February 27, 2026

Revised Staff Recommendation

Methodology for Richmond-San Rafael Bridge Environmental Justice Analysis

(For Commission consideration on March 5, 2026)

Permit Number:	1997.001.06
Permittee:	California Department of Transportation (Caltrans)
Description of Permit Condition:	Development by Permittee of methodology, for Commission approval, to inform the analysis of environmental justice and social equity impacts of providing a multi-use path as long-term public access on the Richmond-San Rafael Bridge, as required by Special Condition II.D.5.d.(2) of Permit No. 1997.001.06 (Attachment A).
Location:	In the Bay and within the 100-foot shoreline band, along the Richmond-San Rafael Bridge and approaches, in the cities of Richmond, Contra Costa County, and San Rafael, Marin County.
Staff Contact:	Katharine Pan (415-352-3650; katharine.pan@bcdc.ca.gov)
Staff Recommendation:	APPROVAL

Basis for Staff Recommendation

I. Background

On August 7, 2025, the San Francisco Bay Conservation and Development Commission (Commission) approved Amendment No. Six of BCDC Permit No. 1997.001, authorizing modifications to the previously-approved pilot for a multi-use path on the westbound upper deck of the Richmond-San Rafael Bridge (Bridge). As a condition of approval, the Commission required the California Department of Transportation (Caltrans), the permittee, to analyze by December 31, 2028, among other things, the environmental justice impacts of providing the multi-use path as long-term public access. The Commission also required Caltrans to present the methodology for the analysis to the Commission for approval by May 7, 2026, prior to undertaking the analysis so that Commission oversight may ensure

that the required analysis can be found consistent with the San Francisco Bay Plan's (Bay Plan's) Environmental Justice and Social Equity Policies. The results of the analysis will be used to inform future Commission decisions regarding provision of maximum feasible public access consistent with the project on the Bridge following conclusion of the modified extended pilot that was approved under Amendment No. Six.

Caltrans is implementing the modified pilot in coordination with the Bay Area Toll Authority (BATA), which is a subsidiary agency under the Metropolitan Transportation Commission (MTC) created to administer tolls on the Bay Area's State-owned bridges.

A. Location

The modified pilot is taking place along the Richmond-San Rafael Bridge (Bridge) and its approaches. The Bridge is a Caltrans facility spanning the San Francisco Bay between Point Richmond in Contra Costa County and San Quentin in Marin County, and is a segment of Interstate 580 (I-580) as well as a designated segment of the Bay Trail. It was initially constructed prior to the formation of the Commission, and opened to traffic in September of 1956. Subsequent work on the Bridge structure has been authorized under BCDC permits, including BCDC Permit No. 1997.001 for the seismic retrofitting of the Bridge. The Bridge is approximately 4 miles long and consists of an upper deck for traffic westbound to Marin County, and a lower deck for traffic eastbound to Contra Costa County.

B. Modified Pilot Project

The original multi-use path pilot was approved by the Commission on September 20, 2016 as Amendment No. Four of BCDC Permit No. 1997.001. The purpose of the original pilot was to evaluate the use of a separated Class I public pathway on the shoulder of the westbound upper deck of the Bridge and a peak-hour vehicular travel lane in the shoulder of the eastbound lower deck.

Amendment No. Six allowed the peak-hour travel lane to become a permanent feature of the lower deck and extended the period of the pilot project on the upper deck through June 30, 2029, with modifications, as part of planning for the Westbound Improvement Project (WIP). The WIP is a Caltrans and BATA project that proposes a potential part-time high-occupancy vehicle (HOV) lane on the upper deck that would require repurposing the shoulder as a part-time travel lane when the HOV lane is open and otherwise allow for the public pathway when the HOV lane is closed.

In approving the peak-hour travel lane on the lower deck, the Commission found that maximum feasible public access consistent with that project is likely to involve the long-term provision of some version of the public access pathway on the upper deck. However, the original pilot project, which provided a pathway on a full-time basis,

did not result in sufficient information for the Commission to determine what form that pathway should ultimately take given BCDC's presently-applicable laws and policies, including the Bay Plan Environmental Justice and Social Equity Policies, which were adopted since the pilot was originally approved. In particular, further information is required regarding: the structural needs of the Bridge to support a long-term pathway; whether the design of the pathway should be adjusted to better meet the needs of users; and how the pathway addresses the needs of disadvantaged communities from an environmental justice perspective. Additionally, Caltrans and BATA are still in the process of studying the potential implementation of the WIP, which, if implemented, would only allow for the multi-use path to be available on a part-time, rather than full-time, basis. Therefore, Amendment No. Six authorized Caltrans and BATA to continue piloting the pathway, with modifications, in order to address these informational gaps and allow for evaluation of the WIP.

The authorized modifications include reducing the availability of the path to only the period from 2:00 PM on Thursdays through 11:00 PM on Sundays, with some additional availability around certain State holidays. For the remainder of the week, the movable barrier separating the pathway would be moved to the edge of the Bridge and the path would revert to an emergency shoulder and breakdown lane. On days the path is closed, the amended permit requires a free shuttle to be provided between 6:00 AM and 8:00 PM to transport cyclists and pedestrians across the Bridge. (On Thursdays, the shuttle must run until the path reopens at 2:00 PM). The shuttle will run between the Tewksbury Avenue bus stop in Richmond and the Vista Point parking lot in San Rafael.

Caltrans and BATA began implementation of the modified schedule on October 27, 2025, following three weeks of advance notice per permit requirements. BATA reports that the free bike shuttle service launched successfully, with two shuttle vehicles operating during the AM peak period and one vehicle operating the remainder of the day.

C. Site Context

The Bridge is a segment of I-580, which traverses the communities of Richmond and San Rafael on its approaches and connects the broader regions of the East Bay and North Bay, providing access to homes, jobs, services, and recreational opportunities.

On the eastern side, the Bridge touches down at Castro Point in an area that is largely characterized by industrial and open space uses, near the neighborhood of Point Richmond. According to the Commission's Community Vulnerability Mapping Tool, this area is within a 2020 Census block group identified as having "highest contamination vulnerability" and "low social vulnerability." Contamination vulnerability in the area is indicated by the presence of nearby hazardous cleanup activities, groundwater threats,

and hazardous waste facilities. Farther east, approximately 2 miles from the touchdown, I-580 cuts between a primarily residential area (containing the Santa Fe, Stege, Atchison Village, Pullman, and City Central neighborhoods, among others) to the north, and an industrial area near the Port of Richmond that also contains the Marina Bay neighborhood to the south. The residential neighborhoods to the north are identified as having "highest contamination vulnerability" and "highest social vulnerability." Social vulnerability in this area is indicated by high percentiles of single-parent households, people with disabilities, people of color, individuals without a high school degree, individuals without U.S. citizenship, and households categorized as Very Low Income.

The Bridge's western touchdown is southeast San Rafael, which includes the Canal neighborhood. The immediate proximity is characterized by a mix of residential uses, open space, industrial development, and the San Quentin Rehabilitation Center. The Community Vulnerability Mapping Tool identifies this area as "High Contamination Vulnerability" and "Highest Social Vulnerability." Contamination vulnerability in this area is indicated by the presence of nearby hazardous waste facilities and solid waste sites. Social vulnerability is indicated by high percentiles of renter-occupied households, single-parent households, people of color, individuals without a high school degree, individuals with limited English proficiency, individuals without U.S. citizenship, and households categorized as Very Low Income.

The provision of a multi-use path along the Bridge has the potential to affect vulnerable communities in various ways, both in terms of adjacent communities and Bridge users traveling from other parts of the region. These include potential positive impacts, such as providing additional recreational opportunities for communities and providing alternative transportation routes for individuals without access to a vehicle. They also may include negative impacts, as indicated by public comments received by the Commission in relation to the approved project. Some commenters were concerned that the presence of the multi-use path caused congestion and delays that had impacted the quality of life of low-income commuters, increased traffic in low-income communities near the Bridge, and increased emissions of air pollutants near low-income communities from slow-moving traffic. While the evaluation of the original pilot did not find any statistically significant impacts on local arterials or emissions and did not establish the significance of observed delays that could be attributed to the presence of the path, these concerns should be directly assessed prior to any ultimate decision regarding the long-term provision and configuration of public access on the Bridge.

D. Requirements for Environmental Justice Analysis

During the public hearing and vote on Amendment No. Six, several Commissioners expressed concern that Caltrans had not yet conducted an environmental justice analysis of the pilot and proposed pilot modifications. Thus, the Commission approved the amendment subject to the condition that Caltrans conduct an environmental justice and social equity analysis as part of the extended pilot. The Commission further required Caltrans to return within nine months of the permit amendment approval to present the proposed methodology of the analysis for Commission review and approval, to ensure that the analysis would be conducted to the Commission's satisfaction as consistent with the Bay Plan's Environmental Justice and Social Equity Policies. The following excerpt from Special Condition II.D.5.d includes the requirement for further analysis of the modified pilot, as well as the description of the Environmental Justice Analysis to be included:

> By December 31, 2028, the permittee shall complete and submit to the Commission a study of the extended pilot authorized by Amendment No. Six. The study shall include, at minimum, updates to the original pilot project evaluation of traffic conditions, traffic and path user safety, maintenance impacts, and path usership, as well as the following analyses. The results of these analyses shall be used to inform future Commission decisions regarding provision of maximum feasible public access consistent with the project on the bridge following the conclusion of the pilot, and should consider the effects of both the full-time and modified versions of the path, including how a modified version may relate to implementation of the WIP, as well as any other potential proposed alternative public access configurations.
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> …
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> (2) Environmental Justice Analysis
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> 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. The analysis should also include 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. The methodology for the analysis, including a list of potential stakeholders, will be presented to the Commission for approval by May 7, 2026.

