San Francisco Bay Conservation and Development Commission

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DRAFT MINUTES

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415-352-3653; larry.goldzband@bcdc.ca.gov)
Sierra Peterson, Executive & Commissioner Liaison (415-352-3608; sierra.peterson@bcdc.ca.gov)

SUBJECT: Draft Minutes of August 7, 2025 Hybrid Commission Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Wasserman at 10:06 a.m. The meeting was held with a principal physical location of 375 Beale Street, San Francisco, California, and online via Zoom and teleconference.

Chair Wasserman stated: Good morning, all. Good morning. Welcome to this not common morning meeting of BCDC. My name is Zack Wasserman, and I am the Chair of the Commission. I want to thank the Commissioners who are here at Metro Center as well as those who are participating virtually and thank the members of the public for turning out at this earlier hour.

Chair Wasserman asked Ms. Peterson to proceed with Agenda Item 2, Roll Call.

2. Roll Call. Present were: Chair Wasserman, Vice Chair Eisen, Commissioners Addiego, Dorsey, Eckerle (represented by Alternate Kimball), Gauthier, Gioia, Gunther, Hasz, Kato (represented by Alternate Pemberton), Lee (represented by Alternate Kishimoto), Mashburn (represented by Alternate Vasquez), Moulton-Peters (represented by Alternate Cox), Ramos (represented by Alternate Manfree), Randolph, Tam (represented by Alternate Gilmore), Taylor (joined after Roll Call) and VACANT (represented by Alternate Nelson). Jesse Arreguin, appointee of the Senate Rules Committee, represented by Alternate Zepeda), and Catherine Stefani, appointee of the Speaker of the Assembly (represented by Alternate Falzon) were also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Eklund, Gonzalez), Speaker of the Assembly (Ahn), USACE (Beach), Department of Finance (Benson), U.S. Environmental Protection Agency (Blake), Business, Transportation & Housing (El-Tawansy), Sonoma County (Hermosillo), Senate Rules Committee (Showalter)

3. Public Comment Period. Chair Wasserman called for public comment on subjects that were not on the agenda.

Allison Baden commented: Good morning, Commissioners. I have several topics on one issue to cover in three minutes so I might just kind of ramble quickly. This is about the Brigantine Kaisei that is at Stone Boat Yard. It sank at the end of May, and it had sunk before there. It is on Blanding in Alameda where the Nob Hill Foods is. It has been written up in *Latitude 38* and the article says that a large object hit the Brigantine and made it take on water.

But I have a craft at the same dock. It is a World War II Higgins ship-to-shore vehicle. It has been framed in fiberglass with a little cabin on top and there's really no large objects and sticks and debris floating down there.

And the owner, Mary Crowley, of Marin County, she runs Ocean Voyages, which is a charter business, and Ocean Voyages Institute, which is a plastic cleanup nonprofit. And the Kaisei many years ago went out to the garbage patch. But it has been neglected and at the dock for years and years. There is no reason there should have been 200 or 400 gallons or any fuel on it at all.

But the article says that a maintenance crew went down there four to five times a week and that is not true. It was a single guy. It was her accountant, and he went down to pump it out, not to do work. And it has been taking on water for years. I personally recommended two highly qualified people to fix it and it would have been fixed a couple years ago, but she literally said to me, I'm leaving it to Ryan, which is the accountant, and she didn't hire any of these people.

Very recently, there was a new person hired but the person down there checking on my craft and checking the bilge said she had only seen them once.

And the reason it is so important is the conduct here and whether insurance gets paid out, it gives an incentive for people to neglect their craft in BCDC jurisdiction.

And let's see. It sank because of unqualified people and neglect. In fact, I think it is criminal neglect. And yes. So, with regard to insurance fraud I think it was set up to sink. She should be charged. It is criminal negligence.

She mentioned sticks and debris two years ago and asked if I had ever seen them, or if they'd hit my boat and I said, no, not on my boat. She rejected referrals and she said she's leaving it to her accountant.

But the real reason I wanted to speak today, well, not the real reason, but we have come here and spoke a lot about liveaboards in marinas and safety and security, and how they lend safety and security. First, they hear the alarm when boats are taking on water. They call the police and fire boats. They call the Coast Guard. They get out there and bail until first responders show up. And so there used to be two liveaboards living at that marina and it wouldn't have sank once, much less twice, if there had been.

If I could ask, please, the last thing is really important for the Commission which is, I had been informed that a member of the staff and even the Legal Department was affiliated with this nonprofit. Now I hope that's wrong. I just would like it looked into and disclosed if anyone in the staff or the Commission or the Legal Department was affiliated with this nonprofit over the last several years. I would like it referred to the AG for insurance fraud. Thank you.

Bruce Doogie spoke: Good morning, my name is Bruce Doogie. This is the first time I've ever been to this building. I rode my bicycle over here, took BART, and was extremely disappointed to find the parking in the garage, the bicycle parking, to be so subpar, especially for, you know, the Air Resources Board and BCDC and all of MTC, you know, the organizations that are operating out of this location. Super disappointing. It is like, it is the worst parking I've ever seen.

I'm pretty sure you can just pull, you know, I tried to lock to the rack, but I am pretty sure you can just pull the rack apart, it is very flimsy. It doesn't go anywhere near the frame. It just grabs the rear wheel. I haven't seen anything like that since the 1980s so it is really pretty pathetic and disappointing. So, if you could please put in some actual bike parking, even it would be great to have some of those lockers, that would be

fantastic. Thank you much.

Chair Wasserman stated: We will pass that comment on. BCDC is a mere tenant in the building.

Tim Oey was called: My name is Tim Oey and my comment is regarding the bike facilities under BCDC space outside of the Bridge in question for topic 9. It would be great to have all the other bridges have equitable bike access.

And also, there are lots of parts of the Bay Trail that are under BCDC jurisdiction, and it is sometimes very difficult to identify who is responsible for which parts of the Trail so that things on the Bay Trail can get fixed properly. I still have another number of items that need to be fixed on that Trail. And I hope BCDC can also encourage whoever the permit holders are to improve their signage so that the Bay Trail can be navigated more easily.

Thanks very much, and that's it for me.

Chair Wasserman continued to the Report of the Chair.

4. Report of the Chair. Chair Wasserman reported on the following: That brings us to Item 4, the Chair Report.

First, I want to thank all of the members of the public for coming today. It is not our largest public participation, but it is certainly up there on the list.

And I know there are different positions on the issues around the Richmond-San Rafael Bridge that are in strong opposition to each other. I appreciate the civility that you have demonstrated thus far this morning, and I hope that will continue.

I know you have signs as you are entitled to, please do make sure that they don't block anybody's vision. If you are taking pictures, please do not use flash. And please continue to be respectful at all times.

We have some very important matters on our agenda today, but we continue to face very difficult situations in our country that directly affect all of us as citizens of this country and directly affect our mission in terms of preserving the San Francisco Bay.

We used to have a government run by principle and policy. You could disagree with those policies, and I most certainly have in the past. It appears today we have a government by whim.

As I was coming in there was the report that they are having to scramble to attempt to rehire hundreds of people for the National Weather Service who were terminated during the reign of DOGE. Whim, Twitter, appearance, is no way to run a government or a country. And yet, unfortunately, it appears that is the way our government is being run today, both by the administration and by the majority in Congress.

The media is doing an okay job, but not a great job.

The courts appear to be doing a significant job in standing up to the onslaught, how that comes out will yet to be seen.

And all I ask is that we support each other in these times, but that we continue to be vigilant and as worried as we may be yet be hopeful that we can preserve our democracy.

I wish I had specific actions to encourage you to do. And there are some things that we can do, we know what those are, but it is going to be a long, hard fight.

A. Commission Meeting Schedule: I do want to remind Commissioners that we are going to continue to have full meetings between now and the end of October, including our

meeting in two weeks, which I will talk about in a few minutes.

B. New Commissioner: I want to welcome back as a member of the Commission Richmond City Council Member and Vice Mayor Cesar Zepeda. Earlier this week Commissioner Zepeda was named by Commissioner Jesse Arreguin as his Alternate Ex Officio Member. Welcome back, Cesar. Thank you for joining us again.

C. Enforcement Committee: I am also very pleased to announce that Commissioner Carl Hasz has graciously agreed to join the Commission's Enforcement Committee, which is chaired so admirably by Commissioner Gilmore. We look forward to your continued work.

D. Sand Studies Commissioner Working Group: Our Sand Studies Commissioner Working Group met yesterday. The Working Group has been working diligently to understand and communicate the complex nature of sand mining activities in the Bay in preparation for the Commission's discussion of a sand mining permit application next year. I want to thank once again Commissioners Showalter, Nelson and Gunther for taking on this difficult task. And I do not think Commissioner Showalter is with us.

Executive Director Goldzband stated: Commissioner Showalter took ill. She had planned to be here, but she could not participate because she is not noticed where she was. So, if you would like to ask Commissioner Gunther to take her place for a couple of minutes, I think he would be willing to do so.

Commissioner Gunther reported the following: Well, I am happy to do so. This was our fifth meeting, I think. The overall context here is that we issued a permit for sand mining 10 years ago and the permittees agreed to invest in a joint fact-finding expedition that we have been on for the last 10 years, trying to understand the effects of sand mining in the Bay in more detail.

Sand mining occurs both up near Chipps Island and also off of Angel Island and along the North Shore of San Francisco. And there has been a lot of work that has been done so we are listening to it all and trying to summarize it all.

Yesterday we were talking about potential water quality impacts of the sand mining operations.

I will say that this is an activity that takes place in a highly dynamic, complex situation in the Central Bay where understanding cause and effect of the variety of forces at work at any given moment is very, very difficult. But this is an admirable effort to try and use science to develop evidence that we can all examine and discuss.

And I would just to follow on with what the Chairman said, this is precisely what is not happening now in the federal government.

I just want to take this moment to call attention to the fact that the global CO_2 data set, which was started by Charles David Keeling from UC San Diego in 1958 and has been carried on by his son, and what I call probably the single most important graph in the history of the world. The collection of this data is proposed to be canceled by the United States government starting next year in just an unbelievably shortsighted and actually nefarious effort to prevent us from understanding what is happening to the planet.

And I am glad that whether it is sand mining or it is other issues in San Francisco Bay, that we are still operating on the premise that we should gather data jointly amongst all of the stakeholders so we can see what is happening and then we get to argue about what we should do about it.

So, if there are any other questions about the sand mining I can try and answer them, or punt to Chair Showalter when she returns.

Chair Wasserman asked: Are there any questions for Commissioner Gunther? I see none. Thank you.

E. Next Meeting: Our next meeting will occur in two weeks on August 21 and that agenda is, as noted, very full. We expect to consider three separate issues that will again likely engender much public discussion:

- A vote on the draft Bay Plan Amendment where we held a public hearing last month, the San Francisco Waterfront Special Area Plan Amendment concerning Fisherman's Wharf and the Education Program that we expect to be carried out by the Exploratorium and others.
- A public hearing and possible vote on a permit for a project to restore Hayward Marsh.
- And a public hearing and possible vote on a project for a new dry dock on Mare Island.

I want to say one more thing about our next meeting. Hopefully you will remember that approving a Bay Plan Amendment such as the San Francisco Waterfront Amendment requires 18 affirmative votes, so we need more than adequate attendance on August 21. Sierra and Larry will be politely hounding all Commissioners to respond to the quorum call for the meeting and ensure that we have a robust number of Commissioners participating.

F. Ex Parte Disclosures: That brings us to ex parte disclosures. In case any Commissioners have inadvertently forgotten to provide staff with a report on any written or oral ex parte communications, please do so as soon as possible. Any Commissioners who have engaged in such communications please report them at this point by raising your hand and unmuting yourself. Do remember that while your written report should be detailed enough for the public to understand the conversation's main topics, your oral report should be brief. Is there anybody who wishes to make an ex parte disclosure?

Commissioner Gioia stated: I have had several ex parte communications that I have filed with the General Counsel that have been really within two categories on the San Rafael-Richmond Bridge Permit. One has been with MTC with regard to their permit application, and the other has been with the bicycle community with regard to comments on the application. So, I do have several that I have filed that fall into those two categories.

Chair Wasserman continued: Anybody else? I do not see any hands.

All right, that brings us to Item 5, the Report of the Executive Director.

5. Report of the Executive Director. Executive Director Goldzband reported: Thank you, Chair Wasserman.

Good morning to you all and thank you very much for agreeing to start this meeting at 10:00 a.m. to ensure that we can work through the complex issues surrounding the Richmond-San Rafael Bridge Permit in a timely manner.

Earlier this week I learned that on August 7, 1782, almost 250 years ago, General George Washington, Commander of the Continental Army, created three badges for his Army, commonly known as two Honorary Badges of Distinction and one Badge of Military Merit.

The Badge of Military Merit later became what we know as the Purple Heart. The Badges of Distinction seem to have disappeared soon after they were created. What caught my attention is that it appears that these awards may have been the first military awards ever designated to be earned by soldiers who were not officers.

Therefore, I think it is appropriate to announce this morning that BCDC will create its first non-officer award and present that award to all Commissioners who participate in this meeting from beginning to end. We have provisionally named that award "The Badge of Wasserman," but we are willing to consider other titles.

I will keep this report short for two reasons. First, I want to get us moving toward the agenda items as quickly as possible. Second, this is my first week back in the office after three weeks away, including two weeks in another hemisphere, so I am still catching up. That being said, I want to give you a sneak peek at some of the issues that we will be bringing to you during the next few months just to whet your appetite.

First, we will be prepared in October or November to provide you with a full budget briefing that will include both last year and this year. You will remember that the State's budget process last year took the entire year. While BCDC came out of that process in as solid a shape as we could have hoped, we did not receive our preliminary numbers until halfway through the fiscal year and they were basically confirmed late in the fiscal year. Sean Williamson, our awesome budget guru, has been crunching numbers since July 1, and we will update you in early fall.

Second, you can expect to hear a great deal about new staff in the coming months. In addition to the seven staff members we will bring on board as a result of the enactment of SB 272 over a year ago, we will be backfilling various positions and we will be creating a few others to improve BCDC's operations.

Just as important, in late June we lost two important BCDC staff members, Reylina Ruiz, our Admin Director, and Anu Ragunathan, our HR Liaison. However, we are very fortunate that Peggy Atwell, our previous Director of Administration, has rejoined us as a retired annuitant to fill Reylina's shoes, and Johanna Collins, formerly the HR Chief for the Coastal Conservancy, has done the same for Anu. So, our Admin and HR processes continue on with some great help.

And senior staff will be bringing a somewhat large-scale strategic planning review and recommendation to the Commission this fall. Our current plan is set to end at the end of this year. I don't want to spoil the surprise so I won't tell you of our recommendation now and I don't imagine that you will lose sleep waiting for it.

That completes my Report, Chair Wasserman, and I'm happy to answer any questions.

(No questions were posed to the Executive Director.)

6. Consent Calendar

a) Approval of Minutes for the July 17, 2025 Meeting

b) Approval of Contract for Environmental Justice Advisors Fiscal Management

Chair Wasserman reviewed the items on the Consent Calendar and called for public comment.

(No members of the public addressed the Commission.)

Chair Wasserman asked for a motion and a second to adopt the Consent Calendar.

MOTION: Commissioner Nelson moved approval of the Consent Calendar, seconded by Commissioner Cox.

VOTE: The motion carried with a vote of 18-0-0 with Commissioners Addiego, Cox, Dorsey, Gauthier, Gioia, Gilmore, Gunther, Hasz, Kimball, Kishimoto, Manfree, Nelson, Pemberton, Randolph, Taylor, Vasquez, Vice Chair Eisen and Chair Wasserman voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

7. Consideration of Administrative Matters. Chair Wasserman asked if there were any questions for Regulatory Director Harriet Ross regarding the Administrative Listing.

(No members of the public addressed the Commission.)

(No questions were posed to Ms. Ross.)

8. Briefing on Legislative Issues. Chair Wasserman announced: That brings us to Item 8, our legislative briefing, which has been much postponed. We will now hear from our Director of Legislative and External Affairs, Rylan Gervase, on various pieces of proposed legislation in Sacramento that have the potential to affect our operations. We have not scheduled votes on these topics.

Director of Legislative and External Affairs Gervase addressed the Commission: Thank you, Mr. Chair. Good morning, Commissioners. I am very excited to finally get the chance to brief you all. I know we have had a couple of false starts, and I appreciate your patience.

First off, I would like to start by thanking Chair Wasserman, Commissioner Nelson and our Executive Director, as well as many folks on BCDC's staff, for spending a lot of time with me this legislative session to review and provide analysis on many different pieces of legislation.

As the Chair said, the purpose of today's briefing is to bring forward the most relevant bills to the Commission's work, answer any questions, and ideally get feedback from all of you on positions as well as analysis of the legislation.

To date, since December 2700 bills have been introduced in the California State Legislature. Of those, 31 are of particular relevance to BCDC and we are tracking them. Distributed with your agenda you should have found a packet that lists the full 31 bills in case you want to peruse it. Today, I will only be talking about a small handful of those and the most important ones in particular.

Where we are at in the legislative calendar is that the legislature is coming back next week after a month-long summer recess and they have until September 12 to act on any remaining bills. Many bills have already died or failed deadlines, but we are still looking at probably over 1,000 bills that are going to be heard over the next month and advance to the governor's desk where he will have the choice of either signing the bills, vetoing, or allowing it to pass into law without his signature.

So, with that I am going to start with a couple of bills that have already become law this summer.

The first one is SB 124 which actually contained some very exciting news for BCDC. This trailer bill included language that was sponsored by BCDC and was chaptered into law in June.

What the provisions of SB 124 do is they allow BCDC to spend funds that we collect from civil penalties on illegal activities much more flexibly. Previously, what is called the

Bay Fill and Abatement Fund was substantially restricted to only spend on removing fill. Now, with this new language of the trailer bill we can spend this more flexibly on activities that support the removal of fill including technology, services, programs, as well as personnel.

Because of this, we are actually going to be able to use the Bay Fill and Abatement Fund to purchase a comprehensive digital database that is going to greatly benefit our staff's work as well as provide additional transparency for the public. This database is going to host all of our permits, plans, as well as our enforcement and compliance activities.

As you have heard from a couple of reports from our Executive Director as well as our Regulatory Director, we are currently using several systems to track these, including a closet upstairs that contains paper records that date back to the 1960s. So, it is also going to provide some project management support so we will see a substantial increase in efficiency here at BCDC.

This was something that the Department of Finance as well as the State Auditor recommended we make this upgrade. And to date we have had some struggle actually obtaining the funds to purchase that. We have not been able to secure general funds. However, we are now going to be able to spend the Bay Fill and Abatement funds on this activity and staff are already working on a request for a proposal that we will hear updates on probably later this year.

The next bill, this was a part of the budget deal and contained a great deal of housing policy changes. In particular, one of the most relevant to BCDC is that AB 130 freezes local building codes for the next six years. Aside from a health and safety exemption, which does have high bar to secure, this likely means that local governments are no longer going to be able to require more proactive standards in the state when it comes to sea level rise adaptation. This includes code requirements for elevation requirements, flood resistant materials, and design requirements for flood resistant structures such as levees.

This is all something we had contemplated as a part of our Regional Shoreline Adaptation Plan that we had adopted in June, encouraging cities and counties to go out and consider these code changes as a part of their own subregional plans and their response to sea level rise. So essentially with AB 130 this option is taken off the table for at least the next six years.

Now, I have heard in Sacramento that there is some appetite in the Legislature for clean-up of this bill. There are some proposals circulating, and in particular they deal with this aspect of AB 130 which is the building code freeze. So, we may see some legislation come in the last month of session that does make some tweaks to this. I know that a lot of members of the legislature are particularly concerned about how quickly the budget deal was arrived at and dealing with those unintended consequences. So we may see further developments on this next month.

Another impact of AB 130 as well as its sister bill SB 131 which are both budget trailer bills and a part of the budget deal, was a huge reform of the California Environmental Quality Act.

This part of the budget deal incorporated bills from Senator Wiener as well as

Assembly Member Wicks, incorporated their CEQA proposal as part of the budget deal. And possibly one of the biggest changes to CEQA that this bill makes is that it exempts urban infill projects under 20 acres from any kind of CEQA review.

So aside from mega projects over 20 acres, this is probably the biggest change to CEQA maybe ever. When I was in the legislature as staff about 10 years ago, the legislature was very reluctant to even give one-off exemptions for sports stadiums, as I recall. So, this is probably one of the biggest changes we have seen. It is something, a version of something that Governor Brown put forward in 2016 that he was not able to get through and it is now law.

We do not quite have a full understanding of what the impact on BCDC is going to be. BCDC is not asked to permit a whole lot of housing, mostly because people are not looking necessarily in the Bay or within the shoreline band. However, our legal team is preparing a briefing for the Commission next month so I expect that they will be able to shed additional light onto this topic at that time.

Moving on from the budget trailer bills, our next bill, SB 71, also by Senator Wiener, is another CEQA bill. This one has much more clear implications for BCDC's work. It is still in the legislative process, although I do think it has a good chance of getting it to the governor's desk and I expect it will get signed if it does.

Current law exempts alternative-fueled ferry refueling stations. That is quite a mouthful. But essentially refueling stations for ferries that are powered by hydrogen or other clean energy technologies. It exempts these refueling stations from CEQA.

What SB 71 does is it expands and extends this exemption until 2032. It expands it to include any terminal station for any alternative-fueled ferry. So basically, any ferry station, whether it is the improvement of it or the construction of it in the Bay and along the California coast as well, or else California will no longer require a CEQA analysis.

There is an exemption from this exemption. Any terminals that are currently entering the CEQA process or going to enter by the end of the year, are still going to have to go through CEQA review. So, what that means for the Bay is that the proposed terminals in Berkeley and Redwood City would still need to go through CEQA review.

The Bay ferry agency WETA has plans to add several more terminals in the Bay by 2050. I know they are looking at one in Mission Bay as well as Treasure Island and they are also considering a bunch of other ones around the Bay. So, there are going to be several more ferry terminals that by 2050 that are not going to go through the CEQA review.

So, what this means for BCDC is our staff substantially rely on the environmental impact reports of CEQA to perform their own analysis for permits to define exactly what the impact is on Bay resources. And that is a similar case for every regulatory agency that looks at these permits within the Bay.

What is most likely to happen is each regulatory agency is going to need to require applicants to put together a bespoke individual study particularly to that agency's concern. So really the impact of this bill is going from one big environmental study to most likely several environmental studies that are going to be administered by each agency because the bill does not relieve BCDC or other regulatory agencies from their duty to analyze these projects and permit them.

Our next bill is Senate Bill 304 by Senator Arreguin, and this bill is an attempt to

revitalize Jack London Square over in Oakland. Right now, the Square is economically devastated. About 50% of the commercial real estate there is vacant. The Port of Oakland, which is the sponsor of this bill, is looking to bring in new types of businesses. In my talks with them they have mentioned wanting to bring in a gym, barber shops, other sorts of retail that would generate foot traffic from the local community and help bring people into the Square which if you have been following the news, they lost a big anchor, the Watergate Hotel. They also lost a restaurant, Left Bank, that was very popular, it brought a lot of people into the Square. So, they are hoping with this bill which does grant more flexible flexibility in the leases that the Port is allowed to offer and pursue, that they would be able to bring in new types of businesses.

So essentially what the bill does is it creates an arrangement similar to what the ports of San Diego and the ports of San Francisco already enjoy. Is more flexibility with the types of leases that they can make with their public trust lands. Essentially any land that was later purchased with public trust revenue would now have for the next 40 years more flexibility to use for non-public and non-maritime uses.

Originally, this bill was much broader. It applied to any public trust land in the city of Oakland and that included Howard Terminal. It included the parts of the Port of Oakland that BCDC has reserved for Port Priority Use for expansion of cargo terminals and other port activity. So, the port has downsized this specific to Jack London Square, and the bill does not have much of an impact on any buildings within BCDC's jurisdiction. As a matter of fact, there is only really one building within our jurisdiction that would qualify for this flexible leasing and that is 66 Franklin Street for the record.

In my talks with the Port, I don't think they are looking to change the land use on that particular property, but they would still have to come forward to BCDC in order to obtain a permit if they did in the future. So that is SB 304.

The final bill that I wanted to cover with you all today is Assembly Bill 697 by Assembly Member Wilson. This bill would allow the California Department of Fish and Wildlife to permit the incidental take of Fully Protected Species in order to reconstruct State Route 37, the project which we have had, I believe, two briefings now on.

If you are not familiar with what Fully Protected Species are, they are a unique category in California law. Before the California Endangered Species Act, before the federal Endangered Species Act, the legislature took over 20 species, they put it into law with special protections. The legislature at that time did not actually create a process to permit incidental take for those species, however, and this has been an issue for regional infrastructure projects around the state.

As a matter of fact, when I worked at the Department of Water Resources the State Water Project had a lot of issues making repairs to the California Aqueduct because of Fully Protected Species in the area. And essentially not being able to get a permit meant that repairs had to only take place in emergency fashion.

So, if you have been following legislative activity on Fully Protected Species in the last couple of years you might remember in 2023 the administration brought forward a proposal that attempted to address this issue. Essentially, what that did was it moved Fully Protected Species under the Endangered Species Act, which allows CDFW to permit them for a lot of these regional projects. However, that bill specifically excluded highway

widening projects, which is an essential element of what they are doing, what Caltrans is planning for State Route 37.

So, that is why AB 697 exists is to create a special carveout for that project, which would allow CDFW to permit incidental take for the species in the area, which include the salt marsh harvest mouse, the California clapper rail, The California black rail, and the white-tailed kite.

And the benefits of this is it allows Caltrans to expand their construction window to half the year instead of just three months, which naturally allows them to conclude the project much faster and at much less expense.

So, with that, those are the bills that I wanted to highlight today and concludes my briefing. I am happy to take any questions and feedback on any of those.

Chair Wasserman chimed in: I am going to just double check whether we have any public comments first.

(No members of the public addressed the Commission.)

Chair Wasserman continued: Commissioner questions.

Commissioner Nelson had questions: Comments and questions about three of the bills. With regard to AB 130 and SB 131 I have also heard that there is going to be a cleanup. That the leadership has made at least some commitment to a cleanup process. And you are right, that legislation came together extremely rapidly. This is not the only place where there are concerns about unintended consequences. It strikes me as a real concern.

This isn't so much I don't think a concern about BCDC's permit authority, permit what we are going to get from our permittees. But we do an enormous amount of work working with partners to do adaptation planning and it strikes me as really concerning that communities around the Bay that are doing adaptation planning might not have the ability to update building codes in order to keep property and people safe around the Bay shoreline. That really seems unwise. I do wonder how that wound up in there and whether that was an unintended consequence.

So, I would urge the staff to follow that process closely and also make sure that we are in touch with our planning partners around the Bay who would be much more directly affected in terms of their ability to implement adaptation efforts. So that is the first one.

With regard to SB 71 and the CEQA exemption with regard to alternatively-fueled ferry terminals. This is more a general comment. There is the legislature is doing a lot of discussing of CEQA waivers at the moment, and I think we don't always. CEQA has been around for a while. I do not think we always appreciate the extent to which CEQA is the foundation of all of our planning processes. Every agency, local and regional, state and federal, relies on CEQA to provide the information they need in order to make the decisions they are required by law to make.

And as you pointed out, this means that instead of there being a unified CEQA process there is going to be a series of analyses required by different agencies. Agencies with different jurisdictions will have to require different analyses.

Some agencies, BCDC and the Regional Water Board, for example, have jurisdictions that touch on one another. It strikes me that there is really a great deal of potential for what is being thought of as regulatory streamlining could result in the opposite. Could

result in confusion and multiple studies required by agencies that can no longer rely on CEQA, could result in additional costs and additional delay.

And again, I just urge the staff to be engaged in that process because I think in a lot of cases we may wake up and find that we don't like the results of some of the regulatory streamlining that the legislature is considering at the moment.

And then finally with regard to Assembly Member Wilson's AB 697, the Fully Protected Species. I just want to make sure I understand this. What this means is that for the species that are listed as Fully Protected Species, some of those are also listed as species under the state Endangered Species Act. And I want to make sure I understand properly. What this means is that, obviously, all the species that are listed under the state Endangered Species Act already are eligible for ITPs under CESA, species that are not listed aren't eligible for ITPs.

Am I right in understanding what this means is that basically all of those Fully Protected Species will now go through the CESA ITP process to receive permits, which is not allowed for those species under the current Fully Protected Species Act. Is that right?

Mr. Gervase replied: Yes, that is an excellent question, Commissioner. The way I understand it is, I forget exactly what the timing was, but those species were supposed to move over to CESA but there were some exclusions, most notably for the Delta Conveyance Project. Those are still going to remain as their particular class of Fully Protected Species, would not be eligible for ITPs. Also for highway widening projects like in the case of State Route 37 it would remain the same. But for almost any other kind of project it is going to follow the usual CESA process where you get ITPs and CDFW is able to grant a permit in those cases.

Commissioner Nelson asked: And this sweeps Highway 37 into that process?

Mr. Gervase answered: Yes.

Commissioner Nelson continued: And I apologize. Is 697 specific only to Highway 37 or does it apply to all widening projects in the state?

Mr. Gervase stated: Just State Route 37.

Commissioner Gioia chimed in: Thanks for the update. I always want to raise this issue when we talk about legislation and our own agenda. While we have done a lot of work, I think more than any other agency to address sea level rise and help develop with local government and stakeholders the Regional Shoreline Adaptation Plan, which is great. That Plan is based mostly on voluntary action. And we all know we really need to move quickly if we are going to address the impacts of sea level rise and the studies showed that the cost of doing nothing is more than the cost of addressing sea level rise in the Bay Area.

So, I will say something that I know Save the Bay has said a lot. Save the Bay, of course, was the entity that helped advocate and lead to the legislation that established this Commission back in the 1960s to prevent the Bay from being filled by cities and counties and develop a regional approach.

