1,523,628	28,264	1.86%	6,394,535	24.27%
Professional fees	35,871,294	40,574,784	(4,703,489)	-11.59%	152,877,295	23.46%
Allocations to other agencies	36,426,826	22,680,322	13,746,503	60.61%	109,112,568	33.38%
Salaries and benefits	12,536,183	13,157,390	(621,207)	-4.72%	20,481,982	61.21%
Other operating expenses	27,054,828	27,495,396	(440,568)	-1.60%	55,048,350	49.15%
TOTAL OPERATING EXPENSES	115,705,019	106,707,620	8,997,399	8.43%	349,447,331	33.11%
OPERATING INCOME (LOSS)	542,507,601	485,381,855	57,125,746	11.77%	664,439,841	81.65%
NONOPERATING REVENUES (EXPENSES)						
Other Agency Reimbursements	9,883,044	10,601,895	(718,851)	-6.78%	16,400,000	60.26%
Investment income (charge)	100,379,169	110,224,325	(9,845,156)	-8.93%	103,506,630	96.98%
Build America Bonds (BABs) interest subsidy	41,291,606	41,365,603	(73,996)	-0.18%	61,937,407	66.67%
Interest expense	(289,616,133)	(276,869,695)	(12,746,438)	4.60%	(587,008,134)	49.34%
Financing fees and bond issuance costs	(3,527,913)	(4,903,315)	1,375,401	-28.05%	(10,699,800)	32.97%
Distributions to Caltrans for their capital purposes	(6,704,760)	(4,523,503)	(2,181,257)	48.22%	(611,826,400)	1.10%
Other nonoperating revenues (expenses)	1,212,740	1,163,547	49,193	4.23%	1,674,965	72.40%
TOTAL NONOPERATING REVENUES (EXPENSES)	(147,082,246)	(122,941,142)	(24,141,104)	19.64%	(1,025,265,332)	14.35%
INCOME (LOSS) BEFORE TRANSFERS	395,425,354	362,440,713	32,984,642	9.10%	(360,825,491)	-109.59%
CONTRIBUTIONS AND TRANSFERS						
Transfers to Metropolitan Transportation Commission	(16,976,846)	(14,522,010)	(2,454,836)	16.90%	(22,635,794)	75.00%
Transfer between programs ⁽¹⁾	(173,647,084)	(136,576,151)	(37,070,933)	27.14%	(241,950,326)	71.77%
TOTAL TRANSFERS	(190,623,929)	(151,098,161)	(39,525,768)	26.16%	(264,586,120)	72.05%
NET SURPLUS / DEFICIT before depreciation	204,801,425	\$ 211,342,551	\$ (6,541,126)	-3.10%	\$ (625,411,611)	