The results of the environmental justice and social equity analysis are intended to also inform other aspects of the analysis of the modified pilot, including the development of performance thresholds to determine the significance of observed changes of bridge operations with respect to public safety concerns and significant use conflicts that may be attributable to the path, the physical design of long-term public access on the Bridge, and the environmental analysis of the WIP.

II. Proposed Methodology

A. Scope of Work

The proposed methodology is included as Attachment A of this staff recommendation. It includes two components, summarized below.

The first is a scope of work for the Multi-Use Path Pilot Equity Analysis, which is focused on assessing the ongoing pedestrian/bicycle path pilot. This scope includes:

1. A literature review of project documents and online resources.
2. Approval through the University of California Berkeley Institutional Review Board to ensure the work is conducted ethically.
3. Forty Long-Form Interviews of up to 60 minutes with representatives from cities, counties, emergency responders, community-based organizations (CBOs), neighborhood leaders, etc., to understand perspectives and concerns around different configurations of the westbound deck.
4. Twelve Small Group Discussions of up to five participants each, including discussions with drivers, cyclists, and residents of Point Richmond, Iron Triangle, Santa Fe, and North Richmond to understand lived experiences and potential impacts of different configurations of the westbound deck.
5. A Community Survey of Bridge and path users, including up to 100 cyclists, 150 drivers, and 50 residents of Point Richmond, Iron Triangle, Santa Fe, and North Richmond to understand the use of the path and Bridge, impacts of potential configurations, and impacts of education and outreach on usage of the path.
6. Summary of findings.

The second is a scope of work for the Westbound Improvement Project (WIP) Equity Analysis, which will study the potential equity impacts of the WIP. This component of the analysis will inform whether or not Caltrans and BATA choose to implement the WIP and will be included in any future application for a Commission permit for that project. It includes:

1. Eight hybrid Westbound Improvement Project Public Workshops that will share information about the project and gather community feedback on the potential changes to the Bridge.

2. Up to four CEQA workshops as part of the environmental review under the California Environmental Quality Act (CEQA).

3. A General Population Survey of up to 2,000 Bridge users, including drivers, path users, and residents, with geographic quotas planned to match the regional distributions of home locations of Bridge users as closely as possible, to understand how the Bridge is used and impacts of changing the westbound deck configuration.

4. A Community Equity Survey of up to 400 individuals through CBOs and events to understand social equity impacts of the WIP.

5. A summary of findings.

The proposed methodology also includes a list of stakeholders that the project team will seek to include in the analysis.

B. Development

Caltrans and BATA contracted with the University of California Berkeley's Transportation and Sustainability Research Center (TSRC) to prepare the methodology for the Environmental Justice Analysis. As part of this preparation, the project team has consulted with BCDC staff and presented a draft of the methodology at the Commission's Environmental Justice Working Group (EJWG) meeting on November 20, 2025 (the "EJWG Meeting"). In addition to the members of the EJWG (Commissioners Ahn and Pemberton), the EJWG Meeting was also attended by Chair Wasserman and Commissioners Gilmore, Gioia, and Nelson, as well as the Commission's Environmental Justice Advisors (EJ Advisors).

The attendees of the EJWG Meeting, including members of the public, provided the project team with feedback to improve the initially-proposed methodology. Comments from the public included those requesting that the meeting locations for activities included in the methodology should be accessible by both transit and bicycle, that the project team offer compensation for participation, and that the proposed survey cover greater Contra Costa County and include survey questions that ask participants why they are or are not using a facility.

Comments from the Commissioners and EJ Advisors on the draft methodology included the following:

1. **Expand the list of stakeholders.** While the original proposal included neighborhood interviews for Point Richmond, the project team was asked to include other Richmond neighborhoods including Iron Triangle, Santa Fe, Coronado, and North Richmond. Additionally, the term "expert" can be limiting if it does not consider residents as experts as well, so there may need to be more than the 30 proposed expert interviews to capture the size and diversity of the community. Additional stakeholder groups suggested at the EJWG Meeting include Richmond Neighborhood Coordinating Council as a means of reaching neighborhoods directly, Community Housing Development Corporation, Richmond Chamber of Commerce, Central Labor Councils for both Marin and Contra Costa counties, Contra Costa County, and the Contra Costa County Consolidated Fire District.

2. **Diversify outreach methods.** Commissioners and EJ Advisors suggested ways to successfully connect with different stakeholder groups, including seeking out organizations that already provide services to those groups (such as within the Southeast Asian and South Asian communities); using a multi-modal outreach strategy such as a mix of flyers, canvassing, and maximizing opportunities for people to hear about the pilot; and considering churches and temples as a way of reaching people where they already are.

3. **Make meetings more accessible.** Feedback stressed the importance of lowering every barrier to participation as possible. Commissioners and EJ Advisors agreed with the public that the locations of meetings should be accessible by multiple modes of transportation, and also supported compensating participants to make participation more equitable, since residents and other advocates are often not paid through work to attend meetings and are participating on their own time. Some EJ Advisors also stressed that for meetings, monolingual discussions tend to flow better than meetings that are translated for participants, and encouraged the project team to hold monolingual meetings for non-English speakers where possible, in addition to (not instead of) the meetings that are already planned.

4. **Consider equity in planning the outreach strategy.** The workshop locations were proposed to be evenly split between Contra Costa and Marin County, but there was feedback to question whether that even split is equitable considering differences in size and potential impact. Additionally, it will be important to consider that weekday bridge users will look different from weekend users, and outreach should incorporate approaches to reach those different groups.

5. **Be considerate of messaging.** Commissioners and EJ Advisors cautioned the project team to be mindful of using terminology like “human subjects” and “expert” when communicating about the project. In the analysis, the project team should be explicit about naming race, class, and gender as important data points.

The project team made a number of revisions to the proposed methodology following the EJWG Meeting, including:

1. For what were previously called “Expert Interviews,” recharacterizing these as “Long-Form Interviews,” adding neighborhood leaders to the participant list, offering compensation for CBOs and non-governmental organizations (NGOs), and increasing the number of these interviews from 30 to 40.
2. For Small Group Discussions, specifying locations that are accessible by transit and bicycle; specifying that recruitment strategies will include working through CBOs, NGOs, unions, and neighborhood groups; specifying additional neighborhood stakeholders; and offering compensation for participants.
3. For the Community Survey, including residents from additional neighborhoods, providing translations, and offering an incentive for participation.
4. For the Westbound Improvement Project Public Workshops, increasing the number of participants, identifying more accessible locations, and specifying that refreshments will be provided.
5. For the General Population Survey for the WIP, adding a Vietnamese translation, offering an incentive for participation, and asking why individuals may or may not be using the facility.
6. For the Community Equity Survey for the WIP, specifying outreach strategies to increase participation, offering compensation for participation, and providing translations.
7. Generally specifying that activities will provide representation by gender and race, where feasible.
8. Expanding the list of stakeholders to include those mentioned at the EJWG Meeting, as well as additional stakeholders identified by Caltrans, BATA, and BCDC.

A detailed response to comments from the EJWG Meeting, including a description of revisions to the proposed Environmental Justice Analysis methodology made directly as a result of the EJWG Meeting, as well as the initial draft of the methodology presented at the EJWG Meeting are included in Attachment B.

III. Consistency Analysis

This section describes how the proposed methodology meets the requirements of Special Condition II.D.5.d.(2) of the permit, as informed by the Bay Plan Environmental Justice and Social Equity Findings and Policies. Per Special Condition II.D.5.d.(2), the Environmental Justice Analysis should analyze the potential environmental justice and social equity impacts of providing the multi-use path as long-term public access, and accomplish the following:

- Incorporate meaningful engagement with local community members, path users, other bridge users, and subject matter experts.
- Include an evaluation of environmental and social equity issues raised by the public during the Commission's consideration of Amendment No. Six.
- Ensure consistency with any San Francisco Bay Plan (Bay Plan) policies regarding environmental justice and social equity at the time of the submittal of the study.

Additionally, the methodology for the analysis should include a list of potential stakeholders and be presented for Commission approval by May 7, 2026.

- **Finding 1:** The proposed methodology will allow Caltrans to effectively analyze the potential environmental justice and social equity impacts of providing the multi-use path on the Bridge.

  Per Bay Plan Environmental Justice and Social Equity Finding e and Finding f, the State of California defines environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies," and the U.S. Environmental Protection Agency provides guidance that "fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies." Per Bay Plan Environmental Justice and Social Equity Finding g, the Governor's Office of Planning and Research[1] has defined social equity as "the fair, just, and equitable management of all institutions serving the public directly or by contract; the fair, just and equitable distribution of public services and implementation of public policy; and the commitment to promote fairness, justice, and equity in the formation of public policy."

[1] Effective July 1, 2024, the Governor's Office of Planning and Research was renamed to the Governor's Office of Land Use and Climate Innovation (LCI).

During the Commission's consideration of Amendment No. Six, the following themes arose in public comments related to environmental justice and social equity. Please note that this is not an exhaustive list of potential environmental justice or social equity issues related to the multi-use path pilot or a detailed summary of all comments received. These are overarching concerns reflected in multiple comments identified to help inform the Commission's evaluation of the proposed methodology. Additionally, these concerns have not yet been substantiated through a rigorous analysis, which is forthcoming as part of the required studies of the modified pilot.