Likewise, there is still concern about what happens in terms of actions by cities and counties to not always address sea level rise in the way that they should. I think most are, but it is slow.

And I know we have had some discussion here about when and how we would look for legislation to expand our authority, from a regional perspective, to really set more

standards on how a local government and all of us address sea level rise. I know that Save the Bay has advocated the same thing and so have others. So, I just want to continue to put on the plate that discussion that we should have. We are obviously not having that discussion today. But how we sensibly do this.

Our Planning Division has been the side of this agency that has really taken the lead. We have very limited regulatory authority because our authority is more about Bay fill issues. So, we are now addressing a rising Bay instead of a smaller Bay. I just wanted to, Chair, talk about it at an appropriate time.

Chair Wasserman asked: Any other Commissioners? I would echo Commissioner Nelson's comments on 130 and the cleanup. I think this is a hugely significant issue for us. I personally support the intent of 130 and 131 in order to build more housing, but essentially prohibiting local jurisdictions for the next six years from making building code changes to address rising sea level is only slightly short of insanity.

So, I would urge you to follow that very closely, and if it is appropriate, to enlist my own efforts and efforts of other Commissioners in reaching out to legislators to talk about how important this issue is.

And it pretty much ties in with Commissioner Gioia's comments, because that is one area which we cannot compel, but we can encourage strongly. And the local jurisdictions, if they listen to us, can adopt things that would compel changes to adapt to rising sea level.

Commissioner Gunther had a suggestion: I would like to suggest that we also collaborate with local government agencies that are trying to change building codes to improve wildfire resilience. It seems to me that if I was in my chair but up in the Sierras, I would be wanting my local government to be making buildings more defensible and adopting building codes to that and I would think that they would be having the same response to this. So, we will be collaborators in seeking some kind of change relative to building codes that relate to climate change.

Commissioner Cox was recognized: I wanted to just tag on to what my fellow Commissioner mentioned because in California building codes are updated on a three-year cycle, and it is mandatory when they are updated that each local jurisdiction adopt updated building codes to comport with the constantly evolving building requirements to make our buildings more safe; and so to freeze our ability to update building codes for six years means to ignore two cycles of building code updates.

Chair Wasserman added: And you reminded me that this is not so much in our jurisdiction or within our jurisdictional purpose, but that also would limit the ability of the cities to adopt measures to more readily accept modular housing and other methods of faster, less expensive ways to build housing, so it needs fixing.

All right. Thank you all very much. We look forward to our next briefing on the activities in Sacramento and the results of these many bills.

9. Public Hearing and Possible Vote on an Application by the California Department of Transportation for the Richmond-San Rafael Bridge Pilot Project Modifications Project along the Richmond-San Rafael Bridge, in the City of Richmond, Contra Costa County.

Chair Wasserman announced: That brings us to Item 9, the main subject of the day that many of you are vitally interested in.

We will now consider and possibly vote on the application by the California Department of Transportation to implement a modified version of the multi-use pathway on the westbound upper deck with reduced hours of availability and a supplemental bicycle shuttle service as part of a larger transportation improvement project, and to use the shoulder of the eastbound tower deck of the Richmond-San Rafael Bridge as a peak-hour travel lane on a permanent basis. Katharine Pan, who manages our Shoreline Development Permitting Group, will introduce the project.

Shoreline Development Project Manager Pan spoke: Good morning, Chair Wasserman and Commissioners. I am Katharine Pan, your Shoreline Development Program Manager, and I am going to be providing the staff report on BCDC Application Number 1997.001.06 for the Richmond-San Rafael Bridge Pilot Modifications Project.

This is a material amendment request from the California Department of Transportation or Caltrans in coordination with the Bay Area Toll Authority or BATA. You were mailed a summary of this application on July 24, followed by the Staff Recommendation on August 1.

I am first going to provide an introduction to the amendment request before handing it off to Caltrans and BATA to tell you more about their proposal in detail. After their presentation I will be back to provide a summary of the Staff Recommendation.

So first let's get situated. The amendment request involves the Richmond-San Rafael Bridge, which is one of the eight major trans-Bay bridges in the Bay Area and one of the six state-owned toll bridges in the Commission's jurisdiction. It spans the Bay between Richmond in Contra Costa County and San Rafael in Marin County. The Bridge itself is approximately four miles long and consists of a westbound upper deck and eastbound lower deck. It is owned and operated by Caltrans with tolls managed by BATA, which is a subsidiary agency of MTC.

The Bridge first opened in the 1950s before the Commission was formed. It was originally constructed with three travel lanes in both directions.

During the drought of the late 1970s the right lane on the upper deck was converted for the placement of an emergency water pipeline from the East Bay to Marin County. The pipeline was removed in 1982, and given low traffic volumes at the time, the right lane remained closed to traffic and was instead maintained as an emergency shoulder and breakdown lane.

The lower deck was also reduced to two lanes with a shoulder, also in the 1980s.

That remained the Bridge's configuration until 2018 and 2019 when Caltrans began using the shoulders to implement what we will call the original pilot project to test the feasibility of providing a multi-use path on the upper deck and a part-time peak-hour travel lane on the lower deck. That pilot was the subject of Amendment Number 4 of this permit.

Permit Number 1997.001, which we will just call the Permit from now on, was originally issued to Caltrans in 1997 for the seismic retrofitting of the Bridge. At the time of the original permit there was no bicycle or pedestrian access on the Bridge, although it was already designated as a proposed Bay Trail segment by the Bay Trail Project.

When considering the project, the Commission heard from many community members advocating for a bicycle and pedestrian connection across the Bridge, and the

findings of the original permit stated that providing bicycle and pedestrian access was desirable and would maximize the public access benefits of the retrofit project.

However, the Commission also found that there was a need to further study whether this kind of access could be provided safely, which could not be accommodated by the urgent timing of the retrofit. Therefore, the original permit did not include any special conditions to require bicycle and pedestrian access across the Bridge. Instead, the Commission decided to work with Caltrans to complete the necessary studies.

The permit findings document that Caltrans voluntarily committed to using its best efforts to study the feasibility of providing non-motorized public access on the Bridge. And if such access is found to be feasible, that it would ensure that it was provided.

Caltrans did complete a number of feasibility studies, but for years continued to have concerns about the safety of public access on the Bridge.

Caltrans eventually returned to the Commission in 2016 to request a material amendment of the permit for the pilot project to test the pathway and the peak-hour travel lane.

The pilot for the peak-hour travel lane opened in April 2018 and the multi-use path pilot opened in November 2019. The original pilot was authorized to last for four years.

But the authorization was extended in 2024 to allow additional time for Caltrans to propose next steps for the Bridge.

The Commission received a briefing on the findings of the original pilot on May 2, 2024 as well as an update incorporating additional data at a workshop on January 16, 2025.

The current amendment request includes two main changes to the pilot originally authorized by Amendment 4. First is the permanent authorization of the part-time peak-hour travel lane on the eastbound lower deck.

And second is the extension of the pathway pilot on the upper deck by approximately three years, as well as the modification of its schedule to accommodate operational testing of the Westbound Improvement Project. The Westbound Improvement Project is a project currently being undertaken by Caltrans and BATA to evaluate the feasibility and potential effects of implementing both a part-time HOV lane to incentivize transit and carpools, and a part-time pathway on the upper deck of the Bridge.

As contemplated, the HOV lane and multi-use path could not both be in place at the same time and say they would need to be on an alternating schedule, thus reducing the availability of the pathway from what it has been since 2019.

To perform this evaluation the path's availability would be reduced to the period between 2:00 p.m. on Thursday afternoons to 11:00 p.m. on Sunday evenings, with some additional availability around certain holidays. At all other times the path would revert to an emergency shoulder.

A free shuttle would be provided for cyclists and pedestrians on days that the path is closed from 6:00 in the morning to 8:00 in the evening, except on Thursdays when the service would cease when the path reopens.

The Westbound Improvement Project is currently in the planning and environmental phase, which is planned to conclude at roughly the same time as the end of the extended pilot.

You may recall that Caltrans had submitted an application to modify this pilot project last July, which the Commission was slated to review this past spring. That application was a different application than the one before you today for a different project.

While the projects described by each application are similar, both involve a permanent authorization of the eastbound peak-hour lane and the extension and modification of the multi-use path, they are different in a few key ways.

Critically, the applications differ in describing the purpose of the requested modifications of the path schedule. In the previous application, Caltrans sought to reduce the path schedule in order to study potential impacts of the path on capacity, incident rates and incident response.

However, Caltrans was unable to establish the significance of the changes observed in the Bridge operations and also had not demonstrated that modifying the schedule as requested was the best method of seeking additional information while also maximizing public access on the Bridge; and staff was prepared to recommend that the Commission deny the request to modify the path schedule.

As a result, Caltrans temporarily withdrew the application from active consideration in order to revise the project description. That application was permanently withdrawn on June 12, and the new application was submitted shortly after.

The new application highlights the connection between the requested modifications and the Westbound Improvement Project, which was at the time of the first application, still in an early phase of development.

As we will discuss later, the Westbound Improvement Project provides a stronger basis for the requested modifications to the upper deck pilot. And the objectives of that project to increase transit, decrease reliance on single occupancy vehicles, and provide non-motorized access on the Bridge, are consistent with the Bay Plan's transportation policies.

The new application also adds a number of offsite and in-lieu public access commitments intended to maximize public access during the three-year pilot extension, which were not included in the earlier application.

Now that you are all caught up, I would like to pass things over to Caltrans and BATA to provide further detail on their proposal.

Mr. Fremier addressed the Commission: Good morning, Chair Wasserman, Commissioners, Executive Director Goldzband. I am Andrew Fremier. I am the Executive Director of the Bay Area Toll Authority, the Metropolitan Transportation Commission and the Association of Bay Area Governments.

I wanted to start by acknowledging BCDC long history of seeking public access on the Richmond-San Rafael Bridge and thanking you for considering the changes to the pilot program before you today.

As Executive Director, I am responsible for advancing key housing, transportation and environmental strategies in the region's long-range plan. Building bike and pedestrian access is one of those strategies. And I assure you, the Bay Area Toll Authority and Caltrans take bike access, pedestrian accesses including on the Bridges, very seriously.

As many of you know, this is a very constrained corridor. The Richmond-San Rafael

Bridge spans approximately four miles across the Bay. It is a 70-year-old structure consisting of two travel lanes and a shoulder on each deck. As such, creative approaches are needed to safely meet the full set of travel and access needs the Bridge provides.

We appreciate your support of the original project, which tested innovative uses of the shoulders on both decks of the Bridge. While there were some clear successes, such as the part-time lane on the lower deck, it is apparent that further innovation is needed to address travel and access needs, particularly for East Bay commuters.

As a result, the Bay Area Toll Authority and Caltrans are now pursuing a project to provide a part-time third lane on the upper deck for carpools and buses, while keeping the path available on weekends, effectively sharing the limited real estate.

Today, we are asking the Commission to authorize an extension of the upper deck pilot to help us advance this important project with a clear end goal of long-term solutions that meet both access and travel needs.

We also have to be mindful that we have to do projects that we can afford. The bridges are extremely critical to the region and its economy. And we also want to make sure these projects don't take a long time to delivery.

So, with that, I will now hand it off to Caltrans and BATA staff to present the request in more detail. Thank you.

Mr. Bonner presented the following: Thank you, Andy. Good morning. My name is Larry Bonner. I am the Caltrans District 4 Office Chief for the Office of Environmental Analysis. I am here today with Lisa Klein, Deputy Executive Director of Mobility at BATA. Lisa and I will be presenting a recap of the original pilot project, highlighting other projects and improvements on the Richmond-San Rafael Bridge corridor, and how the proposed modifications of the pilot will tie into the vision and potential solution for the upper deck bridge shoulder that provides reliable access for all by encouraging carpools and transit as well as bike usage over the long term.

I will start by providing a brief overview and recap of the original project. In 2014 BATA took responsibility for funding and implementing the Richmond-San Rafael Bridge Access Improvement Pilot Project, undertaken in partnership with Caltrans, the Transportation Authority of Marin and the Contra Costa Transportation Authority. The project partners committed to a four-year pilot with the combined goals to address traffic congestion and provide bicycle and pedestrian access to and across the Bridge.

The pilot project was designed for two main purposes that test innovative uses of the bridge shoulder. Note for the sake of clarity, that the shoulder on the Bridge has not been used as a travel lane since the 1970s.

The first purpose was to reduce congestion and travel time for eastbound travelers. To achieve this, the pilot project converted the emergency shoulder to a part-time third travel lane on the lower deck in April of 2019.

The second purpose was to achieve Bay Trail connections between the East Bay and Marin County. To achieve this, the pilot project converted the shoulder to a pedestrian and bicycle access path on the upper deck in November of 2019. In addition, the pilot project provided for other improvements including permanent traffic improvements through roadway widening on the Bridge approaches and permanent Trail connections for bicyclists and pedestrians in Richmond and San Rafael.

As I just mentioned, with the original project we implemented non-pilot permanent improvements that provide safe connections to existing local trails and landmarks on both ends of the Bridge to promote connectivity. As shown in the photos on this slide, on the Contra Costa County side the project improved approximately one mile of a bidirectional bicycle and pedestrian path along the north side of westbound Interstate 580 between Stenmark Drive near Point Molate and Point Richmond. Before this project bikes were allowed to ride along the freeway shoulder without physical protection until we added a permanent barrier to separate the facility from motorists, as shown in letter B on this slide.

On the Marin County side through an agreement with the Transportation Authority of Marin the project, shown in letters D and E, piloted a quarter-mile bike path parallel to Sir Francis Drake Boulevard from the Interstate 580 off ramp to Anderson Drive in San Rafael using a similar movable barrier system that is on the Bridge. The results of this pilot were positive, so Caltrans and the Transportation Authority of Marin are working to make this segment permanent.

Shown in letter F, the original project also widened a half mile of sidewalk along East Francisco Boulevard in San Rafael to provide a bidirectional path for bicyclists and pedestrians. Part of this segment was completed in 2019, and the remaining was opened to the public last year. These permanent improvements have provided safe connections from the Bridge to local trails that lead to transit centers and landmarks within Marin County.

Going back to the pilot on the Richmond-San Rafael Bridge. Caltrans contracted with UC Berkeley's Partners for Advanced Transportation Technology, or PATH for short, to study and evaluate the pilot. The UC Berkeley study focused on the following items: Bridge path usage and safety, compliance with the third travel lane restrictions and in general their impacts on freeway traffic, incidents, and on operations and maintenance.

An initial report of the results was completed in June of 2022, and a final report was completed in May of 2024 and both can be found on Caltrans' website. All data presented in the following slides are from the study period of April 2018 to April 2024 and are generally consistent with today's trends.

The results of the peak-period-use lane were generally positive and favored by the public. This is because as soon as it opened in 2018 the project essentially eliminated eastbound congestion on the Bridge approach and local streets in the study area and now saves East Bay commuters up to 17 minutes on their return trip in the evening. The study results also showed high compliance with the operating hours and no major impacts on maintenance and incidents.

On the upper deck path, usage counts varied. On average there are 80 bike trips per day on weekdays and 260 on weekends. The general pattern is that weekend usage is three times higher compared to weekdays, but with seasonal variations to usage with the summer season being approximately 40% greater. In comparison with other BATA bridges, the Richmond-San Rafael Bridge path is the most used path by cyclists primarily due to weekend usage, but is far lower than the Golden Gate Bridge, which is a shorter distance and more popular.

Based on user survey results conducted in summer of 2021, 85% of the users use the path for recreation and exercise purposes, while the rest use it to commute to work or

other locations. The survey also resulted in high ratings on user-perceived safety while on the Bridge path.

From a freeway operation standpoint, traffic data was impacted by the COVID-19 pandemic in March of 2020 just a few months after the Bridge path opened, but has since normalized since summer 2022. Today, weekday traffic on the Bridge is about 38,000 cars per day in the westbound direction, which is around 90 to 95% of pre-pandemic levels, with the morning peak traffic back up to nearly 100%.

The path did not have any significant impacts on traffic queues and congestion when comparing against the before project conditions and in general the study found incident rates were down over the course of the day.

However, there are some data that we find inconclusive that require further study. The Bridge capacity has shown a 7% decrease on weekdays, 5% on weekends. That means that the traffic flow rate across the Bridge is lower compared to before.

And when focused on the weekday morning commute periods, there was an increase in incident rates, which in this context means crashes on the Bridge and the Bridge approach and an increase in incident response times from first responders.

A small incident can have a big impact. As a general rule, each minute of delay in response has a fourfold impact on traffic. This creates a lot of uncertainty for drivers and that's a challenge when you have to be at work on time. You can see from the photos on the right the impact of what one or two lanes closed on the Bridge would look like, and the challenges from first responders to get to the scene, especially during the weekday commute hours.

For a quick recap on the timeline this visual shows the various pilot improvement openings. The four-year study, which is not shown, includes additional time due to the COVID period. Towards the bottom we highlight the updates and engagements we have had with the BCDC board on the next phase of the pilot projects, which has led to today's hearing and vote.

I will now turn it over to Lisa Klein, thank you.

Ms. Klein presented the following: Okay, thank you, Larry. While determining the next steps for the pilot Caltrans and BATA have really continued working on a number of efforts to improve access and travel and safety in the corridor and these efforts really inform our request today. In particular, we want to improve travel by adding a carpool lane on the approach and the Bridge itself, as well as investing in paths that serve local and regional travel.

So let me start with just an overview, kind of where we want to be headed, which is foreshadowed by a lot of the introductory remarks here. You are certainly familiar now with the original pilot shown there on the left.

Our request before you today is to make the lower deck part-time lane permanent and extend the pilot on the upper deck with the modified schedule that provides a part-time shoulder and part-time bike and pedestrian lane.

This is in anticipation of the Westbound Improvement Project that we are currently pursuing. It would also retain the path part-time, but it would provide a third travel lane for buses and carpools on the Bridge during commute hours. The modified pilot is really designed to mimic the schedule and test various aspects of that Westbound Improvement

Project operation while we complete environmental review.

Although the pilot study showed no significant changes in westbound traffic, the fact is there is still a fair bit of congestion, especially when there are incidents. And so, to address this we have been working on quite a few projects that would really ease the commute in a way that moves more people through the corridor.

This is the Richmond-San Rafael Forward Project. You may have heard of it. It has been in the works now for a few years and it is expected to open next summer. It will replace the toll booths with an open road toll system. It will reduce merging at the toll plaza. And it will extend the HOV lane, the existing HOV lane, back into Richmond all the way to Regatta Boulevard.

The Forward Projects will alleviate. They are not going to eliminate congestion enrichment so I have to admit that photo is not really, does not reflect what we expect traffic to look like. That rendering is a rendering, not a photo. It was really designed to show the changes in the roadway. That is not what it is going to look like for sure.

That Forward initiative, it is really focused on the approach to the Bridge. So, to address the Bridge itself in May BATA approved the start of environmental review for the Westbound Improvement Project. And I mentioned several times this considers using the Bridge shoulder to provide a part-time HOV line and part-time path.

What the project would do is move that barrier to the side of the shoulder, as shown on the left there, to provide an HOV lane during the Monday through Thursday commute. And that is when there is the most benefit to carpools and buses. And then it would move the barrier back midday Thursday to the current position to provide the path through the rest of the weekend and that is when really the path gets the most use.

So earlier this year MTC and BATA did complete some preliminary studies that really did show significant travel benefits on the order of 10 to 19 minutes above and beyond the travel benefits from the Forward Project.

We were also really pleased to find that there are alternatives that can minimize the changes we have to make on the westbound portion of the Bridge there in Marin and that really makes the cost of this Westbound Improvement Project something we can really believe may be feasible.

This slide goes into a little more detail, our proposal for modifying the upper deck during that three-year pilot extension. Again, this schedule matches the schedule we anticipate for the Westbound Improvement Project. We are trying to see how the deck responds to the barrier moves and as well as the loading on the deck, as well as how the shuttle is used.

As with the Westbound Improvement Project we would continue to provide the path when it is most used, again that Thursday through Sunday time, and we would be restoring the emergency shoulder Monday through Thursday morning. Again, that is when those unpredictable delays from crashes are really most disruptive to commuters. This also gives us a chance to really understand if the shoulder does make a difference in throughput or responding to crashes.

I do want to note that moving that concrete barrier is a pretty significant operation. It takes two hours from start to finish to move that barrier and that is the reason for that gap in the schedule Thursday midday and late Sunday night.

I think a natural question is whether we could really get the necessary experience with another schedule, say, one that kept the path open during the week. I think really there the answer is no because this schedule we are proposing here really best matches what we believe the schedule would be for the Westbound Improvement Project. So that again allows us to test the shuttle. It allows us to test the barrier movement. And it allows us to test the loading on the deck from keeping that barrier at the far end of edge of the deck. It is not the position it is in now, for three and a half or four days at a time.

The pilot extension does include a free bike shuttle for those impacted by the closure of the Bridge path. We have heard the concerns and questions about the prior shuttle service, and I do think this is a really significant improvement. For one thing, passengers will be able to track the arrivals in real time using their mobile phones. The shuttle will run roughly every 20 minutes from 6:00 a.m. to 8:00 p.m. when the path is closed. Frankly, that's better headways than offered right now on transit in this corridor. The shuttle can accommodate up to 10 passengers and bicycles, and we have been working with the vendor to accommodate e-bikes and recumbent bikes.

This tries to show in time how those pieces come together. If approved we would extend the pilot by three years, and that timeline is shown at the top, while we complete the environmental and seek to really advance delivery of that Westbound Improvement Project shown on the bottom. The new schedule for the extended pilot would be effective this October, which would give us some time between now and then to get the word out and change signage and so forth.

During the extension, we will gather information to inform the Westbound Improvement Project's Bridge operations and safety, shuttle performance, equity, access provisions, and importantly the structural strengthening that will be required to accommodate a movable barrier long-term, regardless of the type of operation that we are doing.

And I would say the sooner we start those modifications, frankly, the sooner we collect the information we need to develop that Westbound Improvement Project and the more complete that data will be. If we waited until after the Forward we would lose at least a full year's worth of data.

I do want to emphasize, before I wrap up here, that our proposal to modify the operations for the pilot is not a shift away from really a deep commitment to active transportation and the Bay Trail. As noted earlier, BATA invested heavily in path improvements with the original pilot. That's the blue line here. More than $20 million of that initial $32 million investment funded those two miles of permanent paths in Richmond and San Rafael that were described earlier. We are proposing to include those segments in the Caltrans right-of-way in the amended permit for extra assurance that they will serve local and corridor trips permanently.

In addition, in the last two years MTC has programmed $26 million more to construct 13 miles of gap closure projects in Richmond and San Rafael. So, we are making progress on the network.

Looking forward. As part of the permit, we have committed to help identify funding for even more projects, additional projects in the future. Specifically, there are two specific elements to this. One is we will recommend MTC program $10 million in Regional

Measure 3 to complete construction for two projects in Richmond that are shown in red. And in addition, we will convene the partners on both sides of the Bridge regularly to review upcoming path projects and upcoming funding opportunities.

So, our goal very simply is to close the gaps, many of which will serve dual purposes. They will connect communities to the Bridge path and the bike shuttle to increase use, and they will also serve numerous shorter trips within the community.

I just want to spend a minute on these Richmond projects before I wrap up.

These are the projects to be built with the Regional Measure 3 funding commitment. I will say that those Regional Measure funds were proposed for Richmond projects a couple of years ago, but it is really only recently as we have determined the need to determine the next steps for the pilot that the city of Richmond has identified specific projects. And it has come in part through conversations that have been spurred, engagement with BATA and Caltrans.

These two projects, which would be built as a single construction effort, are the Richmond Wellness Trail and the Neighborhood Complete Streets Project. They have been in the Richmond Capital Improvement Plan for years, and the recent uncertainty in federal funding commitment to these projects has really created a funding gap that will be filled by the RM 3 funding.

The commitment in the permit ensures that the funds be allocated quickly and the projects be built very quickly.

Collectively these projects will build about three miles of paths that enhance access for 26,000 community members. I just really want to emphasize again that these paths really connect the community. They connect Richmond BART and the ferry very directly to the Bay Trail segment on Cutting Boulevard that leads directly to the Bridge.

In summary, the proposed permit amendment advances an enduring solution with benefits for access, travel and safety. The pilot modifications will inform the Westbound Improvement Project that promises to reduce commutes, improve bus and carpool performance, and that will also have a public access component. We want a long-term solution that will meet access and travel needs, that's affordable and that won't take a long time to deliver.

In the meantime, we would maintain access on the Bridge with the combination of the weekend path and the shuttle. This approach shares the real estate on the Bridge. It provides the path when it is most used. And it improves access to the Bridge as well as in the community where many, many trips can be served.

And I just want to say finally that it is really important to us to get this work started soon and to do it quickly because the needs are very real. Thank you for your consideration today.

Ms. Pan acknowledged: Thank you for that presentation.

So now that you have heard more about the proposal, I will provide a summary of the Staff Recommendation.

The policy issues raised by this application include those related to public access, transportation, environmental justice and social equity, and Bay fill. The public access issues are the most complicated of these and will be the main focus of the presentation.

The Commission's laws and policies require that all projects provide maximum

feasible public access to the Bay and shoreline consistent with the project. This is specifically grounded in the McAteer-Petris Act, which includes a finding that states that the:

> "…Existing public access to the shoreline and waters of the San Francisco Bay is inadequate and…maximum feasible public access, consistent with a proposed project, should be provided."

The San Francisco Bay Plan expands on the McAteer-Petris Act by providing direction for when and how public access should be provided. For our purposes, we will highlight Public Access Policy 2 which states that:

> "…Maximum feasible public access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline…except in cases where public access would be clearly inconsistent with the project because of public safety considerations or significant use conflicts…"

Two of the keywords in those sections are "feasible" and "consistent", so let's look at how we interpret those.

First, for feasibility there is no specific definition in BCDC's laws, regulations or policies.

Instead, we can look to the definition used by the California Environmental Quality Act, or CEQA. The CEQA guidelines define "feasible" as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Next, for consistency, Bay Plan Public Access Policy 2 provides a basis for determining the meaning of consistency with a project. So, a project that would be inconsistent would be so due to public safety considerations or significant use conflicts.

Also relevant to the discussion are the Bay Plan's Transportation Policies, specifically Policies 1 and 4.

The Bay Plan recognizes that there has historically been considerable pressure to place fill in the Bay for new bridge and roadway projects. This section of policy includes findings that primary reliance on single-occupant vehicles for transportation in the Bay Area results in further pressures to use the Bay as a route for future roadways and bridges or to use the shoreline for roadways and parking facilities. And this pressure can be reduced by improving the efficiency and increasing the capacity of existing transportation facilities and services, increasing access to public transit, and providing safe and convenient public pathways for non-motorized forms of travel.

Transportation Policy 1 speaks towards the Commission's charge to limit unnecessary Bay fill, and states that the Commission should encourage alternative methods of transportation and land use planning efforts that support transit and do not require fill.

This comes up as part of today's discussion because part of the project being proposed by Caltrans involves the study of a potential HOV lane to incentivize transit use and a bicycle/pedestrian facility.

Transportation Policy 4 parallels the Public Access Policies by stating that bridges over the Bay should include pedestrian and bicycle paths that are either part of the Bay Trail or connect the Bay Trail with other regional and community trails. This policy

provides a slightly different function than the public access policies in that it is not just about providing access but also transportation connectivity, recognizing the role that the Bay Trail plays in our transportation system.

So now let's walk through the analysis.

So first we have established that the Commission must ensure that maximum feasible public access will be provided consistent with the project. Let's take a look at the project and the public access that is being proposed.

In defining the project, we are focusing on two main components. First, there is the permanent change in use being proposed on the lower deck, which is on the ongoing use of the eastbound shoulder as a peak-hour travel lane.

Second is the three-year extension of the current path pilot on the upper deck with a reduced schedule of availability to allow for the study of the part-time HOV and part-time path configuration that is being considered by the Westbound Improvement Project.

You will notice that there are two different time frames involved here, one that is relatively short, the approximately three-year period of the extended and modified pilot project, and one that is long-term, which is this permanent change on the lower deck.

In the short-term Caltrans would continue to provide the existing multi-use pathway on a part-time basis while ensuring that it remains available at the times of highest use. Caltrans would also make certain commitments to ensuring or improving public access elsewhere on the network connecting to the Bridge to make it easier for the public to access the Bridge path at the times that it is open. These include incorporating the completed improvements on the Bridge approaches into the requirements of the permit to ensure that they are provided and maintained on an ongoing basis.

Also recommending Trail improvement projects in the city of Richmond to be allocated $10 million in funding from Regional Measure 3 to enable them to begin construction during the pilot period.

And meeting with stakeholders in Marin and Contra Costa counties to help identify potential funding sources for other projects that can improve bike/pedestrian connectivity to the Bridge.

And so, for the long-term Caltrans would complete certain analyses during the pilot period to fill crucial gaps in information and inform the development of a long-term public access facility. That may or may not include the Westbound Improvement Project, depending on whether or not that project moves forward.

In the short-term for the roughly three-year period of the extended pilot, the project can be found consistent with the public access policies for the following reasons.

First, the three-year extension is a reasonable amount of time for Caltrans to collect data and pilot operations in alignment with the concurrent planning and environmental phase of the Westbound Improvement Project.

In order to complete the evaluation, the modification of the path schedule is necessary because the proposed HOV alignment and the multi-use path cannot both be in use at the same time.

And during the pilot the schedule itself can be considered reasonable because it is based on the days that the HOV lane is expected to have the greatest impact, as well as the days found during the original pilot to be the days of highest use of the path.

And it is important to note that this type of regionally significant project to seek methods of transportation that support transit without requiring new fill is consistent with the Bay Plan's Transportation Policies.

Within the limits of consistency with the project there would be a loss of access for the public with the modified schedule, both in terms of transportation connectivity and recreational opportunity.

