

Date: January 22, 2025  
W.I.: 1251  
Referred by: BATA Oversight

### ABSTRACT

#### BATA Resolution No. 180

This resolution adopts an Addendum to the Mitigated Negative Declaration adopted for the West Oakland Link Project (Project) (SCH# 2022060271) in January 2023 as BATA Resolution No. 161, adopts a revised Mitigation Monitoring Program, and approves related design changes to the Project.

The resolution includes the following attachments:

- Attachment A – Addendum to the Mitigated Negative Declaration
- Attachment B – Revised Mitigation Monitoring and Reporting

Further discussion of this resolution is contained in the Executive Director’s memorandum to the BATA Oversight Committee dated January 8, 2025.

Re: Adoption of Addendum to Mitigated Negative Declaration for the West Oakland Link Project (SCH# 2022060271) adopted in January 2023, Approval of Revised Mitigation Monitoring and Reporting Program, and Approval of related design changes for the Project

BAY AREA TOLL AUTHORITY  
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WHEREAS, Streets and Highways Code § 30950 *et seq.* created the Bay Area Toll Authority (“BATA”); and

WHEREAS, Streets and Highways Code § 30950 *et seq.* transfers to BATA certain duties and responsibilities of the California Transportation Commission (“CTC”) and California Department of Transportation (“Caltrans”) for the toll bridges owned and operated by Caltrans in the San Francisco Bay Area; and

WHEREAS, in accordance with Streets and Highways Code §§ 30950.2 and 30886, BATA is responsible for the administration of all toll revenues from state-owned toll bridges within the jurisdiction of the Metropolitan Transportation Commission; and

WHEREAS, Bay Area bridges are defined in Streets and Highways Code § 30910 to include the Antioch, Benicia-Martinez, Carquinez, Richmond-San Rafael, San Francisco Oakland, San Mateo-Hayward, and Dumbarton Bridges; and

WHEREAS, the West Oakland Link Project, which is part of the Bay Trail, is a proposed new bicycle/pedestrian connection between West Oakland and the bike path leading to the East Span of the San Francisco-Oakland Bay Bridge (Bay Bridge) in Oakland, California (the “Project”); and

WHEREAS, BATA served as the lead agency in preparing and adopting a Mitigated Negative Declaration (“MND”) (SCH# 2022060271) pursuant to BATA Resolution No. 161, in January 2023 with the assistance of BATA staff and

consultants pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code § 21000 et seq.) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) for the Project; and

WHEREAS, the Project design has been revised based on recommendations from a value engineering study, additional public input, and to simplify the right-of-way acquisition process; and

WHEREAS, the design modifications will enhance access and safety as well as minimize impacts to existing utilities; and

WHEREAS, BATA served as the lead agency in preparing an addendum to the adopted MND (Attachment A) (“Addendum”) to consider whether the design changes would affect the conclusions of the previously adopted MND; and

WHEREAS, environmental review of the design changes did not identify any new significant or substantially more severe impacts of the revised Project compared with those identified and evaluated in the previously adopted MND and thus there is no requirement for preparation of a subsequent MND or EIR pursuant to State CEQA Guidelines § 15162 and an addendum to the adopted MND can be prepared pursuant to State CEQA Guidelines § 15164; and.

WHEREAS, State CEQA Guidelines § 15164 provides that a lead agency shall certify that it has considered the information presented in the addendum to an MND prior to approving the changes in the project; and

WHEREAS, the recommendation to adopt the Addendum was placed on the agendas for the January 8, 2025 Bay Area Toll Authority Oversight Committee and the January 22, 2025 Authority meetings, which were duly noticed to the public on or before January 5, 2025 and January 19, 2025, respectively; and

WHEREAS, all of the conclusions made by BATA pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, prior to taking action on the Addendum, BATA has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Addendum, oral and written evidence presented to it during all meetings; now, therefore, be it

RESOLVED, that BATA hereby certifies that the foregoing recitals are true and correct and incorporated by this reference; and be it further

RESOLVED, that BATA prepared the Addendum; and be it further

RESOLVED, that BATA finds the Addendum satisfies all the requirements of CEQA and the State CEQA Guidelines; and be it further

RESOLVED, that BATA finds on the basis of the whole record before it (including the initial study, the MND, the Addendum, and any comments received), that there is no substantial evidence that the Project, including Project revisions, will have a significant effect on the environment; and be it further

RESOLVED, that BATA certifies that the Addendum (attached hereto as Attachment A and incorporated herein as though set forth at length) represents the independent judgment and analysis of BATA; and be it further

RESOLVED, that BATA, as the decision-making body, adopts the Addendum that was presented to it and that it has reviewed and considered the information in the

Addendum prior to approving BATA's action to approve the changes in the Project and be it further

RESOLVED, that BATA approves the revised Mitigation Monitoring and Reporting Program (MMRP) (attached hereto as Attachment B and incorporated herein as though set forth in length) and be it further

RESOLVED, that BATA approves the Project design changes as set forth in the Addendum, and upon BATA's action to approve these Project changes, staff is directed to immediately (within five working days): (a) file a Notice of Determination documenting these decisions (CEQA Guidelines § 15075); and (b) retain a copy of the adopted Addendum to the MND as a public record.

BAY AREA TOLL AUTHORITY

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Nick Josefowitz, Vice Chair

The above resolution was entered into by the Bay Area Toll Authority at a duly called and noticed meeting held in San Francisco, California and at other remote locations, on January 22, 2025.

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Attachment A

### **Addendum to the Mitigated Negative Declaration**

The Addendum to the Mitigation Negative Declaration is on file in the offices of the Bay Area Toll Authority, Bay Area Metro Center, 375 Beale Street, Suite 800, San Francisco, CA 94105. The Addendum can also be found on the West Oakland Link webpage at: <https://mtc.ca.gov/planning/transportation/bicycle-pedestrian-micromobility/west-oakland-link>

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BATA Resolution No. 180  
Attachment B

### **Revised Mitigation Monitoring and Reporting Program for the West Oakland Link**

The Revised Mitigation Monitoring and Reporting Program for the West Oakland Link is on file in the offices of the Bay Area Toll Authority, Bay Area Metro Center, 375 Beale Street, Suite 800, San Francisco, CA 94105. The Revised Mitigation Monitoring and Reporting Program can also be found on the West Oakland Link webpage at: <https://mtc.ca.gov/planning/transportation/bicycle-pedestrian-micromobility/west-oakland-link>