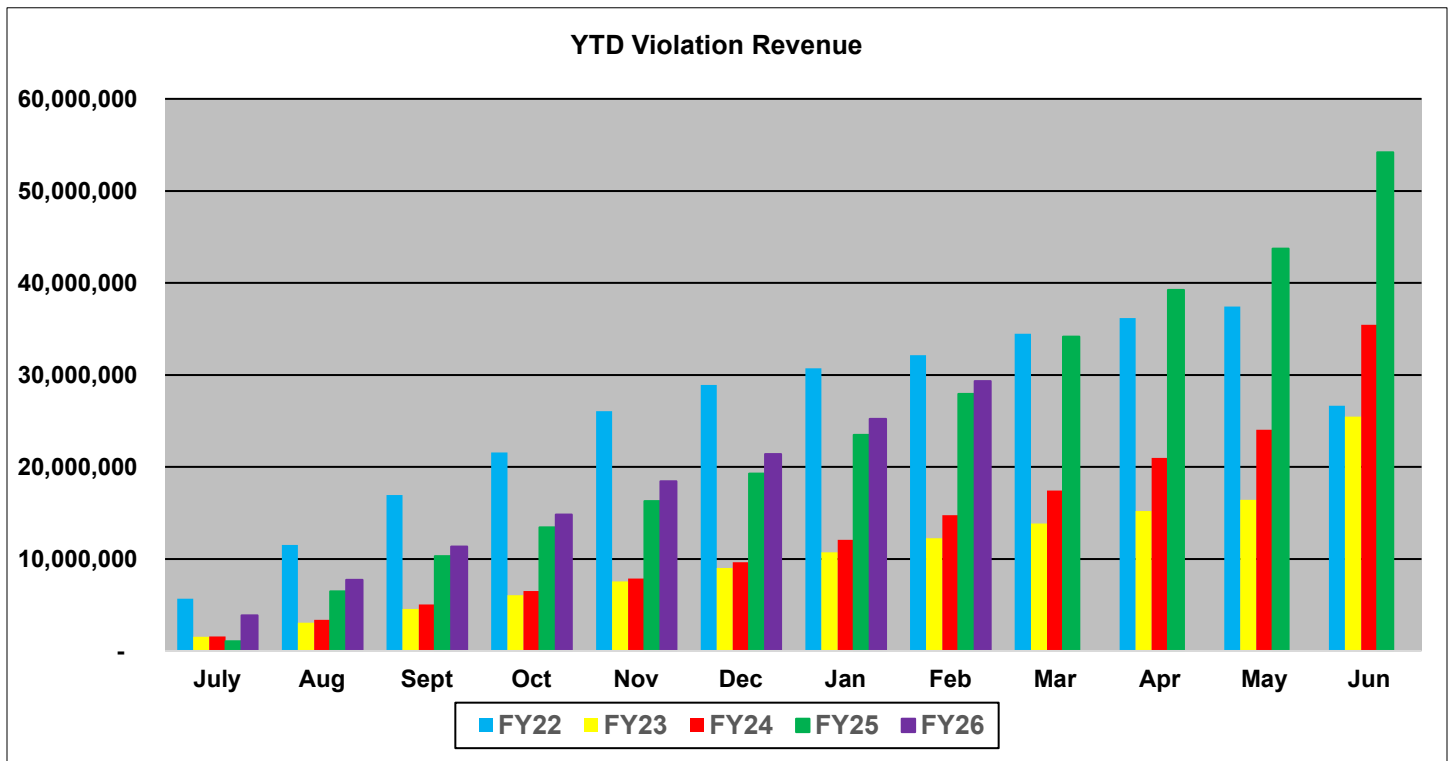
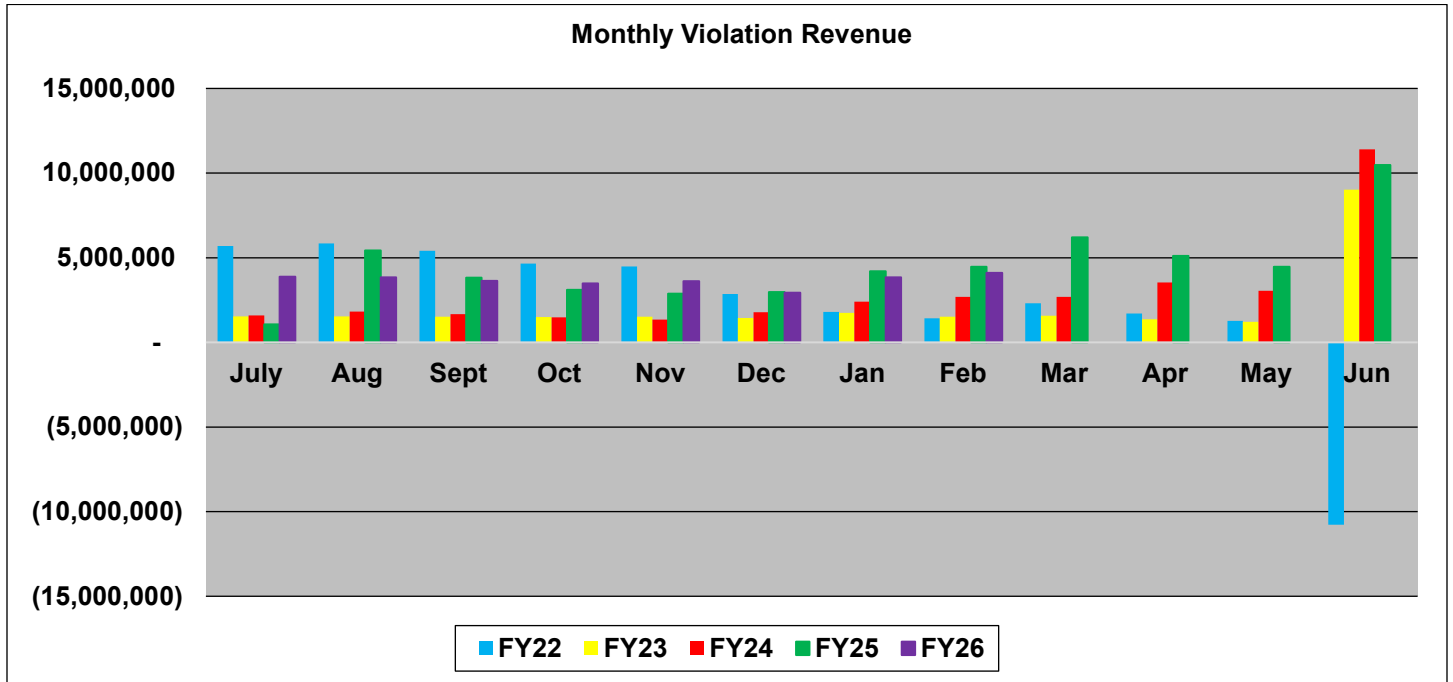
⁽¹⁾ Includes RM2 and RM3 transfers to capital funds

BATA
Cash and Investment
February 28, 2026

	Balance
Government-Sponsored Enterprises (GSE)	\$ 729,455,827
US Treasury	1,145,925,647
Mutual Funds	187,371,700
Corporate Debt	843,645,488
Supranational	16,916,200
CAMP	158,097,801
LAIF	27,075,545
Municipal Bonds	56,308,159
TOTAL CASH AND INVESTMENTS	\$ 3,164,796,368
Investment Income for February 2026	\$ 15,683,986
Cumulative Earnings FY2025-26	\$ 100,379,169



FY 2025-26 BATA VIOLATION REVENUE
 As of February 2026 (unaudited)





Metropolitan Transportation Commission

Legislation Text

375 Beale Street, Suite 800
San Francisco, CA 94105

File #: 26-0515, **Version:** 1

Subject:
Public Comment

Recommended Action:
Information

Attachments: List any attachments.

Carsie Bonner

From: Mark Baker <mbaker@moonlightadvocacy.org>
Sent: Friday, April 3, 2026 9:59 PM
To: Carsie Bonner
Subject: Public Comment - Bay Lights 360
Attachments: 5e_26_0318_Contract_Amendment_Stoel_Rives_LLP_BATA_.pdf; EXHIBIT D - BCDC Permit No M201200904.pdf; EXHIBIT G - 2024-12-12 - BayLights360 Baker Response v2.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from mbaker@moonlightadvocacy.org. [Learn why this is important](#)

External Email

Dear BATA Oversight Committee,

This is a public comment.

On March 11, 2026, the BATA Oversight Committee approved an extension of \$250,000 to the law firm Stoel Rives by voice consent with no discussion. This \$250,000 is in addition to the \$200,000 already approved, bringing the total to \$450,000 for legal fees related to CEQA violations, with no discussion by the Oversight Committee.

The CEQA issue is for the project called Bay Lights 360 which is a project conceived by the private individual Ben Davis to add 48,000 LED lights to the SF-Oakland Bay Bridge. This project did not involve BATA in any way, except as the mule for a permit-laundering scheme carried out by Mr. Davis, Caltrans, BATA Executive Director Andrew Fremier, and BATA Deputy Executive Director Alix Bockelman. The BATA Oversight Committee did not initiate the project, did not oversee the project, and did not approve the project, and yet the BATA Oversight Committee is happily spending nearly half a million taxpayer dollars to defend Mr. Fremier's and Ms. Bockelman's fraudulent scheme.

