

Date: October 22, 2025
W.I.: 2662
Referred by: RNM

ABSTRACT
MTC Resolution No. 4736

This resolution authorizes the delegation of the Dumbarton Bicycle Access Improvements Plans Approval to specified staff and directs staff to file a Notice of Exemption under the California Environmental Quality Act (CEQA).

Further discussion of this subject is contained in the Regional Network Committee summary sheet dated October 10, 2025.

Date: October 22, 2025

W.I.: 2662

Referred by: RNM

Re: Delegation of the Dumbarton Bicycle Access Improvements Project Design Plans
Approval to specified staff and direction to staff to file a Notice of Exemption under the
California Environmental Quality Act (CEQA)

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4736

WHEREAS, California Government Code Section 830.6 provides limitations on liability for public entities for conditions of public property where the public entity exercises appropriate discretion in the planning and design of public improvements. This limitation of liability is commonly known as “design immunity”; and

WHEREAS, California Government Code Section 830.6 requires public entities to establish the following three elements to invoke design immunity protections: (1) discretionary approval of a design before construction; (2) substantial evidence supporting the reasonableness of the design; and (3) a causal relationship between the design and the harm claimed; and

WHEREAS, the first element may be satisfied where the legislative body of a public entity, or the legislative body’s delegee, exercises discretionary authority to approve the plan or design of the improvement in advance of construction of the improvement; and

WHEREAS, the Metropolitan Transportation Commission (MTC) anticipates constructing a public improvement through its work on the Dumbarton Bicycle Access Improvements project; and

WHEREAS, MTC is the Lead Agency for the Dumbarton Bicycle Access Improvements project and is responsible for completing any required environmental studies 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, MTC analyzed the potential environmental effects of the proposed project and finds that the proposed project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301, Class 1 for modifications to existing facilities; Section 15302, Class 2 for replacement and reconstruction of existing structures and facilities; and Section 15304, Class 4 for minor alterations to land. The project is also consistent with the common sense exemption under CEQA Guidelines Section 15061(b)(3), which applies when it can be seen with certainty that the project would not have a significant effect on the environment. MTC further finds that the project does not meet any of the exceptions listed in CEQA Guidelines Section 15300.2; and

WHEREAS, subject to the terms below, the legislative body of MTC desires to delegate to a MTC employee the discretionary authority to approve the planning and design of a public improvement; and

WHEREAS, this resolution does not impact, affect, or change the legislative body's discretion or authority to appropriate or approve project funding or to independently review and approve planning or design for the public improvement; and

WHEREAS, this resolution does not circumvent other established project planning and design processes; and

WHEREAS, this resolution is narrowly tailored to the specific project, employee, and terms set forth below and for the purpose of supporting the MTC's design immunity protections as provided by State law; now, therefore be it

RESOLVED, that MTC considered the potential environmental effects of the proposed project in compliance with the requirements of CEQA and the CEQA Guidelines; and be it further

RESOLVED, that MTC finds on the basis of the whole record before it and its independent judgment that there is no substantial evidence that the Project will have a significant effect on the environment and the project is exempt from CEQA under the Class 1, Class 2, and Class 4 Categorical Exemptions as well as the common sense exemption under section 15061(b)(3), and that no exceptions under section 15300.2 apply; and be it further

RESOLVED, that staff is directed to immediately (within five working days): (a) file an NOE documenting these decisions (CEQA Guidelines § 15061 and 15062); and (b) retain a copy of the NOE as a public record.

RESOLVED, that the legislative body of MTC hereby delegates to Principal Engineer, Capital Delivery, Asset Management, Roadside Tolling (or successor sections and/or positions with the same or similar scope and responsibilities), jointly and severally, the authority to exercise discretionary authority on behalf of MTC to approve the designs, design amendments, and design addenda for the Dumbarton Bicycle Access Improvements project; and, be it further

RESOLVED, that the legislative body of MTC delegates authority to Principal Engineer, Capital Delivery, Asset Management, Roadside Tolling (or successor sections and/or positions with the same or similar scope and responsibilities) provided that any designs, design amendments, and design addenda approved by Principal Engineer, Capital Delivery, Asset Management, Roadside Tolling (or successor sections and/or positions with the same or similar scope and responsibilities) are prepared by or previously reviewed by an appropriate licensed design professional; and, be it further

RESOLVED, that the approval of any designs, design amendments, and design addenda by Principal Engineer, Capital Delivery, Asset Management, Roadside Tolling or successor sections and/or positions with the same or similar scope and responsibilities) is limited to the acceptance or approval of the designs based upon an appropriate licensed design professional's representation that such designs are in general conformance with applicable statutes, codes, standards, and guidelines for the purposes of California Government Code Section 830.6 and

otherwise, the responsibility and liability for the completeness, accuracy, and conformance of such will continue to reside with the Engineer of Record, Engineering Firm of Record, or public agency that prepared the design; and, be it further

RESOLVED, that Principal Engineer, Capital Delivery, Asset Management, Roadside Tolling (or successor sections and/or positions with the same or similar scope and responsibilities) shall document this resolution and any approvals exercised by Principal Engineer, Capital Delivery, Asset Management, Roadside Tolling (or successor sections and/or positions with the same or similar scope and responsibilities) in the project file for the Dumbarton Bicycle Access Improvements project.

METROPOLITAN TRANSPORTATION COMMISSION

Sue Noack, Chair

The above resolution was entered into by
Metropolitan Transportation Commission at a
regular meeting of the MTC held in San Francisco,
California and at other remote locations,
on October 22, 2025.