

From: [Mark Baker](#)
To: [Carsie Bonner](#); [Alix Bockelman](#)
Cc: [Kathleen Kane](#); [Ben Davis](#); [Higuera, Amy R.](#); [Scott Spansail](#); [Flint, Jennifer@DOT](#); [Andrew Fremier](#)
Subject: Bay Lights 360 - Alix Bockelman is the Liable Party
Date: Tuesday, July 29, 2025 8:48:02 PM
Attachments: [image.png](#)
[Final TBL NOE 20230815 Stamped.pdf](#)
[2024-07-08 - The Bay Lights 360 Issue Memo 06252024.docx](#)
[Exhibit A - Encroachment Permit.pdf](#)

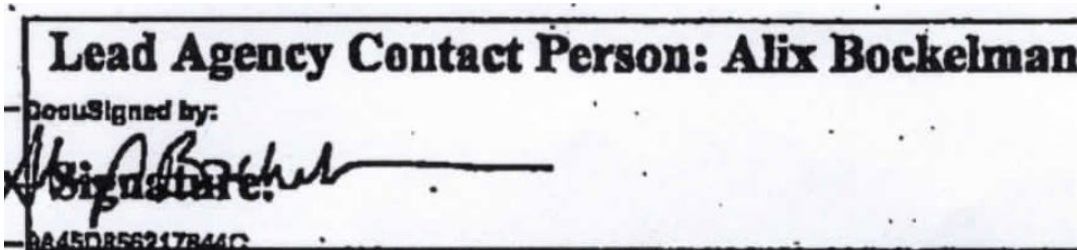
External Email

Dear Alix Bockelman, Chief Deputy Executive Director, Metropolitan Transportation Commission,

This is an open letter to the Bay Area Toll Authority Oversight Committee and shall be entered into the public record.

I wish to convey to you how consequential it is that Ms. Higuera informed the the court on July 28, 2025 that it is BATA's opinion that the August 15, 2023 Notice of Exemption for the Bay Lights 360 project is equivalent to the Actual Project Approval document and that the the Court already has in its possession all necessary documents to determine whether the Bay Lights 360 project has been approved and that there is no separate project approval document.

Although she did not mention you by name in Court, Ms. Higuera's contention is that you are the liable party for having made the decision to file the August 15, 2023 Notice of Exemption and then claim that the NOE is also the project approval document for the Bay Lights 360 project.



Because there is no other document approving the Bay Lights 360 project, it appears that it was solely your decision to file the NOE and make the unsubstantiated claim that the filing of the NOE approved the Bay Lights 360 project. You took this action without compliance with the Ralph M. Brown Act and without compliance with CEQA guidelines which require that a project approval document be created first, and that the separate NOE document be filed second.

Officials as high as California Assemblymember Scott Wiener have accused me in the media of abusing CEQA to stop the Bay Lights 360 project. In fact, all I have done is uncover that Alix Bockelman, Chief Deputy Executive Director of the MTC, violated the CEQA process by filing the NOE head of Actual Project Approval, and then has been using a bevy of lawyers to cover up the violation, at taxpayer expense. This is waste, fraud, and abuse, and your actions need to be investigated by the Bay Area Toll Authority Oversight Committee and the California Department of Transportation Inspector General.

The public expects that unelected government officials are acting in the best interests of the public and complying with all laws, and that if errors are made, that the public officials own up to the errors, not try to cover up the errors with taxpayer funded lawyers.

I also want to inform you that once Caltrans issued the encroachment permit on October 29, 2024, the entire Bay Lights 360 project is required to be reassessed for environmental review. The NOE that you filed on August 15, 2023 has now been rendered moot. As is made clear in the Issues Document from Caltrans on July 8, 2024, Caltrans is expecting a revaluation of the original environmental assessment. "Before approval of an encroachment permit for installation, Illuminate is required to **revalidate** CEQA Categorical Exemption (CE)," [emphasis added]. This requirement from Caltrans does not refer to the NOE that you filed on August 15, 2023, but refers to an effort to revalidate the Categorical Exemption that you claimed prior to the addition of the Bay Lights Safety Study requirement. Neither BATA nor illuminate have taken this required step.

The Court hearing for the demurrer for the current lawsuit is September 8, 2025. There may be significant fallout as the case is resolved and the media learn how Alix Bockelman, perhaps on her own or perhaps as part of a conspiracy, made the decision to try to carry out the Bay Lights 360 illegally. It may be in your best interests to confront this issue directly, rather than allowing the consequences to play out on their own.

My recommendation to BATA is that BATA acknowledge the errors that were made and agree to settle the lawsuit. Because I have acted as a Pro Se litigant, I have only incurred consulting and court fees that need to be reimbursed to me. There are no attorney fees for the Petitioner. Such a decision to settle and acknowledge the errors may blunt the fallout from this case somewhat because of the action of accountability. If BATA chooses to simply continue fighting the case until the Court rules against them, then there will be no opportunity to show the public that BATA is capable of acknowledging their mistakes.

Sincerely,

Mark Baker
President
Soft Lights Foundation
www.softlights.org
mbaker@softlights.org
X: @softlights_org
Bluesky: @softlights-org.bsky.social