The project includes some components to mitigate those impacts, including the free shuttle that would serve the cyclists and pedestrians on days when the path is closed. And it also includes those commitments to maintain the Bridge approaches over the long-term, recommend funding allocation for trail improvements in Richmond, and help stakeholders seek funding for additional Trail improvements to make the Bridge easier to access on the days it is open and to encourage more people to make use of the Trail on those days.

Over the long-term, the project is building towards a well-informed, well-designed proposal for long-term public access on the Bridge that fills in current gaps in information that prevent the Commission from being able to state conclusively at this time that any specific configuration or manner of operation of the pathway constitutes maximum feasible public access consistent with the project. The extended pilot is intended to address critical information gaps in the areas of feasibility, maximizing access and project consistency.

First for feasibility. While the original project suggests that the full-time public pathway currently on the Bridge is feasible in the economic, environmental, legal and social senses, the pilot did find that some structural strengthening of the Bridge will be necessary to support the weight of the path's movable barriers. For that Caltrans will need to conduct further analysis, especially in light of the different barrier movements required if the Westbound Improvement Project were to move forward or not. This analysis is needed before the Commission can conclude that the pathway is feasible.

Second, the current design of the pathway is that of a pilot and not of a long-term facility. During the original pilot, Caltrans did not evaluate whether any changes should be made to the facility itself to ensure that it provides the best public access experience for users as discussed in the Bay Plan's Public Access Policies and BCDC's Public Access Design Guidelines.

Additionally, the Commission's Environmental Justice and Social Equity policies had not yet been adopted when Amendment 04 was approved, and so there is not yet a detailed analysis of the environmental justice impacts of the path, nor was the path designed with the meaningful community engagement now required by the Environmental Justice Policies.

Lastly, Caltrans and BATA are still in the process of evaluating whether or not the Westbound Improvement Project should proceed, which would drive the discussion around how public access on the Bridge may need to be operated in the future.

And then further, as was evident during our review of Caltrans' previous application, there is not currently a rubric for evaluating whether any observed changes in Bridge operations as a result of the pathway is significant enough to be considered a safety consideration or use conflict under Public Access Policy 2.

So, in order to appropriately evaluate the findings of the extended pilot, the

Commission should have some thresholds to meaningfully discuss potential issues that arise during the extended pilot, and these should be established through a stakeholder-involved process.

So, all of these information gaps will be addressed through analyses to be conducted during the extended pilot in a way that leads to a proposal for a long-term public access facility.

And then just to say a little bit more about the project and the Environmental Justice and Social Equity Policies. The original pilot was approved and began implementation before the Commission adopted those policies, and so they were not required to conduct an environmental justice analysis of the path and its effect on vulnerable communities, or to conduct meaningful engagement with those communities as part of the project design. So, to date these efforts have not been undertaken.

The Bridge is part of the I-580 corridor, which spans a number of communities identified as socially vulnerable on both sides of the Bay, and that includes neighborhoods in the city of Richmond and also the Canal District of San Rafael. Therefore, understanding the environmental justice implications of the project is important and necessary to the Commission's decision-making process and will be conducted as part of the extended pilot.

Also just to take the opportunity to note that the project technically would take place in the Commission's Bay jurisdiction on existing Bay fill. It would not involve new solid fill in the Bay or expand the coverage of existing fill, and it meets all the requirements for allowable uses on fill established by the McAteer-Petris Act.

All of that said, what do we expect at the end of the extended pilot?

To boil it down, unless the analyses identify feasibility issues or significant safety or use conflicts, a long-term multi-use path shall be provided on the Bridge in some form, and that form will be determined using the findings of the analyses and based on whether Caltrans and BATA choose to proceed with the Westbound Improvement Project.

There are a few eventualities in the Staff Recommendation but to briefly summarize:

If the Westbound Improvement Project is moving forward such that it will be ready to bid three years from the conclusion of the pilot, the path may continue part-time during that interim period.

If the conclusion of the Westbound Improvement Project planning and environmental phase is delayed for a year or less, then the pilot can be extended to allow that to finish.

If it will be delayed for longer than a year, then the path will revert to full-time operations during the interim, and remain that way until the Westbound Improvement Project is ready to construct.

Caltrans will also be providing annual reports to the Commission on progress following the conclusion of the pilot, so that if it becomes apparent that the Westbound Improvement Project is significantly delayed or stalled the Commission can direct Caltrans to revert the path to full-time operations until it is ready to construct.

And if the Westbound Improvement Project does not proceed or is later canceled, then the path will revert to full-time operations and Caltrans will prepare a long-term public access proposal based on the analyses of the pilot.

Now, regardless of how Caltrans chooses to proceed, another material amendment

will be required to either approve the Westbound Improvement Project or an alternative long-term public access project.

So that is it for now. We are happy to answer any clarifying questions that the Commission has through BCDC staff, Caltrans staff, BATA staff, and also the researchers that prepared the PATH Report are also available online to answer any questions.

Chair Wasserman continued: I thank you all for the presentation.

I think we are going to take our lunch break before we go to clarifying questions. Well, let me take a quick straw poll. How many Commissioners have clarifying questions? Yes, we are going to take our lunch break first. That is not a criticism, it is just a recognition and allocation of time. We will be back at 12:30. We will be back at 12:30. Be speedy with your lunch.

(A lunch break was taken.)

Chair Wasserman resumed the meeting, stating: Thank you all for coming back. We will now open the public hearing, and we will start with Commissioners clarifying questions. I want to be clear about clarifying. This is really things that you do not understand or are not clear. Not either making your opinions or arguments or pushing people, as you are entitled to do when we get to the full and open discussion.

Commissioner Randolph asked for clarification: Could use the clarification on what happens or the timing between when the third lane becomes a shoulder for emergency vehicles versus when it can or might be converted to an HOV lane? Is there a time frame or a process for understanding that?

Ms. Klein clarified: Sure, I would be happy to answer that question. I am Lisa Klein again with the Bay Area Toll Authority.

We are proposing to start the modified pilot operations this fall, and then we are proposing to operate in that configuration while we complete the environmental review for the Westbound Improvement Project. And we are trying to do that as quickly as possible. But that is the first step that needs to be done. When that work is complete and the initial pilot extension, those are designed to coincide. At that point we would know whether we have a feasible path forward to the Westbound Improvement Project, which we believe will be the case when we complete the environmental review. So that is the sequence of actions.

Commissioner Randolph requested further clarification: Could you say that again? I am trying to figure out.

Ms. Klein expanded her clafification: Okay. We are starting environmental review on the Westbound Improvement Project, the HOV lane. And as we proceed through that environmental review, we are seeking to restore the emergency shoulder and operate it that way while we complete the environmental.

Commissioner Randolph acknowledged: Understand now, thank you.

Ms. Klein stated: Okay. The second time is always better.

Commissioner Kishimoto was recognized: I have a few questions, hopefully they will be relatively quick. The HOV study, are you going to be assuming that the HOV lane could be converted into a HOT lane?

Ms. Klein explained: That is not part of the scope, no. It is already a toll bridge, right, so folks are already playing a toll to cross the Bridge, so we are not looking at that.

Executive Director Goldzband interjected: Lisa, I apologize, I may be the only one in this room who does not know what a HOT lane is.

Ms. Klein acknowledged: Okay, sure.

Commissioner Kishimoto noted: Acronyms, okay.

Ms. Klein explained: Right. A HOT lane, that is short for a High Occupancy Toll lane. They are also known as Express Lanes in the Bay Area. So, those of you who may drive on Interstate 880 or on 680 in Alameda and Contra Costa County, or on 101 in San Mateo County, at 237 in Santa Clara County, they all have HOT lanes where the innermost lane, that number one lane, is a lane where carpools and buses are free and other vehicles can use the lane if they pay a toll. That is a HOT lane.

Commissioner Kishimoto continued: I see. As you say, you pay a toll anyway. But there is no way that you can pay a little extra to get on the HOV lane as a HOT lane?

Ms. Klein reiterated: We are not looking at that.

Commissioner Kishimoto stated: So that would not be evaluated as part of it.

Ms. Klein repeated: We are not planning to evaluate it. There are no HOT lanes on the immediately adjacent freeways.

Commissioner Kishimoto continued: Okay, but that wording says it might be possible. There is nothing to stop that from happening in the future.

Ms. Klein surmised: It could be something that we would look at in the future; it is not something we are looking at right now.

Commissioner Kishimoto had more questions: Okay, let me see. And then I guess another question is why do you need that HOV lane if you have the control leading up to that toll? Hopefully you are moving up to that open tolling. But even with open tolling you are hoping to have a lot of HOV lanes and HOT lanes going up to that. Because I know MTC generally does not combine them right? If you have HOV lanes leading up to the toll that is the control point, and then the Bridge opens up to all users. And in this case why are you proposing a separate HOV lane?

Ms. Klein replied: That is a very good question. You are right. This would be a different arrangement from our other toll bridges. Frankly, the idea of a part-time HOV lane with this kind of use is probably pretty unique generally in California. Really, we are looking at that because this is such a constrained corridor and we really do see big, big traffic impacts on the approach and there has been long interest in whether we can provide a third lane of travel on the Bridge because of MTC and BATA and Caltrans policies, I think which are very consistent with the policies I heard described here. If we are going to look at that, we want something that is going to provide priority for buses and carpools rather than single occupancy vehicles.

Commissioner Kishimoto noted: So, you determined that controlling it up to the toll area is not sufficient.

Ms. Klein replied: Well, our preliminary studies show that there is like a 10 to 19 Minute travel time advantage from providing that HOV lane as a third lane on the upper deck, so I would say it appears as a pretty significant benefit from doing it.

Commissioner Kishimoto recognized a potential speaker: Is there a comment behind you?

Ms. Klein stated: Let me introduce Aung.

Mr. Maung spoke: Good afternoon, Commissioners. My name is Aung Maung. I am the Deputy District Director for Traffic operations, Caltrans District 4 Bay Area. Having the HOV lane on the Bridge. In addition to the benefits that Lisa mentioned, it will provide travel time saving for the HOV vehicles when they go across the Bridge. It is four miles. Because the Bridge will be congested it will provide them significant time saving and it will promote move shift to people to move over to HOV travel mode. Those are the additional benefits.

Commissioner Kishimoto cited modeling: Okay. But the modeling, what I had asked her was the modeling showed that you cannot control it enough with the HOV and out-lanes leading up to the toll plaza.

Mr. Maung explained: The good news is with this pilot project we are going to be extending the existing HOV lane approaching to the Bridge. So, we are going to have a continuous HOV lane through the Bridge. So that lane requirement, we will have a lane requirement for that lane, only HOV vehicles can stay in that lane. So basically, that will be how we are going to control to provide benefits to the HOV vehicles.

Commissioner Kishimoto continued: Okay, well, I will move on then. In your environmental analysis of the WIP, the Westbound Improvement Program, are you going to be looking at the impacts on regional VMT, vehicle miles traveled?

Ms. Klein answered: Yes, we will. Vehicle miles traveled. That was a good reminder to manage our acronyms. Yes, we will look at that. It is required by state law and the CEQA guidance.

Commissioner Kishimoto stated: Okay, so I will be interested in that. And then I was trying to remember what happened to that evaluation of that idea of cantilevering the bike-peds lane?

Ms. Klein deferred to Mr. Maung: Yes. Aung, did you want to cover that one question?

Mr. Maung fielded the question: Sure. We have done a number of studies in the past. That study provided us the information that a new bike path that is not on the existing deck; it will require building additional piers in the Bay. Cost will be very prohibitive. The estimate, it will be way north of half a billion dollars and it will require, just to provide you additional information - it will require a lengthy environmental process and increase maintenance costs.

Just for the perspective, it is very challenging for state and our regional partners to implement such type of improvement projects. It has been over a decade that we have been trying but still not successful getting the funding for the new bike path for West Bend for the San Francisco Bay Bridge, which is estimated about 500 million.

Commissioner Kishimoto continued with questions: Okay. And my final question is, what are the mid- to long-term plans for adding transit across the Bay? Wherever it is going to be. The SMART train or I do not know what kind of other technologies might be.

Ms. Klein explained: Well, the first thing we would look at immediately is any opportunities to increase the bus service that is currently offered by Golden Gate Transit. They run at about 30-to-40-minute headways right now through the day. We know they are very interested. When the Forward Project comes along and that initial bus and transit priority and possibly increasing some service so that would be the first thing that we look

at.

In terms of potentially getting SMART across the Bridge. That would be a very long-term project. It is not currently in the region's long-range plan. Like hanging a cantilevered bike path, you would need to build a new structure to do that. So, it would be a very long-term concept.

Commissioner Nelson commented: First a question for Ms. Klein, for you and for staff, trying to understand the relationship between the permit and the public access improvements in Richmond. I thought I heard you say that you were going to request funding for those projects and I am trying to understand, is that commitment, is that part of the project? Is it a public access requirement in the permit? If that funding were not granted does that mean that project simply does not happen? What is the relationship between those public access improvements and the actual permit?

Ms. Pan answered: What is in the Staff Recommendation right now is that BATA and Caltrans will by a certain date, so the end of February 2026, have taken those projects to MTC for approval of the allocation. I think that is the commitment is to take it for the recommendation.

There is a timeline in the permit that does require them if they are not able to successfully bring these projects for one reason or another, like they are not ready yet, they get stalled, any sort of reason that they have to identify an alternative project. And so, the idea is that this $10 million which has been identified previously, that that will get spent during the period of the pilot project. Sorry. So, that is what is in the requirement is that a project be identified and recommended within this time frame and those two projects are named as the projects that we are expecting them to start with.

Commissioner Nelson continued: So that sounds like there is some recognition that there are still processes to go through before those projects in Richmond are fully committed. But right now, those projects are linked to as our public access requirements of the permit. If something went wrong with these projects Caltrans and the Commission would need to figure out what to do to replace those projects for public access purposes.

Ms. Pan explained: Yes, there is criteria within the condition that requires it to be along the corridor, so it does have to improve connections to the Bridge and to the shoreline and it has to be in Contra Costa County from like the Richmond area. And then beyond, those are the parameters for what any replacement project would be. But it would be for the full 10 million is what we are looking for them to spend.

Commissioner Nelson continued his inquiry: Second question to follow up Commissioner Randolph's question about the HOVs. I may have misread one of your slides so I thought what I was seeing on one of your slides was that during this extended pilot project on the weekends and Fridays the bike lane would be there, during the remainder of the week the barrier would be moved over and that would be a breakdown lane. But the HOV lane would be after the pilot project, a subsequent decision that is not a decision we are addressing now, and I just want to make sure I have that right.

Ms. Klein chimed in: You are correct and I apologize, my prior answer was confusing in that regard. I did not mean to.

Commissioner Nelson stated for the record: So, we are not voting today on an HOV lane. I just want to make sure we are all clear on that because I was for a moment a little

confused about that.

Which takes me to my next question, which is you described the traffic benefits of this project that would go beyond the toll plaza improvements, the open tolling improvements.

So, am I right in believing that those traffic improvements would be related to, because that we are not creating an HOV lane, that those improvements would be related to a breakdown lane? So, those improvements, those traffic benefits, would really only accrue when there was a significant incident that would interfere with flow in one of the lanes. Do I have that right?

Ms. Klein explained: During the pilot, during the pilot, you are right. Let me start again. I cited in response to an earlier question I said that the Westbound Improvement Project offers, our preliminary analysis shows us a 10-to-19-minute travel time advantage.

Commissioner Nelson stated: That is the HOV next phase.

Ms. Klein agreed: That is for the HOV lane. We are not claiming a travel time benefit like that for the shoulder. You are correct, I believe, or we will. That is one of the things we would be looking at honestly during the extended pilot is what happens during crashes and incident response. And we believe there is a good likelihood they may be cleared more quickly and there will be less travel, but we have not done estimates of that.

Commissioner Nelson continued: And the last question relates to those incidents. I have been traveling over that Bridge my entire life. Not as a regular commuter but there have been occasions when traffic has been interrupted but very, very seldom, but I am not a regular commuter.

My recollection was that the Commission asked in previous discussions for information about exactly what the accident rates are during the windows when this breakdown lane would be open when the bike lane would be closed so that we could understand how many incidents. And some of this data was presented in the study in terms of incidents per million miles traveled and I have absolutely no idea what that means in the real world. So, I am trying to figure out if we agree to close that lane, are we providing those traffic benefits related to incidents? Would that happen once a week, twice a week, once a month, three times a year? I have no idea.

Ms. Klein replied: Yes. And that is a good question. First, I would say, right, the primary reason that we are seeking to test this operation with a part-time lane/part-time shoulder is really to gather data for the Westbound Improvement Project. Now we do believe that it provides us an opportunity at the same time to better understand the incident response and incident rates.

We did in the presentation on slide 9, give some numbers. This is for the weekday morning peak from 6:00 to 9:00 a.m. In that PATH study the crashes were roughly, it was roughly five incidents per year on the Bridge and an additional one crash per year on the approach. So those are somewhat infrequent. When they happen, they can be very, very impactful though. And those are for crashes. That does not include running out of gas and getting stalled or whatever.

Commissioner Nelson added: Or whatever else.

Ms. Klein agreed: Yes.

Commissioner Nelson noted: It makes striking that balance here difficult. We are not

talking about a lot of usage during the week. It does strike me, as we have heard from folks who testified previously, that e-bikes are taking off and it would not surprise me at all if we saw a dramatic increase in traffic on the Bridge in the next few years, which we might not see if we close that lane.

On the one hand, we do not have a lot of bike usage during the week, but on the other hand we are talking about five accidents per year when we would clearly see some benefit from having a breakdown lane.

And so not having better data about those traffic benefits, whether it is someone running out of gas or a flat tire or whatever, it makes it very difficult for us to evaluate this proposal, this permit application. Just inviting any thoughts from you about that.

Ms. Klein replied: Well, one thing that you may, I cannot recall if you were at the workshop in January. I think that you probably were. At that time, we had the lead investigator from UC Berkeley there, and one of the things he did note is that this incident data, this crash data, it takes a long time for it to all catch up. So, while this is what was captured in the PATH Report for that study period, what he said at the time was that, in fact, more data had come through. In fact, more reports of more crashes that were not reflected in that. That is one of the reasons, frankly, that we find this data somewhat inconclusive because we believe it does not give the full picture for that.

But again, what I would say is, our primary reason, and this is a fundamental difference from the prior application, is that really what we are really trying to do here is test the operations for the Westbound Improvement Project. That is our primary motivation, not at this point, the review of the incidents.

And the real differences there, when we submitted our original application, we had barely even started that preliminary analysis of the Westbound Improvement Project, which now gives us the confidence that there is a project there that is practical and that would have a real benefit. So that is the primary difference.

Commissioner Gunther was recognized: One question I have. I was under the distinct impression from our previous discussions that a third lane of vehicle travel on the upper deck was not feasible. But clearly, I am mistaken. Has something happened over the last year or so? And then I heard you reference the fact that it was three, in the late ‘60s and early ‘70s it was three lanes. Obviously, cars are a lot bigger than they used to be. Can you help me understand? If a third lane. I do not hear anyone saying we could just have a third lane of travel right now by moving the barrier.

Ms. Klein answered: Your question is a really good one and I appreciate the opportunity to clarify. Yes, when the Bridge was originally built there were three lanes of traffic. And in the ‘70s that shoulder, one lane was closed to provide a shoulder and run a pipeline. And then it was the pipeline was no longer used but the shoulder was maintained.

The prior studies that were done a few years ago by the Transportation Authority of Marin, they looked at providing a third lane that was just general traffic. Not an HOV lane, just a general traffic lane. And that study found that you would need to widen some of the Bridge trestle in Marin in order to get that third lane of traffic off the Bridge and into the freeway network in Marin.

What has changed is in the past year Caltrans and BATA decided to take another look

and we looked at an HOV lane and a bus lane instead of a general-purpose lane. And we found that you really did not need to make that widening. You could still offer travel benefits, travel time benefits on the Bridge, without making that widening. So that is really what has changed is we are now looking at an HOV lane, a carpool and bus lane, and the new analysis shows that that additional widening is not needed and minimal, minimal changes in Marin there. And so, what that does is it makes the cost much more achievable in the range of $14-50 million as opposed to $70-90 million.

Commissioner Gunther stated: I think about this and think that the constraint is how many feet wide the surface is, but it must be more complicated than that.

Ms. Klein deferred to Mr. Maung: Well, let me invite our District Director for Traffic Operations to help you there because this sounds like his territory.

Mr. Maung commented: Sure. When Marin did the study they looked at, like Lisa mentioned, three traffic lanes through the Bridge and through the choke point that we have at the north of the Bridge.

Commissioner Gunther interjected: So that is like in the San Quentin area.

Mr. Maung replied: Yes, yes. For us to get three through lanes at the north of the Bridge we need to widen the overcrossing and improve the interchange. That is the primary, most of the cost that makes it very difficult to achieve or make it feasible.

Commissioner Gunther noted: So, these are changes that would occur on land in Marin County.

Mr. Maung agreed: Yes, the improvements are on the Marin side.

Commissioner Gunther stated: So, there is not actually a constraint, a physical constraint.

Mr. Maung replied: I would like to note, the existing deck width does not allow us to have three lanes with the standard shoulder that we would typically need for this type of facility, right? So, when we say yes, we can put that lane on the Bridge, but that facility, we will have a non-standard shoulder.

When they studied it they probably might have studied what would we need for us to make it a standard, right? So that would be additional cost. That might be widening or taking out the walk that we have on the Bridge. We can go back to the study that Marin has done, and we can summarize and provide more detailed information to you.

Commissioner Gunther continued: But I am trying to clarify this. As the Bridge itself is currently constructed, if we chose, we could move the barrier over and actually have a vehicle lane, but it would not have a shoulder.

Mr. Maung agreed: Yes. Our standard shoulder width for this type of speed and the facility, is a 10-foot shoulder on the outside, a minimum 8-foot shoulder in the inside. So, we are talking about 18 more feet, right?

Commissioner Gunther acknowledged: Okay, okay. Another question is that the report says that creating pullouts, as opposed to a full shoulder, which I had always envisioned would be pullouts with the bike lane is actually then is an overpass, which could be constructed, I think, with standard ramp materials for handicapped access. But the report says it is physically impractical to create pullouts. Why is that?

Mr. Maung replied: I am not familiar with the bicycle overcrossing.

Commissioner Gunther explained: No, no, that is because that is my crazy idea. But

what I am saying is, if we had the pullouts, it would be, to me it is feasible in my biologist's brain to have pullouts with the bike lane as an overpass over the pullouts.

Mr. Maung explained: So, the width depends on the width of the pullout. Let's say if we are going to include the pullout, let's say every mile. You are going to need four locations on the Bridge that you need to widen the Bridge to accommodate that pullout width.

Commissioner Gunther noted: So, you can drive a bus, but you cannot have an emergency pullout in the same width?

Mr. Maung replied: Okay, probably I misunderstood your question. If you are talking about, hey, you are having a pullout on the existing available width, or the shoulder, or the lane, in this case.

Commissioner Gunther replied: Right.

Mr. Maung explained: Yes, the lane would be 12 feet. Typically, the pullout, because of the ingress and egress from the pullout we have a little bit wider pullout for the standard, but yes, technically, yes, you can fit a pullout on the shoulder, yes.

Ms. Klein chimed in: If I may add, you would not have enough, you would not be able to have a bike lane on the shoulder and have pullouts.

Commissioner Gunther agreed: Right, right.

Ms. Klein stated: That you cannot do.

Commissioner Gunther continued: This is why I am dreaming of a bike overpass, okay. The data that you are going to collect in the next year, is this data going to then add on to this data set, so you are going to have a larger data set that allows you to make statements about the relationship between the bike lanes presence or its absence and various traffic metrics?

Ms. Klein stated: Yes. The short answer to that is yes. That is some of the data. That is not the entire set of data, but that is some of the data.

Commissioner Gunther asked: And when you say here, incident rates increased, this means increased compared to when there was not a bike lane on the Bridge?

Ms. Klein noted: Yes, prior to 2019.

Commissioner Gunther continued with a hypothetical: And the metrics that you will use, if we can move ourselves two years in advance or three years from now and we are all having the same discussion, the metrics by which you will make an assessment, whether it is incidents per year or whatever, are those metrics you understand well now? And the reason I am asking is that there are a lot of people interested in this.

Ms. Klein agreed: Yes.

Commissioner Gunther noted: You know, 25,000 of them have sent me emails in the last few months. It seems to me like there are a myriad of metrics that you can use to make the assessment about the impact of the bike lane on traffic and on travel times, and it is not clear to me from what I have seen and what I have heard that that list of metrics is already identified, to say nothing about agreed upon among all the stakeholders about what success looks like, right?

Ms. Klein acknowledged: Right.

Commissioner Gunther emphasized: I just wanted to say, unless you have those metrics ready to add to the discussion now, I do not expect us to have a long discussion

about it. But that I do not see. As a clarifying question I am trying to find out whether we have decided already what we are going to measure in order to make the evaluations that we are referencing here.

Ms. Klein explained: We would measure the things we measured before and gather more data on them. And then in addition one of the conditions is to conduct a threshold analysis, which would be a process which by which we better define what those threshold criteria are for the metrics. So, there is more work to be done on this during the extended pilot as one of the conditions. Katharine, please correct me if I am misstating the conditions.

Ms. Pan stated: That is correct. One of the analyses that we would want to require, because this was a topic of discussion and it is a piece that it is difficult to reconcile all the information at the end because we need to understand overall. We see something happening on the Bridge. Is it a big deal? Is it important? Is it something that we can live with because there are other benefits, or is it something that is so drastic that we cannot allow it to continue? That sort of discussion. Are those like criteria, rubric, whatever you want to call it, metrics, those have not been defined.

So, as you said, what we would really like to see is a stakeholder-involved process where there are a number of perspectives involved where we can get to those thresholds and provide them as part of your discussion at the end of this process.

Commissioner Gunther stated: Right. So, we are talking both about what we measure and then deciding what it means.

Ms. Pan agreed: Yes.

Commissioner Gunther continued: Those are fundamentally important things. And the sooner those get identified, the better, because if we only have a year's worth more data and we spend eight months trying to figure out what things mean, then we are not going to be bringing along the community of informed individuals that will greatly benefit the project. Thank you.

Commissioner Gilmore was recognized: I just want to thank my colleagues because I am learning a lot from listening to your questions. Commissioner Nelson, I too was confused about the HOV aspect of it, and I am glad to know that it is not formally part of this application.

I have a question for Caltrans. If BCDC were to approve this application today, how long until project implementation?

Mr. Maung asked for clarification: Just to clarify, the implementation of the Westbound Improvement Project?

Commissioner Gilmore replied: No, this pilot, which is the subject of this application.

Ms. Klein chimed in: I would be happy to answer that question. We would have those changes in place in October. And what we would be doing between now and then is updating signage and really just getting the word out.

Commissioner Gilmore continued: Okay. And then I have another question. When we talked about this project or a similar project in January, we were told that there were going to be toll plaza improvements. Now, is that what you are talking about when you talk about the Forward Project?

Ms. Klein answered: Yes.

Commissioner Gilmore noted: Okay. And the toll plaza improvements I understand it was funded, and you said, correct me if I am wrong, that it is going to open in summer 2026; is that correct?

Ms. Klein replied: Yes, that is correct.

Commissioner Gilmore continued: Okay. And I also remember from your presentation in January, and correct me if I am wrong, that Caltrans stated that improving conditions at the toll plaza would improve conditions involving incidents by about roughly 12 minutes or so. Is that still true?

Ms. Klein explained: I think what we said is that the Forward improvements, which is a combination of things, removing the toll booths, reducing the merging at the toll plaza, and extending the carpool lane quite a few miles back in Richmond so it is a much longer lane, that that would offer 10 to 12 minute travel time savings for carpools and buses. That is not related to travel time savings when there are incidents. That is like regular travel time advantage from having a priority lane and getting through that approach with the improvements on the approach.

Commissioner Gilmore acknowledged: Okay. Because I do not recall there being discussions in January about carpools, HOVs and whatnot. I think my recollection was we were just talking about traffic improvements on the Bridge and also we were just talking about toll plaza improvements. I do not recall specifically hearing about the Forward Project. We were told in January that these were going to be toll plaza improvements and so I am trying to compare apples to apples here.

Ms. Klein stated: Well, perhaps we emphasized the toll plaza improvements more than the carpool lane, but that set of improvements has been a project, it is all inclusive. So, it may have been the way we talked about it, but that project has not changed.

Commissioner Gilmore continued: Okay, so when you are talking about that coming online in summer of 2026 we are talking about not just the toll plaza but the lane changes both in front and after the toll plaza, correct? The whole Forward Project is coming on board in summer of 2026.

Ms. Klein explained: The Forward Project really does not address the Bridge itself. There is no carpool lane on the Bridge in the Forward Project. The Forward Project is as you come from Richmond from Regatta Boulevard there will be a carpool lane extension, it will be extended to Regatta Boulevard. You will approach the toll plaza. At that point the toll booths will be removed and there will be streamlined merging. That is what the Forward Project does. And that will be online summer 2026.

Commissioner Gilmore acknowledged: Okay. In terms of timing, what is anticipated to be? How much time are you going to save for just regular traffic by completing the Forward Project at that time?

Ms. Klein stated: That is about three to five minutes anticipated so it is a fairly modest, comparatively modest savings. The bigger savings are for the carpools and the buses by design.

Commissioner Gilmore continued with questions: Okay. And then the question that I have about the carpools and the buses. Do we have any idea of the volume of carpools or buses that would be going across the Bridge if we made these changes? It is one thing to say, yeah, we are going to make this change because we are going to have more carpools

and buses. But do we know we are really going to have more carpools and buses?

Ms. Klein replied: Well, I would say we have some preliminary data on that that I do not have at my fingertips right now. But I will also say that we do believe there is demand, carpool demand now. It will certainly be helped by having that Forward Project which will offer travel time savings. And then we would also do further analysis.