As evidenced in the BCDC permit for the project, BATA was used as an "acting environmental agency" for the project. "Acting environmental agency" is a legal fiction that was invented for the sole purpose of evading CEQA requirements. Caltrans, as the owner and principal operator of the Bay Bridge is, by definition, the Lead Agency for the project. CEQA Lead Agency assignment cannot be delegated from Caltrans to BATA because Lead Agency designation is by statute. In addition, BATA confirmed in a December 12, 2024 letter that Caltrans is agency which must provide approval for the project, which makes Caltrans the Lead Agency.

On March 17, 2026 at 8:3AM, I dismissed BATA from my lawsuit, case CPF-26-519519, because BATA has no legal involvement in the Bay Lights 360 project. Despite having been dismissed from the case, the outside law firm Stoel Rives hired by Mr. Fremier, continues to file into and bill BATA for legal services. In other words, the BATA Oversight Committee just approved \$250,000 to pay for outside legal counsel for a lawsuit from which BATA has already been dismissed, and yet, because the money was approved, Mr.

Fremier continues to pay Stoel Rives to simply harass me as a whistleblower. This is a Waste of Public Funds under CCP § 526a.

I have filed a Whistleblower complaint with the California State Auditor, case number I2026-0771, and have notified the State Auditor of the BATA Oversight Committee's egregious failure to provide the oversight required by Streets and Highways Code § 30952.1.

I request a full and transparent investigation by the BATA Oversight Committee into this fraud and waste of taxpayer funds by Mr. Fremier and Ms. Bockelman.

Mark Baker
Moonlight Advocacy

**Bay Area Toll Authority
Oversight Committee**

March 11, 2026

Agenda Item 5e-26-0318

Contract Amendment – Stoel Rives LLP – Legal advice and representation to BATA and MTC with respect to *Pending/Anticipated Litigation*

Subject:

This is a request for approval of a contract amendment with Stoel Rives LLP to add \$250,000 for legal advice and representation to BATA and MTC with respect to pending and anticipated litigation related to the California Environmental Quality Act (CEQA) and related issues. .

Background:

Attorneys at Stoel Rives, LLP, provide expert CEQA advice to MTC and BATA on a number of projects, including environmental clearance for Plan Bay Area. They also provide advice and representation under the instant contract for defense of CEQA lawsuits brought against BATA and related entities. Given the costs of ongoing litigation and anticipated future needs, staff seeks additional authority under the current contract to continue Stoel Rives' representation in BATA's defense.

Issues:

None.

Recommendations:

Staff recommends that the Committee authorize the General Counsel or designee to negotiate and enter into a contract amendment with Stoel Rives LLP in an amount not to exceed \$250,000 for providing further legal advice and representation to BATA and MTC with respect to ongoing and future anticipated litigation under CEQA and related issues.

Attachments:

- Request for Committee Approval – Summary of Proposed Contract Amendment



Kathleen Kane, General Counsel

Request for Committee Approval

Summary of Proposed Contract Amendment

Work Item No.: 1251

Consultant: Stoel Rives LLP

Work Project Title: Legal Counsel

Purpose of Project: To provide legal advice and representation to BATA and MTC with respect to litigation under CEQA and related causes of action.

Project Cost Not to Exceed: This amendment – \$250,000
Current contract amount before this amendment – \$200,000
Contract amount after the amendment – \$450,000

Funding Source: BATA Liability Reserves

Fiscal Impact: Funds are included in the FY2025-26 BATA Liability Reserves budget

Motion by Committee: That the General Counsel or designee is authorized to enter into a contract amendment with Stoel Rives LLP to continue providing legal advice and representation to BATA and MTC as described above and in the BATA Oversight Committee Summary Sheet dated March 11, 2026 and that the Chief Financial Officer is authorized to set aside \$250,000 for such contract amendment.

BATA Oversight Committee:

Margaret Abe-Koga, Chair

Approved: March 11, 2026

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Transmitted Via Electronic Mail

September 7, 2023

TO: California Department of Transportation
111 Grand Avenue
Environmental Analysis, 14th Floor
Oakland, CA 94612

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)

SUBJECT: Instructions for Completing BCDC Permit Amendment No. M2012.009.04
(Amendment No. Four); Bay Lights 360

Dear BCDC Permit Holder:

Enclosed please find a copy of your BCDC Amended Permit, executed by the Executive Director. The amended language has been incorporated into the authorization, special conditions, findings, and standard conditions sections of the permit consistent with BCDC laws and policies.

All permittees must (1) **complete** the acknowledgment section of the permit¹, which indicates that you have read and that you understand all of the terms and conditions of the permit, and (2) **return** the entire permit within the ten-day time period (see Standard Conditions IV-A). The [Notice of Completion and Declaration of Compliance Form](#), shall be returned to the Commission upon project completion.

Furthermore, your permit contains special conditions which require you to take certain specific actions. Please understand that **no** work may commence on the project until the permit is executed and returned to the Commission. Until the Commission receives the executed permit, the permittee does not have the necessary authorization for the work authorized under the permit. The commencement of any work within the Commission's jurisdiction without the necessary authorization from the Commission is a violation of the McAteer-Petris Act and could subject you to substantial fines.

If you should have any questions regarding the permit or the procedure outlined above, please contact our staff at 415-352-3600 or info@bcdc.ca.gov.

¹ For your convenience, you will receive an email copy of the amended permit via DocuSign for your acknowledgement and e-signature.

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

PERMIT NO. M2012.009.04

AMENDMENT NO. FOUR

(Originally Issued on August 7, 2012, As Amended Through September 7, 2023)

California Department of Transportation
111 Grand Avenue
Environmental Analysis, 14th Floor
Oakland, CA 94612

I. Authorization

A. **Authorized Project.** Subject to the conditions stated below, the permittee, the California Department of Transportation, is hereby authorized to do the following:

Location: In the Bay, on the west span of the San Francisco-Oakland Bay Bridge, in the City and County of San Francisco.

Description: In the Bay

- (1) Temporarily re-install, operate, and maintain in-kind the “Bay Lights” sculpture for a period of 10 years, ending January 31, 2026 (Amendment No. Three and Amendment No. Four); and
- (2) Remove the “Bay Lights” sculpture authorized through Amendment No. Three and temporarily install, operate, and maintain in-kind, through December 2033, the “Bay Lights 360” sculpture (Amendment No. Four).