1. There is a concern that minority and low-income communities will be disproportionately affected by reconfigurations of the westbound deck, including impacts on commuting drivers that include lower income workers in service or place-based jobs, as well as commuting cyclists that include individuals who do not have access to a car, all of whom are affected by regional housing inequities that require them to commute from more affordable areas in the East Bay to less affordable areas in Marin County and San Francisco.

2. There is a concern that congestion on the Bridge contributes to air pollution in Richmond neighborhoods near the Bridge, which are already subject to high levels of air pollution from industrial uses. Similarly, congestion on the Bridge may be connected to back-ups and detours into Richmond neighborhoods that can affect safety and quality of life in those areas.

3. There is a concern that removing the path exacerbates transportation inequities in the region by removing a mode of transit as well as an opportunity for recreation, and will force more residents to drive. There is also a concern that the shuttle service currently being provided as part of the modified pilot is not equivalent to the 24-hour availability of the original pilot pathway and results in times that driving is the only option for crossing the Bridge, that the shuttle may exclude commuters out of a certain service range, that it may not accommodate all types of bikes or chairs, and that it cannot replicate the public access experience of the path on the Bridge.

4. There is a desire for better information related to how commute times have actually changed or would be expected to change, how traffic on the Bridge actually affects air quality in surrounding areas, the demographics of commuters and cyclists, and the purpose of cycling trips across the Bridge (*i.e.*, recreation versus commuting).

The proposed methodology includes a variety of engagement activities intended to reach a wide range of stakeholders to seek data related to environmental justice and social equity issues. Interviews, discussions, and workshops will allow the project team to learn about concerns directly from community members and will provide opportunities to explore the themes from the previously-received public comment identified above as well as reveal any additional relevant issues that have not previously been identified. These activities are designed to seek information specifically about lived experiences from those who would be directly impacted, including drivers, cyclists, and residents of neighborhoods connected to the Bridge. Further, multiple surveys with large respondent groups that are designed around specific data collection purposes will provide more detailed information about demographics, usership, and potential impacts. All activities in the methodology will seek information about race and gender, wherever feasible. The data gathered through these activities, when combined with observational data of actual Bridge operations that is being collected as part of the continued pilot, will enable a robust analysis of potential environmental justice and social equity impacts related to both the pilot and the proposed public access configuration of the WIP.

- **Finding 2:** The proposed methodology will allow for meaningful engagement with community members, path users, other bridge users, and subject matter experts.

  Bay Plan Environmental Justice and Social Equity Finding i includes the following definition of meaningful invovement:

  > "(1) People have an opportunity to participate in decisions about activities that may affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) community concerns will be considered in the decision-making process; and (4) decision makers will seek out and facilitate the involvement of those potentially affected."

  The proposed methodology provides for a range of engagement opportunities to suit members of the public with differing needs and constraints, and includes outreach activities and incentives to increase involvement from groups that may otherwise face barriers to participation. Interviews and small group discussions center the expertise of CBO and neighborhood leaders, as well as residents with lived experience, in addition to agency representatives and emergency responders. Public workshops and surveys will allow for wider participation from the general public. Caltrans and TSRC are also currently in the process of reaching out to Tribal contacts to determine whether and how Tribes would like to engage in the analysis.

The proposed methodology also specifies strategies to reduce logistical challenges for participants, such as locating meetings at sites accessible by both transit and bicycle, providing refreshments at workshops, providing monetary compensation for CBO and NGO representatives and residents, planning outreach through existing coalitions and community groups, translating documents, and planning for translation services and monolingual discussions at meetings.

Additionally, both components of the methodology are timed and planned to inform decision-making around the WIP and long-term public access on the Bridge. All activities and final reporting will be conducted prior to completion of final designs for either the WIP or any alternative proposal and will be factored into both the environmental review and planning process. The findings of the analysis will also be used to inform the Commission prior to any approvals related to the WIP or further amendments of the permit.

Thus, the proposed methodology will allow for the public to participate in decision-making around the pilot, which will be facilitated through outreach, reduced barriers to participation, and a variety of opportunities to engage in different formats. The public's contributions will be taken at a time when they can effectively influence decisions related to the pilot and WIP, and will be factored into the decision-making process at various points. The proposed methodology should therefore result in meaningful engagement with community members, path users, other Bridge users, and subject matter experts.

- **Finding 3:** The proposed methodology includes an evaluation of environmental and social equity issues raised by the public during the Commission's consideration of Amendment No. Six.

  The proposed methodology includes a review and summary of comments received during the Commission's consideration of Amendment No. Six, and a discussion of these comments will be inclued in the summary of findings for the Multi-Use Path Pilot Equity Analysis. See also Finding 1 above.

- **Finding 4:** The proposed methodology will allow for the Commission to determine consistency with any Bay Plan policies regarding environmental justice and social equity at the time of the submittal of the study.

  As substantiated in the above discussion, the proposed methodology is consistent with current Bay Plan policies on Environmental Justice and Social Equity, in particular Environmental Justice and Social Equity Policy No. 3, Environmental Justice and Social Equity Policy No. 4, and Public Access Policy No. 5, as follows:

- **Environmental Justice and Social Equity Policy No. 3.** Equitable, culturally relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects and appropriate minor projects in underrepresented and/or identified vulnerable and/or disadvantaged communities, and such outreach and engagement should continue throughout the Commission review and permitting processes. Evidence of how community concerns were addressed should be provided. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.

- **Environmental Justice and Social Equity Policy No. 4.** If a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities. Local governments and the Commission should take measures through environmental review and permitting processes, within the scope of their respective authorities, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed.

- **Public Access Policy No. 5.** Public access that substantially changes the use or character of the site should be sited, designed, and managed based on meaningful community involvement to create public access that is inclusive and welcoming to all and embraces local multicultural and indigenous history and presence. In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.

While the project team cannot anticipate any potential future revisions to the Bay Plan's policies regarding environmental justice and social equity at this time, the proposed methodology includes a provision to review any future Bay Plan policy changes regarding environmental justice and social equity to ensure that the analysis is consistent with such policies at the time of its submission.

- **Finding 5:** The proposed methodology includes a list of potential stakeholders.

  The proposed methodology includes a list of stakeholders including state, city, county, and regional public agencies; emergency response and tow-truck responders; CBOs; local schools and higher education; unions, associations, and business organizations; and local businesses.

Recommended Resolutions and Findings

The staff recommends the Commission adopt the following resolution:

> For purposes of satisfying the requirements within Special Condition II.D.5.d.(2) of BCDC Permit No. 1997.001.06, the Commission approves the proposed methodology for the analysis of environmental justice and social equity impacts of providing a multi-use path as long-term public access on the Richmond-San Rafael Bridge based on the findings that the proposed methodology: (1) will allow Caltrans to effectively analyze the potential environmental justice and social equity impacts of providing the multi-use path as long-term public access on the bridge; (2) will allow for meaningful engagement with local community members, path users, other bridge users, and subject matter experts; (3) includes an evaluation of environmental justice and social equity issues raised by the public during the Commission's consideration of Amendment No. Six; (4) will ensure consistency with any Bay Plan policies regarding environmental justice and social equity then in existence at the time of the submittal of the study; and (5) includes a list of potential stakeholders.

Attachments:

A. Richmond-San Rafael Bridge Multi-Use Path Equity Analysis Scope of Work

B. Response to Comments from the Environmental Justice Commissioner Working Group & Initial Draft Methodology Presented to the Environmental Justice Commissioner Working Group

C. BCDC Permit No. 1997.001.06 (Amendment No. Six)

ATTACHMENT A:

Revised Richmond-San Rafael Bridge Multi-Use Path Equity Analysis Scope of Work

Revised Richmond-San Rafael Bridge Multi-Use Path Equity Analysis
Conducted by: UC Berkeley's Transportation Sustainability Research Center

Multi-Use Path Pilot Equity Analysis

The following tasks describe the methodology for the Richmond San-Rafael Bridge Multi-Use Path Pilot equity analysis.

Literature Review

- Description: Review and summarize online resources related to the Richmond-San Rafael Bridge multi-use path, including public comments received during BCDC consideration of BCDC Permit No. 1997.001.06.
- Purpose: Help identify gaps in understanding and inform the development of research protocols.
- Estimated Timeline: October 2025 to June 2030

Institutional Review Board (IRB) Approval[1]

- Description: Prepare and submit expert interview, small group/workshop discussion, and community survey protocols to the UC Berkeley IRB.
- Purpose: Ensure ethical protocols are used for human-subject research.
- Estimated Timeline: August 2025 to December 2027

Long-Form Interviews (n=40)

- Description: Approximately 30 to 60-minute interview with representatives from a diverse group of stakeholders (i.e., cities, counties, emergency responders, community-based organizations, neighborhood leaders, etc.). Participants from community-based organizations (CBOs) or non-governmental organizations (NGOs) can receive a $75 gift card for their participation. We will incorporate 5 to 10 CBOs or neighborhood group leaders into the long-form interviews.
- In addition, the team will evaluate the effectiveness of the incentive (i.e., $75 gift card) on participation, when applicable.
- Purpose: Understand diverse perspectives and concerns associated with different configurations of the westbound deck of the Richmond-San Rafael Bridge, including the full-time multi-use path, part-time path with bike shuttle, full-time emergency lane, and a high-occupancy vehicle lane.
- Estimated Timeline: October 2025 to June 2026

[1] Institutional Review Board approval will cover human-subjects research for both the Multi-Use Path Pilot and Westbound Improvement Project. An amendment to the existing and approved Multi-Use Path Pilot protocols will be submitted later to include the protocols for the Westbound Improvement Project.