Do you have the numbers here?

Mr. Maung offered the following: Commissioner, we can look it up, the studies, and we will provide that information if you go with the next question.

Commissioner Gilmore continued: Okay. And then my final question is, if we were to approve this today the project would start in October of this year and then in summer of 2026 you would have the Forward Project come online because you are not keeping the conditions consistent throughout the study. How are you going to take into account the Forward Project coming online after the beginning of the pilot study? Because normally when you do an experiment, you try to keep the conditions the same all the way through to study whatever it is you are studying, so I am just curious.

Ms. Klein answered: Right, you are absolutely right, the conditions would change. Again, the primary reason that we are seeking these modifications now is to inform the Westbound Improvement Project. And the questions there are a lot about, they are a lot about traffic and operations but also a lot about the impact of that barrier on the deck and the movement and the loading of it. And that particular aspect is not affected by the Forward at all, right? It is not affected by the Forward at all. So, there are some data that we will have that is really not affected by the Forward and the remaining data we will simply note the change. But I think all of the data is useful.

Mr. Maung chimed in: Just to answer your previous question, we have about 500 to 600 carpool vehicles per lane based on the toll data that we have.

Ms. Klein explained: That is the current data and we would expect that number to increase with more time advantage for carpools. That is our primary benefit we are providing.

Vice Chair Eisen had questions: I just have a couple of quick questions about breakdown lanes and barriers. Am I right that on the lower deck the eastbound traffic, that during commute hours currently there is no breakdown lane, right, because that is being used as a traffic lane?

Ms. Klein agreed: You are correct, yes.

Vice Chair Eisen continued: And we are contemplating having that a permanent travel lane, not just commute hours but all hours, in which case there would never be a breakdown lane on the eastbound traffic, right?

Ms. Klein replied: When we say permanent in this case we mean a permanent condition. It would still be operated only during the peak hours.

Vice Chair Eisen acknowledged: I see, I see.

Ms. Klein continued: It would still be a shoulder the remaining hours of the day.

Vice Chair Eisen acknowledged and noted: Okay. But the fact that there is no shoulder during commute hours, has that been studied? What we have been told by a lot of people is that cars are breaking down, there is no breakdown lane during commute hours, and that is causing these massive backups. But it sounds like you have not had that

experience on the eastbound part of the Bridge. Is that accurate?

Ms. Klein answered: That is correct. That was looked at in the UC Berkeley Study and it found that there was not an impact on the incident delay and response on the lower deck.

I think a fundamental difference, though, is when you have three lanes that vehicles can move through, if one or two, or even two of those lanes are blocked, there is still a lane that vehicles can use to get around, or that emergency vehicles can use to get there, right, the vehicles get around. On the upper deck when that barrier is in its current position you have two lanes that are available for vehicles. So, if one of those lanes are blocked it is a much bigger impact than if one lane is blocked on the lower deck.

Vice Chair Eisen acknowledged: I understand. When I travel in my car Google Maps will tell me if there is some kind of an incident ahead of me and it will also tell me how long I am going to be stuck in traffic because of that incident.

I remember at the January meeting there was kind of a dearth of evidence about these breakdowns and how long they lasted and how impactful they were. Is that data that Google Maps has and maybe other maps services have unavailable or not useful in trying to ascertain whether the breakdown lane is causing the congestion that we are being told it causes?

Ms. Klein stated: We do look at that data. But we look at the data from the California Highway Patrol in their official records, is primarily what we look at, and then we supplement that. What we have actually been doing from the past year or so is when there is an incident we actually look at, we go back and we look at the traffic data more carefully to understand how long it took for that traffic to dissipate. So, we are trying to do a better job of that, but I will say it is something that we are still getting better at.

Vice Chair Eisen asked: But these other services are not available to you to help with that data collection?

Ms. Klein replied: Well, I think the problem is I do not think we can get the Google data after the fact. And the Google Data is an estimate, right? It is an estimate. We cannot get it after the fact.

Vice Chair Eisen had additional questions: Just a couple of quick questions about the barriers, moving the barriers. What was the thinking behind moving the barrier at midday Thursday, but then replacing it at midnight on Sunday? Why midday on Thursday? And have you figured out what the cost is going to be of picking up those barriers and putting them back down again every week?

Ms. Klein answered: Yes, absolutely. So good questions. We wanted to provide the shoulder, ultimately the HOV lane, really for the morning. Really when it is most valuable is the morning commute, right? So, on Thursday, we would like to provide it for that morning commute. However, it is not as valuable by Thursday afternoon. With increasing remote work and so forth we know that folks have more flexibility in their schedules and wanted to be able to return the path as early as possible in advance of Friday, and that is why we chose the midday Thursday.

The estimated cost of moving the barrier. We are paying about half a million a year now for that barrier movement and maintenance. The cost of the pilot would increase that by half a million so that is a net increase of half a million.

Vice Chair Eisen asked: I am sorry, why are we moving the barriers now?

Ms. Klein explained: We do it for a couple of reasons. One is, we move it routinely about once a month just to make sure it is still working and that we can move it if we need to. And then we move it when Caltrans has scheduled maintenance.

Vice Chair Eisen acknowledged: Okay, but now we are talking about moving it every single week, right?

Ms. Klein stated: We are proposing to move it now twice a week, yes.

Vice Chair Eisen asked: All right. And the cost of that you think would be?

Ms. Klein answered: It is about a $500,000 increase in the cost.

Vice Chair Eisen asked: Per week?

Ms. Klein clarified: Per year, per year. I'm sorry, I should have made that clear. That is an annual cost.

Vice Chair Eisen acknowledged: Okay, all right, good. Thank you. That is all I have.

Commissioner Cox spoke: Thank you for this really great and comprehensive presentation. I was wondering if there is any ability to monitor usage of the third eastbound lane outside of commuter hours. Could you monitor that by SCADA? Because I routinely use the Bridge and I frequently see people outside of commuter hours still using the third lane, which creates a hazard for a vehicle that breaks down or an emergency responder.

Mr. Maung fielded this inquiry: Yes, we plan to - currently, we do have cameras so that we can kind of observe the violations that happen in the eastbound direction. So, during the pilot project this is one of the conditions that we are going to be monitoring the violation and then take appropriate actions.

Commissioner Cox asked: That was my follow-on question. Is there any enforcement plan to deter those violations?

Mr. Maung answered: Yes.

Commissioner Cox noted: Because people zip, people frequently use that lane to go around other cars, which means they are traveling at 70, 75 miles an hour in that lane when it is closed.

Mr. Maung stated: Yes, yes. We have been having communication and discussion with CHP. They are the state agency that need to do the enforcement on the Bridge. So, we will continue to do that. And as far as on the engineering side, we are prepared to help out whatever the assistance CHP needs.

Commissioner Cox continued: A couple of fellow Commissioners inquired about the feasibility of three lanes on the westbound lane and your response was, there is no room for a shoulder if you use. But isn't that exactly what we have on the eastbound lane? We have three lanes.

Mr. Maung answered: Yes, when the part-time lane is in effect, yes, there is no shoulder, that is correct.

Commissioner Cox stated: So it is feasible to have three lanes without a shoulder as an operational throughway?

Mr. Maung agreed: Yes. You know, even though we have a standard to have a shoulder, both an inside and outside shoulder, we realize that we really need to optimize the existing deck width to maximize the traffic mobility benefits as well as the pedestrian

bike access as well. So that is the reason that we are going without the shoulder.

Commissioner Cox continued: I know that we are not voting today on the long-term solution, but I was looking at slide 12 where it shows where the HOV lane would be and where the third lane would be Thursday through Sunday, and they appear to be on opposite sides of the road. So, Monday through Thursday it is showing that the HOV lane is in the number three lane, but that Thursday through Sunday the multi-use lane is in the number one lane.

Ms. Supit chimed in: Thank you, Commissioner. My name is Ingrid Supit and I am the Project Manager for the Westbound Improvement Project and I am with BATA. I guess your questions for the long-term project, the Westbound Improvement Project, why the carpool is on the number one lane and the bike path is on the outside.

Commissioner Cox acknowledged: Right.

Ms. Supit explained: So, that is an easier transition because currently the carpool lane at the toll plaza is on the left side, right?

Commissioner Cox affirmed: Yes.

Ms. Supit continued: So that way they do not have to cross over to go to the outside, so they can just continue on the number one lane. And that is consistent with the state and highway federal guidelines that the carpool lane is normally on the number one lane or the left lane.

Commissioner Cox noted: But this is showing the carpool lane on the number three lane. You see the HOV sign up above? That seems to be the number three lane because it is facing us.

Ms. Supit clarified: No, that is going towards you, you are looking through downstream, your direction. The bus lane is on the left.

Commissioner Cox stated: The bus confused me because it looks like the bus is facing us.

Ms. Supit acknowledged: No. Yes, I see the problem now, it looks like it is facing you, right? Yes, no, but it is not. It is like facing that direction, yes.

Commissioner Cox stated: So, in that case, there is a very short transition when you exit the Richmond Bridge on the north side for the two exits that are on the right-hand side. So, what will be the plan to allow HOV vehicles to make that transition to the exit, which is merely just a few feet, the first exit is just a few feet after the exit from the Richmond Bridge.

Ms. Supit explained: That is a very good question, Commissioner. I say that you probably have an engineering background. But those are the alternatives that we are going to study in the next phase that currently Caltrans is carrying through their environmental.

First, they are going to study different alternatives. And then during the preliminary analysis that BATA conducted that just completed a few months ago, there are a couple of alternatives that we are considering, and one of them is really the HOV lane. We are going to terminate it about half mile before the end of the Bridge.

Commissioner Cox acknowledged: Got you.

Ms. Supit replied: Yes.

Commissioner Cox mentioned an alternative: You know, there is another way to access southern Marin, which is to take the third exit after the Bridge. So, another

possibility was that if someone avails themselves of the HOV lane, they just do not get to exit onto Sir Francis Drake.

Ms. Supit agreed: Correct.

Commissioner Cox noted: They go up to the third exit, which then allows them to head south or north.

Ms. Supit acknowledged: See, you know what to do.

Commissioner Cox continued her inquiry: Okay. My last question is, you mentioned that the shuttle vans have a capacity of 10. Is there any ability to increase the availability of shuttle vans if they are consistently full?

Ms. Klein chimed in: The short answer is, yes. We would be very happy.

Commissioner Cox stated: I just want to be sure that is something that is in the budget and that you will be, again, studying and monitoring. Because I agree with one of my fellow Commissioners, the likelihood of bicycle commuting increasing is high.

Ms. Klein acknowledged: Yes, absolutely. We will be monitoring usage, and we would be thrilled if all of our shuttles were full and we would add more, yes.

Ms. Pan added: Also just so you know, within the conditions of the Staff Recommendation we are asking Caltrans and BATA to have a feedback line open for people to make comments and to be monitoring the usage so that they can adjust the shuttle operations accordingly.

Commissioner Gioia commented: Thanks, everybody. I know the public is anxious for us to finish our questions to go to public comment. I will start by saying I appreciate, as someone who has both ridden a bike over the Bridge and drives over the Bridge, I understand the importance of this Bridge corridor to both bikers and drivers and commuters and recreation. It is an important corridor for bikers and for drivers. I also live not too far away from the entrance to 580 and I often do see the freeway back up and understand that issue as well.

So just a couple. I have a few questions, some simple, some may be more involved. The way I read the application is while there is a lot of data you are collecting and want to collect, is the main difference between this application and the last one was the need to get more data to evaluate whether to go forward with the HOV lane, and that that was central to the new application?

Ms. Klein agreed: Yes, that's correct.

Commissioner Gioia continued: I understand that. And I know we are having a lot of discussion about how do we feel about an HOV lane but want to be clear, it is not our authority under state law to tell you what project you should submit, right? We may have individual feelings about it that is going to differ here and in the public, but ultimately it is to look at our role of creating maximum feasible public access consistent with the project, right? And that you are trying to collect the data to see what project to come up with. So just to note because I think I do want to make that distinction. That we are not here to decide on an HOV lane, but you are trying to understand what data you need to decide if you want to go forward with that.

Ms. Klein agreed: Yes.

Commissioner Gioia continued: That seems to get to the issue of the data that you would collect over the full three years versus the data you would collect over the next

year, right? I understand, so I want to make sure I really understand that. You have talked about it. Because there is some data you want to collect over the next year before the Forward Project is complete to compare it to the past data. It sounds like just as importantly if not more importantly is the data you are trying to collect over the three years or so for the HOV type of project. Explain the difference in those two pieces of data.

Ms. Klein explained: Okay, I will do my best here. First off, we want to start this operation as soon as possible because the sooner we get data on the movement of the barrier and the operations, the operation of moving the barrier and the loading, the sooner we have data that can inform the environmental process for the Westbound Improvement Project, right? So that is data we will collect for the full, that we will collect over the duration of the pilot, but we want that data early because it affects our analysis and our design of that project and the structural strengthening project. So that is one.

The second, the second question is really about data we would collect on the traffic impacts of having the barrier where it is now versus having a shoulder. So that is data that we would like to get some of that data in the next year. It is comparable with the analysis we did. It helps flesh out and complete the analysis we did during the original pilot.

And then as the Forward comes on, we will continue collecting that data. We will continue collecting that data. And we will take the sum total of that data and feed it into the environmental project, the environmental review.

So, the short answer is, we are collecting data throughout. We are collecting similar data throughout. And getting it early helps us get it into the environmental process for the Westbound Improvement Project as soon as possible, because we want to get that analysis started and we want to complete it as soon as possible.

Commissioner Gioia mentioned a potential hypothetical: And then you ultimately would come back to us if you decide to move forward with that HOV lane project for a new permit amendment. If you are not going to it is likely or I know there's permit conditions here in which it may revert back. If this permit amendment is granted today, that it would revert back to probably a full-time bike lane. There is a lot of language in the conditions that it may revert back if you end up not moving forward with this HOV lane.

Ms. Klein replied: That is my understanding.

Commissioner Gioia continued: Yes, in the permit conditions. So that is driving a lot of this, I think, frankly, more than a lot of the other data on incidents and breakdown and all that. That this is really the core of why you are seeking this amendment.

So, there are some who have said that, well, can this be done? Can this same analysis be done in looking at the more frequent movement of the barrier can be done without having the closure of the bike lane. So, explain. And we will hear about that in public comment. So, explain from MTC or Caltrans' perspective why you feel it needs to be this way.

Ms. Klein answered: Right. So, as you mentioned, the primary motivation for the modified pilot, the modifications, is to inform that Westbound Improvement Project. By making these modifications now we are essentially able to pilot that operation now so that when the environmental concludes it no longer needs to be a pilot. We know what we need to know about how the physical operation works of moving the barrier, what kind of impact that has on the deck, and how the loading as we move that barrier to the outside of

the shoulder for three and a half consecutive days, right? What that loading impact is. That is the operation we envision in the Westbound Improvement Project and to get that data, we really need to replicate that schedule in the pilot. We simply would not get the equivalent data.

The other point is, one additional observation is, you are right, the Westbound Improvement Project would have an access component. In the current schedule for the pilot modifications we also have the opportunity to test that shuttle. Hopefully, as Commissioner Cox has said, it is full and we are adding shuttles. And we will know that through the pilot.

Commissioner Gioia continued: Right. I will get to the shuttle question too after. So, one of the things I have learned representing Richmond, West Contra Costa for 26 years on the Board of Supervisors and growing up in Richmond is that residents want to weigh in on how they feel. And the environmental justice analysis that you identify here is going to be really important because nobody. There's been a lot of feelings expressed so far, but there has not been a real, I want to say, total comprehensive effort to really understand what does maximum feasible public access mean to the community. I have heard everything from people want more access for bikes, and other people say I want to get to my job in Marin. I want a free bus that gets me there fast. I have heard the whole continuum.

I remember years ago, working with a pastor in North Richmond to develop a shuttle bus that went to some jobs in Marin from North Richmond. So, I mean, there is the range from bikes to buses. In fact, most of the people that are going to be impacted by all of this are people who live in the East Bay, Richmond area, West Contra Costa, Alameda, Western Alameda, who are going to jobs in Marin and San Francisco, or who are recreation, right, from the East Bay to Marin. So, I think those are folks immediately around the Bridge; we really want to understand that.

So, I want you to talk more about and I think we want to be able to provide input, if we are really true to environmental justice sort of principles, what we are looking at and how quickly we do that as early as possible. Because it seems to me that is important for understanding measurements. We may sit around here thinking we know. Cesar knows this, he is from Richmond. He represents us. Our community wants to weigh in. We cannot replace their judgment, right? We cannot say this is what you should do. We want to hear from them. So, I think that process is going to be really important.

Ms. Klein agreed: Yes.

Commissioner Gioia requested directed discussion: So, talk about that and then we may have some input. And it sounds like it is going to inform both, how do I say this, this pilot and potentially if this is granted, and at the end of the pilot, what a future condition would look like on what does public access mean if there is an HOV lane. The public is going to want to weigh in on both.

Ms. Klein replied: Yes. Thank you for raising that up, Commissioner Gioia. It is part of the studies, the analysis. Really that kind of engagement is a form of data collection as well in many ways. It is absolutely part of the work that we will be doing during the extended pilot. I am happy to tell you we already have UC Berkeley PATH under contract. Caltrans already has them under contract to do that work and we will be able to get started really, as soon as the pilot is approved. Happy to take input on the kind of scope

and engagement.

Commissioner Gioia continued: Yes, I think we may want to provide input. So right now, you have the shuttle at 20 minute headways. There's about 100 during the summer peak season, I know it is less during the winter. But summer peak season you have about 100 bikers and walkers westbound it looks like during the week and about close to 400 on the weekends, if you look at that. And the shuttle would be used during the week. One of the other Commissioners mentioned this. Obviously, we are all hoping to see more increases in bike use beyond the 100 per day. If we need more shuttles it would be a larger shuttle or more frequent headways? How would you do that?

Ms. Klein answered: I am not sure I can answer that question right now. I think part of that would be looking at the demand patterns. Part of that would be the feedback that we get through the app. I guess we are asking folks to provide us feedback on the shuttle itself. I think that is a question we would tackle when we get there. Also based on what is available from the vendor.

Commissioner Gioia addressed traffic data: Right. I am trying to understand the traffic counts. It is interesting. The traffic counts, there's like 38,000 vehicles westbound per day, 12,000 during the morning commute. So, the 38,000 during the week and almost the same number on the weekends. Weekday are commuters, weekend are recreational, for those of us that may drive over to Point Reyes to hike or something like that, and obviously in nicer weather in the summer there's more people going across. Have you done data about who is the commuters on that during the week or weekend commuters? It is just there's 38,000 during the week and 38,000 on the weekends.

Ms. Klein sought clarification: You are talking about of the drive?

Commissioner Gioia explained: Of the drivers, now, yes.

Ms. Klein stated: I do not think we have that data readily accessible.

Commissioner Gioia continued: And the data that you had on some of this showed that for the bike riders and pedestrians that 85% were recreational, 15% commuters. How do we know that? So, we are saying of the 100 that go across during the week, only 15 are commuters?

Ms. Klein replied: That was from survey data, surveys that were conducted during the pilot itself and I believe that is in the aggregate. So that 85-15, 85% recreational, 15%.

Commissioner Gioia noted: Includes weekend and weekday. Yes, that would make sense. Because during the week I would imagine there are more of those, that number is higher than 15% who are commuters. Whereas on the weekend they are mostly all recreational. Got it. Yes, okay, that would make sense.

Just one question on the lower deck. The reason that the lower deck, obviously that made a big difference for folks, the same group of folks just coming home in the evening. That it is a traffic lane only during peak hours. That is clearly when the demand is, because you want to leave it vacant as a breakdown lane during the day rather than making that a lane all the time.

Ms. Klein cited options: Well, I think there are a couple of considerations. One is to have the breakdown lane, but the other is to provide the space for maintenance work for the Bridge.

Commissioner Gioia acknowledged: I see. And getting back to the eventual HOV and I

do not know whether the data will help inform this. There may be some who will want there to be Bus Rapid Transit and no carpools. You have not made a decision whether it is going to be carpool and bus or just bus. Because that is something that we may want to hear if folks are trying to get across, Bus Rapid Transit goes quicker. Carpool lanes tend to fill up, right? I have an electric car, and I am going to lose my ability to drive in a carpool lane very soon. Something you already know, there are plenty of abuse on carpool lanes. We have not figured out a way to enforce that yet and they are sometimes as crowded as a regular lane of traffic. So, is there any consideration to looking at Bus Rapid Transit only so it is a bus lane to get folks across?

Ms. Klein replied: Yes, and we did not look at that in our preliminary analysis. I do think that the amount of bus service in the corridor probably means that there is room for carpool lanes. Now that all said, we are just starting the environmental process now. There is a scoping process, so I would not rule it out.

Commissioner Gioia continued questioning: My last question, obviously in a perfect world we have a perfect dedicated bike lane. I know we are trying to deal with limited real estate here and how do you balance this limited real estate. No one believes there is going to be a new bridge there in the next few decades. Without any large federal and state investment that is just not happening when it is $20 billion. But I know you have thought more about major retrofit for deck replacement. Is it possible? And that is even off in the future because that is going to cost money but it is more short-term. Is there any ability to have a dedicated bike lane on a major deck replacement, which is the more realistic alternative to a new Bridge? I know Cesar's been advocating new bridge, right? We are saying that's great, but we do not see any federal money to do that. But start now, as you said. But what is there from the standpoint of retrofit?

Ms. Klein replied: Right. BATA and Caltrans have really been putting a lot of energy into asset management recently to really understand the timing, optimal timing of these major rehabilitation projects. A major project like that, a deck replacement, would replace the deck in the current footprint and so it would not, would not create any widening. So, considering a bike lane in that point would go back to a conversation we had earlier today about could you put a cantilevered bike lane, hang it off the side of the deck? As Aung explained, that is a major project, big environmental impacts, and really cost prohibitive. So, I do not think that there is a good opportunity to do that kind of project with a replacement or rehabilitation.

Commissioner Gioia continued his inquiry: And I did think of truly one last question. Dealing with this 10 million in other funding. As folks who follow this know that that 10 million was generally earmarked for the region for bike-ped projects for Richmond and the condition has this rule about allocation or an alternative project. The money was sitting there. Everyone expected it would be spent for some bike-ped projects there. Though the two projects identified are important projects, I do think they are valued in the community and would get more people to the Bridge.

I want to understand, though, the second piece of it because there is way more than $10 million that are needed to close really important bike gaps including the Richmond Greenway, which is probably a $30-40 million project, and that is the main corridor.

So, I think part of it is how do we really put more, how do I say this, more pressure

on MTC to really identify funding above and beyond the $10 million to complete these other gaps, which will increase not just ridership on those local trails but to the Bridge and on the Bridge? And I know that the staff put conditions in there, but the question is, if they can be stronger to really get MTC to be more committed about that. Other thoughts you have on that. You figured I would ask a question like that.

Ms. Klein stated: I cannot speak for my board on this, right? The conditions that are in there are consistent with our board's commitments and practices. And we are absolutely committed to convening the partners, to sitting down on a regular basis, to having very detailed conversations about the upcoming projects, the range of funding opportunities, not just at MTC but at the state. We can provide a lot of, I will say, technical assistance or grant assistance in trying to help match projects with grant opportunities and identifying how to make those grant applications more competitive. But as staff I cannot come before you and commit funding on behalf of my board.

Commissioner Gioia interjected: Beyond the 10 million you are saying, beyond the 10?

Ms. Klein agreed: Yes.

Commissioner Gioia acknowledged: Yes, think about that. All right, okay. Thanks for now.

Commissioner Gauthier addressed shuttle service parameters: Thank you and thank you to all my fellow Commissioners for your comments. I am in San Mateo County. I have been across this Bridge. My question is going to have more to do with the shuttle. The shuttle time is from 6:00 to 8:00. But if I am looking at the report, after 8:00 p.m. bicyclists will have to find an alternative route to get home. How are we communicating that with the bicycle community?

Ms. Klein answered: Well, we would in the weeks leading up to the change in operations, we would be really doing a lot of signage on the facility itself. We would be pushing information out through social media. We would certainly like to leverage, partner with local governments, with the various coalition and community to be able to really get that word out.

Commissioner Gauthier continued: And do we know right now, are there numbers for anyone who is riding their bike after 8:00 p.m.? I am not familiar with the Bridge. Are there members that would typically ride their bike after 8:00 p.m. across the Bridge?

Commissioner Gioia interjected: Your report said that you thought this would cover 96% of the riders, so I do not know where you got that number, but that was in the report.

Ms. Klein explained: Right. We do have count data for use of the path by time of day, and we did look at that data in identifying these hours from 6:00 to 8:00 p.m., and it does cover the vast, vast majority of people who are crossing the Bridge. I think after 8:00 p.m. it is less than five typically people crossing the Bridge, so it is a very small number.

Commissioner Gauthier stated: That was my question, just about the knowledge of after 8:00 p.m. On the weekend they can travel whenever. But during this time period after 8:00 p.m. they are on their own to get across the Bridge.

Ms. Klein replied: That is correct. The path would be open 24/7 from 2:00 p.m. on Thursday through 11:00 p.m. on Sunday.

Commissioner Randolph chimed in: A question on the data, building on

Commissioner Goia's question. This goes to the length of the pilot. So how have you determined how much data you need over what period of time before deciding whether to go forward with a further amendment to focus on the HOV lane? I am wondering, could you foresee a circumstance where you say we have the data we need and you come back to us before the end of the pilot, say we are ready to go with whatever our new proposal is? So, could you explain the length of the pilot?

Ms. Klein answered: Yes, I think that is absolutely right. We chose the length of the pilot to align roughly with the environmental review process for the westbound third lane. We are looking to accelerate that process, right? And so, as we collect the data and we are able to use it and analyze it and if we are able to complete that environmental sooner, we may be able to come back. We would certainly consult with staff on this, but we might be able to come back sooner.

A next step after we do the environmental on the Westbound Improvement Project, we will be back before you seeking a permit for that project. And so there will be plenty of opportunity at that time to think about how this particular permit is handled.

Commissioner Zepeda was recognized: Thank you for all your comments. I know it has been a long day so I will try to make them fast.

Chair Wasserman emphasized: To be clear, we are asking clarifying questions, not comments yet.

Commissioner Zepeda acknowledged: Thank you. So, for the data. Are we just getting data that is happening within the Bridge or are we getting any data on the streets that's leading to the Bridge as well?

Ms. Klein answered: We collected data on the streets leading to the Bridge during the initial pilot and we would do the same here.

Commissioner Zepeda acknowledged: Okay, thank you. And then have we looked at looking at a ferry shuttle?

Ms. Klein stated: A ferry shuttle. We remain interested, I would say, in the potential to provide ferry service, to increase ferry service here. It has long been something we have we have looked at. It is not part of this pilot.

Commissioner Zepeda acknowledged: Okay, thank you.

Chair Wasserman moved to Public Comment: Thank you. We are now going to turn to public comment. We have 30 people in the room who have submitted speaker cards and 35 virtual speakers, so I have several requests. Well, one is not a request. We will limit speakers to one minute. And I know that is a little tough, but we still have some debate to do up here, but we do want to hear from you.

Second request. Please do not be repetitive. If you just want to say that you are there, you are supporting someone, you can say that even in less than a minute.

I do not want to cut anybody off. You have got things to say, we want to hear them. And we are going to cut off speaker cards in five minutes. We are not going to accept anymore, either in the room or virtually.

With that, Sierra will call names and tell people who are on deck so we can make this move as efficiently as possible.

Ms. Peterson noted: Chair Wasserman, you are upwards of 45 virtually at this time.

Chair Wasserman re-emphasized: I repeat my comment. To the extent you are

echoing what people have said, it is important for us to know that but it does not take a minute to say that.

Let's start with the public speakers in the room.

Daniel Hernandez commented: I am Daniel Hernandez, I appreciate getting the chance to comment on this. I want to urge you that you reject the closing of the access trail. I am a teacher. I live in Berkeley. I use that Bridge twice a day to teach in Marin. I teach second, fourth, sixth graders. To say to them, this is the best we can do to save 10 minutes or 9 minutes or 5 minutes or 19 minutes on a commute. When I was born, there were 3 billion people on the planet; today there is 9 billion.

We cannot keep cars. We cannot keep Caltrans, I am sorry. But we cannot keep caring our way or trafficking or auto solo-person per car across. And if you are charged with increasing access, I take up that Bridge for an hour a day. I am a half hour across when I have to drive it, I am a half hour across when I'm back.

Who else is going to look at that on Google Maps and say, no, I am not doing that. I will never get to meet the Bay. I never get to meet the Bay then you never get to know the Bay, you never get to love the Bay. When you love the Bay, you protect it. And by protecting it, increasing access protects it. Thank you.

Bruce Dughi spoke: Hello. My name is Bruce Dughi, and I am from Bike Walk Castro Valley. Please maintain the 24/7 bicycle access across the Bridge. Remember, your charter is to for maximum feasible access, public access. Shuttles actually discourage access because they are unreliable and they are a barrier to transportation. Caltrans offered to shuttle across the Davis-Sacramento Causeway before they built a bike lane along the freeway, but they canceled it due to low cost and low usage, stranding cyclists for years, and I was one of those cyclists. So, that will actually discourage.

We talked about having more bicycle usage with e-bikes, but that is not going to happen because of this barrier. You must know by now that you are not going to solve the traffic congestion with this pilot anyway because there's only two lanes on the Marin side and there's also, of course, only two lanes over the Bridge for the pilot. All right, thanks.

Robert Prinz spoke: Hello, Commissioners. My name is Robert Prinz, I am Advocacy Director with Bike East Bay. We, of course, support keeping the Bridge Trail open 24/7, opposed the deeply flawed permit amendment request which does not meet BCDC's maximum feasible public access standard. I know it is flawed because I read the more than 350 email comments sent to you for this agenda item, I hope you did as well, 88% of which were in favor of keeping the Trail open 24/7, that is 8-8%.