B. **Based on Application Dated.** This authority is generally pursuant to and limited by the application, dated April 6, 2012, and received in this office on April 16, 2012, requesting authorization for the original project; the letter dated September 9, 2014, requesting a time extension; the letter dated December 23, 2014, requesting Amendment No. Two; the letter dated April 6, 2015, and received in our office on April 8, 2015, requesting Amendment No. Three; and the letter dated February 22, 2023, and received in our office on March 10, 2023, requesting Amendment No. Four, including all accompanying and subsequently submitted exhibits and correspondence and all conditions of this amended permit.



C. Deadlines for Completing Authorized Work. Work authorized by the original permit was to commence prior to September 15, 2013, or this permit was to lapse and become null and void. Installation of the “Bay Lights” sculpture was to be diligently pursued to completion and was to be completed within six months, or by March 15, 2014, whichever was earlier subject to the work windows required in this authorization, unless an extension of time was granted by amendment of the permit. All lights were to be removed within two years of the date of completing the installation work, or by March 1, 2016, whichever was earlier.

Amendment No. One granted a time extension for the “Bay Lights” sculpture through January 31, 2015.

Amendment No. Two authorized the “Bay Lights” sculpture to remain through March 6, 2015, and required that all lights be removed by July 15, 2015, unless further extension of time was granted.

Amendment No. Three authorized the re-installation and operation of the “Bay Lights” sculpture for 10 years through January 31, 2026, and required that the sculpture be removed by May 31, 2026, unless further extensions of this amended permit were authorized. Amendment No. Three also authorized the replacement of then-existing roadway lights with LED lights, to be completed by June 30, 2016.

Amendment No. Four authorizes the removal of the “Bay Lights” sculpture and installation of the “Bay Lights 360” sculpture. The work authorized by this amended permit must commence by January 31, 2026, and must be diligently pursued to completion within 6 months of commencement, unless an extension of time is granted by further amendment of this amended permit. The “Bay Lights 360” sculpture is authorized through December 31, 2033. All materials used to create the sculpture must be removed from the bridge no later than December 31, 2033, unless a further extension of this amended permit is authorized.

II. Special Conditions

The amended authorization made herein shall be subject to the following special conditions, in addition to the standard conditions in Part IV:

A. Construction Plans.

- 1. Original Project through Amendment No. Three.** The lights, associated wiring and other facilities authorized by the original permit, as amended through Amendment No. Three, shall be installed at the locations and in the configuration generally shown in the plans that were submitted as part of the original application, received on April 16, 2012, entitled “The Bay Bridge 75th Anniversary Light Art Project,” prepared by Parson Brinckerhoff and dated January 10, 2012. As long as the installation is generally in accord with these plans, no further plan review is needed and no changes to the design of the project shall be made without the prior written approval of the BCDC staff.

2. **Amendment No. Four.** The work authorized by Amendment No. Four shall generally conform to the plans entitled, "The Bay Lights 360," dated December 2, 2022, and prepared by SEM Incorporated, submitted as part of the application received on March 10, 2023. No substantial changes shall be made to these documents without prior review and written approval by or on behalf of the Commission through plan review or a permit amendment.

B. Construction Activities

1. **Construction Operations.** All construction operations shall be performed to prevent construction materials from falling, washing, or blowing into the Bay. In the event that such material escapes or is placed in an area subject to tidal action of the Bay, the permittee shall immediately retrieve and remove such material at their expense.
2. **Debris Removal.** All construction debris shall be removed to an authorized location outside the jurisdiction of the Commission. In the event that any such material is placed in any area within the Commission's jurisdiction, the permittee, its assignee, or successor in interest, or the owner(s) of the improvements, shall remove such material, at their expense, within ten days after they have been notified by the Executive Director of such placement.
3. **Pre-Construction Surveys, Construction Monitoring, and Buffer Zones for Nesting Birds.** The permittee shall perform pre-construction nesting bird surveys prior to both the installation and removal of the lights to ensure that no nests are present. If nests are found to be present within the project area at any time during the pre-construction surveys or the construction process, a trained ornithologist/avian monitor shall conduct continued monitoring of the work until all nesting birds are clear from the installation area. In addition, buffer zones shall be established to minimize impacts to those nests. If necessary, the avian monitor will have the authority to require the permittee to stop work until further notice to prevent birds from abandoning their nests.
4. **Construction Timing.** For any work associated with dismantling the previously authorized "Bay Lights" sculpture and installing, repairing and maintaining, or, at the end of its authorized use, dismantling the "Bay Lights 360" sculpture:
 - a. From March 1 to August 15, during the bird breeding season, an avian monitor shall survey the project area weekly for nests, in accordance with Special Condition II.B.3, and make recommendations for minimizing disturbance to nesting birds. The results of these nest surveys, recommendations for avoiding impacts, and an evaluation of the effectiveness of the recommendations shall be provided in brief, monthly written reports to the Commission until the construction is complete.

- b. From August 16 to February 28/29, outside of the bird breeding season, work may proceed without weekly monitoring. If an active nest is encountered during construction, the permittee shall comply with the requirements of Special Condition II.B.3.

5. **Sculpture Removal.** All materials used to create the “Bay Lights” sculpture, except for components to be re-used for the “Bay Lights 360” sculpture, shall be removed from the Bay Bridge to an area outside the Commission’s jurisdiction. At the end of the authorization period, all materials used to create the “Bay Lights 360” sculpture shall be removed from the Bay Bridge to an area outside the Commission’s jurisdiction.

C. Minimizing Light Emissions. To reduce light emissions and resultant impacts to migratory birds and increase energy efficiency, the permittee shall replace all existing roadway light bulbs with LED bulbs by June 30, 2016 (Amendment No. Three).

D. Advertising and Messaging Prohibition. At no time shall the light sculpture be configured to convey advertising, notifications, or other messaging. The light display shall operate with the original illumination design, or with equivalent variations of that design. Any change to the illumination design may require further amendment to this amended permit (Amendment Nos. Three and Four).