Small Group Discussions (n=12)

- Description: Facilitate discussions with up to five participants to understand the lived experiences and potential impacts of different configurations of the westbound deck of the Richmond-San Rafael Bridge. Good locations for small group discussions include San Pablo and Richmond City Hall. Outreach strategies will include recruitment through CBOs, NGOs, unions, neighborhood groups, etc. Small group discussions are expected to last 60 to 90 minutes. Participants will be compensated with a $100 gift card. The small group discussions will attempt to provide representation by gender and race, where feasible.
- The small group discussions will be distributed as follows:
    - Two small group discussions with drivers who use the bridge;
    - Two small group discussions with cyclists who use the bridge; and
    - Two small group discussions with residents of the following four neighborhoods (n=8): Point Richmond, Iron Triangle, Santa Fe, and North Richmond (in consultation with the Richmond Neighborhood Coordinating Council). Translation services will be provided by Caltrans, as appropriate.
- In addition, the team will evaluate the impact of the incentive (i.e., $100 gift card) on participation.
- Purpose: Discuss the potential impacts of the past, current, and potential future configurations for users and neighboring residents of the westbound deck of the Richmond-San Rafael Bridge.
- Estimated Timeline: January 2026 to June 2026

Community Survey (n=300)

- Description: Conduct survey of bridge and multi-use path users with response quotas as follows:
    - 100 cyclists, 150 drivers, and residents of Point Richmond, Iron Triangle, Santa Fe, and North Richmond (in consultation with the Richmond Neighborhood Coordinating Council
    - Translate into Spanish, Mandarin, Vietnamese, and Tagalog (translation services will be provided by Caltrans)
    - The survey will also provide representation by gender and race, where feasible
- Survey participants can opt into a drawing for one of 60 gift cards at $50 each (20% chance of winning). The survey is anticipated to take up to 25 minutes to complete.
- In addition, the team will evaluate the effectiveness of the incentive (i.e., gift card drawing) on participation.
- Purpose: Understand the use of the multi-use path and bridge, impacts of potential configurations, and impacts of education/outreach on path use.
- Estimated Timeline: July 2026 to December 2026

Summary of Findings

- Description: Develop interim report of findings to inform CEQA documentation and final presentation and report describing findings from previous tasks and findings from observational data of actual bridge operations. In addition, the team will review any revisions to BCDC policies

to ensure that the analysis is consistent with current policies related to environmental justice and social equity.

- Purpose: Present key findings from research tasks.
- Estimated Timeline:
    - Interim Report: December 2027
    - Final Presentation: January 2028 to December 2028
    - Final Report: January 2029 to December 2030

Westbound Improvement Project (WIP) Equity Analysis

The following tasks will be performed in addition to the Multi-Use Pilot Path equity analysis to inform the CEQA report and understand the potential equity impacts of the Westbound Improvement Project on the Richmond-San Rafael Bridge.

<u>Westbound Improvement Project Public Workshops (n=8)</u>

- Description: Conduct eight hybrid in-person public workshops describing the Westbound Improvement Project (WIP) and gathering community feedback on the project. Each public workshop is expected to accommodate up to 40 participants. Caltrans will provide translation services for Spanish and Mandarin speakers, along with AV and hybrid technology support, e.g., Teams or Zoom. The research team will develop and distribute a multi-lingual email newsletter following each event to summarize what we heard from participants and what the agencies plan to do in response to the feedback. Workshops are expected to be held at the Transportation Authority of Marin, San Pablo City Hall, and Richmond City Hall. Workshops are expected to last 90 to 120 minutes and will include robust refreshments (i.e., water, coffee, granola bars, trail mix, fruit, etc.).
- Purpose: Gain community feedback on potential changes to the bridge.
- Estimated Timeline: July 2026 to April 2027

<u>Support for CEQA Workshops (n=Up to 4)</u>

- Description: Work with the Caltrans' CEQA contractor, AECOM, to inform who stakeholders of the WIP and support notetaking during the CEQA workshops. Notes from the workshop will be analyzed from an equity lens and included in the final report of findings.
- Purpose: Ensure Caltrans' CEQA contractor is engaging with stakeholders identified through the equity analysis on the CEQA workshops.
- Estimated Timeline: January 2026 to June 2028

<u>General Population Survey (n=2,000)</u>

- Description: Conduct a general population survey of Richmond-San Rafael Bridge users, including drivers, multi-use path users, and residents/neighborhoods that could be impacted. This could include users coming from Sacramento and Modesto area. The survey will be translated into Spanish, Mandarin, Vietnamese, and Tagalog and accessible via an online survey platform (also mobile-friendly). Participants will receive an incentive via Qualtrics. The geographic quotas of the general population survey are planned to match the distribution of

home locations of bridge users aggregated at a regional level, as closely as possible, given panel and quota constraints. The survey will also provide representation by gender and race, where feasible. The survey is anticipated to take up to 25 minutes to complete.

- Outreach strategies will be deployed via Qualtrics panel and screener questions.
- Purpose: Gain a greater understanding of the uses (i.e., trip purpose, time of use, etc.) of the bridge, the potential impacts of changing the westbound deck configuration, and reasons why individuals may or may not be using the facility.
- Estimated Timeline: March 2027 to December 2027

<u>Community Equity Survey (n=Up to 400)</u>

- Description: Conduct online and paper surveys to engage with individuals through community-based organizations and events. Outreach strategies will include in-person recruitment through events hosted by CBOs, NGOs, unions, places of worship, etc. Every survey participant will be able to opt into receiving a $25 gift card to compensate them for their time taking the survey. The survey will be translated into Spanish, Mandarin, Vietnamese, and Tagalog. Estimated survey quotas are as follows:
    - 200 responses from individuals residing on the west side of Richmond-San Rafael Bridge and 200 responses from participants living on the east side of the Richmond-San Rafael Bridge
    - The survey will also provide representation by gender and race, where feasible
- In addition, the team will evaluate the effectiveness of the incentive (i.e., $25 gift card) on participation.
- Purpose: Gain a greater understanding of the social equity impacts of the WIP by engaging with community-based organizations and through community events.
- Estimated Timeline: July 2027 to December 2027

<u>Summary of Findings</u>

- Description: Presentation and report describing findings from previous tasks. During the preparation of the presentation and report of findings, the team will review any revisions to BCDC policies to ensure that the analysis is consistent with current policies related to environmental justice and social equity.
- Purpose: Present key findings from research tasks.
- Estimated Timeline:
    - Final Presentation: January 2028 to December 2028
    - Final Report: January 2029 to December 2030

List of Stakeholders

The following sections present the working list of identified stakeholders.

State, City, County, and Regional Public Agencies

- City of Richmond
- City of San Rafael
- City of Larkspur
- County of Marin
- Contra Costa County
- Contra Costa Transportation Authority
- West Contra Costa Transportation Authority
- Transportation Authority of Marin
- Metropolitan Transportation Commission
- East Bay Regional Parks District

Emergency Response and Tow Truck Responders

- City of Richmond Police Department
- City of Richmond Fire Department
- City of San Rafael Fire Department
- Contra Costa County Fire Protection District
- California Highway Patrol
- Caltrans Tow
- AM/PM Tow

Tribal Nations[2]

- Confederated Villages of Lisjan Nation
- Amah Mutsun Tribal Band
- Costanoan Rumsen Carmel Tribe
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Tribe of the San Francisco Bay Area
- Northern Valley Yokut/Ohlone Tribe
- The Ohlone Indian Tribe
- Lytton Rancheria
- Federated Indians of Graton Rancheria

Community-Based Organizations

- Richmond Bicycle Pedestrian Advisory Committee

[2] The UC Berkeley Transportation Sustainability Research Center is working with Caltrans to engage with the Tribes to determine how they want to engage in the equity analysis.

- Marin County Bicycle Coalition
- Trails for Richmond Action Committee
- Rich City Rides
- Bay Area Trails Collaborative
- Bike East Bay
- El Cerrito/Richmond Annex Walk & Roll
- Multicultural Center of Marin
- Canal Alliance
- North Marin Community Services
- Center for Elders' Independence
- RCF Connects
- Men and Women of Purpose
- Bay Area Rescue Mission
- Reentry Success Center
- The Latina Center
- RYSE Center
- Urban Tilth
- West County Salesian Youth Club
- Richmond Neighborhood Coordinating Council
- The Watershed Project
- The Educator Collective for Environmental Justice
- Communities for a Better Environment
- Asian Pacific Environmental Network
- First Generation Environmental Health and Economic Development
- Friends of Richmond Greenway
- Contra Costa Resource Conservation District
- Richmond Our Power Coalition
- Yes Nature to Neighborhoods
- Point Molate Alliance
- Pogo Park
- Bad Business Model Bikes
- BORP Adaptive Sports and Recreation
- Save the Bay
- Community Housing Development Corporation
- Nepali Community Center

<u>Local Schools and Higher Education</u>

- Contra Costa College Basic Needs Center

- West Contra Costa Unified School District

Unions, Associations, and Business Organizations

- Marin County Employee Union
- United Teachers of Richmond
- Teamsters Local Union 856
- Marin County Educators Association
- Service Employees International Union (SEIU) 1021
- International Federation of Professional and Technical Engineers (IFPTE) Local 21
- West Contra Costa County Council of Businesses and Industries
- Richmond Chamber of Commerce
- San Rafael Chamber of Commerce
- San Pablo Economic Development Corporation
- Bay Area Council
- Bay Area Small Business Coalition
- Point Richmond Business Association
- Contra Costa Labor Council
- North Bay Labor Council