These comments include a disabled cyclist who rides a recumbent bike trike that won't fit on the shuttle or bus. A firefighter uses the Bridge on weekdays, and his cargo bike also won't fit on the shuttle. A parent with a young adult with a developmental disability whose e-bike commute on the Bridge to the College of Marin offers them mobility independence. Even car commuters wrote in who experience the Bridge traffic weekly but agree closing the Trail isn't the answer. You will hear many more stories today from individuals for whom maximum feasible public access will not be provided via this proposal.

Appreciate you listening to them closely and voting to deny the permit amendment. Thank you.

Mayor Tarrell Kullaway commented: Hi, Tarrell Kullaway, Mayor of San Anselmo, but I am here in my role as Executive Director for Marin County Bicycle Coalition.

I was at the ribbon cutting. I spoke in 2019. This was 40 years in the making. It was such a celebration. There were 5,000 people out there, including many of you, including many of the people who are now trying to take this back. This was something that elected officials said at the time was going to be around for years to come.

I think that removing this access is premature. There are already funded projects underway to reduce congestion, open road tolling and add new HOV bus lanes. And let's study those before we take away this access.

Almost a half million people have used this lane since it started. People are using this. It is not just a side project, it is an actual vital transportation project. So please be brave and do the right thing.

Julianne Coleman was recognized: I am Julianne Coleman, I live in Oakland, and I wanted to ask the BCDC to reject the permit in support of 24/7 access. I wanted to repeat/reiterate I guess to some extent the comments about the bike shuttle, which should never be considered an effective alternative. I have ridden the bike shuttle from MacArthur BART to San Francisco on weekdays, and even though it is much cheaper than BART, bicyclists don't take it because we know that bikes fall off of this trailer. It is not an enclosed trailer. It has no way to secure your bike. I have been on this vehicle myself when I have seen bikes go missing during this trip so the bike shuttle should never be considered an effective alternative.

I would also like to point out that there are lots of people who don't work Monday through Friday, and their access to the Bridge on their days off will be completely cut off if you only offer access Friday through Sunday. Thank you.

Diego Hernandez offered public comment: Good afternoon, Commissioners. My name is Diego Hernandez, and I am here with, I am a member of Laborers Local 261 in San Francisco. It also covers Marin County and San Mateo County. I am here with some of my brothers. You guys want to stand. For the interest of time, I drew the short straw so I am up here.

We are in favor of what is being proposed today by Caltrans. Hundreds of our members cross that Bridge to go to work. The commute is crazy. The plan that has been proposed just makes too much sense, so we encourage you guys to vote yes on today's proposal. Thank you.

Joshua Arce commented: Good afternoon, Commissioners. Joshua Arce, California Alliance for Jobs. We represent 100,000 construction workers north of Fresno to the border and 2,000 construction employers including Ghilotti Brothers, who is here with a number of personnel.

We strongly support the recommendation from staff. Want to thank staff for what is really a fair compromise middle ground. Because what you have got here is you have recreational success on the weekends with folks using bikes on the weekends. What you have is a failed pilot when it comes to the weekday commutes. We have thousands of members backed up in traffic every morning. No one rides their bike to work. We looked at the MTC data, there's 21 folks on average riding their bikes in that midmorning commute in the weekday, nearly 20,000 cars.

This is really an opportunity to strike balance. It is fair, it is reasonable, it is very judicious and prudent. The status quo just is not working for anyone, and so I think and we really plead to you to strike this balance and say yes and allow us to have a recreational use that works on the weekends, but we have got to do something for working people who want their lives back and are really upset for all the years it has taken to get here. Thanks.

Jaime Olivares spoke: Good afternoon. My name is Jaime Olivares, I am a Business Rep with Local 324, we represent a good majority of over 4,000 members. I am a born and raised Richmond. I take that Bridge every day to go to work and I deal with that commute every day. Sometimes the traffic is bad, sometimes it is okay, but I think if we do open it up to a third lane, I think it will be beneficial to everyone that commutes through there. So, I strongly support it, and I hope you guys do too as well. Thank you.

Rollie Katz was recognized: Rollie Katz, Marin Association of Public Employees; we represent the majority of Marin County workers.

Can we please have some perspective? This permit is not going to result in one square centimeter of the Bay being filled. This permit is going to return the shoulder to being a shoulder four days a week. It stretches credibility to think that a pilot creates some kind of maximum feasible access that can never be changed.

Most of the people who ride their bikes across the Bridge do so for recreation and that is not going to be changed. We represent people who drive from Castro Valley, from Concord, from Pleasant Hill, from Vacaville. They are not going to ride a bicycle to work. It is completely impractical. When there are stalls and accidents on that Bridge it delays traffic. It increases the risk of other people being injured, and it increases the risk of people in those accidents not getting the medical attention they need. Please adopt this commonsense proposal. Thank you.

Jill Holloway addressed attendees: Hi, I am Jill Holloway, Co-Executive Director of Bike East Bay.

This week we submitted a letter with 80 environmental and transportation nonprofits and CBOs listed as cosigners in opposition to MTC and Caltrans' permit amendment request to close the Richmond-San Rafael Bridge four days a week. Among this long list of local, state and national groups is Save the Bay, one of the organizations that petitioned for the formation of BCDC in 1965. This massive coalition in opposition to the permit amendment request is joined by unanimous resolutions from Richmond, Albany and Berkeley City Councils, along with West Contra Costa Transportation Commission and the Bay Trail Board and 5,300 signatures have been gathered from individuals on our petition in opposition to the Trail closure.

Each of these partners agrees that the Trail closure proposal is unjustified and the mitigations are inadequate to meet BCDC's maximum feasible public access standard, as detailed in our letter. Please listen to them and reject this proposal. Thank you.

Denyse Trepanier spoke: Hi. My name is Denyse Trepanier. I am the Board President for Bike Walk Alameda. I have never spoken to this Commission before so first of all I want to thank you for your work and also for the opportunity to speak today.

Over the past 15 years I have led dozens of bike tours around the Bay, and I first want to thank you for your mission and your work. I wish I had more time to tell you about the amazing access improvements I have seen over those years. Every time I ride the Bay

access is improved and the access to the Bay, as the earlier speaker said, truly is a treasure for living around here.

But I wanted to highlight that if we lose access to this path by your actions today there will be no access across the Bay for people outside of cars between the Carquinez Bridge to the north all the way down to the Dumbarton Bridge because there is no bike access either on the Bay, you cannot cross the Bay Bridge or you cannot cross the San Mateo Bridge. So that is unacceptable to have to travel for days to cross the Bay.

So anyway, I just wanted to thank you for the work you have done so far, but to please reject this petition today. We really need additional access.

Warren Wells spoke: Thank you. Warren Wells with the Marin County Bicycle Coalition.

We understand the challenges faced by folks driving the Bridge today. That said, I really want to stress that the traffic is not caused by the pathway, but by failure of Marin to permit sufficient housing for the last half century. We have heard from Marin employers who cannot hire or retain East Bay residents due to the admittedly bad traffic. The alternate pilot proposed today will not change that on most days.

And then imagine if as Caltrans and MTC aim for a third lane is added to the Bridge. If traffic improves and these employers hire another 2,000 East Bay commuters what happens to traffic? This is a phenomenon known as induced demand, which many have our elected leaders and transportation planners acknowledge in theory and continue to ignore in practice.

With all the dark news we read every day, highlighted by Chair Wasserman at the outset, it is my hope that our leaders here in the Bay Area do not choose to abandon four miles of Bay Trail chasing the mirage of lasting congestion relief, which research clearly demonstrates cannot be done with more lanes, only a better housing policy. Thank you so much.

Joanne Webster commented: Good afternoon, Commissioners. Thank you so much for the opportunity to speak with you today. I am Joanne Webster, President/CEO of the North Bay Leadership Council. We represent leading employers in the North Bay including Marin, Sonoma and Napa. And on their behalf today I am here to say we support staff's recommendation for this approved revised plan.

For many workers commuting across the Bridge, including teachers, health care staff, public employees, you heard from some of them today. This just is not an inconvenience, this is a serious hardship. Tens of thousands are crossing the Bridge each day. It is a lifeline to our workforce and a critical link to our economy.

You have heard my colleagues state earlier, I completely agree. This is a fair and balanced and well thought out plan. It preserves meaningful public access, adds real mobility benefits, and responds to the lived realities of everyday working people in the Bay Area. It is a commitment for us to do better in the long-term. We ask that you support this today. Thank you.

Bart Hackworth spoke: Hello, Commissioners. My name is Bart Hackworth and I am a resident of Richmond. I ride my bike to and from work every day starting at 5:00 a.m. in the morning to Larkspur where I am a Golden Gate ferry captain. I do my job to help provide an alternative to driving to the public. I ride my bike to get off the road to help

save the environment, to save money on the Bridge toll, gas car expense, to get exercise and to enjoy the wonderful Bay we live around.

This plan to close the bike path Monday through Thursday will cause me to drive my car every day. The shuttle schedule does not work for my schedule. The transit bus schedule does not work for my schedule. My only choice is to drive my car. This is totally contrary to BCDC's mission. Please vote to keep the pedestrian path open every day. Thank you.

Phyllis Orrick was called: Hello, my name is Phyllis Orrick and I am wearing three hats in addition to the one I have on.

First of all, I am a 30-year member/resident of Berkeley and I ride the Bay Trail every weekend and I put about 150 miles a week on my bike doing errands and the path is just a key to increasing the connectivity that we have achieved so much of so far in the 30 years since I moved here.

My second hat is as an elected member of the Sierra Club Executive Committee of the Northern Alameda County Group. We are the largest group of the Sierra Club in the Bay, and we sent you a letter back in November supporting keeping the path open as it is consistent with Sierra Club views on environmental equity, access and sustainability.

My other hat is here for identifying purposes only, which is that I am the Chair of the Caltrans D-4 Pedestrian Advisory Committee, and I am glad my colleagues at Caltrans D-4 were here today. I wish they had come before us before they came before you. We do have them scheduled for our next meeting in August or September. Thank you very much for your time, I appreciate your work.

Rosemary Corbin spoke: BCDC Commissioners, I am Rosemary Corbin, former mayor of Richmond, BCDC Commissioner and Chair of the San Francisco Bay Trail Board of Directors.

As you know, because I sent it to you, the Bay Trail Board of Directors adopted a resolution urging you to keep the Bay Trail open on the Richmond-San Rafael Bridge seven days a week in keeping with your charge to maximize public access to the Bay.

The Bay Trail does not create crowding on the Bridge. The Richmond-San Rafael Bridge gets crowded because the cities and County of Marin refused to allow the people who work there to live there. Those jurisdictions don't need to provide low- and moderate-income housing but they do need to allow for it to be built. And until they do, the workforce of Marin will live in the East Bay and commute across the Richmond-San Rafael Bridge.

The proposal before you is an attempt to do something to alleviate traffic jams, but it will do little to help. It will take a commute route away from the Marin working people.

Justin Hu-Nguyen commented: Hello. My name is Justin Hu-Nguyen, Co-Executive Director of Bike East Bay as well as a parent of two in Oakland, California.

I am speaking in strong opposition to the proposal to remove 24/7 access to this pedestrian cycling access path on the Richmond-San Rafael Bridge.

For nearly 60 years, BCDC has been providing the public with maximum feasible access to the Bay. And as your strategic plan calls out itself, the Bay is for everyone.

Losing crucial pathways like the Richmond-San Rafael Bridge Trail disproportionately affects those who rely on transportation, especially those that are limited by public

transportation, those that cannot drive and those that where the shuttle is inadequate. Access is not the same as convenience. The proposed shuttle is not an equivalent alternative, offering limited hours and excludes people with cargo bikes and more adaptive bikes.

While the goal is to encourage a shift to high-occupancy vehicles and public transit, it should not come at the expense of walkers and bikers. It should come at the expense of single occupancy drivers. We need transformative solutions to reduce the use of single-opportunity vehicles. And with that I call on the Commission to stand by its priorities and keep 24/7 access to the Richmond-San Rafael Bridge path.

Bruce Beyaert addressed the Commission: My name is Bruce Beyaert; I am the Chair of TRAC, Trails for Richmond Action Committee.

This key section of the regional San Francisco Bay Trail should not be closed. The Staff Recommendation errs in assuming that it would be necessary to close the Trail four days a week every year through mid-2029 simply to structurally test movement of the barrier which might be needed in the future should Caltrans decide it is environmentally and economically feasible to proceed with the SIP project. Caltrans currently moves the barrier at night once a month. They can move it every week and test the structural feasibility.

Furthermore, you received an email from Mark Moore of ZFA Structural Engineers outlining other methods for testing the structural effects of moving the barrier. There are many ways other than shutting down the Trail four days a week for several years.

Also, RM3 funding should not, should not qualify in Richmond as in-lieu compensation because CCTA already committed these funds for Richmond and it will be available regardless of the future of the Trail on the Bridge. Please deny Caltrans' request to close the Trail. Thank you.

Nancy Hernandez spoke: My name is Nancy. I am from Richmond and a staff member at Bike East Bay.

When the Bridge path first opened in 2019 it opened up a whole new world to Richmond residents and those in Contra Costa County. We are now able to get to Marin without a car and it felt and still feels like magic.

By bike, you can get to the Bridge in 25 minutes from Richmond BART. Every single day there are people who depend on that path and that number will only continue to increase as connection gaps are closed, transit is better linked to the Bridge and on the other side, and the prevalence of e-bikes and other micro-mobility options continues to grow. A dedicated pedestrian bike path ensures that the Bridge remains accessible to all, including those who cannot afford a car.

As far as traffic concerns. Yes, there is traffic. But as the saying goes, you are not stuck in traffic, you are the traffic. We don't need another pilot to know that we have a problem, and getting rid of a bike and pedestrian path to solve an issue created by an excess of cars is not the solution. Please vote no on the MTC's permit request and keep 24/7 access on the Richmond-San Rafael Bridge.

Dani Lanis addressed the Commission: My name is Dani Lanis, Advocacy Manager at Bike East Bay and Richmond resident.

I ask that you reject the permit request.

I heard Bono from U2 once say, the world shaped the Bay Area, then the Bay Area shaped the world.

We have BCDC with its Bay Plan that states the Bay must be protected from needless and gradual destruction.

We have Caltrans, the primary agency for building our highway system. The requesters demonstrated a keen ability to interpret BCDC's policies. Within them they found ways to set themselves up to do what they do best, highway expansion, with gradual, slow steps towards adding more capacity to the Bridge, increasing vehicle miles traveled.

In the midst of climate denial and detrimental environmental decisions that we will not recover from are you going to add more wood to the fire? What world are you shaping for us today? We need better access for other modes of transportation on the Richmond-San Rafael Bridge Trail today, and we need the Bay Bridge open yesterday. Thank you.

Patrick Lake commented: I am Patrick Lake, eight-year resident of Richmond. I just moved to San Jose, and I teach with Bike East Bay.

I am here to ask you to reject the permit and keep the Bridge open every day for users without cars. I am one of 10% of American workers who are self-employed. It is not easy with low-income, but my work is my joy. My health is my work and bikes give me health. Access is equity for people like me from all walks of life who are not driving to traditional jobs.

When I hear that biking is recreation I ask why is that a lesser use? In 2021 I was unable to work with a disability. Medicine got me on my bike. Biking got me back to work, and the Bridge saved my life.

Permanent multi-use access is essential for a healthy society, for struggling people who cannot be here today, and I think it is a mandate for the BCDC to protect it. Please vote to keep it open. Thank you.

Jordan Moldow spoke: I am Jordan Moldow, a resident of San Jose who bikes, takes transit and drives. I respectfully ask the Commission to reject the Staff Recommendation in favor of preserving 24/7 Trail access.

I use trails for many purposes at a variety of times. Trails are essential for myself and my community to commute to work, public meetings and social activities for recreation and access to the Bay. My neighbor commutes from San Jose via BART to Richmond, then rides his e-bike across this Bridge Trail to go to grad school. Today's proposal will severely impact his ability to get to school, and his bike will likely not fit on the shuttle.

Today, residents and commuters use the Richmond Bridge Trail for many purposes 24/7 without any reduction in motorist access. Clearly, the current access level is feasible. The proposal includes less access than currently and therefore is less than maximum public feasible access. Please keep the Trail, reject the recommendation. Thank you.

Luke Johnston Mills was called: Hello, Commission. Thank you so much, first of all, for your service to our community.

Your task is to preserve the Bay and to preserve access to the Bay. One needs look no further than Los Angeles to see that adding more lanes does not solve the problem of congestion. Please keep the Bay Trail open as access is crucial and our generation demands

something different. Thank you.

Kyle Brunell commented: Hi. My name is Kyle Brunell, thanks for giving me the opportunity to speak today.

I just want to add a little personal perspective to this. I am a resident of El Cerrito for a quarter century now and the Bay Trail is the only connection I have to get between the East Bay and Marin without hopping into a car. It is the only non-motorized way to get there. I personally have been across that Bridge about 450 times now and I have done a lot of observation during that time. And one thing I have noticed that most of the day the traffic is flowing at freeway speeds; sometimes it is even empty. I have taken lots of photographs of an empty Bridge.

I have also noticed that 90 to 95% of the drivers are single-occupancy vehicles, so there does not seem to be a capacity problem during most of the day. In the morning no third lane is going to be added anyway, so I don't see how removing the bike lane will increase the capacity of the Bridge during the morning commute, especially when apparently, the incidents, the crashes are only approximately five per year.

Tim O'Brien spoke: Hi, I am Tim O'Brien. I was here last year. I asked what happened to equivalent access? Are you going to build another Bridge just for a bike lane? A billion dollars, probably not.

Anyway, I visit my friend, he is a single father in Corte Madera and Larkspur Landing, and I will never be able to do that again because I go on the weekdays and I come back sometimes Sunday night, way past midnight. I am not going to take a car. I don't own a car. I don't want to own a car.

You asked earlier, what was success here? Is it more VMT? Is it higher level of service? If you want a level of service increase, enforce the speed limit. The most level of service you get is from 55 miles an hour and people go regularly way faster than that.

Driving is a privilege, walking and cycling is a right. Make sure you guys keep that in mind. Remember your remit is maximum feasible public access. Thanks.

Chelsey Prewitt was called: Hi, everybody. I am Chelsey Prewitt from Bike East Bay, and I think this current proposal for the Trail is a huge step backwards. It is not creative at all. It just maintains the status quo of ceding as much of our roads as possible to cars.

It is frustrating to see the signs that were saying this is a failed bike lane. The Trail is not a failure. It is doing exactly what it is supposed to do, which is provide connection and access for people who use it at all hours, all types of riders.

Part-time access sounds like a concession, but really it translates as full-time limitations. It is really a way to say you are serving cars above all else. We do not need more studies or data to prove that more cars on the road equals more traffic. What I heard from MTC today is that five people crossing the Bridge by bike every day after 8:00 p.m. is like they can figure out that is barely anybody. But five car crashes every year, oh, we should give them a whole breakdown lane. That type of disruption is totally normal.

So instead of penalizing people who bike and walk on the Bridge path let's continue to invest in long-term solutions that reduce the region's car dependency. Thank you.

Jamie San Nicholas: Well, first I have safety and concern. My main decision, whether it be split, whether it be split week, or whether it be ongoing, is maintain that bike division. Don't rely on floor marking. People have been ridden over and killed because it

was taken advantage of. Maintain that lane division.

I am a disabled who is reliant on public transport. I utilize that lane currently, with my available time since retiring. As a disabled who has participated and contributed to this nation, I would like to see some of that division provided to our nation. We take pride in saying we provide for the for the disabled. We take pride in saying this is our nation, we care for the disabled. This is your opportunity to provide for those who are hurting.

Ira Kaplan spoke: Hi. My name is Ira Kaplan; I live in North Beach. Commissioners, the project applicants are trying to mislead you about the Westbound Improvement Project. On their little diagram they put a bus in the HOV lane, but an HOV lane isn't a bus lane. An HOV lane is a car lane. They are telling you that their long-term vision is to kick bikes out of the Bridge entirely and only have three car lanes and only cars are allowed. They call that sharing. Any kindergartner can tell you that that is not what sharing means.

Additionally, I don't think we are going to hear from them tonight but there are fishermen who use the Bridge every single day. They are probably doing it now. It feels like a nicer way to spend the afternoon. You would be kicking them out too. That is your maximum feasible public access for a breakdown lane that gets used five times a year? It has been a tough year. You have a chance to take a stand for truth and decency and our institutions and I hope you will do that by rejecting this application. Thank you.

John Grubb commented: Hi, Commissioners. John Grubb with the Bay Area Council. We represent about a million workers in the Bay Area.

The Bay Area Council urges you to vote yes. The way we see things here is that this is the greatest good for the greatest number of people.

You have a tough task. You have to balance a desire to promote active transportation but also work on social equity goals that make life and economic opportunity easier for historically-disadvantaged places and people, and the Richmond community in the East Bay is that kind of a place. In terms of the greatest good for the greatest number of people, there's about 146 bikers a day that are using the Bridge, about 80,000 drivers, and so there is the greatest good there.

We believe this is a fair and balanced plan. Those drivers in the morning commute, 63% of them are people of color, 69% of them do not have a college degree, and the majority of them make less than the Bay Area's median income. They deserve equity also. Thanks.

Lauren Goode addressed the Commission: Hello. My name is Lauren Goode. I am a lifelong Richmond resident and a Policy Associate at the Bay Area Council.

I urge you to support the current amendment. It is extremely overdue. The Richmond community has been experiencing congestion for years that have gone unaddressed and have exacerbated due to the lack of an emergency breakdown lane. We must address Richmond's traffic concerns with the same swiftness and effectiveness as we have addressed Marin's congestion on the lower deck.

There is a clear income and racial disparity of those who utilize the Bridge upper deck during the morning commute compared to those who utilize the bike lane. I am here today to speak on behalf of my Richmond community who don't have jobs that are flexible enough to be here to allow them to speak their thoughts today. I urge anyone who is still on the fence about the amendment to consider this. We cannot progress as a society and

leave our most marginalized communities behind. You have heard from those this most impacts teachers, construction workers, city employees and commuters on the Bridge. This is a real issue that must be addressed.

James Kinney was called: Hey, everyone. My name is James. I live in Albany, and I commute over the Bridge to get to work here in the City by bike. Living without a car and getting physical activity during the week is great for my mental health, physical health, something that I actually enjoy about the week, unlike being in a car, and the Bridge is what enables that.

I appreciate that everyone's taking a harm reduction view in this and trying to help the most people. But I also think this is an opportunity to encourage people like me to build their lives around non-car-centric travel and encouraging them to ride bikes, other forms of travel, rather than cars.

I also think that we can probably find ways to share the breakdown lane for the five incidents a year. Maybe the overpass is a bit funny, but it seems like we could come up with something like that. So, I am asking that you keep the Bridge open for people like me who are commuting during the week. Thanks.

Charlie Sedlock spoke: Hello, good afternoon. My name is Charlie Sedlock. I am the Director of Ccommunications for MCBC and a former teacher in Richmond.

BATA is absolutely right. Innovation is needed to solve our travel needs, but there is absolutely nothing innovative about adding another lane, especially a breakdown shoulder at that point. We have been doing interstate highways and highway widening since 1956. They only induce demand and make congestion worse. What is innovative is expanded rail, better buses and well-connected bike routes.

The Trail has been a resounding success, despite what our opposition will try to lead you to believe. Despite truly dangerous connections to the Bridge on both sides, cyclists logged over 400,000 trips on this section of the Trail. The Bay Trail is the anchor for an ever-expanding bike network that fights climate change, especially as e-bike usage is about to explode.

If you truly care about preventing sea level rising, you cannot bend to the whims of the oil and auto industry. Protect the Bay, protect the Trail. Thank you.

Doug Schultz commented: Doug Schultz, urban cyclist, I have been working two decades on a bicycle and public transportation policy project of my own design. Should be out there pretty soon in the media but until then I had a quick stop gap I thought for this solution. I do use public transportation everywhere and the cycle. So, along with our alter-abled friend here, which is how I identify, I do not like the term disabled, I am all for 24/7 access everywhere. Like the movie, the baseball movie, build it and they will come. It is definitely going to be the future.

My idea was with that shuttle, which Caltrans operated for $1 back in the day across Oakland, which I believe the lady mentioned it was a little unsafe, possibly with some thefts, that wouldn't occur across the Bridge. I don't care if I get to a river or a point that I have to get across, day or night, if I am a busboy or a nighttime security. If there is a shuttle every 20 minutes I can get across. And I just missed one that left, 20 minutes isn't that bad. Once you get to the point where you need that every 15 minutes like MUNI, that might be five, six years down the road, then you know you have the room for the bike lane,

and that is when you know there is enough e-bike need and enough room where you could just open it up. And maybe even from midnight to 5:00 you could even do it every half hour.

Connor McGowan was the last in-person speaker: Hello. My name is Connor, Oakland resident. As it stands today, a person can access both sides of the Bay by walking, taking a bike, a bus, a car. It is maximum feasible public access and the whole Bay is available. If this changes, the only way to do that will be by car a lot of the time for people, and that is, by definition, a reduction in public access and goes against the mandate of maintaining maximum feasible public access for the community. I urge you to vote no on this proposal. Thank you.

Ms. Peterson stated: Thank you for your public comment. We will now move to online speakers.

Betsy Megas commented: Betsy Megas, I am a resident of Santa Clara and a member of the local Bicycle and Pedestrian Advisory Committee, speaking today for myself.

Please support a full-time bike facility and dedicated bike. Bikes are transportation. I clock about 3,000 miles a year on mine and dedicated bike spaces are precious. When you close a major bicycle connection you are not just rearranging somebody's jogging route, you are blocking safe transportation and the kind of transportation we should be encouraging more of. Maximizing public access means keeping this facility full-time. We know from a lot of experience that more car capacity simply makes for more car congestion. Please keep the full-time bike lanes. Thank you.

Paul Valdez spoke: Hi. My name is Paul Valdez. I represent the city and county of San Francisco on the BART Bicycle Advisory Task Force, yet I am joining today as someone who bikes, also bikes in the Bay Area.

I strongly oppose the amendments to remove 24/7 access to this much needed and essential pathway. Not having full access may disrupt the lives of many. Use your imagination, someone may have landed a job and relied on this multi-use pathway to bike to their place of employment. They saw this as a new opportunity to make an adjustment in their lives because they do not own a car, yet this bike path gave them an expansive possibility. They rely on this pathway to safely get to work on time and to sustain their financial wellbeing, improve their health, and most importantly, result in stability, let alone contribute to a better climate by not being complicit in creating more harmful emissions that vehicle traffic creates. The scenario I shared is not imaginary but factual for so many. Right now, we still have our freedom to make a choice. Don't make it hard for others by hindering their ability to use this pathway 24 hours a day, seven days a week. Thank you for allowing me to share my perspective.

Sean Camden commented: Hi, Sean Camden, Novato, bike guy. Obviously, I am in support of keeping the path open 24/7. But honestly, even if I was a car guy, I would still support the path because as Ms. Cox and other people mentioned, more and more people are commuting by e-bike all the time. And if you close the path those guys are all going to drive. So obviously, getting people out of their cars is the only surefire solution to improving your commute. If you think taking this bike path away from the other people is going to improve your commute you just have not been listening. You are being sold a bill of sale. And yeah, it's the cars, folks. Keep the path open. It's going to be best for

everybody. Thank you.

Maureen Gaffney spoke: Good afternoon, Commissioners. My name is Maureen Gaffney. I spent 17 years working for public access to the shoreline as one of three staff working to complete the vision of a 500-mile Trail around the entire San Francisco Bay. A bicycle, pedestrian, stroller, skater, mom, pop, kids, jogger, birder, commuter, racer, and lollygagger Trail through 47 cities, 9 counties, state, regional, county, city and national parks called the San Francisco Bay Trail.

BCDC's policies, Commission and staff were always a strong key partner to the Bay Trail, ensuring that permittees would be required to provide maximum feasible public access to the shoreline, which nine times out of ten meant the completion of key segments of the Bay Trail.

The proposal before you today removes public access to the shoreline, removes more than four miles of the Bay Trail, and it would do so not to alleviate traffic congestion on the corridor but to return the Bay Trail on the Bridge to a shoulder, a breakdown lane. Studies over the last five years have shown a truly negligible impact.

Tim Oey was called: Tim Oey, CEO, Bicycle Solutions. I am the Lorax. I speak for the trees and billions of kids. Keep the Trail open 24/7. Climate change is a huge problem. We are not doing enough to solve it. Stop killing our kids' futures. Are you preserving the Bay or not? A part-time Trail reduces access to the Bay. A shuttle does not cut it. Adding a new bike structure is cost prohibitive. Expanding vehicle lanes increases climate change and vehicle miles traveled. Five crashes per year is a tiny benefit.

Bite the bullet now. Save money. Cap vehicle miles traveled. Stop expanding roads. Make the Richmond Bridge Trail permanent for both climate change and maintaining equitable Bay access. We cannot afford to wait on climate change. Let's preserve our Bay as much as possible from sea level rise. Thank you.

Aaron Kunst commented: Hello. My name is Aaron Kunst. I am a Director of Public Health and a Richmond resident.

As many have not heard talked about today is the fact about how this will hurt Richmond. Richmond has been growing. There are wonderful things going on here. There are bike lanes, protected bike lanes, greenways, community gardens, all leading to this bikeway. It is a value to the City itself and is helpful in economic growth. And Richmond has experienced significant historically-marginalized aspects of pollution and economic devaluation. Cutting this off will not be any better than what we see at the federal level where the government is attacking communities that are predominantly black and Latino. Do not vote to close this and do not vote along this line.

Drew Levitt spoke: Thank you, Commissioners. I am Drew Levitt. I live in Oakland. It is obvious that closing the path part-time would reduce public access to Bay resources, violating BCDC's core mission. Staff knew this in March, and it is still true today.