E. Certification of Contractor Review. Prior to commencing any construction activities or placing any structures in the Bay, the general contractor or contractors in charge of that portion of the work shall submit written certification that they have reviewed and understand the requirements of the permit and the final BCDC-approved plans, particularly as they pertain to any public access or open space required herein, or environmentally sensitive areas.

F. Hold Harmless and Indemnify. The permittee shall hold harmless and indemnify the Commission, all Commission members, Commission employees, and agents of the Commission from any and all claims, demands, losses, lawsuits, and judgments accruing or resulting to any person, firm, corporation, governmental entity, or other entity who alleges injuries or damages caused by work performed in accordance with the terms and conditions of this permit. This condition shall also apply to any damage caused by flooding of or damage to property that is alleged to be caused as a result of some action or lack of action by the Commission growing out of the processing of and issuance of this permit.

G. Enforcement Program and Civil Penalties. The Commission has an enforcement program that reviews its permits for compliance. The Commission may issue cease and desist and civil penalty orders if violations are discovered. The McAteer-Petris Act provides for the imposition of administrative civil penalties ranging from \$10 to \$2,000 per day up to a maximum of \$30,000 per violation. The Act also provides for the imposition of court-imposed civil penalties of up to \$30,000 in addition to any other penalties, penalties for negligent violations of between \$50 and \$5,000 per day, knowing and intentional penalties of between \$100 and \$10,000 per day, and exemplary penalties, which are supplemental penalties, in an

amount necessary to deter future violations. In addition, anyone who places fill, extracts materials, or makes any substantial change in use of any water, land or structure within the area of the Commission's jurisdiction without securing a permit from the Commission is guilty of a misdemeanor.

III. Findings and Declarations

On behalf of the Commission, I find and declare that:

A. Permit History

1. **Original Authorization.** The original permit authorized the temporary installation and maintenance of a light sculpture consisting of approximately 25,000, 2-inch-diameter energy-efficient LED light bulbs along the 616 north facing bridge suspender cables and ranging in height from 5 feet to 240 feet. The sculpture, known as the "Bay Lights," was authorized from September 2012 until September 2014, at which time it was to be removed.
2. **Amendment No. One.** Amendment No. One authorized a time extension to allow the "Bay Lights" sculpture to remain in place until January 31, 2015.
3. **Amendment No. Two.** Amendment No. Two authorized a time extension for the "Bay Lights" sculpture until March 6, 2015, and required that all lights be removed by July 15, 2015. Amendment No. Two also amended Special Condition II.B.4 of the original permit, which had required that all installation and dismantling activities be performed between August 15 and January 31, outside of the bird breeding season, to allow the dismantling of the installation between March 6 and July 15, 2015, so long as an avian monitor was present to survey the project area on a weekly basis.
4. **Amendment No. Three.** Amendment No. Three authorized the re-installation and operation of the "Bay Lights" sculpture for 10 years, through January 31, 2026, with a more robust hardware system suitable for a longer-term display. It required that the sculpture be removed from the bridge by May 31, 2026.

Amendment No. Three also further amended Special Condition II.B.4 to specify that any work associated with re-installing, repairing and maintaining, or dismantling the sculpture at the end of its authorized use should take place between July 1 and March 1 of any year, but that if work was necessary between March 1 and July 15, an avian monitor was to survey the project area weekly for nests and make recommendations for minimizing disturbance to nesting birds. Amendment No. Three also added a requirement to Special Condition II.B.4 that the results of these nest surveys, recommendations for avoiding impacts, and an evaluation of the effectiveness of the recommendations be provided in monthly reports to the Commission.

Lastly, Amendment No. Three authorized the replacement of existing roadway lights with LED lights to increase energy efficiency and to minimize light emissions from the bridge and resultant impacts to migratory birds. Special Condition II.C was added to require the permittee to replace all existing roadway lights with LED bulbs by June 30, 2016.

5. **Amendment No. Four.** Amendment No. Four authorizes the removal of the “Bay Lights” sculpture, and the temporary installation and maintenance of the “Bay Lights 360” sculpture for an approximately 10-year period through December 2033. “Bay Lights 360” will consist of approximately 48,000, 2-inch-diameter energy-efficient LED light bulbs, secured with UV resistant, stainless-steel zip ties to the inward- and outward-facing sides of 308 vertical suspension cables, which range in height from 5 feet to 240 feet, on the north-facing side of the upper deck of the bridge. Compared to the originally authorized “Bay Lights” sculpture, the project includes updated and more robust fixtures and components and adds lights to the roadway-facing side of the same suspension cables to create a 360-degree view of the light sculpture.

Amendment No. Four further amends Special Condition II.B.4 to clarify the steps the permittee must take to minimize disturbances to migratory birds that may be nesting on the bridge, depending on whether work is taking place during or outside of the bird breeding season.

Amendment No. Four also adds Special Condition II.B.5 to require that all materials used to create the “Bay Lights,” except for components re-used in the “Bay Lights 360” sculpture, be removed from the Bay Bridge and placed or disposed of in an area outside the Commission’s jurisdiction.

B. Minor Repair or Improvement

1. **Original Authorization and Amendments One Through Two.** The project authorized by the original permit, the time extension granted in Amendment No. One, and the removal of the lights authorized in Amendment No. Two all involve work centered on the temporary installation of a light sculpture on the Bay Bridge, a structure in the Bay. The project therefore involves minor fill in the Bay for improving shoreline appearance that complies with section 10700 and does not exceed 1,000 square feet, as defined by Commission Regulation 10601(a)(7), and is thus a “minor repair or improvement” for which the Executive Director may issue a permit, pursuant to Government Code Section 66632(f), Regulation Section 10622(a), and Regulation Section 10810.
2. **Amendment No. Three.** Amendment No. Three authorized the re-installation of the originally authorized “Bay Lights” sculpture and the illumination of the sculpture for a 10-year period. The bridge is a water-oriented use defined in Section 10605 of the McAteer-Petris Act. Several of the Bay’s bridges have decorative lights to enhance nighttime views of these iconic Bay structures (e.g., the Golden Gate Bridge, the east

span of the Bay Bridge). Because the light display is located on an existing bridge, the Bay's volume and surface area would not be reduced or impaired with the project. The re-installation and operation of the sculpture for a 10-year period is similar to, with no greater adverse impact to the Bay, as defined by Regulation Section 10601(e)(3), the placement of minor fill for improving public access, consistent with Regulation Section 10601(a)(8) and is thus considered a "minor repair or improvement" for which the Executive Director may issue an amendment to an existing permit pursuant to Government Code Section 66632(f) and Regulation Section 10810.