Local Businesses

- Levin Richmond Terminal
- Houser Shade Company
- Roma Caffe & Bar
- Kaleidoscope Coffee

ATTACHMENT B:

Response to Comments from the Environmental Justice Commissioner Working Group & Initial Draft Methodology Presented to the Environmental Justice Commissioner Working Group

Richmond-San Rafael Bridge Pilot Project – EJ Methodology & Outreach Plan
Caltrans Response to Comments from EJ Commissioner Working Group Meeting, November 20, 2025

Public Comment

- Meeting locations should be transit and bike accessible. TAM is located near transit, but the Caltrans office on Regatta is not easily accessible by transit or bike.
    - **Thank you for this important feedback and consideration of accessibility. In our updated methodology we indicate the East Bay workshops may be held at the San Pablo or Richmond City Halls.**
- It is a good idea to offer compensation for participation, as many advocacy groups are not high-resourced organizations.
    - **Thank you for this recommendation. In the updated methodology, we specify that individuals from community-based organizations (CBOs) or non-governmental organizations (NGOs) can receive a $75 gift card for their participation in a long-form interview. The interviews will include 5 to 10 CBOs or neighborhood group leaders into the long-form interviews.**
- As part of survey, ask people why they are or are not using a facility, and look at greater Contra Costa County, as many bridge users come from east Contra Costa.
    - **Thank you for this suggestion. We added this aspect to the Westbound Improvement Project general population survey.**

Commissioners and EJ Advisors

- Commissioner Gioia will provide a list of additional stakeholder groups to include. These include the Richmond Neighborhood Coordinating Council, which is a good way to reach neighborhoods directly; Community Housing Development Corporation; Richmond Chamber of Commerce; Central Labor Councils of both counties; Contra Costa County; Contra Costa Consolidated Fire District
    - **Thank you for this recommendation. These organizations have been added to the stakeholder list in the latest methodology.**

- For neighborhood small groups, it is not adequate to only interview Point Richmond residents. These should be expanded to include other impacted neighborhoods, including Iron Triangle, Santa Fe, Coronado, and North Richmond.
    - **Thank you for this comment. In the updated methodology, we added six additional small group discussions (for a total of eight) and indicate small groups discussions will be held with residents from Point Richmond, Iron Triangle, Santa Fe, and North Richmond (in consultation with the Richmond Neighborhood Coordinating Council).**
- In conducting interviews, need more representation from the Richmond side, including more labor unions from the Richmond side: Teamsters 856 are on both sides of the bridge, Central Labor Councils of both Contra Costa County and Marin County, and Contra Costa Consolidated Fire Agency.
    - **Thank you for this recommendation. We have added these organizations to the stakeholder list.**
- Business organizations often have paid staff to attend meetings as part of work, while residents and other advocates are unpaid and expected to participate on their own time. Explore stipends or other compensation to make this more equitable.
    - **Thank you for this comment. In the updated methodology, we include incentives as follows:**
        - **Long-Form Interviews: $75 gift card for CBO, community leaders, and NGO participants (~20). The time commitment for participants is 30 to 60 minutes.**
        - **Small Group Equity Discussions: $100 gift card for each participant (~60). The time commitment for participants is expected to last for 60 to 90 minutes.**
        - **Path Pilot Community Survey: Drawing for one of 60 gift cards at $50 each (20% chance of winning). The time commitment for participants is anticipated to take up to 25 minutes to complete.**
        - **General Population Survey: Incentive administered by Qualtrics. The survey is anticipated to take up to 25 minutes to complete.**
        - **Community Equity Survey: $25 gift card for each participant (~400). *Note this survey incentive is not a lottery.* The survey is anticipated to take up to 25 minutes to complete.**

    - **Public Workshops: Robust refreshments at all eight workshops including water, coffee, granola bars, trail mix, and fruit.**

- Be careful about terminology like “human subjects” and “expert.” Residents are also experts with lived experience. There may need to be more than 30 expert interviews as it’s a large and diverse community. (From Phoenix: Given the comment, it might make sense to interview 5-10 residents as part of the expert interviews.)

    - **Thank you for bringing this to our attention. We would like to note that “human subjects” is not a term we use when interacting with research participants. We also adjusted the interviews to be referred to as “long-form interviews” and increased the number of interviews from 30 to 40 participants, which may include neighborhood leaders. The interviews will include 5 to 10 CBOs or neighborhood group leaders into the long-form interviews. Please note: To better accommodate listening to Richmond residents, we also added six more small group discussions (for a total of eight) with Richmond residents from the Point Richmond, Iron Triangle, Santa Fe, and North Richmond neighborhoods.**

- Some communities, like the Southeast Asian and South Asian communities are best reached through organizations that already serve those communities (e.g. the Nepali Community Center).

    - **Thank you for this suggestion. We have added the Nepali Community Center to the stakeholder list.**

- In the analysis, be explicit about naming race, class, and gender when describing findings.

    - **Thank you for this suggestion. In each survey, we will include a series of demographic questions that will allow us to present a demographic summary of the participants. We have indicated in the methodology that we will attempt to gain representation by gender and race, when feasible.**

- It’s questionable that the workshop allocation will be evenly split between Contra Costa and Marin County. Be considerate of how this distribution is determined.

    - **Thank you for expressing this concern. We think it is fair to offer an equal number of opportunities to engage in a workshop on both sides of the bridge. This arrangement allows participants to attend a workshop potentially near their home or place of work.**

- For survey strategy and outreach, consider that weekday bridge users are different from weekend users.
    - **Thank you for this suggestion. We have specified in the methodology that we will gain a greater understanding of individuals' bridge use, including trip purpose and time of use in the Westbound Improvement Project general population survey.**
- Outreach strategy should be multi-modal, including flyers, canvassing, and giving people the opportunity to hear about it.
    - **Thank you for this suggestion. We plan to use a variety of outreach mechanisms throughout the project. For example, we have noted we will work with CBOs, NGOs, unions, and neighborhood groups to recruit individuals for the small group discussions. As noted by another commenter, some communities are best reached through organizations that serve them. Alternatively, we plan to conduct in-person recruitment through events hosted by CBOs, NGOs, unions, places of worship, etc. We will consult with recruiting partners to develop strategies to best reach their individuals.**
- Think about ways to lower every barrier to participation we can.
    - **Thank you for this comment. In the updated methodology, we include incentives as follows:**
        - **Long-Form Interviews: $75 gift card for community-based organization and non-governmental organization participants (~20)**
        - **Small Group Equity Discussions: $100 gift card for each participant (~60)**
        - **Path Pilot Community Survey: Drawing for one of 60 gift cards at $50 each (20% chance of winning)**
        - **General Population Survey: Incentive administered by Qualtrics**
        - **Community Equity Survey: $25 gift card for each participant (~400)**
        - **Public Workshops: Robust refreshments at all eight workshops including water, coffee, granola bars, trail mix, and fruit**
- Consider churches and temples as ways to reach people where they are.

    - **Thank you for this suggestion. We have indicated that we may recruit participants for the Westbound Improvement Project community equity survey through places of worship.**

- For meetings, monolingual discussions tend to have a better flow compared to meetings that are translated for participants (for example, a meeting for Spanish speakers held entirely in Spanish). If Caltrans is able to hold these, they should be in addition to the planned meetings, not reducing the number of general meetings. (There were multiple thumbs up for this comment.)

    - **Thank you for this recommendation. Caltrans will provide translation services and monolingual discussions, as needed, for the in-person engagements (i.e., small group discussions and workshops). In addition, we will offer all surveys in Spanish, Mandarin, and Vietnamese.**

Richmond-San Rafael Bridge Multi-Use Path Equity Analysis

Conducted by: UC Berkeley's Transportation Sustainability Research Center

Initial Draft presented at the BCDC Commissioner Environmental Justice Working Group Meeting on November 20, 2025

Multi-Use Path Pilot Equity Analysis

The following tasks describe the methodology for the Richmond San-Rafael Bridge Multi-Use Path Pilot equity analysis.

Literature Review

- Description: Review and summarize online resources related to the Richmond-San Rafael Multi-Use path.
- Purpose: Help identify gaps in understanding and inform the development of research protocols.
- Estimated Timeline: October 2025 to June 2030

Institutional Review Board (IRB) Approval[1]

- Description: Prepare and submit expert interview, small group/workshop discussion, and community survey protocols to the UC Berkeley IRB.
- Purpose: Ensure ethical protocols are used for human-subject research.
- Estimated Timeline: August 2025 to December 2027

Expert Interviews (n=30)

- Description: Interview representatives from a diverse group of stakeholders (i.e., cities, counties, emergency responders, community-based organizations, etc.).
- Purpose: Understand diverse perspectives and concerns associated with different configurations of the westbound deck of the Richmond-San Rafael Bridge, including the full-time multi-use path, part-time path with bike shuttle, full-time emergency lane, and a high-occupancy vehicle lane.
- Estimated Timeline: October 2025 to June 2026

Small Group Discussions (n=6)

- Description: Facilitate discussions with up to five participants to understand the potential impacts of different configurations of the westbound deck of the Richmond-San Rafael Bridge. The small group discussions will be distributed as follows:
    - Two small group discussions with drivers who use the bridge;

[1] Institutional Review Board approval will cover human-subjects research for both the Multi-Use Path Pilot and Westbound Improvement Project. An amendment to the existing and approved Multi-Use Path Pilot protocols will be submitted later to include the protocols for the Westbound Improvement Project.