If we were really interested in incentivizing HOV and nonmotorized travel, we could keep the path open full-time and fund more bike/ped access projects and convert an existing car travel lane into an HOV and transit lane.

If the business community were really interested in shortening people's commute times they would work to build more housing near jobs. You are never going to move the needle on people's travel choices by continuing to prioritize space for cars, and you are

never going to widen your way out of car congestion. Please reject the proposed closure of the Bridge path. Thank you.

Deborah Liu commented: Hi, thanks. My name is Deborah. I live in Alameda County with my partner and two young kids. I am a federal employee and a public servant.

I want to speak strongly in opposition to this proposal and in favor of 24/7 bike access to the Trail. I want to make a few quick points.

One, I am sure the Commission appreciates that when transportation is being talked about, connectivity is everything. It is no good to have beautiful infrastructure if you have a giant pothole in the middle, or in this case, a Trail that is intermittently closed for half the time.

Secondly, there has been a point here, the commute is terrible. I agree the commute is terrible, but this will not fix congestion. And anyone who studies traffic and the way public infrastructure works can tell you that.

And lastly, I want to say the idea of a shuttle sounds nice, but it is absurd. I invite you to think, how would you feel if you said, if you were told you can get from point A to point B, but there might be a random 20-minute wait in the middle. And also, you can check on your app before you leave to see if it is running on time. That's silly. And also my bike wouldn't fit on the shuttle as proposed. Thank you.

Cyndy Johnsen was called: Good afternoon, Commissioners. My name is Cyndy Johnsen. I am a Board Member of Bike Walk Alameda urging you to reject this permit application. Rather than upholding the principle of maximum feasible public access to the Bay shoreline, this proposal would significantly reduce access for our membership. The proposed part-time shuttle is not a substitute for access, nor is the recommendation for already approved funding for offsite upgrades. 24/7 access across the Bridge has opened the door for us to reach the North Bay without driving. The recent bike infrastructure improvements on the Marin side, progress on the SMART train, and increased e-bike adoption are encouraging even more of us to travel north this way.

We were very happy to see Caltrans recognize the path as a Tier 1 priority in its updated Bay Area Bike Plan, and disappointed to now see this proposal undercutting that vision. Reducing Trail access would reverse years of progress towards a more connected, climate-conscious Bay area. We ask that you vote to preserve 24/7 access and continue supporting a future of travel around the Bay Area for all modes, including those who do not or cannot drive as possible. Thank you for taking my comment and for your important work.

Joan Sprinson spoke: My name is Joan Sprinson. I speak on behalf of Slow Spokes, an East Bay cycling club of cyclists in their 60s, 70s and 80s.

We urge BCDC Commissioners to uphold maximum feasible public access to the Bay shoreline. Slow Spokes rides one to two days every week, many rides across the Richmond-San Rafael Bridge. The loss of 24/7 access would significantly limit our rides to Marin and Sonoma. The proposed shuttle would not accommodate our club. First, there are too many riders and bikes. Second, due to disability, some members ride trikes and two-wheeled recumbent bikes, which do not fit on shuttles. Third, many members ride e-bikes that are too heavy for their riders to lift on and off shuttles.

With the current 24/7 access, all riders regardless of disabilities riding all types of

bikes can attend Marin and Sonoma rides. Thank you for maintaining full access.

Vernon Whitmore was called: Good afternoon. My name is Vernon Whitmore, Richmond Chamber of Commerce. More importantly though, the president of Santa Fe Neighborhood Council, which borders 580 from Harbour Way to Castro.

We support the proposed modifications. Our main concern is the health of the community that is 99% people of color with asthma and other respiratory issues. As a member of the AB 617 study showed that auto emissions, road and brake dust from 580 greatly impacts our residents.

We ask you, as mentioned by our county supervisor and by our council member, we would like for you to come to the community, to our neighborhood council, and explain and tell us what you are doing. That did not happen in the beginning. We believe in knowing what's going on and we invite you to come to the Santa Fe Neighborhood Council to Coronado Park Richmond to let us know exactly what is going on before you move forward. Thank you.

Marin County Supervisor Stephanie Moulton-Peters was recognized: Good afternoon, Commissioners and staff. I am Stephanie Moulton-Peters. I am a Marin elected official and a lifelong cyclist.

I am here to urge the approval of the proposal. We know that we need better bike connections to the Bridge. We also know that most people take a lot of rides in the communities where they live. This proposal provides for the needed connections on both San Rafael and the Richmond side for local community members.

We are in a period of transition now, moving from single-occupancy vehicles to walk, bike, transit and carpools. This proposal balances the needs of all users, and we need to take action now to make sure we have a usable Bridge for everyone. We will learn more in three years and we will make the future of the Bridge much clearer after we have more data and information. Thank you.

Rauly Butler spoke: Good afternoon, everyone. My name is Rauly Butler. I am the Executive Director of Council of Business and Industries in Richmond, California.

We do support as a compromise the Staff Recommendation to approve. Overall, we feel that the bike lane project has been a failed pilot. The numbers really speak for themselves: 40,000 cars a day, we heard 500 carpools. There's 50 bikes a day on weekdays, maybe 200 bikes a day on weekends. It is a very underutilized major health concern for the city of Richmond. As Vern Whitmore said, we installed air quality monitoring stations and proved that the largest amount of particulate pollution in Richmond comes from the tailpipe emissions on Highway 80 and 580. That Bridge creates 5,000 hours of tailpipe emissions per day. Thank you.

Jackson Lester spoke: Hi. My name is Jackson Lester, and I am a resident of Berkeley.

The proposed change to the permit only satisfies maximum feasible public access through pretty wild double speak. What we are talking about is removing 24 access for people walking and biking in exchange for marginally improved access for people driving, all in the name of data collection, but the permittee does not even discuss the alternative options for collecting this data.

One of the Commissioners asked about travel time data, like the kind you get from Google Maps, and the permittee said that that kind of data is historically unavailable. And

that is just not true. They say they do not have pre-bike lane travel time data and you can buy this from INRIX, seriously, look it up. They have minute by minute travel speeds along with incident data back to January of 2014. That just does not achieve the actual goal of providing all of the available space to cars.

Please don't approve this permit. It doesn't make any sense, and it absolutely does not achieve maximum public access. Thank you.

Alex Caine commented: Good evening, Chair Wasserman and Commissioners. I am Alex Caine. I am a Board Member of the Richmond Police Officers Association. I am speaking on behalf of the officers and the sergeants of the Richmond Police Officers Association and the rank and file of the Richmond Police Department.

We are in support of the new application to extend the current Richmond-San Rafael Bridge upper deck pilot to convert the westbound shoulder from a 24/7 multi-use path to a part-time emergency lane Monday through Thursday for the implementation of an eventual HOV transit use in this third lane.

We appreciate the regional agencies and continue to prioritize the urgency of addressing traffic congestion and the Richmond-San Rafael Bridge is a vital transportation corridor carrying nearly 80,000 vehicles per day and serves as a key commute corridor for thousands of workers including teachers, health care workers, professionals, government employees and construction workers. The viability of the East Bay Marin County commute of this Bridge is crucial to our local economy. The traffic injection experienced on the Bridge during the westbound morning commute not only detracts from the personal lives and wellbeing of many of our commuters serving our community but also increases fuel consumption.

Veronica Muñoz addressed the Commission: Hi. My name is Veronica Muñoz. I am a daily commuter across the Bridge, as are thousands of people who are significantly affected by this bike lane and ask you to completely remove it altogether. The current configuration significantly affects commuter times, often doubling and tripling times, compared to (indiscernible) with a third lane. Longer commute times contribute to elevated vehicle emissions, undermining regional efforts to reduce pollution in a community that prides itself on sustainability and doing what is best for the public wellbeing.

Implementing the third lane on the top deck would offer environmental operations. The bottom deck three lane setup has (indiscernible) clearly successful over the years. Why isn't this adopted on the top level? Thousands of vehicle commuters are suffering from this traffic daily. Commuters who pay a toll, commuters who help fund the Bridge, commuters who rely on going across the Bridge to work to provide for their families.

Why is the capital, including the 500k mentioned earlier, not shifted to elevate public transportation success services across the Bridge for pedestrians and bikers? This would allow them to continue to walk, bike and get across the Bridge. Why are a few bikers on the Bridge being a priority over thousands of commuters daily? Thank you.

Jesse Voremberg commented: Hi. Good afternoon, Commissioners. My name is Jesse Voremberg. I am an Oakland resident who loves using the Richmond-San Rafael Bridge path. Frequently visit family in Marin on weekdays and always use the opportunity for a ride up the Bay and over the Bridge. I hate to lose this option, to have to be another

person in a car contributing to traffic. Professionally, I am the Trail Development Manager for Rails to Trails Conservancy, which is the nation's largest trail advocacy organization.

Zooming out for context, this path is very regionally important. Not only is it part of the 500-mile Bay Trail but is a key piece in the 2,600 mile, nine-county Bay Area Trail network. This network, which has been adopted into MTC's Active Transportation Plan is a spine for cyclists. All Bridge crossings in that network are critical.

Restricting this Bridge connection to three days per week in favor of more vehicle travel has no recent national parallel and I don't think the Bay Area should set that example. Please reject the permit amendment request and retain 24/7 access to the multi-use path. Thanks for your time.

Ben Kaufman was called: Hi, everybody. My name is Ben Kaufman. I am a concerned resident living in Oakland, California.

The people in the room who support the proposal of turning the bike-ped path into a sixth lane dedicated to motor vehicles and think that is going to make their commute any faster or smoother are going to be sorely disappointed if this sixth vehicle lane opens, due to the concept of induced demand, which MTC and Caltrans staff are all too familiar with. This means traffic will not get any better because it will lead to more Bridge drivers, leading to the exact same amount of traffic as the Bridge currently experiences.

Furthermore, even if the Bridge does shave a few minutes off of driver commutes, which it won't, this does not address the maximal public access question. The proposal reduces public access by restricting use of people without cars during certain days and hours of the week. A bike shuttle would not provide sufficient supplemental access. If MTC and Caltrans were serious about providing maximum feasible public access they would put their money into a high-frequency bus rapid transit route with sufficient capacity for an onboard bicycles that actually connects people to destinations. Please follow your own policies as a Commission and reject this wrongheaded proposal.

Laree T. Wilson commented: My name is Laree T. Wilson and I am an employee here at Marin County. I am a resident of Emeryville, and I am a fourth-generation Bay Area native. I have crossed this Bridge many times and the averages are false. In the last month I have sat in six accidents from 23rd Avenue in Richmond to just the Bay toll plaza.

Before 2019 the Bridge was already three lanes. What people forget about is the trucks, the same trucks that bring supplies and food across that Bridge. The same Bridge that supplies the pipes and the wiring to keep energy flowing across that Bridge.

The other thing I would like to also add is the average time I sit idle on that freeway, that stretch between 23rd Ave in Richmond to the toll plaza averages about 25 minutes daily. That is not even including actually getting across the Bridge. Let's get back to common sense. Thank you.

Geordie spoke: My name is Geordie. I am a Richmond resident. I use the Bridge to commute to Larkspur by bicycle. I have read the 235-page report and the discussion section on page 30 clearly highlights that the bike lane has not materially changed commute times or emergency access times, which I know have been brought up. It is, however, a very visible item which can attract ire from motorists.

But we all know that the westbound issue is the three into six into two toll plaza merging and then the Francis Drake 101 interchange, which is different than the

eastbound. To my understanding the toll plaza is planned for removal and it seems short sighted to remove bike access before then.

I would like to get an e-bike to be able to commute more regularly. I do drive sometimes. I haven't committed to that yet because of uncertainty about the path. If I can't bike, I will drive every day. I will be making more tailpipe emissions. Hopefully I will be one of the drivers that doesn't get rearended on the Bridge due to people texting and driving, which is always great to observe when you are biking. Thank you.

Merrill Pierce commented: Hi. My name is Merrill Pierce. I am a Project Assistant for the West Contra Costa Unified School District Science Department, and I am the Coordinator of the Richmond Outdoors Coalition, which is a group of organizations that are working together to expand equitable access to nature in Richmond. We provide funding to 11 different organizations that lead programs for youth and families to connect with nature. These are Bay Area Wilderness Training, the ESCAPE Club, Golden Gate Bird Alliance, Growing Together, Headwaters Science Institute, Inner City Bliss, Kids for the Bay, the Watershed Project, YES Nature to Neighborhoods, Yoots, and the school district.

I want to strongly urge the Commission to keep the bike lane open at all times. It is a critical component of expanding access to the natural world and allowing youth, families and all members of the Richmond community an opportunity to connect with nature and move their bodies. Thank you.

John Spangler addressed the Commission: Good afternoon, Commissioners, staff and members of the public. I am John Spangler, Vice Chair of the BART Bicycle Advisory Task Force, or BBATF. I am speaking for the task force today.

The BBATF unanimously supports keeping the multi-use path open 24/7/365. Please don't remove four miles of existing Bay Trail that links to BART. BCDC staff correctly opposed this Bridge proposal in March. The revised version is not that different. Please keep the path open all day every day.

Don't restrict bicycle, wheelchair and pedestrian access to BART from Marin. Support express transit service across the Bridge, carpools, workforce housing near jobs in Marin, and improved westbound approaches to reduce traffic congestion. Thank you very much.

Joan Lubamersky was called: Hello. Joan Lubamersky, former Mayor and member of the Larkspur City Council and worked for many years for the city of San Francisco. I have great respect for members of the public who are involved in public issues, your Commissioners and for your staff and for the many agencies involved in this.

The action before you is positive. It will be data collection that can be used for future decisions. However, I believe that the current path has had an infinitesimal impact on reducing vehicle traffic on the Bridge. But for now, I support the action before you, Item 9, thank you.

Evan Tschuy commented: Good afternoon. My name is Evan Tschuy, I am the founder of Hiking by Transit. As someone who works on car-free access to our regional parks and open spaces, Bay access and high-quality regional transit are near and dear to my heart.

The shuttle as designed is not transit, it is a box-checking exercise. The shuttle as designed is not real access, either for people trying to cross the Bridge from one county to the other or for people trying to access the Bay. I want better access to Marin for people without cars. This is not better access to Marin for people without cars. The only honest

way to say we are maintaining real access to the Bay and across the Bridge is to keep the path. Thank you.

Michelle Fadelli was called: Good afternoon, Commissioners. I am speaking today because I have been a commuter on the Richmond-San Rafael Bridge for over 20 years. Even with COVID that has probably been about 5,000 trips. I have a lot of experience and would be glad to share my insights.

I am not a cyclist, but I do fully support bike access on this Bridge and all the bridges.

I also worked on Senate Bill 100 of 1987 which created the San Francisco Bay Trail Project, and the author Senator Bill Lockyer always intended that there would eventually be bike access on all the bridges in order to provide more opportunities for transportation and recreation all around the Bay.

I just wanted to say, if the big solution out of all of this is a limited HOV lane, I would say that my observation each day is the majority of traffic is solo drivers. There are more e-bikes and scooters as well.

I do want to encourage you and just say that whatever the solution is, an empty lane on the right-hand side isn't a good solution for anyone.

Paul Atwater spoke: Hi. My name is Paul Atwater. I live in Oakland and work in San Rafael, and I bike commute frequently. Next week, Golden Gate Transit bus schedules will be changing, and it makes biking an even better option for me. So, I would urge you to reject this proposal and keep the bike lane open 24/7. Thank you.

Patricia Warnock was called: So, I have a question. How much have we spent to date per cyclist to figure out a way to allow the cyclists to go across the Bridge using an entire bike lane or using an entire traffic lane? You know, this whole thing is a total lack of common sense. 1.6 million here, 1.3 million there, pretty soon you are talking real money. It is unconscionable that the state of California, through Caltrans and all these other entities that we are talking about, are allowing this much money to be spent for so few people using the Bridge when the city of Oakland's the city of Richmond's educational programs are lacking. There is no excuse. Shame on all of you, you should all be ashamed. What a waste of our taxpayer money. I am speaking for the silent majority because the silent majority is working earning money to pay their taxes.

Stuart Sonatina addressed the Commission: Good afternoon. Stuart Sonatina from El Cerrito. Thank you for taking the time to consider this important issue. I urge you to reject this proposal to close such an important route. As noted time and time again by study after study, adding traffic lanes does not improve traffic times, it simply adds cars to the road until they are all moving as before.

Turning the one alternative path left on Richmond Bridge into several feet of unused pavement will not break this rule. It will instead show the youth of the Bay Area that we refuse to make progress on our broken transportation system. Instead of solving the problem with walking, biking, buses, trains and ferries, the myopic stance of Caltrans remains to be cars, cars, cars. Removing this arterial Bay access to more than affected cyclists it sends a message to the public that if they want to get around without a car, they should go somewhere else. Thank you.

Dan Leaverton commented: My name is Dan Leaverton. I am a Berkeley resident. And

my thoughts are it is too early to approve the revised pilot proposal to remove the bike lane. There are a number of transitions occurring right now. One of them is that there is incomplete safety infrastructure in Marin, which makes Sir Francis Drake on the eastbound approach dangerous and challenging. There is the removal of the toll booth coming up and there is also a substantially large e-bike incentive program in Alameda County, which is going to put more people on the road.

While I can appreciate the remote workers' stress about an additional 5 or 10 minutes per day, I question why their priorities for a short commute should be an expectation that they have 45 to 50 miles of open, fast highway, should have a greater importance than somebody living locally to bike across this Bridge for a commute.

On the days that I do have to go to the office in San Francisco I actually ride my bike because it is the most enjoyable means to get there. Thank you.

Nick Pappas was called: Nick Pappas, Central Marin resident. Appreciate the Commission's engagement with this complicated issue.

I will say, as a parent of young kids, as we enter the year of the climate crisis 2025, it is quite remarkable to be having this 1970s era conversation about the prospect of widening our freeways at the exclusion of active transportation. I think it is pretty clear that reducing VMT is the only path forward we have to achieve the Commission's climate goals, the state's climate goals. This is my access from Central Marin to transit in the East Bay, including both BART and Amtrak.

We unfortunately have a long and sordid history in Marin of exclusionary transportation and housing policy choices. I think the Commission's choice today is a choice whether to continue that sordid legacy or to remain true to its policy goals and commitments toward environmental action by retaining an active transportation approach on this necessary corridor. Thank you.

Dan Genova spoke: Hello. My name is Dan Genova, and I support the proposal. It is a good compromise going forward. Thank you.

Ludmyrna commented: Hello. My name is Ludmyrna and I am a Richmond resident, born and raised. And as much as I support access to a beautiful Bay, the number of users for the bike lane just does not support the numbers of commuters that cross the Bridge every day. Every day.

This proposal is a balanced measure; and I support the words from Vernon Whitmore and Rauly Butler and those that speak for the silent majority. We forget and what has not been said enough today are the communities that live along 580 that are impacted every day for the 10 minutes extra for hundreds of thousands of commuters every day. And for those five times that there may be a breakdown that people/ commuters get off 580 and go into these neighborhoods to congest.

Rachel Clyde was called: Hello. My name is Rachel Clyde, and I am a community organizer with the San Francisco Bicycle Coalition. On behalf of our roughly 6,000 members, I urge you to vote against closing the Bridge Trail on weekdays. Closing the Trail on weekdays will undo years of community advocacy and eliminate critical access. Approving this would be shortsighted to exclusively prioritize cars over sustainable modes of transportation, particularly in the face of a climate crisis.

We need to be doing everything in our power to provide more access to sustainable

modes of transportation, not less. Removing the bike route during weekdays would be a huge step backwards for our regional and state climate goals. We have seen through decades of experience that widening roads and freeways does not reduce vehicle congestion. The only way to actually reduce vehicle congestion is providing easy and attractive, sustainable alternatives.

I'll also quickly mention I am Bay Area born and raised and I am a young person and I am begging you to do your part as leaders in the Bay Area in creating a livable future for younger generations. So please keep the Trail open 24/7. Thank you.

George spoke: Thank you so much for taking my comment. I am a Richmond resident. I am a car light user. We know that this unused breakdown lane is not going to improve any kind of speeds. We know that access and equity are completely around this $40,000 vehicle question, when a $1,000 electric bike opens up a world for so many people, particularly those working, particularly those working off hours. So, having 24-hour bike access, human access on this Bridge, is a big part of a regional network. A big opening for the future here. It's a real easy win for you not to be the villains today. So, appreciate your time. Thank you.

Mariela Labrada commented: Good afternoon, everyone. My name is Mariela Labrada. I am an East Bay resident and my husband commutes regularly for work along with many other friends and family.

I urge you to think carefully about who this project truly serves. I will pause for a moment so you can look around the room and think about the list of names that have been called upon to speak today. The loudest voices pushing for this bike lane come from a very privileged group in its majority. These are not the people stuck during rush hour. They are not the essential workers racing against time and they are certainly not the first responders trying to reach someone in crisis on the Bridge with no emergency shoulder.

Moreover, it is important to recognize that due to systemic inequities, the voices of those most directly affected by this project have not been adequately represented in the decision-making process. This imbalance is unjust, and it undermines the integrity of public input. This is more than a question of bike lanes, it is a question of fairness, safety, and who gets their voice heard when it comes to shaping the future of our communities. Thank you.

Philip Sales addressed the Commission: My name is Philip sales, former Bay Trail Board Member and former Executive Director of the Napa Valley Vine Trail Project.

I have a long relationship with the Richmond-San Rafael Bridge. Forty years ago I lived in San Quentin Village and I worked in Alameda and Oakland, and I wish that the bike path had been available then. As many speakers have mentioned, with the growth of e-bike use this path is the future, but like any new thing it needs time. Every new bike route that is designed inevitably takes time to build up its use. So, this five-year pilot program is still growing.

This is the only non-motorized connection across the North Bay. What was being removed was not a traffic lane but a breakdown lane, which got limited use. Its conversion was a very cost-effective solution. Weekly closure is a step backwards and I encourage the Commission to reject this wrong-headed proposal. Thank you.

Najari Smith was the last online public speaker: Thank you. Thank you for the

opportunity to speak. My name is Najari Smith, Executive Director of Rich City, a Richmond-based nonprofit committed to mobility justice, racial equity and access to open space.

I am urging you to reject the proposal to cut weekday access to the Richmond-San Rafael Bridge Trail. This Trail isn't just pavement, it's a crucial lifeline for working people, youth and those without cars to connect to communities, to jobs, parks and opportunities.

Caltrans already moves the barrier overnight for maintenance. That is all the testing that is needed.

The proposal imposes a huge burden, especially on low-income communities, without any clear benefit. Instead of restricting access, we should be expanding it. The Trail represents a vision of sustainable, equitable transportation and don't let that vision be sacrificed for a speculative highway expansion. Please vote no on this proposal and uphold your duty to ensure maximum feasible public access. Thank you.

Chair Wasserman continued: Thank you all for your public input.

Before we go to Commissioners' comments, Katharine, I believe we have a correction to the record.

Ms. Pan deferred to Ms. Klein: Yes, I will turn it over to Lisa Klein.

Ms. Klein stated for the record: Thank you, Chair Wasserman. I need to make an important correction to something I said earlier. Earlier I was asked how many incidents there were during the year, and I referred to slide 9 of the presentation. And what that slide presents is the increase in incidents that occurred during the pilot project. And so, the increase in incidents was five per year, but in fact the number of incidents that occur per year is more like one a week, and that is during the peak period. So, it is a really substantially different number that I need to clarify for your consideration. Thank you.

Commissioner Gunther addressed a definitional issue: Zack, just on this specific issue. An incident, if I recall from our workshop in January, an incident is when a tow truck or the CHP show up. An incident is not if somebody has a flat tire and they fix it themselves. Is that right?

Ms. Klein agreed: I think that is correct. Yes, that is correct. In this case the number is, this is where someone is making a response, a tow truck or a first responder.

Commissioner Gunther clarified further: So, it is response measuring. It is not incidents necessarily.

Ms. Klein agreed: That is a good clarification, yes.

Commissioner Gunther asked: And do we have any idea about how many, what percentage of incidents stimulate responses? I am not saying you know that off the top of your head.

Ms. Klein continued: In this case you are right, this number of one a week, it is one per week where there is a response, so that is what I am citing here. There are above and beyond that where someone takes care of it themselves. But that is very unlikely.

Commissioner Gunther acknowledged: Right, right. They take care of it themselves, along with everybody else waiting behind them while they take care of it.

Ms. Klein agreed: That's right, yes, yes. So, thank you for the opportunity to make that correction.

Commissioner Nelson asked: And just to follow up on that, that is one incident a

week. Is that during commute hours? During what period is that one incident a week?

Ms. Klein answered: That is during the commute hours, yes.

Commissioner Nelson added: So, it is one incident a week during the commute hours.

Ms. Klein replied: During the commute hours. If you think about it from a reliability standpoint, right. If you commute five days a week, one in five perhaps you would be impacted by an incident that requires a response and that may have some delay.

Chair Wasserman suggested further clarification: No, no, try that one again, I don't think that works.

Ms. Klein replied: I'm sorry.

Chair Wasserman continued: If there is one incident a week during commute hours that is one point in time. So, I could be commuting and have no impact because I am not commuting during that 30, 45, 60 minutes of impact.

Ms. Klein agreed: Yes, that's true.

Chair Wasserman added: Just to be clear. So, stick with your solid data, please.

Ms. Klein stated: Okay. I can stop talking now I think, thank you.

Chair Wasserman replied: I didn't go quite that far.

Yes, now we are to Commissioners' questions for staff, comments, almost anything you would like. I am going to start with Commissioner Gioia.

Commissioner Gioia commented: I guess Cesar and I are the closest that live next to the near the Bridge, right? Council Member.

First, I want to start by thanking everyone who came and spoke with you, whether you walked here, whether you biked here, whether you took transit or whether you drove, and appreciate all of your thoughts. I have been on this Commission for a long time now and this has definitely come up as one of the most controversial issues, and important.

But I think this Commission has always risen to the occasion to be thoughtful and to really look at applying the responsibility that we have under state law.

I want to also acknowledge there are a lot of bike advocates here and just to say thank you because you have pushed policies in the Bay Area toward more active transportation. You have pushed MTC to be more innovative in applying funding and policies for active transportation. I think that is a really important thing to acknowledge and I want to thank you for that.

Also, I want to say this Commission has had a history, I think a successful history, of not just stopping Bay fill but increasing public access around the Bay, including on bridges. And I was here in the past when we voted on the east span of the Bay Bridge. You know, with new bridges, whether it was the east span of the Bay Bridge or the Carquinez Bridge, the Commission required bike lanes and public access at tremendous extra cost to build them, knowing it was the right thing to do.

Today is an issue where it is not as easy because we are dealing with limited real estate, right? An existing bridge. Where I think we all in a perfect world would say, let's cantilever a bike lane. Building a new bridge let's require that.

I live on the Bay Trail in Richmond, and I get to benefit. I get out on a bike, and I ride the Bay Trail and I see all the slice of life that is Richmond and the East Bay for that matter that is out on the Trail walking and biking and all of that.

Also, I think it is important to note that when this originally came to us before as

only a breakdown lane, the staff was prepared to recommend against it. And then what changed was the new project which focuses on the study of an HOV transit lane, which does result in some different issues to consider as we think about this. So, I think in light of that this issue is not really just about bikes versus cars, but it is about bikes and transit.

If we think about the Bay Bridge, if we didn't have BART the Bay Bridge would be a lot more crowded, there would be more congestion. But people have an ability to get across that Bridge quickly with transit.

And I think while MTC sometimes gets things wrong, they also get things right in terms of studies and I just want to refer back to something on transit. Because over 20 years ago I remember then-Supervisor Keith Carson, then-Assembly Member Dion Aroner and I, went to MTC to get funding for a pilot project to look at how can we get more students in high school in the East Bay to be able to get free transit passes and how that was linked to increase school attendance. And they did, they funded it.

And then we used that data to show that if you got everybody a free bus pass in high school, attendance would go up. And we used that to put in the funding in 2004 in a transportation sales tax in Contra Costa so every kid in West Contra Costa got a free bus pass in high school. So, that data was handy. Thank you, MTC. And so other communities have that including in Alameda County. So, I really think transit is really important to consider here.

I think in considering an HOV lane. We are not here to decide what to do there. But I think there is a vision about if we want to get the greatest number of these 38,000 people that are crossing the Bridge out of their cars, it is about both getting them onto bikes, but getting, frankly, a larger number onto fast-moving transit. And by the way, fast-moving non-fossil fuel transit.

I served on the California Air Resources Board and a few years ago I had a chance to vote on a law that required every new public transit bus in this state, and this will take effect in 2029, it is already phased in, to be zero emission. All electric, hydrogen fuel cell or battery electric. Meaning, we are moving toward a time when our buses are going to be zero emission and not run by fossil fuels. So, this is clean transit.

I think there is a vision for how can we create bus rapid transit across this corridor from all of those workers in the East Bay who go to jobs in Marin and San Francisco. So, if this was just about bikes versus cars and a breakdown lane I think the bike advocates are correct. But I want us to step back and think more innovatively if we want to get people again out of those 38,000 cars. And yes, there's 100 people that ride their bike across the Bridge and that will increase over time. But I think the true way to reduce congestion on that corridor is to get them on a bus-rapid- transit-lane across that Bridge. And I think the ability to study that is really important to reduce vehicle miles traveled, to reduce carbon emissions, to reduce pollution, and get people on to fast-moving, efficient transit.

There is nothing more effective that gets people out of their cars than to look at the lane next to them and seeing a bus move at freeway speed. Having that bus in your car lane moving as slow as you are moving doesn't get you out of transit, right? But moving at 60 miles an hour in a dedicated lane for transit will get more people out of their cars. So, I think to me that is what changed the dynamics; and what has caused the Staff Recommendation to change is the importance of studying.