3. **Amendment No. Four.** Amendment No. Four authorizes the removal of the "Bay Lights" sculpture, installation of the "Bay Lights 360" sculpture, and illumination of the new sculpture for a 10-year period through December 31, 2033. Whereas the originally authorized "Bay Lights" sculpture included lights only on the outward-facing side of the Bay Bridge, the "Bay Lights 360" sculpture will also include lights on the inward- (roadway-) facing side of the cables. As a result, the new sculpture will have 48,000 lights, as opposed to the 25,000 lights that comprise the original sculpture. While there will be an increase in the number of lights, the project is located fully within the footprint of the Bay Bridge and will not expand the footprint of existing fill. Further, the project is intended to improve the appearance of the shoreline and the public's enjoyment of the Bay. The project therefore involves minor fill in the Bay for improving shoreline appearance that complies with section 10700 and does not exceed 1,000 square feet, as defined by Commission Regulation 10601(a)(7), and thus, is a "minor repair or improvement" for which the Executive Director may issue a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10810.

C. Consistency with McAteer-Petris Act and San Francisco Bay Plan.

1. **Original Authorization and Amendment Nos. One Through Two.** The project authorized by this permit is consistent with the McAteer-Petris Act and with the San Francisco Bay Plan in that the project will not adversely affect the Bay nor public access to and enjoyment of the Bay. Special Condition II.B.1 requires that the permittee prevent construction debris from entering the Bay in order to protect Bay water quality and navigation, consistent with the Bay Plan policies on these subjects. Special Conditions II.B.3 and II.B.4 have been included to assure that installation and dismantling activities will be conducted in such a manner that will minimize adverse impacts to birds by requiring monitoring during installation and dismantling by a trained ornithologist, consistent with Bay Plan policies on Fish, Other Aquatic Organisms, and Wildlife. Amendment No. Two, which authorizes dismantling of the lights during the bird breeding season, was authorized based on input from the U.S. Fish and Wildlife Service Migratory Bird Program that birds are highly unlikely to nest on the Bay Bridge West Span vertical suspender cables due to the lack of horizontal surfaces. Special Condition II.B.4 requires that an avian monitor check

for nests on a weekly basis to ensure that work during the breeding season does not negatively impact nesting migratory birds. The lights are being removed to construct a more robust hardware system suitable for a longer-term display.

2. **Amendment No. Three.** To ensure that the reinstallation and continued illumination of the sculpture is consistent with the Bay Plan policies on Wildlife, Fish and Other Aquatic Organisms, Special Conditions II.B.4 and II.C were included in this amended authorization. Special Condition II.B.4 required that the installation, repairs and maintenance, and removal of the light display at the end of its authorized use occur between July 1 and March 1 of any year to avoid impacting nesting birds. If work was to occur on the light display between March 1 and July 1, the condition required that a bird monitor be present to survey for bird nests, evaluate impacts of light installation and repairs to nesting birds, recommend procedures for minimizing these impacts, and report on the monitoring efforts and recommendations to the Commission. Special Condition II.C required the replacement of the existing roadway lighting with LED lights to ensure that light emissions from the bridge are minimized, thereby reducing impacts to migratory birds. Bay Plan policies on Appearance, Design, and Scenic Views require that “maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore” and that “structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline.” To assure that the project is consistent with these policies, Special Condition II.D was included to ensure that the sculpture is not used for commercial displays or to emit messaging or notifications that would detract from the visual enjoyment of the Bay.
3. **Amendment No. Four.** The project authorized by Amendment No. Four is similar to the originally authorized project and any potential impacts are expected to be similar to those addressed in previous amendments. Special Condition II.B.5 has been added to require that any materials no longer being used in the “Bay Lights” sculpture be removed from the Commission’s jurisdiction to protect water quality and navigational safety, consistent with the Bay Plan policies on these subjects, including Water Quality Policy No. 3 and Navigational Safety and Oil Spill Prevention Policy No. 1. Special Condition II.B.3 and Special Condition II.B.4, as modified, will minimize adverse impacts to birds, consistent with the Bay Plan policies on Fish, Other Aquatic Organisms, and Wildlife. Specifically, Amendment No. Four modifies Special Condition II.B.4 to clarify that during the bird breeding season, from March 1 to August 15, an avian monitor must survey the project area weekly for nests and make recommendations for minimizing disturbance to nesting birds. Outside of the bird breeding season, from August 16 to February 28/29, work may proceed without weekly monitoring; however, if an active nest is encountered, then avian monitoring will be required. These work windows were determined based upon updated guidance from the U.S. Fish and Wildlife Service Migratory Birds Program and the California Department of Fish and Wildlife (CDFW) Wildlife

Diversity Program. A report commissioned by Caltrans, dated April 2023, summarizing the existing research on the effects of LED lights on terrestrial wildlife found that the color, intensity, and special characteristics such as flicker of LED lights have the potential to disrupt migration patterns of birds, bats, and insects. However, a biological memo assessing the likely impacts of the project concluded that the sculpture is not expected to significantly adversely impact the Bay or wildlife species given the existing high levels of ambient light on the Bay Bridge and roadway and the low levels of light expected to reach the water. As a result, no special conditions have been required to mitigate for light impacts, but in considering any future requests to extend the authorization for the project, the Commission should take into account the most current research on the impacts of LED lights in consultation with the appropriate wildlife agencies.

C. Coastal Zone Management Act. The Commission further finds, declares, and certifies that the activity or activities authorized herein are consistent with the Commission's Amended Management Program for San Francisco Bay, as approved by the Department of Commerce under the Federal Coastal Zone Management Act of 1972, as amended.

D. Environmental Review. The Bay Area Toll Authority (BATA), acting as the lead environmental agency, issued a notice of exemption, dated June 8, 2012, which found the project categorically exempt from the need to prepare an environmental document under the California Environmental Quality Act (CEQA).