    - Two small group discussions with cyclists who use the bridge; and
    - Two small group discussions with residents of the Point Richmond neighborhood.
- Purpose: Discuss the potential impacts of the past, current, and potential future configurations for users and neighboring residents of the westbound deck of the Richmond-San Rafael Bridge.
- Estimated Timeline: January 2026 to June 2026

Community Survey (n=300)

- Description: Conduct survey of bridge and multi-use path users with response quotas as follows:
    - 100 cyclists and 200 drivers, including residents of Point Richmond and other impacted neighborhoods
- Purpose: Understand the use of the multi-use path and bridge, impacts of potential configurations, and impacts of education/outreach on path use.
- Estimated Timeline: July 2026 to December 2026

Summary of Findings

- Description: Develop interim report of findings to inform CEQA/NEPA documentation and final presentation and report describing findings from previous tasks.
- Purpose: Present key findings from research tasks.
- Estimated Timeline:
    - Interim Report: December 2027
    - Final Presentation: January 2028 to December 2028
    - Final Report: January 2029 to December 2030

Westbound Improvement Project (WIP) Equity Analysis

The following tasks will be performed in addition to the Multi-Use Pilot Path equity analysis to inform the CEQA/NEPA report and understand the potential equity impacts of the Westbound Improvement Project on the Richmond-San Rafael Bridge.

Westbound Improvement Project Public Workshops (n=8)

- Description: Conduct eight hybrid in-person public workshops describing the Westbound Improvement Project (WIP) and gathering community feedback on the project. Each public workshop is expected to accommodate up to 30 participants. Caltrans will provide translation services for Spanish and Mandarin speakers, along with AV and hybrid technology support, e.g., Teams or Zoom. The research team will develop and distribute a multi-lingual email newsletter following each event to summarize what we heard from participants and what the agencies plan to do in response to the feedback.
- Purpose: Gain community feedback on potential changes to the bridge.
- Estimated Timeline: July 2026 to April 2027

Support for CEQA/NEPA Workshops (n=Up to 4)

- Description: Work with the Caltrans' CEQA/NEPA contractor, AECOM, to inform who stakeholders of the WIP and support notetaking during the CEQA/NEPA workshops. Notes from the workshop will be analyzed from an equity lens and included in the final report of findings.
- Purpose: Ensure Caltrans' CEQA/NEPA contractor is engaging with stakeholders identified through the equity analysis on the CEQA/NEPA workshops.
- Estimated Timeline: January 2026 to June 2028

General Population Survey (n=2,000)

- Description: Conduct a general population survey of Richmond-San Rafael Bridge users, including drivers, multi-use path users, and residents/neighborhoods that could be impacted. This could include users coming from Sacramento and Modesto area. The survey will be translated into Spanish and Mandarin and accessible via an online survey platform (also mobile-friendly). The geographic quotas of the general population survey are planned to match the distribution of home locations of bridge users aggregated at a regional level, as closely as possible, given panel and quota constraints.
- Purpose: Gain a greater understanding of the uses of the bridge and the potential impacts of changing the westbound deck configuration.
- Estimated Timeline: March 2027 to December 2027

Community Equity Survey (n=Up to 400)

- Description: Conduct online and paper surveys to engage with individuals through community-based organizations and events. The survey will be translated into Spanish and Mandarin. Estimated survey quotas are as follows:
    - 200 responses from individuals residing on the west side of Richmond-San Rafael Bridge and 200 responses from participants living on the east side of the Richmond-San Rafael Bridge
- Purpose: Gain a greater understanding of the social equity impacts of the WIP by engaging with community-based organizations and through community events.
- Estimated Timeline: July 2027 to December 2027

Summary of Findings

- Description: Presentation and report describing findings from previous tasks.
- Purpose: Present key findings from research tasks.
- Estimated Timeline:
    - Final Presentation: January 2028 to December 2028
    - Final Report: January 2029 to December 2030

List of Stakeholders

The following sections present the working list of identified stakeholders.

City, County, and Regional Public Agencies

- City of Richmond
- City of San Rafael
- City of Larkspur
- County of Marin
- Contra Costa Transportation Authority
- Transportation Authority of Marin
- Metropolitan Transportation Commission

Emergency Response and Tow Truck Responders

- City of Richmond Police Department
- City of Richmond Fire Department
- City of San Rafael Fire Department
- California Highway Patrol
- Caltrans Tow
- AM/PM Tow

Community-Based Organizations

- Richmond Bicycle Pedestrian Advisory Committee
- Marin County Bicycle Coalition
- Trails for Richmond Action Committee
- Rich City Rides
- Bay Area Trails Collaborative
- Bike East Bay
- El Cerrito Annex Walk & Roll
- Multicultural Center of Marin
- Canal Alliance
- North Marin Community Services
- Center for Elders' Independence
- RCF Connects
- Men and Women of Purpose
- Bay Area Rescue Mission
- Reentry Success Center
- The Latina Center
- RYSE Center
- San Pablo Economic Development Corporation

- Urban Tilth
- West County Salesian Youth Club
- Point Richmond Neighborhood Council
- The Watershed Project
- The Educator Collective for Environmental Justice
- Communities for a Better Environment
- Asian Pacific Environmental Network
- First Generation Environmental Health and Economic Development
- Friends of Richmond Greenway
- Contra Costa Resource Conservation District
- West Contra Costa County Council of Businesses and Industries
- Richmond Our Power Coalition
- Yes Nature to Neighborhoods
- Point Molate Alliance
- Pogo Park
- Bad Business Model Bikes
- BORP Adaptive Sports and Recreation
- Save the Bay

Local Schools and Higher Education

- Contra Costa College Basic Needs Center
- West Contra Costa Unified School District

Unions & Associations

- Marin County Employee Union
- United Teachers of Richmond
- Teamsters Local Union 856 (Marin County)
- Marin County Educators Association

ATTACHMENT C:

BCDC Permit No. 1997.001.06

(Amendment No. Six)

San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510, San Francisco, California 94105 | Phone 415-352-3600
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

PERMIT NO. 1997.001.06
AMENDMENT NO. SIX

(Original Issued on September 10, 1997,
as Amended through August 21, 2025)

California Department of Transportation
District Four
111 Grand Avenue
Oakland, California 94612

On August 7, 1997, the San Francisco Bay Conservation and Development Commission, by a vote of 22 affirmative, 0 negative, and 0 abstentions, approved the resolution pursuant to which the original permit had been issued. Moreover, on January 23, 2001, November 2, 2005, and September 19, 2006, pursuant to Commission Regulation Section 10822, the Executive Director approved Amendment Nos. One, Two, and Three, respectfully, pursuant to which this amended permit had been issued. On September 15, 2016, the San Francisco Bay Conservation and Development Commission, by a vote of 19 affirmative, 0 negative, and 0 abstentions, approved Material Amendment No. Four pursuant to which the amended permit had been issued. On August 20, 2024, pursuant to Commission Regulation Section 10822, the Executive Director approved Amendment No. Five, a time extension, pursuant to which this amended permit had been issued. On August 7, 2025, the San Francisco Bay Conservation and Development Commission, by a vote of 15 affirmative, 2 negative, and 1 abstention, approved Material Amendment No. Six, pursuant to which this amended permit is hereby issued:

I. Authorization

A. Authorized Project

Subject to the conditions stated below, the permittee, the California Department of Transportation (Caltrans), District Four, is granted permission to do the following work at the Richmond-San Rafael Bridge (Interstate 580, I-580), which stretches between Point San Quentin in San Rafael, Marin County, and Castro Point in Richmond, Contra Costa County:

1. In the Bay
   a. Main Structure
      (1) Excavate approximately 64,000 cubic yards of Bay muds from around the base of the piers and dispose of the material at the designated Alcatraz dredged material disposal site (SF-11), and backfill around the base of the retrofitted piers with approximately 14,000 cubic yards of rock armor (Original Authorization);

      (2) Install new piles, pile caps, and steel casings on the pier bells on piers 19 through 38 and 41 through 49, totaling approximately 41,000 square feet of solid fill (Original Authorization);

      (3) Install new piles, precast concrete jackets, and steel casings on piers 39, 40, and piers 50 through 60, excluding pier 55, totaling approximately 2,400 square feet of solid fill (Original Authorization); and

      (4) Install modified fenders on the main navigation channel, piers 34, 35, 47 and 48, and replace the fenders on the side navigation channel, piers 33, 36, 46 and 49 (Original Authorization).

   b. East Approach Structure
      (1) Excavate approximately 4,700 cubic yards of Bay muds from around the base of the piers, dispose of approximately 1,380 cubic yards of material at the designated Alcatraz dredged material disposal site (SF-11), and approximately 3,320 cubic yards at a suitable upland location and backfill around the base of the retrofitted piers with approximately 4,500 cubic yards of rock armor (Original Authorization);

      (2) Install new piles (16-inch-diameter piles) on piers 62 through 77 (Original Authorization);

      (3) Install grade beam/footing strengthening elements on piers 66 through 74 (Original Authorization);

      (4) Install new concrete and/or steel shaft casings on piers 62 through 77, totaling approximately 23 square feet of solid fill (Original Authorization);

      (5) Install for the duration of construction thirteen work platforms, totaling approximately 65,000 square feet of temporary fill, and up to two access trestles, totaling approximately 37,000 square feet of temporary fill (Original Authorization); and

(6) Install for the duration of construction fourteen coffer dams about 5 feet away from the new pier foundations at piers 62 through 65 and piers 75R through 77R, and half of the coffer dams at piers 73R and 74R, totaling approximately 15,000 square feet of temporary fill (Original Authorization).