And I hear the bike community who says, well, can we study this without closing the bike lane? And I guess I have to take MTC and the engineers at MTC at their word that the only way to really fully study this is to say, let's look at this three-year pilot. Hey, and if it doesn't work this may go back to a full-time bike lane. But I think we are losing an amazing opportunity to create bus rapid transit in clean buses in a new corridor across this Bridge, which, frankly, is way more cost effective than ferry service, right? I take the ferry from Richmond to San Francisco when I come to meetings here usually; I didn't today. So, I think the opportunity in looking at our own mandate, yes, I think we need to reflect on this. We are charged with creating maximum feasible public access consistent with a proposed project. We have to look at it in the context of the project.

And the Bay Plan Policies also say that sometimes we have to allow less than maximum feasible public access where public access would be clearly inconsistent with the project because of public safety considerations or significant use conflict. So that is something we consider.

And just as importantly, because I think we have to listen to the community and hopefully this would occur through an EJ process. That public access improvements should be consistent with the project, the culture of the local community, the physical environment, and be designed for people of all income levels and for people of all cultures.

Richmond is a city in West Contra Costa East Bay that is very diverse. We haven't yet engaged the community to hear from them what does really good, feasible public access, mean? Which I think that needs to occur as soon as possible in this process, as I say. And people may weigh in in ways we do not always expect. Yes, people will say we need more bike access, but they will also say we need to get to our jobs, and we need to get there fast and we don't drive. There are people. I have worked with, many individuals in Richmond and North Richmond who don't drive, who need a way to get to work. Some of them can do it by bike. Some need reasonable, fast public transit.

And I think we owe it if we really want to listen to communities to have a meaningful process. And I think we would, if we go forward with this, need to hold MTC to listening to the community. I respect, there are a lot of people here who spoke today who came from the broader East Bay and that is great. I think we do need to listen to folks also, though, really from the community where this is located.

So, this is difficult. I normally am one not to want to move back on bike access. I do think the case was made here, however, for us to study over the next three years whether we can have an HOV. And I would advocate later on for it to be bus rapid transit. I know we cannot tell you what to do, it is not within our charge. But if this comes back with a new permit, we have some ability in the sense of what is maximum feasible public access with regard to that project.

So, I am prepared to support the Staff Recommendation for the reasons I stated; and I would hope that we continue though to listen to the bike community who advocate really so passionately and effectively about the importance of active transportation. But we cannot forget even on our own Bay Plan findings, it talks about recommending that a primary goal in transportation planning should be a substantial reduction in the dependence of the automobile and the development of new systems of transportation that

can carry large volumes of people.

So, having but having bikes is important. Having transit that is clean and fast that carries large volumes of people is also important. And I think that is what we are trying to balance. And some people will agree with that, some will not.

I think if we move forward here this is all going to get revisited at the end of the pilot in three years and make a final decision on what to do. So that is where I am coming from and I appreciate, again, all the different viewpoints that were expressed. But I hope we respect each other's points of view here and really try to understand that we are all coming at this with the idea of improving the quality of life in the Bay Area, reducing carbon emissions, and providing for the maximum amount of opportunities for transportation.

Chair Wasserman addressed a procedural issue: I need to clean up our administrative process, I apologize. We need to close the public hearing. But before I ask for a motion to do that, if any Commissioner has another question of staff or others that they want answered so that we can get that on the record I want to give you the opportunity to do that. So, any questions?

Commissioner Zepeda chimed in: Thank you, Chair. I am not sure who is best to answer this one here, but there were a couple of comments that were made about the potential shuttles if the Commission was to vote in such a way, that the shuttles might not fully accommodate the bicycles. Some of them might fall off, some of them might not fit. And I don't make shuttles, so I don't know and I don't use them, so I am not sure. Is there a way to make sure that we are using the appropriate shuttles so that bicycles don't fall off, that bicycles can fit in, and they can accommodate all different types of bicycles?

Ms. Klein responded: Thank you for that question, Commissioner Zepeda. We are looking at that very closely and the trailer and we can accommodate e-bikes and recumbent bikes. And we are in discussions with the shuttle vendor about how to accommodate additional bikes. And we would really welcome input in the collaborative fashion from the bicycle organizations to help us understand the tradeoffs in terms of number of bicycles and types of bicycles and what is the right mix for this corridor. Thank you.

Chair Wasserman announced: I would now entertain a motion to close the public hearing.

MOTION: Commissioner Cox moved to close the public hearing, seconded by Commissioner Nelson. The motion carried by a voice vote with no abstentions or opposition.

Chair Wasserman continued: Now we are free to make comments. I will start over here again.

Commissioner Zepeda had a clarification for the record: I want to just also clarify. There was a public comment that was made that for the city of Richmond the vote was unanimous in regards to the bike lane. I just want to say that I abstained because at the time I thought I will be voting here so I abstained to not have a conflict. That has changed. But I just want to make sure that I clarified there. So, Richmond was not unanimous, I abstained.

As I am listening to the different public comments, I definitely agree we need more

bikes. As I was walking here and I see all the bike lanes in San Francisco. It is great that people have the different options. I have biked here myself, just from BART, not all the way from Richmond. But we do need that.

But I am hearing sort of a conundrum in regards to the workers. Because we have different types of workers and we might not always be listening to the workers that are crossing from Richmond. Now I represent District 2, which is where the base of the Bridge is on, on the Richmond side. It is the blue-collar workers that are not always heard and they are not in this meeting today. The ones that are cleaning the houses, that live in Richmond, and they are cleaning Marin homes, or on the other side of the Bridge. It is the landscapers. They are not able to pool all of their tools into the bus or into a bicycle.

So as we are looking at how do we help move our community forward, literally and figuratively, we have to figure out how do we give options to all of our workers, not just those that can make it on a bicycle because they might have a white-collar job, or maybe they are not required to carry heavy tools across the Bridge. So just keeping that in mind as we are looking for those solutions. And I don't know that we in general, that I have seen individuals on the bus necessarily with big, heavy tools. A lawnmower is going to be very odd having on the bus.

Because I love the comments that Commissioner Gioia said. As we are looking to create the future, and it starts with now, let's start thinking about everyone that is affected. And in my city, those people that are not here today are the ones that need to be seen the most, so let's just keep that in mind.

Because we are also talking about equity. We are talking about how it is affecting. I get a lot of individuals that email me. There is one person she has me on speed dial. I won't say her name. But anytime there is a lot of honking on the Bridge, they live right by it. A lot of honking on the Bridge, a lot of smells, everything there. It is affecting our communities. And it is the communities, particularly of color, that are affected by the traffic that goes into the streets.

And that was my question earlier, making sure that we are capturing some of that data. Because it is not just those that are stuck on the Bridge, it is those that are stuck on the streets coming on to the Bridge. But most importantly, those that are not stuck commuting, they are stuck just living. They are living at home, and they cannot open their windows and they have to close their doors quickly because of the traffic.

Now, it has got nothing to do with bikes and cars. It is just what are we doing as a society to make sure that we are moving towards a better society so that people that live near these freeways can safely open up their windows and can safely open up their doors and being able to be there. And maybe the future is more bikes. That might be the answer. But just making sure that as we are creating the future that we are also thinking of that.

And as Commissioner Gioia also mentioned the crazy idea that I have been, it is not just mine because I know that others have brought it up before about a new bridge. But that comes with the thought of our infrastructure was built with the thought of more cars on the road.

Our lives have changed, and we need something new in all of our infrastructure. So, as we are looking forward what is essential for our community? How do we build that infrastructure of tomorrow? And that is why I brought up the question about a new bridge.

And when I have had that meeting with the different individuals from different transportation agencies many of you have seen my dog on Zoom. And there was a joke that came about, hey, we can even have a dog lane. Now imagine having infrastructure that is built for tomorrow because we understand the needs and we have to be able to move forward with it. The needs are not just moving from A to B and more cars, but the future infrastructure has to be accommodating the different individuals that want to travel in different ways, but also our environment.

There are going to be individuals that want and can be on bikes. There are individuals are going to want to walk. There are individuals that are going to need to take their own vehicle because of the tools they need to move forward. There are individuals that will want to take other types of transit. So just keeping that in mind that when we build some of this infrastructure, the thoughts that we are having today were nowhere near the thoughts that they were having before.

The Richmond-San Rafael Bridge was built, it was one of I believe two or three bridges that were supposed to be built at the time to move people from East County or from the East Bay to the other side. And they ended up just building one Bridge. We were supposed to have more bridges. Because the thought was more bridges, more roads, more cars, faster, right? So just that the mentality has changed.

Yes, I will stop there, but I just want to make sure that everyone is keeping in mind just the future of where we are going and making sure that our all of our communities, especially for me it is very important, the communities that I represent that are right at the end of the Bridge. Thank you so much for your time.

Commissioner Kishimoto was recognized: Just to pick up on your theme of the infrastructure for tomorrow. I think the vision of of MTC, the Bay Plan, 2050, et cetera, is, in the long term that we are looking at our beautiful Bay and it is rung by a network of electric trains connecting walkable communities on both sides of the Bridge and everywhere.

Because I did go out and stand on Richmond Bridge at one of the public access points and I said, how come more bicycles are not using this? And the reason is it is a terrible place to stand. It is very noisy, as you noted, just either living or standing by there or biking there, 80,000 vehicles. Some people would look at the figure 150 cars, 80,000 vehicles and what is that solution? Is it more cars? Or should we do something about that terrible ratio? So, I come down doing something about that terrible ratio.

But let me get back to what is specifically before us today, because I know we have a lot to talk about.

Caltrans is requesting a couple of different things. One is to make permanent the addition of the car lane on the lower deck. To me, this would call for a permanent dedication of the what the walk-bike path on the upper deck, it is one for one.

And then the other thing that did just occur to me is that since there are so many of us supporting bus rapid transit at least HOV on this third lane is, and we did not really talk about this, is requiring that third lane to be transit or HOV-only. Sorry to throw this idea last minute, but whether that is something that we can consider doing.

So, one is if we are going to make permanent the lower deck for cars, to make the upper deck permanent for bike-peds.

Secondly, it is requesting extending the path pilot for half the time. I cannot support this. I do not support the Amendment 6 for two reasons or more. I guess one is the maximum feasible public access mandate for many reasons. But also, importantly the second is the second criteria that staff has reminded us of, the Bay Plan on the transportation, which is to minimize pressure to fill the Bay for new bridge and roadway construction.

So, to me to add a lane, an HOV lane, and upon asking staff they said yes, in the future it could become a HOT lane. And so, you know that it would instantly get filled with single-occupancy vehicles paying a little bit extra to ride. It is a third lane. And to me it would add vehicle miles traveled. Possibly in the short term, but definitely in the long term there is no question in my mind that it is going to encourage more car-oriented development in both Richmond and the west side.

So that's my basic points. I think walking and biking is the foundation of sustainable transportation, it is a non-negotiable, and I just do not want us to go backwards. Thank you.

Commissioner Cox commented: I do want to thank all of the people who wrote and called in regarding this very important decision. We literally received and reviewed hundreds of letters and we heard over 60 comments here today, so we very much appreciate hearing the varied perspectives on this proposed pilot extension.

I will say that personally, I am very familiar with the Richmond Bridge. I commuted every weekday for 15 years between 2005 and 2020. Someone asked earlier if I am an engineer. No, I am just very familiar with the commute.

Overall, the proposed modified pilot extension appears to me to be an elegant, commonsense solution that allows Caltrans and BATA to mitigate some of the adverse impacts observed during the initial pilot project, while continuing to gather data that will better inform decision-making on a more permanent approach.

I also endorse Commissioner Gioia's comments regarding to continue to invest the necessary thought and resources to advance long-term solutions for mass transit.

Regarding the eastbound portion of this project, I recommend additional education and enforcement. The eastbound lane is frequently used outside of its designated hours, which creates safety challenges for the lane's use for disabled cars or as an emergency lane. Collecting SCADA data to understand the frequency of unauthorized uses, installing signage that clarifies that the third lane is a breakdown lane unsuitable for travel outside of commuter hours, and evolving enforcement efforts I think would be helpful.

Regarding the westbound portion of the project, I endorse the pilot extension because it appears to me to be consistent with the Bay Plan Transportation policies, seeking to maximize feasible public access by balancing the needs of all users. Providing the part-time multi-use pathway at the times of highest use, while also enhancing connectivity for those accessing the Bridge, shuttle, Bay Trail and shoreline, thereby ensuring we have a usable Bridge for everyone.

I do not believe that the pilot prioritizes vehicle traffic over bikes and pedestrians. Some of the data we reviewed revealed that there are 146 average daily bikers compared to 80,000 vehicles, 21 bicyclists during daily commute hours compared to 18,000 westbound cars during the same time. I believe the pilot extension focuses on the greatest

good for the greatest number of people

I saw from the data, and I know from my personal experience that we do not have the commuter challenges on the weekend and so I fully endorse the flexibility to allow recreational bicyclists to continue to enjoy the Bridge on weekends and holidays during the pilot project.

With the shuttle program for bicycle commuters, granting the pilot project permit will not take away the option of riding bikes and will not in and of itself add more cars to the Bridge. Conversely, the bicycle path arguably provides access for more local bicyclist commuters but diminishes access for more far-reaching ones.

As we read in numerous comment letters, riding a bicycle is not a viable option for the thousands of people who commute to Marin County on the Richmond Bridge, particularly those commuting from the further reaches of the East Bay including Concord, Pleasant Hill, Martinez, Antioch, Fairfield, Vacaville, Vallejo, Hercules, Albany and others. So, our decision today definitely has far-reaching regional implications.

The connectivity provided between Bay counties by the Richmond Bay Bridge will become even more important when Highway 37 is rebuilt.

As for those who urge Marin County provide more affordable housing, I will say that the ratio of worker to housing in Marin is actually superior to that of San Francisco and surrounding counties.

As the mayor of a small town, I also want to say that while we provide lots of affordable housing, it is not as easy for us to provide the kind of space that residents in the East Bay enjoy. We simply do not have the room.

In the spirit of having the flexibility to adapt as conditions evolve, I do not agree with that portion of the proposal that states that the path reverts to full-time if the Westbound Improvement Project is delayed or does not occur.

If, for some reason, the project is delayed I would welcome the opportunity at that time to determine how the lanes should be managed during that delay. Thank you for the opportunity to comment.

Commissioner Gilmore commented: Chair Wasserman, I was hoping that you would call my colleagues in the room before me because I am really struggling with this. While I recognize what my colleagues have said about transit and whatnot, and I think they are right, here is where I am struggling. I am struggling with metrics. I do not have a clear understanding of what we are measuring and how we are measuring it; and also, what does success or failure look like? I feel like we are going into this very nebulous space, and we are not sure what a perceived outcome may be or may not be.

And on the point of what the success or failure will look like, that goes to the whole social justice. I feel that before Caltrans embarks on this project, they need to do more community outreach and figure out what the residents near the Bridge want or do not want. For instance, if for the residents near the Bridge a significant decrease in idling time as you approach the Bridge is something that is really important to them. Do we know if this study is going to figure that out? And if it does, if the residents say, we want 10 minutes, and the study is not designed to do that, there will be a disconnect there.

I just feel like there needs to be more community involvement before this project moves forward and I feel like we need to have a better understanding of what the success

or failure of this project would look like.

Commissioner Dorsey chimed in: I want to thank staff for their work on this and also thank advocates from every perspective for taking part in this process, whether it was emailing or coming here today.

I am someone who does not own a car. I am a top 1% bike share user here in San Francisco. I biked to this meeting this morning, I will bike home from this meeting when it is over. I consider myself an urbanist. I represent an urbanist district, including this very neighborhood, and I believe in doing everything we can to expand access to bicyclists, more bike lanes and better, safer bicycle connections.

But I have also been around San Francisco politics and especially transportation politics for a long time. Long enough to see what happens when we pit vastly larger numbers of motorists against vastly smaller numbers of bicyclists, especially when those motorists are stuck in traffic or on their way to their jobs.

In my observation and experience, resistance to compromise is ultimately never good for the cause of bicyclists. Sometimes a reasonable compromise is the best path forward. I have seen that play out over many years here in San Francisco. I think that spirit of compromise has helped us to make needed progress from years when it was a very divisive car versus bicycle era.

So, I am satisfied in reading through this and everything that I have heard today that the Staff Recommendation is a reasonable compromise. I think that this three-year pilot is the best path forward and I will be supporting it.

Commissioner Randolph commented: There is a lot going on here and I have been listening very carefully to everybody.

First, I want to associate myself with Commissioner Gioia's remarks, especially about the longer-term vision and the opportunity to move more people onto sustainable, low-emission, no-emission, mass transit, so I think that is what ultimately we are hopefully looking at.

I am a cyclist too. I have a bike that is pretty old now but it has thousands of miles. I do not know how many thousands but it is been around a lot. For years, I was commuting by bike, other times it was more recreational these days. So, I totally get and understand why people like bikes and want to use them for a lot of reasons.

But I think in the vast majority of cases, and I think that is what we are hearing a lot of, is that it is a wonderful, wonderful option. It is a great option, but it is discretionary. There are always exceptions. There will always be people, I think, very correctly, who it is critical for them; but I think for the vast majority of people on bikes it is a high-value discretionary activity. But it does not appear to be a viable option or discretionary how so many of the people who cross the Richmond Bridge use it every day.

If you are on a bike, it assumes you are in reasonably good shape, you are probably in good health, you are probably younger than older, and you are probably living within some proximity of the Bridge. But I think about all the people who are commuting from Solano County, from someplace else that is not close to the Bridge. People who may not own a bike. We heard earlier, are you hauling equipment? People for whom it is just not a practical option to ride a bike, especially those kinds of distances. So, I think we need to think about them as well when we think about how we consider the term maximum

feasible public access.

I have actually been thinking about this since 2018, so I have thought about it a long time. I was on the Commission then when the topic of the bicycle lane first was brought to the Commission. And I remember remarking then and it is in the record somewhere that we were being asked then to approve a bike lane in the total absence of data. There was no analysis, no numbers, there was nothing to indicate in any way how extensively this proposed lane would be used.

And based on the numbers we were given did a quick back of the envelope kind of estimate and came up, and it is probably not the right number, but that for everybody expected at that time to cross the Bridge there would be a subsidy of several thousand dollars. A public subsidy for each biker across the Bridge.

So maybe the subsidy is justified. However, that brings you back to the numbers. How many people are actually using it. So, we ended up with the pilot and I think we know where we are now. We do have the data now that we did not have in 2018. I drive across the Bridge not a lot but on a regular basis over the years and every time I cross it is kind of a process with my wife, we count bikes. Different times of day. Sometimes I am halfway across the Bridge or two-thirds across the Bridge before I see a single bike. Sometimes more often. But it is a handful, a tiny handful of bikes at any one time whenever I have crossed the Bridge over the last several years.

Which kind of brings me back to the equity question. The needs of so many people for whom biking is not really an option and just weighing the balance of equities there. So, all these years observing and counting bikes I have not seen any evidence that, as I was concerned when we first considered this in 2018 that this is, in fact, the highest and best use of that lane for the community or for our objective of maximum feasible public access for the greatest number of people.

I think that the numbers largely speak for themselves. I think we have been coming to this vote a long time. I do not think there is a lot more yet we can or should wait for. Let's let the new pilot tell us what the new numbers are, what the options are, but I will endorse the request by MTC and Caltrans for the new pilot.

Commissioner Addiego was recognized: I do not think I can say it better than my colleague Sean Randolph, but I can be more brief.

I would first like to compliment Commissioner Zepeda for bringing up the equity issue because the equity issue is a major issue for me and I see this in my home community when it comes to transportation issues like the HOV lane on 101, which is pretty much just a disaster.

So, while I subscribe to the dream when we talk about HOV lanes or rapid bus transit or everybody on an e-bike, that is not today. That is not where we find ourselves today. What we have is we have inadequate infrastructure, and we have to make it work, and it has to be the most equitable for the people that need to use it.

I think that this plan, and let me thank staff. Let me thank Katharine Pan. The presentation and the proposal is something that is fair, is balanced, and I think it is a compromise that I can feel good about supporting. So, I will just leave it at that. I will also share some words that I find myself seldom speaking, I will go ahead and thank Caltrans also. I do not think I have done that before in my entire career.

Commissioner Hasz commented: Just following up on Commissioner Gioia and Commissioner Randolph talking about a bus lane. This reminds me of Van Ness when we went from three lanes down to two, but they added the bus lane in the middle. I was a Planning Commissioner at the time, and I was all distraught that it was going to be a problem. But it worked out great having that lane so the bus can go flying by. I do think that that will be a viable option for bikes to jump on because of the speed.

Then going to the folks that are driving. I am in construction, so I understand that the workforce, a vast majority of them coming from that area are blue collar. They are working with their hands, which means they are working with tools. They have to drive their truck or their vehicle to have their tools with them. They do not go to the same site every day, they go to various sites, so it is always changing. Anything we can do to help them get to work.

When I think about a car broken down. I have talked to folks that work for us. And even a two-hour lag, you think about all those cars and the hourly cost, you are talking about potentially 80,000 hours, 80,000 to 100,000 hours of people missing time at work. That is a big number being added up. So, anything we can do to pull a car off to the side, that would be great. Anything we can do to move people faster. I am all for this proposal. Thank you.

Commissioner Taylor chimed in: I just wanted to go back to something that I believe Commissioner Gilmore stated about community outreach. I brought this up in a previous meeting about community outreach is done toward the end of projects when it needs to be either step one or step two. I am really interested in hearing how Richmond's environmental justice element is a voice and how we move forward. This is not necessarily about what I think is right, but making sure that I am including the voices of our legacy residents around the Bridge. I represent a community that is right next to a Bridge and so life there is not necessarily an easy commute for anyone. But just want to make sure that we include community outreach as a priority with whatever we do.

At this time I am not ready to state a position.

But just as a reminder about quality of life for everyone is a little bit different. And how to provide a higher quality of life I believe is a part of how we need to be voting in looking at access to high-quality education, access to high-quality public transportation. And then also keeping in mind that the majority of people who do commute by vehicle do not have the option to Zoom in to work. They have not ever had that option, to my knowledge.

And so, I just wanted to bring this up because I am not sure how to make this a part of how we move forward, but I do believe that community outreach and the residents in Richmond's environmental justice element need to be a part of what we do around the Bridge. Because it is not just about getting across, it is also about the folks that live around it. And not everyone who has asthma were smokers, some folks have asthma who were never exposed to smoke, which to me means it is environmental. But just wanted to make that statement, Chair Wasserman, thank you.

Vice Chair Eisen spoke: I am going to support this proposal, but I wish I could do so more happily. When we provided public access at Hunters Point, we were all able to do so enthusiastically because we did not have opponents to the notion of providing additional

public access. And I cannot think of another time when we have been providing public access where there were significant numbers of people who were opposed to that public access because of their own concerns and their own circumstances, so it has created a very difficult decision for us.

I wish we had thought about this notion of an HOV lane sooner before we gave the full access to this bike lane to so many people. I wish we could figure out faster whether we want to do this HOV lane. I wish we could not close the bike lane to make that evaluation. But as my dear mother-in-law would say, woulda, coulda, shoulda. We are where we are now.

And Commissioner Gioia said we have to accept that it is going to take some time to do this evaluation. I do hope and I really echo the comments that were just made that we need to get this dialog going with the community very quickly at the beginning of this so that if we are not going towards an HOV lane we can find that out quickly and get this bike lane back in full operation.

The community needs to be heard on this. That is the biggest difference in our policies today from what they were when we initially looked at this. This community involvement is critical, and I know our staff is going to be working with MTC and others to make sure that happens as full-bodiedly, fulsomely as possible.

So, I will support it, but as I say, I wish I could do so more happily.

Commissioner Manfree commented: I just wanted to explain here that today I am serving as an Alternate for Belia Ramos and I intend to recuse myself from the vote because this item will be a conflict of interest in my capacity as a Commissioner with the Metropolitan Transportation Commission and as a Commissioner with a subsidiary agency of MTC the Bay Area Tolling Authority particularly. BATA is the implementation partner of Caltrans regarding the BCDC Permit 1997.001, this one the Richmond-San Rafael Bridge pilot project. So, as such BATA is a key participant in the amendment request to modify operations of the public pathway currently on the Richmond-San Rafael Bridge.

Mr. Scharff opined: Commissioner, Greg Scharff, General Counsel for BCDC. You do not have to recuse yourself.

Chair Wasserman added: But you may.

Mr. Scharff further explained: I just want to say it is a choice that you are making. You are not required for any reason to do it. I contacted those people that I thought had to recuse themselves or not.

Commissioner Manfree acknowledged: Okay, I will take that into consideration.

I did want to make the observation that everyone who spoke today wanted, they had something in common which is they wanted less car traffic, and I think that is a really interesting point. The people who were driving wanted fewer cars. They wanted more space for the cars, which was equivalent to there being less cars on the road in a way. And the cyclists do not want to become car traffic, they did not want to switch to driving cars at certain times of day.

And there is two ways to achieve less car traffic; more workforce housing near jobs and multi-modal access. So just kind of pointing out that there is kind of a natural alliance in that interest even though those groups happen to be on the opposite side of what is before this body today. Thank you.

Commissioner Nelson voiced observations and clarifications: Not an easy decision. I want to thank everyone who spoke today, and I want to thank my fellow Commissioners for really thoughtful discussion.

Where I would like to start actually is being clear about what is not before us today. There are really important considerations about the potential for an HOV lane, important considerations about the relative merits of an HOV lane versus a dedicated transit lane. That decision and the equities related to it are not before us today. That decision is not before us today.

I am going to briefly echo what Commissioner Gilmore said and that is that it is not clear to me exactly what it is we are going to learn that will help us make that decision in a way that is really clear.

But it is also true that one of the things we will also not be learning, which we have heard from a number of folks today, is if we approve this modification to the pilot project, we will not be gathering data about potentially increased e-bike use during commute hours, making e-bikes more viable as an alternative. That alternative I think is likely to be significantly reduced.

And like many of those who have testified, I am very skeptical that the shuttle is going to make e-bike commuting across the Bridge viable. I am a very dedicated bicyclist, and I am not convinced that a shuttle is viable, particularly given the experience with shuttles elsewhere.

But it is still a difficult decision, because on the one we have quite low weekday usage by bicycles and pedestrians. That may increase over time, we do not know. And on the other hand, relatively infrequent disruptions. And I want to thank Caltrans for clarifying the disruption, the incident rate on that Bridge, that is important.

Our mission here in particular is to ensure maximum feasible public access and implementation of other policies. I cannot think of another moment where we have dramatically limited public access that we have required, and I cannot think of another moment where we have dramatically limited access on a segment of the Bay Trail which has been in use for years. And I think the Commission should have a high bar in order to make that decision or we may find many other proposals for similar decisions; and it is simply not clear to me today that we have cleared that bar.

Commissioner Gunther chimed in: This is, without a doubt, the most challenging decision that I have faced as a BCDC Commissioner or as a Water Board Member. I want to thank all of you who came here and spoke. You have yanked me back and forth more often than you might otherwise think.

There are a couple of things. I am really glad Caltrans is going to bring an HOV lane to the toll plaza. I am very glad you are redesigning the toll plaza. That is going to make people's commutes easier.

I have not heard any evidence today that removing the bike lane will improve travel time, except maybe marginally, and that is a big sticking point for me. I fully understand and feel in my heart the situation for people who cannot not drive to work. This is a real thing. And when you are driving into Marin County to work it is not like coming to the City. I took the bus here today. I prefer to take the bus rather than sitting in traffic on the Bridge. And you can blame Marin County for different things, all due respect, Madam

Mayor, for housing. But that is the way it is right now. The same thing is happening on Highway 37. The people who are waiting, there are proportionately more people of color stuck in the traffic, and that is a reality.

It is also a reality that when you are stuck in the traffic and you are looking at that empty lane and you are thinking, why can't we have cars there? But the reality is right now we can't.

So, the cause of the congestion is not the bike lane. Adding travel in that lane will induce demand. I think this is something that is established. I mean, I am just a biologist, not a traffic engineer.

So, I find myself even at this late date very torn by the situation. But I guess it is very, very difficult to in this moment to be, I am just deeply struck by the number of people who are seeking relief from congestion compared to the number of people who are using the bike lane during the week. And it is very painful me to say. I am a lifetime cyclist, except at this time in my life I no longer can ride a bike, which is something that will happen to you.

I think I am probably going to come down along with Vice Chair Eisen and say that I am regrettably going to support this.

I don't know whether there is a way for us to add. I really want to endorse. I said this earlier. I don't understand what data we are going to be presented with in three years. I don't understand how we are going to decide, like, have things gotten better or worse?

My career has been involved in generating data for public agencies to use to make decisions. And I would always tell my clients there's 50 ways to do it. Science, you can measure some things, you can measure other things. You have to decide ahead of time, what are you going to measure and what is it going to mean? Katharine, you said that that is where we are heading with that. I would be more comfortable to have that in front of me before I made this decision. But that does not seem to be where we are.

So, I also am very torn by, I think what Barry just said is really important. That this is a step BCDC I don't think has ever taken. Have we done it before, Larry? Does the staff know?

Executive Director Goldzband answered: We have limited public access before due to special events for various purposes, for various times, yes.

Commissioner Gunther interjected: But we have not granted public access and then taken it away.

Executive Director Goldzband agreed: Sure. But again, for various events, for various time periods, correct. I first thing I can think of, candidly, when I came onboard was America's Cup. When we had an entirely different public access process in different places and so on and so forth.

For special events literally along the Embarcadero we have limited public access along the Embarcadero. But only for very specific things and for various periods of time. It is very different. But just so you know.

Commissioner Gunther continued: I would like us to figure out how we can get, sooner rather than later, a very succinct explanation. It can be in writing. But what we are going to measure and what that is going to tell us. And that involves some judgment. It involves some judgment about deciding, I guess you guys are using word thresholds. I

would use the term benchmarks, but it is the same thing. How are we going to make these decisions going forward? Thank you.

Commissioner Gauthier chimed in: Thank you. I agree with my colleagues, this is a very difficult decision. Again, I am listening to my colleagues who live near the Bridge since I am in San Mateo County.