E. Listing with the Commission. Pursuant to Regulation Section 10620, the original project was listed with the Commission on August 2, 2012.

IV. Standard Conditions

A. Permit Execution. This amended permit shall not take effect unless the permittee executes the original of this amended permit and returns it to the Commission within ten days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. Notice of Completion. The attached Notice of Completion and Declaration of Compliance form shall be returned to the Commission within 30 days following completion of the work.

C. Permit Assignment. The rights, duties, and obligations contained in this amended permit are assignable. When the permittee transfers any interest in any property either on which the activity is authorized to occur or which is necessary to achieve full compliance of one or more conditions to this amended permit, the permittee/transferor and the transferee shall execute and submit to the Commission a permit assignment form acceptable to the Executive Director. An assignment shall not be effective until the assignee executes, and the Executive Director receives an acknowledgment that the assignee has read and understands the amended permit and agrees to be bound by the terms and conditions of the amended permit, and the assignee is accepted by the Executive Director as being reasonably capable of complying with the terms and conditions of the amended permit.

D. Permit Runs With the Land. Unless otherwise provided in this amended permit, the terms and conditions of this amended permit shall bind all future owners and future possessors of any legal interest in the land and shall run with the land.

E. Other Government Approvals. All required permissions from governmental bodies must be obtained before the commencement of work; these bodies include, but are not limited to, the U. S. Army Corps of Engineers, the State Lands Commission, the Regional Water Quality Control Board, and the city or county in which the work is to be performed, whenever any of these may be required. This amended permit does not relieve the permittee of any obligations imposed by State or Federal law, either statutory or otherwise.

F. Built Project must be Consistent with Application. Work must be performed in the precise manner and at the precise locations indicated in your application, as such may have been modified by the terms of the amended permit and any plans approved in writing by or on behalf of the Commission.

G. Life of Authorization. Unless otherwise provided in this amended permit, all the terms and conditions of this amended permit shall remain effective for so long as the amended permit remains in effect or for so long as any use or construction authorized by this amended permit exists, whichever is longer.

H. Commission Jurisdiction. Any area subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission under either the McAteer-Petris Act or the Suisun Marsh Preservation Act at the time the permit is granted or thereafter shall remain subject to that jurisdiction notwithstanding the placement of any fill or the implementation of any substantial change in use authorized by this amended permit. Any area not subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission that becomes, as a result of any work or project authorized in this amended permit, subject to tidal action shall become subject to the Commission's "bay" jurisdiction.

I. Changes to the Commission's Jurisdiction as a Result of Natural Processes. This amended permit reflects the location of the shoreline of San Francisco Bay when the amended permit was issued. Over time, erosion, avulsion, accretion, subsidence, relative sea level change, and other factors may change the location of the shoreline, which may, in turn, change the extent of the Commission's regulatory jurisdiction. Therefore, the issuance of this amended permit does not guarantee that the Commission's jurisdiction will not change in the future.

J. Violation of Permit May Lead to Permit Revocation. Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any permit for such violation after a public hearing held on reasonable notice to the permittee or its assignee if the permit has been effectively assigned. If the amended permit is revoked, the Commission may determine, if it deems appropriate, that all or part of any fill or structure placed pursuant to this permit shall be removed by the permittee or its assignee if the permit has been assigned.

K. Should Permit Conditions Be Found to be Illegal or Unenforceable. Unless the Commission directs otherwise, this amended permit shall become null and void if any term, standard condition, or special condition of this amended permit shall be found illegal or unenforceable through the application of statute, administrative ruling, or court determination. If this permit becomes null and void, any fill or structures placed in reliance on this amended permit shall be subject to removal by the permittee or its assignee if the permit has been assigned to the extent that the Commission determines that such removal is appropriate. Any uses authorized shall be terminated to the extent that the Commission determines that such uses should be terminated.

L. Permission to Conduct Site Visit. The permittee shall grant permission to any member of the Commission's staff to conduct a site visit at the subject property during and after construction to verify that the project is being and has been constructed in compliance with the authorization and conditions contained herein. Site visits may occur during business hours without prior notice and after business hours with 24-hour notice.

M. In-Kind Repairs and Maintenance. Any in-kind repairs and maintenance of all areas shall only use construction material that is approved for use in San Francisco Bay. Construction shall only occur during current approved months during the year to avoid potential impacts to fish and wildlife. BCDC staff should be contacted to confirm current restrictions.

N. Abandonment. If, at any time, the Commission determines that the improvements in the Bay authorized herein, have been abandoned for a period of two years or more, or have deteriorated to the point that public health, safety or welfare is adversely affected, the Commission may require that the improvements be removed by the permittee, its assigns or successors in interest, or by the owner of the improvements, within 60 days or such other reasonable time as the Commission may direct.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

DocuSigned by:
Larry Goldzband
FD166E908010417...

LAWRENCE J. GOLDZBAND
Executive Director
San Francisco Bay Conservation and
Development Commission

LJG/JF/ra

PERMIT NO. M2012.009.04 (AMENDMENT NO. FOUR)
California Department of Transportation

Page 12
September 7, 2023

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at oakland, CA

California Department of Transportation
Permittee

On 9/8/2023 | 9:52:35 AM PDT

DocuSigned by:
Sheryl Sablan
E0E1C33F35364C7...