c. West Approach Structure

(1) Excavate approximately 7,900 cubic yards of Bay muds from around the base of the piers and dispose of the material at the designated Alcatraz dredged material disposal site (SF-11), and backfill around the base of the retrofitted piers with approximately 3,500 cubic yards of rock armor (Original Authorization);

(2) Install new piles (approximately 12-inches-in-diameter) through the existing bell pier footings and install new pre-cast concrete shaft jackets on piers A through 18 (Original Authorization);

(3) Install new steel casings around the sides of the pier bells on piers A through 18, totaling approximately 664 square feet of solid fill (Original Authorization);

(4) Install new steel casings, piles and a pile cap on pier 19, totaling approximately 2,236 square feet of solid fill (Original Authorization); and

(5) Extend the existing diaphragm walls on piers A through 18 (Original Authorization).

d. Concrete Trestle Section

(1) Completely remove the existing trestle, which consists of 50-foot-long spans supported by five, 2-foot-in-diameter, hollow concrete piles, totaling approximately 270,000 square feet of pile-supported fill, and remove the existing 2-foot in diameter piles at the mud line (Original Authorization);

(2) Install a new trestle along the existing alignment with 100-foot-long spans supported by two 5-foot-in-diameter cast-in-drilled-hole concrete piles with permanent steel casings, totaling approximately 270,000 square feet of replacement pile-supported fill and 10,800 square feet of new pile-supported fill (Original Authorization);

(3) Excavate approximately 135,000 cubic yards of Bay muds for barge access to facilitate the replacement of the concrete trestle and dispose of the material at the designated Alcatraz dredged material disposal site (SF-11) (Original Authorization); and

(4) Install a temporary trestle between the two sections of the existing Concrete Trestle Section to facilitate pile driving and other construction activities. This trestle would extend from land at Point San Quentin for approximately 2,856 feet with an area of approximately 72,000 square feet (Original Authorization).

e. Barges
Temporarily use and moor barges adjacent to the bridge to facilitate construction as coordinated and approved by the U.S. Coast Guard (Original Authorization);

f. Fill Removal
Remove abandoned wooden piles, steel pipes and concrete and asphalt debris under the East Approach section of the bridge within the existing Caltrans Right-of-Way (Original Authorization); and

g. Westbound (Upper) and Eastbound (Lower) Bridge Decks
(1) Use and maintain in-kind a 4.0-mile-long, 12-foot-wide shoulder on the eastbound (lower) deck as a vehicle travel lane during peak commute hours only (Material Amendment Nos. Four and Six);

(2) Install, use and maintain in-kind up to 60 signs to inform motorists of third travel lane availability on the lower deck, and up to 34 closed-circuit TV cameras (CCTV) on the upper and lower bridge decks to monitor traffic (Material Amendment Nos. Four and Six); and

(3) Through June 30, 2029, install, use, and maintain in-kind: a 4.0-mile-long, 10-foot-wide Class I, bi-directional and universally accessible public pathway at the northern side of the westbound upper deck; an adjoining 42-inch-tall, 18-inch-wide movable barrier separating the pathway from vehicle traffic, and an outer safety railing (north of the public pathway) measuring between 42 and 62 inches above the upper bridge deck and consisting of 2.5-inch-diameter vertical members and horizontal cables; and associated informational signage and usage instrumentation (Material Amendment Nos. Four and Six).

2. Within the 100-foot Shoreline Band
a. Main Structure
(1) Install new, eccentrically-braced frames within the steel towers (Original Authorization);

(2) Install new friction dampers, seismic isolation joints and bearings on the towers and the deck (Original Authorization); and

(3) Install new structural elements in the superstructure and deck to strengthen the deck, truss members, and superstructure (Original Authorization).

b. East Approach Structure

(1) Install new structural elements in the superstructure and deck to strengthen the superstructure and deck (Original Authorization);

(2) Install for the duration of construction portions of the access platforms, trestles and coffer dams, temporarily covering approximately 35,500 square feet of area (Original Authorization);

(3) Temporarily close the existing bike path which travels underneath the east end of the bridge for a maximum three-month period and install improvements including a new bench and interpretive signs as described in Special Condition II.D.2 below (Original Authorization);

(4) Remove abandoned wooden piles, steel pipes and concrete and asphalt debris under the East Approach section of the bridge (Original Authorization); and

(5) Install and maintain (after-the-fact) approximately 760 linear feet of security barrier and fencing at ground-level on the north and south sides of the eastern bridge approach, consisting of a K-rail concrete barrier approximately 30 inches-tall and an adjacent six-foot-tall chain link fence (Amendment No. Two).

c. West Approach Structure

Install new structural elements in the superstructure and deck to strengthen the superstructure and deck (Original Authorization);

d. Concrete Trestle Section

Install approximately 2,000 lineal feet of temporary, concrete vehicle barriers (K-rails) for traffic management during construction (Original Authorization);

e. On the Marin County shoreline, north of the freeway and east of the San Rafael Rod and Gun Club

Construct, use and maintain a new 23,971-square-foot public access area, consisting of six parking spaces, a picnic table and benches, a trash receptacle, two benches on a pedestrian bridge over a seasonal wetland, and landscaping, as shown in Exhibit A (Amendment No. Three); and

f. Westbound (Upper) and Eastbound (Lower) I-580 Bridge Approaches:

(1) Use and maintain in-kind a 0.65-mile-long section of the eastbound I-580 southern shoulder as a 12-foot-wide vehicular travel lane (Material Amendment Nos. Four and Six); and

(2) Through June 30, 2029, install, use and maintain in-kind a 0.19-mile-long section of the westbound I-580 northern shoulder as a 10-foot-wide Class I, bi-directional, universally-accessible public pathway and an adjoining 0.16-mile-long section of a 42-inch-tall, 18-inch-wide movable barrier to separate public path from vehicle traffic (Material Amendment Nos. Four and Six).

(3) Through June 30, 2029, place informational signage for a bicycle and pedestrian shuttle stop at the Vista Point parking lot in the City of San Rafael.

3. Within the Bay and 100-foot Shoreline Band

Remove remaining cement riprap and place approximately 226 lineal feet of new rock slope protection adjacent to the public access at the western end of the bridge, including the installation of 290 cubic yards of quarry rock in the Bay, covering approximately 1,960 square feet, and the installation of quarry rock in the shoreline band that covers approximately 1,890 square feet, as shown in Exhibit A (Amendment No. Three).

B. Permit Application Date

This amended authority is generally pursuant to and limited by the permittees' application received February 14, 1997; the letter dated November 6, 2000, requesting Amendment No. One for a time extension; the letter dated August 18, 2005, requesting Amendment No. Two for an after-the-fact security barrier; the letter dated December 30, 2005, requesting Amendment No. Three; the letter dated March 24, 2016, requesting Material Amendment No. Four; the letter dated April 24, 2024, requesting Amendment No. Five for a time extension; and the letter dated July 7, 2025, requesting Material Amendment No. Six, including all accompanying and subsequently submitted correspondence and plans, and subject to the modifications required by the conditions herein.

C. Deadlines for Commencing and Completing Authorized Work

The work authorized by the original permit was to commence by June 30, 1999, and with the time extension authorized by Amendment No. One, was to be diligently pursued to completion by December 31, 2005, unless the terms of this authorization were changed by a further amendment of this amended permit. The security fence authorized by Amendment No. Two was an after-the-fact authorization. Authorizations providing for the public access facility that is described in Special Condition II.D.4 and modified by Amendment No. Three, shall extend to May 31, 2007.

The construction activities authorized in Material Amendment No. Four were to commence by September 2018, and be diligently pursued to completion by September 1, 2020, unless an extension of time was granted by amendment of this amended permit. Following installation and commencement of use, the facilities authorized in Amendment No. Four were to remain in place and be maintained for a four-year period only unless an extension of time or other action was granted through further amendment of this amended permit. The removal of the facilities authorized in Amendment No. Four is not authorized herein, and such activity requires further amendment of the subject permit.

Amendment No. Five extended the period that the improvements authorized in Amendment No. Four shall remain in place and be maintained until December 31, 2025, unless an extension of time or other action is granted through further amendment of this amended permit.

Amendment No. Six authorizes the continuation, as modified, of activities previously commenced under Amendment No. Four. Work to be conducted under the modified extended pilot authorized in Amendment No. Six shall be completed by June 30, 2029, unless otherwise specified by the special conditions of this permit.

D. Project Summary

1. Original Authorization

Overall, the project resulted in approximately 55,800 square feet of new solid and cantilevered fill, approximately 270,000 square feet of pile-supported fill replacement, approximately 197,000 square feet of temporary, pile-supported and solid fill, and approximately 219,000 cubic yards of dredging and 22,000 cubic yards of backfill. The retrofit of the existing bridge will enable the bridge to withstand collapse from a major seismic event (estimated at a 7.25 Richter Scale earthquake with a 20-second duration on the Hayward fault, which is approximately 5 miles from the bridge, or an 8.0 Richter Scale earthquake with a 40-second duration on the San Andreas fault, which is approximately 10 miles from the bridge). The major public benefit of the project is the increased protection of people, property and transportation services from the dangers of a major earthquake and the potential for possibly opening up of the bridge to some form of public access. Further, the project includes mitigation measures to minimize the project's adverse impacts on public access, shoreline areas, fish and wildlife, water quality and the loss of Bay surface area and water volume such that the public detriments of the project do not exceed the benefit of the project to the public's health, safety and welfare (Original Authorization).