Something that is important to me and which I have heard, community engagement. I agree we need better community engagement, and I am hoping that this board will look at that.

Another thing that is concerning for me or something I would like for us to evaluate, the shuttles. If we can make sure that these shuttles are going to be adequate, they are going to serve the needs of those bicyclists. With that, that means there needs to be more communication with the bicycle community. Is there a way to evaluate how the shuttles are performing within six months, three to six months or so, so we have a better understanding of which bikes are fitting on the shuttles or if we need to do something different?

Again, this is not an easy decision. If you open up a lane the cars will come, and I think it just will increase the cars in that lane.

But for today, I don't know where I am yet. I agree with you, Commissioner Gilmore, as well. This is just very difficult. But I think I am going to have to follow those who live nearby and just follow your lead and hope that we are making the right decisions.

But let's be sure that we are listening to the bicycle community because they have shown up in full force. We are really making sure that we have better communication with that group as well. Thank you.

Commissioner Gilmore had an additional observation: Just one more observation. If this were any other project, or I should say just about all of our projects, before the applicant came to us, we would have made sure that they had done their community outreach. And that we would have asked them how many meetings did you have with the community? What was the feedback?

I feel like we are doing this backwards. It is like they are asking us to approve this permit and then go talk to the community. It seems to me that the way we normally operate it is the other way around. They talk to the community and then they come to us. And we say, well, either you did not have enough community outreach, or you did and we go on to doing the permit.

I think I am going to vote against this, and it is not because I don't think that having better transit or whatever are bad things. I think they are good things, and I feel for both sides on part of this. I just don't like the methodology of how this came to us without the community input, and I don't like the fact that we don't know what is being measured and how it is being measured, and that is going to be determined after we supposedly approve this project.

So, I am not weighing in on the merits of bicyclists or automobiles. I am just weighing in on I don't like the methodology. Thank you.

Chair Wasserman asked: Am I missing anybody else who wants to say something?

I have a number of comments. I most certainly share in the feelings and the comments of my fellow Commissioners that this is, if not the, certainly one of the most

difficult decisions I have had to make in my 13 years as Chair of this Commission. But I am ready to make a decision. I don't do it regretfully at this time because I think under all the circumstances the Staff Recommendation is correct.

We expressed great disappointment last time about the inadequacy of the data; and we continue clearly to have that problem. I appreciate to some extent, and to some extent I will be honest, I don't appreciate, that MTC and Caltrans and BATA are in the same situation. The data gathering that was done during the pilot to date was insufficient. It had better be better as we go forward with this continuation of the pilot project.

If we were being asked to make a final decision I might very well come down, as Commissioner Gilmore has indicated she is likely to. But this is not a final decision, this is a continuation of the pilot. And it is studying things that are hard to study and hard to get a handle on, but I don't care if it is hard, we damn well better do it this time.

The equities in this particular project are extremely hard to assess. And one of them in particular that is going to be a huge challenge but I want us collectively to meet it, is that one of the most important constituencies, which has been talked a lot about in the comments, is very, very hard to get data from, and that is the day workers, the blue- collar workers, the hard workers who are commuting into Marin from quite far away in the East Bay and beyond. And how you gather information from them? And I appreciate some of the speakers have spoken on their behalf, and we did have some construction workers speak who are part of that. But we did not hear from the landscapers. We did not hear from the small contractors. We most certainly did not hear from the people who clean homes, clean commercial establishments. And that is a very tough population to reach but you have got to try and figure out some ways to reach them because their voices, not simply our abstract assessment of their concerns, need to be heard. And for those who have spoken on their behalf but are not of them, certainly please participate and help us do that.

We do need more data. I appreciate that we have had some input from a number of sources disagreeing with Caltrans' assessment that they need to change the configuration in terms to fully study that. I don't think we are in a position to reject their judgment, and I think to some extent we have to accept that.

I do want to note, I am not asking for specific changes in the conditions, but I want you to think about how you talk about it in terms of timing. You have talked about the pilot analysis being completed by December of 2028 but then you talk about the performance thresholds and alternatives analysis. Those performance thresholds, as Commissioner Gunther has quite eloquently stated, need to be done much sooner. They need to be done next to immediately. They need to be done in close cooperation between our agencies and with other partners.

So, I do not want to see a situation where Caltrans and MTC goes off and figures out how to do it and comes back and tests. Our staff, our environmental justice and social equity staff as well as our planning staff, needs to be intimately involved in that.

And I want to make sure that, and perhaps we need to add this as a condition. But I am telling staff that we need this. We need some interim reports on how this is going. This is not a situation where this is going away until 2028 and the Commission will not hear from it. That will not happen.

This is not easy. As a number of people have said, this may be the most difficult

project. And again, it is a pilot project. We are not asking to do this permanently.

I am sympathetic to Mayor Cox's position about not automatically reverting, and I don't think it would quite be an automatic reversion because I think it is going to have to come back to us. But it should be pretty close to that, because this is close to an unprecedented situation of pulling back on significant public access. We cannot ignore that. I think that makes sense to do under all the circumstances that have been presented.

But as the staff report says, if the West Improvement Project Program doesn't work or get significantly delayed, don't misunderstand, there will be very strong sentiment on this Commission to return to the permanent bike-ped lane.

So, I am going to support this. I actually urge my other Commissioners to do so. We do need 13 votes to approve this, a majority of the Commissioners eligible to vote. Commissioner Gioia has a question.

Commissioner Gioia had a question for MTC: I have a question of MTC. You have heard a number of the Commissioners. I talked about the importance of community engagement, you have heard a number of Commissioners talk about how important that is, I think that is a clear message.

The permit condition, to me the most important element of that is the section on Environmental Justice Analysis, which is:

> "Analysis of potential environmental justice and social equity impacts of providing the multi-use path as long-term public access, incorporating meaningful engagement with local community members, path users, other bridge users, and subject matter experts."

Including an:

> "…evaluation of environmental justice and social equity issues raised by the public during the Commission's consideration of Amendment No. Six and ensure consistency with any Bay Plan policies regarding environmental justice and social equity then in existence at the time of submittal of the study."

I think that needs to occur before the submittal of the study and early in this process and I think you have heard how important it is for a number of Commissioners.

And I don't know whether it takes amending this condition or the wording in this to state a timeframe for MTC to do this work, because as I think a number of us have said, listening to residents in the immediate area is really important. There has not been that large comprehensive effort. How if we wanted to push MTC to do this sooner, working with community, working with stakeholders, working with BCDC. If you'd like to come up and share any thoughts. I think there would need to be a time frame of doing this early.

Ms. Klein responded: Thank you for that comment, Commissioner Gioia. This is early work, an early work item as part of this follow-up work. I don't have in front of me the exact timing and I would need to think for a few minutes about what we are planning and what the reasonable timing is. But I do assure you that we have heard the importance of that today.

Commissioner Gioia suggested the following: We could put a date in the conditions for that. We have that ability. Just like there is other dates in this Commission about when a study has to be done. I think it is an important enough issue that has been raised by a number of us.

Ms. Klein continued: What I am telling you right now is I can't, in the few minutes that I have just been here, give you what I think is an appropriate date. But I can assure you that it is something that we do and absolutely intend to do early, and I would be comfortable with language that calls for it as a first order of business. But I would need to a few minutes at least to think about a date.

Commissioner Gioia stated: I think there should be some language that reflects that in here, let me just say, that allays the concern of a number of Commissioners.

Chair Wasserman chimed in: I have a suggestion about that. That we add, Katharine, you need to listen to this. That we add as a condition that there be a date, as early as possible, put into the conditions for both the determination of the thresholds and for the methodology of the EJ analysis. But leave it to the discretion of staff what that date is. You put it in before it is done, but it gives you the time to negotiate what is reasonable. I assume we can do that.

Commissioner Gioia asked: Who negotiates that?

Mr. Scharff answered: You obviously can do that, but you could also just tell a date if you wish to tell them a date.

Chair Wasserman voiced reservations: I am hesitant to put a date because I am sympathetic that it needs some thought. I would say no later than a year from now, but that may be too long.

Commissioner Gioia opined: No, I don't think that is too. I think at a minimum it has to be no later than a year from now. I am open to hearing thoughts from other Commissioners. I think a number have expressed concern about what is a reasonable date.

Chair Wasserman stated: I would like to hear from staff on that. Katharine.

Ms. Pan spoke: First a clarifying question. When you say within a year from now is that completion of a portion of the study or scoping?

Chair Wasserman replied: No, I don't think it is completion of a study. Well, I'm sorry. You have put this provision about thresholds in here as part of the study. Our point is it needs to be frontloaded so that that needs to be completed no later than a year from now. Because in part, as Commissioner Gunther stated, you need those thresholds to make your data gathering methodology effective. We don't want to know what the thresholds are after you have gathered the information.

Ms. Pan stated: I think I agree with this conversation. However, I might give Caltrans an opportunity to respond to that. When we have suggested this before they have a different methodology where they don't like to presuppose certain things at the beginning of their process. This is actually something that we have gone back and forth on significantly.

Chair Wasserman replied: I am going to tell you right now I speak for this Commission.

Ms. Pan acknowledged: Yes.

Chair Wasserman continued: I am sorry they have a different methodology. They need, within a year, to have those thresholds. And it is the performance thresholds that you have described on page 23. And your Executive Director is suggesting you can do it in six months. I will let the two of you confer.

But the second issue, in addition to the thresholds, is the methodology on the EJ and

social equity analysis.

I will recognize Commissioner Gilmore.

Commissioner Gilmore asked for clarifications: Thank you, Chair Wasserman. I agree with everything you just said; I just need a clarifying question. Given the two things you just said get frontloaded, is there anything else in this process that comes before those two things? So, in other words, where do those two things assuming they are frontloaded, where do they come in the process? Is there something else that comes before them or are they the first two things up?

Chair Wasserman replied: Yes, I don't have an answer to that one. I don't know if Katharine or Lisa does.

Commissioner Gilmore continued: Because here is my point. And this is what really troubled me about this whole thing is I feel like those two things should be the first things to get done; and if not the first two things, maybe the second and third things. And if that were to happen then that would probably solve my issues on this process. So, I am trying to get some clarity on the timeline, I guess, or the process, I don't know.

Chair Wasserman stated: Commissioner Gioia and I are looking at it.

Commissioner Gioia noted: Under this on page 23, Performance Thresholds and Alternatives Analysis, Environmental Justice Analysis, then Design of Long-Term Facilities, Structural Strengthening. Those are the four things under the Pilot Analysis.

And I think what we are saying is the first two things should be the Performance Thresholds and Alternatives Analysis and Environmental Justice Analysis, before the other things which are Design of Long-Term Facilities and Structural Strengthening. I don't see anything that comes before those two so it should be those two should be the top two.

Lisa, it is obviously stuff you would be doing. Do you agree that these would be, but then we would want to put a date.

So, Commissioner Gilmore, those on page 23 and 24 would be the two top things if we establish a date to differentiate it from numbers 3 and 4.

Ms. Klein stated: So let me say, I think we absolutely, first of all, absolutely hear the importance of these two items. I want to make that very clear. I think we can commit to having an environmental justice methodology quite soon, certainly within a year and probably sooner than that. I don't know that we can complete that work quite that fast.

Commissioner Gioia noted: It takes time to engage community, I will say that, coming from a community. It takes time to do it right.

Ms. Klein agreed: And that is, I think that is exactly the point. But we can certainly have a methodology. We can certainly get that work started. I am less sure that I can tell you a date when we will have the thresholds themselves identified. I understand that that also needs to be a first order of business and so we will start on that right away. But just sitting here right now.

Commissioner Gioia stated: There is no reason that you can't do environmental justice, the methodology, within nine months.

Ms. Klein agreed: I would agree with you.

Chair Wasserman recognized Ms. Pan: Katharine.

Ms. Pan stated: Caltrans staff has agreed that they can provide a preliminary approach within a year, easily.

Commissioner Gioia asked: On what, the preliminary threshold?

Ms. Pan replied: On both.

Commissioner Gioia added: But we can tell them to do the EJ analysis sooner. We can put that in a condition.

Ms. Pan acknowledged: Yes.

Commissioner Gioia noted: They are here, we are here.

Ms. Pan continued: Correct. The one thing that they did want to clarify is that ultimately the thresholds, what those will become when they come back to the Commission, will have to take into consideration all aspects of the study including the Environmental. So, they would like to commit to a year out preparing the approach for the Environmental Justice Analysis.

Commissioner Gioia asked: Who told you that? You are saying you would agree with nine months. Tell us, this is a public meeting.

Mr. Maung spoke: Right now, as we previously mentioned, we have the equity, we have a contract to do an equity study, which is basically outreach to the communities that we discussed. The schedule for that contract study completion is 18 months.

Commissioner Gioia replied: But we are saying the methodology update is upfront sooner than that. Look, I am from Richmond, I know how long it takes to do community outreach. No one is saying that is going to get done quickly. It is that the methodology and how you come to us for approval of that can be done quickly.

Mr. Maung agreed: Yes, that is correct. So as far as the methodology and what would be the proposed threshold, we can formulate and develop that within a year. With the condition that since we need to account for all the studies' completion, to finalize and adopt the threshold for performance for the project, it will happen after the study completion.

So, the answer to your question is, as far as the methodology development is concerned, initial discussion regarding the threshold with the staff, it can happen, it will happen within a year.

Chair Wasserman stated: Nine months. And I will be very clear, I understand. We are not talking about the length of time that the environmental study is going to take. None of us are trying to change that, we understand. Well, that is not true, I think the state legislature is working on that, but that is a different discussion. But we are talking about the basic approaches here. You can do that within nine months.

I fully recognize that as you go through the study you may find that some of those thresholds were wrong. You may find, even in the EJ methodology, that you need to change some things. These are not immutable. But part of the concern is, we know - I don't want to use the word failure. But the data collection in the last pilot program was not a success. We know that collecting the data takes a lot of time. Getting the approach set needs to be done faster or you will need even more time.

So, I would suggest whoever is going to make the motion, and I hope that is the man to the right of me, puts that nine-month deadline in there for that to be agreed and to come back to us.

Mr. Scharff added: And to come back, because I think you need to have those discussions.

Chair Wasserman agreed: Yes, absolutely.

Commissioner Gioia noted: Harriet was going to say something.

Ms. Ross spoke: That is what I wanted to clarify, if you wanted it to be at the staff level or if you wanted the methodology to come back to this Commission during a meeting.

Commissioner Gioia stated: I think it should come back to the Commission.

Chair Wasserman agreed: Correct.

Commissioner Gioia continued: This is an important issue for a number of Commissioners. Some of us may want to weigh in on that.

Ms. Pan asked: At the nine-month mark?

Commissioner Gioia affirmed: Yes.

Chair Wasserman added: Also recognizing that there may be some policy issues in there that you need to bring back to us for some input in the meantime. So, I am not requiring you to do that.

Ms. Pan noted: Right now in the Staff Recommendation they are required on an annual basis to report to the Executive Director on the progress and status of all aspects of what they are working on. He can elevate that to the Commission.

Chair Wasserman stated: That's fine.

Ms. Pan finished her comment: But that is in there.

Chair Wasserman instructed: Don't change that one.

Commissioner Gioia chimed in: But how would you suggest, if we really want to hold them to it, in the language here where it talks about Environmental Justice Analysis and Performance Thresholds, how would you insert that in so it is a meaningful part of this condition? So, we are asking how that would get done in the most effective way. It is in two places. Why don't you say that out loud, Larry.

Executive Director Goldzband stated: This is legislating on the fly and we get that.

Commissioner Gioia acknowledged: We do, right.

Executive Director Goldzband addressed Ms. Pan: Katharine, please take a look at 23, last paragraph, last sentence.

> "The performance thresholds and alternatives shall be developed in consultation with stakeholders."

Suggestion. Instead of a period you have a comma, and we insert the words:

> …and shall be delivered to the Commission for discussion within nine months of the adoption of this permit amendment.

Ms. Pan explained: I think what they were saying before is that the thresholds themselves, those won't be finalized until the end. So, I think the term like Preliminary Thresholds or Draft or something.

Chair Wasserman interjected: So, I do need to interrupt. This may be a definitional issue but there are some important concepts here. The word "threshold" is not a common one in this context so there is a little bit of uncertainty of what it means. Commissioner Gunther's use of the word benchmark is probably better.

But the concept is, what are we measuring? We understand we need data to get the assessment. We are not asking you to prejudge that. But it is how are you going to judge that? What is the matrix? What are the benchmarks against which you are judging that? They are things like how often there is an incident, whether in timing or per traffic

amount. That is one of the many benchmarks that would be in here.

And I am not saying we have to have all of them. But we need a better sense of what is the basis on which we are going to be asked to make a judgment when this comes back in 2028. And those won't be finalized until the end, I appreciate that. But we have got to have some agreement, some better understanding of what they are on the front end.

Ms. Ross chimed in: I would like to make a suggestion. I think all we would like to do is for the last sentence is to add something about preliminary. I think the whole idea is within nine months we come to the Commission with an approach of some preliminary thresholds identified. It describes what we are looking for in that paragraph that it is in. So, I think that doesn't commit Caltrans/BATA to using a specific set of thresholds, it is just we are sharing a set of thresholds.

Chair Wasserman agreed: Yes, preliminary is fine.

Ms. Pan continued: Can I read you the current language?

"The performance thresholds and alternatives shall be developed in consultation with stakeholders, and the proposed benchmarks for analysis shall be presented to the Commission for approval by August 7, 2026."

Executive Director Goldzband responded: So, you can say preliminary. You can just put preliminary in front of thresholds or whatever it is.

Ms. Pan acknowledged: So, instead of proposed, preliminary?

Executive Director Goldzband stated: Yes, preliminary, and that's fine.

All right, let's go to Number 2, the EJ Analysis.

Ms. Peterson noted: Heads up, Chair Wasserman. Commissioner Taylor has had her hand raised very patiently for some time.

Chair Wasserman recognized Commissioner Taylor: Go ahead, Commissioner Taylor.

Commissioner Taylor spoke: I just wanted to find out who the partnership, the stakeholders. Who is the "we" as far as the development? Are they including community-based organizations in the we?

Chair Wasserman stated: You bet you.

Executive Director Goldzband: Okay, EJ Analysis.

> "…ensure consistency with any Bay Plan policies regarding environmental justice and social equity then in existence at the time of submittal of the study."

I just wanted to read what that says.

Chair Wasserman continued: We need, again within this nine-month framework. And you had an August date. That is a 12-month framework. I want a nine-month framework.

Ms. Pan asked: For both, okay.

Executive Director Goldzband answered: Yes.

Chair Wasserman reiterated: I want a nine-month for both. And on EJ it is the methodology of how the EJ Analysis is going to be done and a list of stakeholders.

Ms. Pan acknowledged: So, the methodology. So, this would be at the end of the paragraph.

> The methodology for the analysis will be presented to the Commission for approval by May 7, 2026, including a list of proposed stakeholders.

Executive Director Goldzband stated: You could say potential stakeholders. That

might make it a little easier, right?

Chair Wasserman re-emphasized: Yes but I don't care. But reality, in nine months you ought to know who the stakeholders you are talking to are.

Ms. Pan noted: Ideally, they will have developed the methodology in conjunction with the stakeholders.

Chair Wasserman stated: Phoenix will make sure you do that.

Ms. Pan acknowledged: Yes. And May 7, is that nine months from now?

Commissioner Randolph chimed in: Can I just make an observation, Mr. Chairman, that environmental justice may not be identical to community outreach. They overlap a lot, but there is a whole structure within the Commission for environmental justice. I think part of our concern is reaching the people we were talking about earlier who are actually driving across the Bridge. There are different methodologies for reaching them, but I want to make sure we reach them.

Commissioner Gioia added: And it is under the paragraph of environmental justice, meaning we are identifying the environmental justice stakeholders, because this language is under the EJ section.

Commissioner Randolph added: So I think the methodology should ensure that we find a way to reach them directly rather than limiting ourselves to established EJ organizations.

Commissioner Gioia mentioned definitions: Stakeholders may mean organizations, it may mean individuals representative of communities, right. That is what the Air District uses when we say stakeholders. We talk about individuals or organizations, it is whoever is relevant for that EJ community.

Commissioner Randolph continued: So we would see that when this is brought back to us?

Commissioner Gioia replied: That is the intent, yes.

Commissioner Randolph acknowledged: Okay, great.

Chair Wasserman asked: Got it enough, Katharine? Do you have it well enough in hand?

Ms. Pan replied: I think so. I think those two changes we just discussed capture the general concern. Just to note, any additional stakeholder outreach for any other aspect of the project will still be included in three out of four of these analyses including the Design of Long-Term Facilities, and then also the overall Threshold discussion.

Chair Wasserman continued: Yes. And just to echo Commissioner Randolph's point. When we talk about EJ analysis, a lot of that is outreach but it is also substantive. It is not just outreach. The methodology will not determine the end result, but it will determine how we figure that out.

Okay, John, do you want to make the motion?

Commissioner Gilmore interjected: Wait, wait, wait, wait, wait. Chair Wasserman.

Chair Wasserman recognized Commissioner Gilmore: Yes, Commissioner Gilmore.

Commissioner Gilmore stated: I'm sorry. I want to be a stickler for this. Before we have a motion and vote. Can staff please read back those two sections that were changed so I am very clear on what the new wording is. Thank you.

Executive Director Goldzband replied: We shall, we shall, definitely.

Commissioner Gioia added: And Lisa understands and acknowledges. You understand what we are asking. After they are read.

Executive Director Goldzband addressed Ms. Ross: Harriet, can you read both Paragraph 1 and Paragraph 2 as amended in their entirety, please.

Ms. Ross read the following into the record: Yes. So, on page 23, Performance Thresholds and Alternatives Analysis. We are going to add a second part to the last sentence so the whole sentence is going to read:

> "The performance thresholds and alternatives shall be developed in consultation with stakeholders, and the preliminary benchmarks for analysis shall be presented to the Commission for approval by May 7, 2026."

And then for the second, Environmental Justice Analysis, we would be adding a whole new sentence to the end:

> "The methodology for the analysis will be presented to the Commission for approval by May 7, 2026, including a list of potential stakeholders."

And then to Commissioner Randolph's concern, we very clearly indicate different stakeholders for both Environmental Justice Analysis as well as the Design of Long-Term Facilities, so we are covered between actual users, residents, basically all stakeholders and environmental justice organizations, so we are covered there.

Executive Director Goldzband chimed in: I want to add one thing. I have been contacted by two Commissioners who wanted me to doublecheck that the standards that we are going to use are the Bay Plan Environmental Justice and Social Equity Program that we will then use to determine the quality of everything.

Ms. Pan acknowledged: Yes, that is correct.

Executive Director Goldzband agreed: Correct.

Chair Wasserman asked: May I have a motion?

Commissioner Gioia: So, I will move the Staff Recommendation with the two language changes that were read into the record dealing with Performance Thresholds and Environmental Justice Analysis.

Commissioner Cox: I'll second.

Chair Wasserman asked: Andy, do you want to say something?

Mr. Fremier commented: Yes, Andrew Fremier, Executive Director.

I feel a little bit late at the party since the motion is already set. I think thfrrre only challenge I have, and I appreciate the discussion, is really with the definition of approval. That seems like it is a little bit inconsistent. The idea of coming back to the Commission and presenting I think is completely legitimate and have a discussion about it at that time.

Mr. Scharff stated: You have the authority to approve it if you want to do it, or you have the authority to just let them present it. You could do either.

Mr. Fremier added: I do want to say that we have worked very hard in good faith on a very complicated subject. Appreciate how hard this is for the Commission, how hard it has been for both staffs. I would hope that you would give us some leeway and support as I think we have worked very well together to this point. I think by going short of approval you continue the trust in good government that we all are --

Commissioner Gioia interjected: And likewise, you hear the trust in us. You just heard our discussion. You heard how thoughtful board members were. So, we would hope

that you would agree that our --

Mr. Fremier stated: I agree to come back to present and open it up to that.

Commissioner Gioia replied: Approval is meant to move forward in a way that we have good faith in you and you have good faith in us. That we are going to approve things that meet the standards that we are setting and that trust works both ways.

Chair Wasserman added: And I actually think approval works both ways, Andy, in the sense that if you only presented and you heard comments that were a little bit all over the place you would leave that meeting not sure whether the standards that we are talking about would be acceptable or not, which I don't think would be productive.

So, I actually think approval helps you in this instance. I think it gives clarity, certainly to us, but I think more importantly, it gives clarity to you as well as to the broader community.

Mr. Fremier responded: I am afraid the subject matter "clarity" does not fit all that well sometimes so, again, I am concerned about it. It is your Commission. You get to act, and we will certainly do our best to do so. But that does seem like a little bit late breaking. I am uncomfortable negotiating at the dais.

Chair Wasserman stated: I don't like it either, but it is where it is. And I think you have the word preliminary in there, so I think that gives some room as well. But I think you would be in a worse position if we didn't approve it, if we simply didn't act. I would be inclined to support including it.

Commissioner Gioia chimed in: My motion stands as the language you read.

Chair Wasserman asked: We have had the Staff Recommendation.

Does the Applicant accept the Staff Recommendation, recognizing in this particular circumstance it is as amended?

Commissioner Gioia interjected: You have not been here before. This is not the first time this kind of stuff happens, Andy.

Mr. Fremier noted: I am always intrigued by the state of governance in the region; it is an interesting place to work. Look, we believe that we are acting in good faith. We believe that the Staff Recommendation as originally presented was acceptable. I have explained my struggle with the amendment. But look, we will do our best to comply with it because I do agree we need to move forward to be successful. That requires a lot more work to be done, notwithstanding the real understanding of how the Bridge will react to what we are talking about, which is also very important. So, look, I leave it in your hands. We will do our best.

Chair Wasserman stated: I will accept that. Thank you.

Executive Director Goldzband: Katharine, do you want to?

Ms. Pan chimed in: One question is, would you actually like us to share the amendments on the screen?

Executive Director Goldzband replied: Yes.

Ms. Peterson sought clarification: And the current open motion was made by Commissioner Gioia and seconded by Commissioner Cox; is that correct?

Executive Director Goldzband replied: Right. And that is the motion to accept the Staff Recommendation as amended; and we want to make sure that we see what those amendments actually look like.

Commissioner Gilmore chimed in: Excuse me, Chair Wasserman.

Chair Wasserman acknowledged: Yes.

Commissioner Gilmore asked: Did the Applicant accept the conditions? I am a little unclear about that. I heard a lot of talking but I didn't hear, I agree.

Chair Wasserman stated: Andy committed to using his best efforts to comply. To me that is accepting the Recommendation as amended.

Mr. Scharff added: And I'll just tell everyone, it is a formality.

Ms. Ross noted: I also just want to clarify just so we are 100% clear, we are all on the same page. That regarding the Thresholds it is presenting to the Commission, which is what Katharine read, that is what it says on the screen. But it is the acceptance or the approval for the EJ Analysis methodology.

Executive Director Goldzband continued: So, let's go one at a time, please. Keep on going up a little bit to make sure people know what you are seeing, which is the Performance Threshold and Alternatives Analysis.

"An analysis conducted with relevant stakeholders."

You have all seen it. You have all read it. Keep on going down. Right there. Go up, I need to see the full sentence. Thank you.

> "The performance thresholds and alternatives shall be developed in consultation with stakeholders, and the preliminary benchmarks for analysis shall be presented to the Commission for approval by May 7, 2026."

Correct?

Commissioner Gioia agreed: Yes.

Chair Wasserman also agreed : Yes.

Executive Director Goldzband continued: Let's go to the next one. Right there. The whole thing. Perfect, thank you. You have all read Number 2. Let's go to the last sentence.

> "The methodology for the analysis will be presented to the Commission for approval by May 7, 2026, including a list of potential stakeholders."

We need verbal.

Commissioner Gioia replied: Yes.

Chair Wasserman agreed: Yes.

Commissioner Cox interjected: Can I just say, as a lawyer, if you put "including a list of potential stakeholders" after the word "analysis," it makes it clear that the analysis and the stakeholders, the methodology and the stakeholders are going to be presented to the Commission, not that they are going to be presented to the Commission and potential stakeholders.

Executive Director Goldzband acknowledged: I can see that we are writing it:

> "The methodology for the analysis, including a list of potential stakeholders, will be presented to the Commission for approval by May 7, 2026."

Chair Wasserman called for a vote: All right. We have a motion. We have a second. Please call the roll.

MOTION: Commissioner Gioia moved approval of the Staff Recommendation with two language changes as read into the record. For Paragraph 1, Performance Thresholds and Alternatives Analysis, the last sentence was amended to read:

"The performance thresholds and alternatives shall be developed in consultation with stakeholders, and the preliminary benchmarks for analysis shall be presented to the Commission for approval by May 7, 2026."

For Paragraph 2, Environmental Justice Analysis, the following sentence was added to the end of the paragraph:

"The methodology for the analysis, including a list of potential stakeholders, will be presented to the Commission for approval by May 7, 2026."

The motion was seconded by Commissioner Cox.

VOTE: The motion carried with a vote of 15-2-1 with Commissioners Addiego, Cox, Gauthier, Gioia, Gilmore, Gunther, Hasz, Kimball, Randolph, Taylor, Dorsey, Vasquez, Pemberton, Vice Chair Eisen and Chair Wasserman voting, "YES," Commissioners Kishimoto and Nelson voting "NO," and Commissioner Manfree voting "ABSTAIN".

Chair Wasserman announced: The motion passes. Thank all of you for all of your input and all of your effort and all of the effort to come.

Executive Director Goldzband added: And I want to just pay a little bit of special attention to Katharine Pan, who has worked on this for an awful long time, ably assisted by Harriet Ross and Michael Ng especially, and our clerical team who have worked over the past few weeks dealing with a lot of public comment and so on. So, let's thank staff as well.

10. Adjournment. There being no further business, the Commission meeting was adjourned at 5:19 p.m.