Signature

Sheryl Sablan

Print Name

office Chief - Maintenance Environmental

Title

- cc: U. S. Army Corps of Engineers, Attn.: Regulatory Functions Branch
- San Francisco Bay Regional Water Quality Control Board,
- Attn.: Certification Section
- Environmental Protection Agency
- U.S. Fish and Wildlife Service, Attn.: Migratory Bird Program
- California Department of Fish and Wildlife, Attn.: Wildlife Diversity Program
- City and County of San Francisco Planning Department



BAY AREA TOLL AUTHORITY

BAY AREA METRO CENTER
375 BEALE STREET
SAN FRANCISCO, CA 94105

TEL 415.778.6700
WEB www.mtc.ca.gov

December 12, 2024

ALFREDO PEDROZA, CHAIR
Napa County and Cities
NICK JOSEFOWITZ, VICE CHAIR
San Francisco Mayor's Appointee

MARGARET ABE-KOGA
Cities of Santa Clara County

EDDIE AHN
*San Francisco Bay Conservation
and Development Commission*

DAVID CANEPA
San Mateo County

CAROL DUTRA-VERNACI
Cities of Alameda County

DINA EL-TAWANSY
*California State
Transportation Agency*

VICTORIA FLEMING
Sonoma County and Cities

DORENE M. GIACOPINI
U.S. Department of Transportation

FEDERAL D. GLOVER
Contra Costa County

REBECCA KAPLAN
Oakland Mayor's Appointee

MATT MAHAN
San Jose Mayor's Appointee

NATE MILEY
Alameda County

STEPHANIE MOULTON-PETERS
Marin County and Cities

SUE NOACK
Cities of Contra Costa County

GINA PAPAN
Cities of San Mateo County

DAVID RABBITT
Association of Bay Area Governments

HILLARY RONEN
City and County of San Francisco

LIBBY SCHAAF
*U.S. Department of Housing
and Urban Development*

JAMES P. SPERING
Solano County and Cities

VACANT
Santa Clara County

ANDREW B. FREMIER
Executive Director

ALIX BOCKELMAN
Chief Deputy Executive Director

Mr. Mark Baker
Soft Lights Foundation

RE: Bay Lights - ADA, CEQA, NEPA

Dear Mr. Baker:

Thank you for reaching out.

BATA Executive Director Andrew Fremier passed your letter to me for response. The Bay Lights 360 (TBL360) project is the continuation of an art installation on the north side of the San Francisco-Oakland Bay Bridge's West Spans. Caltrans is the authority for approving the Bay Lights 360 project through their Transportation Art Permit process. Caltrans approved the encroachment permit for the installation of TBL360 October 29, 2024.

A California Environmental Quality Act (CEQA) Notice of Exemption (NOE) was filed by the Bay Area Toll Authority for the project on August 15, 2023 with the San Francisco County Clerk-Recorder. A copy of that notice is attached.

Sincerely,

Signed by:

5E561B92129A4F1...
Lisa Klein
Deputy Executive Director, Mobility

LK:MN

Attachment

cc: Bart Ney, Ben Davis

FILED

SAN FRANCISCO County Clerk

AUG 15 2023

by: *M. Nadonza*
Mariedyne Nadonza
Deputy County Clerk

NOTICE OF EXEMPTION

To: San Francisco County Clerk-Recorder
City and County of San Francisco
City Hall, Room 168
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4678

From: Bay Area Toll Authority (BATA)
375 Beale Street, Suite 800
San Francisco, CA 94105

Project Title: The Bay Lights 360

Project Location: Bay Bridge, San Francisco, CA

Project Location - City: San Francisco

Project Location - County: San Francisco

Name of Public Agency Approving Project: Bay Area Toll Authority

Description of Project: The Bay Lights is an existing art installation on the north side of the Bay Bridge's West Span and is the world's largest light-emitting diode (LED) light sculpture. The Bay Lights became operational March 5, 2013, was replaced in kind in the fall of 2015, and recommissioned in February 2016 as a permanent installation. The proposed Project consists of three main components: (1) the extension of the light sculpture for another 10 years to 2033; (2) the replacement of the light fixtures with newly updated and more robust fixtures and components while keeping the same technical details and intensity of the lights as the current installation; and (3) the addition of light fixtures to the driver's (inward-facing) side of the same suspension cables for a 360-degree view of the light sculpture.

Name of Person or Agency Carrying Out Project: Bay Area Toll Authority

Exempt Status: Class 1, Section 15301, Existing Facilities: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

Reasons why project is exempt: The project is the extension of the light sculpture for another 10 years, removal and re-installation of the existing LED lights, and the addition of new lights on the driver's side of the same suspension cables to allow a 360-degree view of the LED light sculpture. The addition of the LED lights is considered a negligible expansion as the existing lights are already a prominent feature on the Bay Bridge and the hours of operation would remain the same.

Per Section 15300.2 of the California Environmental Quality Act (CEQA) Guidelines, it has been determined the project would not result in significant effects on the environment due to unusual circumstances. The project is not located on a hazardous waste site, will not damage scenic resources, cause a substantial adverse change in the significance of a historic resource, or result in a cumulative impact. For this reasons and those stated above, the project is exempt from the provisions of CEQA.

Lead Agency Contact Person: Alix Bockelman	Phone Number: 415-778-5250
<small>DocuSigned by:</small> <i>Alix Bockelman</i> Signature:	Title: Chief Deputy Executive Director
Date: 7/21/2023	

POSTED
AUG 15 2023

TO
SEP 27 2023



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

Print **Finalize&Email**

RECEIPT NUMBER:
 38-08/15/2023-090
 STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY BAY AREA TOLL AUTHORITY (BATA)	LEAD AGENCY EMAIL	DATE 08/15/2023
COUNTY/STATE AGENCY OF FILING SAN FRANCISCO COUNTY	DOCUMENT NUMBER 2023-0000054	

PROJECT TITLE
 THE BAY LIGHTS 360

PROJECT APPLICANT NAME ALIX BOCKELMAN	PROJECT APPLICANT EMAIL	PHONE NUMBER (415) 778-5250
PROJECT APPLICANT ADDRESS 375 BEALE STREET, SUITE 800	CITY SAN FRANCISCO	STATE CA
		ZIP CODE 94105

PROJECT APPLICANT (Check appropriate box)
 Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) \$ 3,839.25 \$ _____
- Mitigated/Negative Declaration (MND)(ND) \$ 2,764.00 \$ _____
- Certified Regulatory Program (CRP) document - payment due directly to CDFW \$ 1,305.25 \$ _____
- Exempt from fee
 - Notice of Exemption (attach)
 - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)
- Water Right Application or Petition Fee (State Water Resources Control Board only) \$ 850.00 \$ _____
- County documentary handling fee \$ 79.00 \$ _____ 79.00
- Other \$ _____

PAYMENT METHOD:

Cash Credit Check Other TOTAL RECEIVED \$ _____ 79.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE Mariedyne Nadonza Deputy Clerk
----------------	---