2. Amendment No. Four
   Overall, the project will result in approximately 200,000 square feet of public access on the Richmond-San Rafael Bridge, and a new vehicular travel lane during peak traffic hours for a four-year-long pilot program. All improvements will be installed on or over existing Bay fill and will, thus, not result in any net increase of fill in the Bay. The project will not impact Bay resources nor will it affect the structural stability of the bridge designed to withstand a significant seismic event. Furthermore, it has no impacts on public access, shoreline areas, fish and wildlife, water quality, or the loss of Bay surface area and water volume such that the public detriments of the project do not exceed the benefit of the project to the public's health, safety and welfare.

3. Amendment No. Six
   Material Amendment No. Six permits and modifies the continuation of uses originally authorized as part of the pilot project that was the subject of Amendment No. Four. These include the permanent use of the pre-existing shoulder on the eastbound lower deck of the bridge as a third travel lane during peak traffic hours and a three-year extension of the use of the pre-existing shoulder on the westbound upper deck to pilot an accessible multi-use public access pathway, with a modified schedule.

   The modified schedule will reduce the availability of the public pathway to only the period from 2:00 PM on Thursdays through 11:00 PM on Sundays, with some additional availability around holidays. At all other times, the movable barrier separating the pathway will be moved to the edge of the bridge and the path will revert to an emergency shoulder and breakdown lane. A free shuttle will operate between 6:00 AM and 8:00 PM on days when the path is closed to transport cyclists and pedestrians across the bridge (except on Thursdays, when the shuttle would run only until the path reopens). The shuttle will run between the Tewksbury Avenue bus stop in Richmond and the Vista Point parking lot in San Rafael and involve the placement of informational signage in those locations.

   The extension of the pathway pilot on the upper deck of the bridge is considered necessary to resolve specific policy questions that are key to assessing whether the public access provided as part of the project constitutes maximum feasible public access. This amendment includes special conditions to ensure that these policy questions are addressed by specifying required analyses to be completed as part of the extended pilot, including (1) an analysis of performance thresholds and alternatives to determine the significance of any potential impacts of the pathway on bridge operations; (2) an analysis of environmental justice impacts related to the pathway; (3) the design of any long-term public access facilities to ensure the safety,

comfort, and convenience for users; and (4) the determination of structural strengthening needs to support a long-term public access project.

The modification of the extended pathway pilot is also considered necessary to enable the California Department of Transportation (Caltrans) and the Bay Area Toll Authority (BATA) to study the potential implementation of the proposed Westbound Improvement Project (WIP). The WIP proposes providing a part-time HOV lane as a third travel lane on the westbound upper deck, alternating use of the previously existing shoulder between a part-time traffic lane and part-time multi-use path. The timeline for the extended pilot is intended to parallel the Planning/Environmental Phase of the WIP, with both concluding at approximately the same time. The modifications to the pathway's operating schedule will allow Caltrans and BATA to test the more frequent barrier movements needed to accommodate both an HOV lane and a multi-use path on the deck a part-time basis, which will inform, in part, whether Caltrans and BATA intend to ultimately pursue the WIP.

The results of the extended pilot study and the WIP Planning/Environmental Phase will inform future Commission decisions regarding how a long-term public access pathway on the bridge should be designed and operated to provide maximum feasible public access consistent with the current project (to permanently use the shoulder of the eastbound lower deck as a peak hour travel lane), as well with any proposed future projects, including the potential implementation of the WIP. If the conclusion of the environmental study is delayed for longer than a year, or if Caltrans and BATA either cannot commit to reaching the construction milestone of advertising the WIP for construction within approximately 3 years or choose not to pursue the WIP any further, Caltrans will return the pathway to full-time operations until such a time as the Commission approves a different use of the shoulder, unless the analyses completed as part of the extended pilot identify clear public safety or significant use conflicts associated with the full-time operation of the path. If such a conflict is present, Caltrans may request an amendment of this permit to authorize an alternative public access proposal.

The project also includes off-site public access commitments in lieu of full-time access on the bridge during the extended pilot. These commitments are intended to improve the connectivity of the public access network leading to the bridge and increase usage of the bridge pathway at the times when it is open. They include incorporating bicycle and pedestrian infrastructure improvements along the eastern and western bridge approaches into the requirements of this permit, recommending the use of $10M in funding from Regional Measure 3 (RM 3) on specific improvements to bicycle and pedestrian routes between the City of Richmond and the bridge and shoreline, providing assistance for local governments and

stakeholders to identify funding opportunities to improve bicycle and pedestrian connectivity to the bridge and shoreline.

As with Amendment No. Four, the improvements will not result in any net increase of fill in the Bay or adversely affect public access, shoreline areas, fish and wildlife, water quality, or Bay surface area and water volume.

II. Special Conditions

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

A. Specific Plans and Plan Review

1. Bridge Public Pathway and Associated Improvements (Material Amendment No. Four)
   The improvements authorized in Material Amendment No. Four shall be built generally in conformance with the figures entitled "Project Plans for Construction on State Highway—In Contra Costa and Marin counties in and near Richmond and San Rafael from the Richmond-San Rafael Bridge Toll Plaza to 0.1 mile east of Sir Francis Drake Boulevard in San Rafael dated June 10, 2016, and Project Plans for Construction on State Highway—in Contra Costa and Marin counties in and near Richmond and San Rafael from Castro Street in Richmond to Sir Francis Drake Boulevard in San Rafael," dated May 25, 2016, and prepared by HNTB Corporation. No substantial changes shall be made to these plans without prior review and written approval by or on behalf of the Commission.

   No further plan review is required for the work authorized in Material Amendment No. Four.

2. Plan Review (Original Authorization)
   Work authorized herein may be completed under multiple construction contracts. No work shall commence, except for the security barrier and fence authorized in Amendment No. Two, under an individual construction contract until final plans and specifications for each specific contract have been submitted to, reviewed, and approved in writing by or on behalf of the Commission. The specific drawings and information required will be determined by the staff. To save time, preliminary drawings should be submitted and approved prior to final drawings.

   a. Site, Shoreline Clean-up, Architectural, Public Access, and Landscaping Plans
      Site, shoreline clean-up, architectural, public access and landscaping plans shall include and clearly label the Mean High Tide Line, the line 100 feet inland of the Mean High Tide Line, property lines, the boundaries of all areas to be reserved

for public access purposes and open space, shoreline clean-up, details showing the location, types, dimensions, and materials to be used for all structures, irrigation, landscaping, drainage, seating, parking, signs, lighting, fences, paths, trash containers, utilities and other proposed improvements.

Plans submitted shall be accompanied by a letter requesting plan approval, identifying the type of plans submitted, the portion of the project involved, and indicating whether the plans are final or preliminary. Approval or disapproval shall be based upon:

(1) Completeness and accuracy of the plans in showing the features required above, particularly the Mean High Tide Line, property lines, and the line 100-feet inland of the Mean High Tide Line, and any other criteria required by this amended authorization;

(2) Consistency of the plans with the terms and conditions of this amended authorization;

(3) The provision of the amount and quality of public access to and along the shoreline and in and through the project to the shoreline required by this amended authorization;

(4) Consistency with legal instruments reserving public access and open space areas; and

(5) Assuring that any fill in the Bay does not exceed this amended authorization and will consist of appropriate shoreline protection materials as determined by or on behalf of the Commission.

b. Rip Rap Plans

No work whatsoever shall be commenced on the shoreline protection improvements authorized herein until final riprap plans have been submitted to, reviewed, and approved in writing by or on behalf of the Commission. The plans shall consist of appropriate diagrams and cross-sections that (1) show and clearly label the elevation of the mean high tide line and the datum used for the plans, property lines, grading limits, and details showing the location, types, and dimensions of all materials to be used, (2) indicate the source of all materials to be used, and (3) indicate who designed the proposed shoreline protection improvements and their background in coastal engineering and familiarity with the Commission's concerns. Approval or disapproval of the plans shall be based upon (1) completeness and accuracy of the plans in showing the features required above, (2) consistency of the plans with the terms and conditions of this

permit, (3) assuring that the proposed fill material does not exceed this permit, (4) the appropriateness of the types of fill material and their proposed manner of placement, and (5) the preparation of the plans by professionals knowledgeable of the Commission's concerns, such as civil engineers experienced in coastal processes. All improvements constructed pursuant to this permit shall conform to the final approved plans. No changes shall be made thereafter to any final plans or to the constructed shoreline protection improvements without first obtaining written approval of the change(s) by or on behalf of the Commission.

c. Engineering Plans

Engineering plans shall include a complete set of contract drawings and specifications and design criteria. The design criteria shall be appropriate to the nature of the project, the use of any structures, soil and foundation conditions at the site, and potential earthquake-induced forces. Final plans shall be signed by the professional of record and be accompanied by:

(1) Evidence that the project design complies with all applicable Caltrans design standards;

(2) Evidence that an independent or in-house peer review panel has reviewed the project (except that such evidence may be waived by the staff, upon consultation with the Chair of the Engineering Criteria Review Board (ECRB), if peer review is determined not to be necessary); and

(3) Written certification of the professional of record that the final PS&Es satisfy the recommendations of the ECRB.

3. Conformity with Final Approved Plans

All work, improvements, and uses shall substantially conform to the final approved plans. Upon completion of seismic retrofit of the facilities authorized herein, the appropriate design professional(s) of record shall certify in writing that, through personal knowledge, the work covered by the amended authorization has been performed in accordance with the approved design criteria and in substantial conformance with the approved plans. No noticeable changes shall be made thereafter to any final plans or to the exterior of any outside fixture, lighting, landscaping, signage, landscaping, parking area, or shoreline protection work without first obtaining written approval of the change(s) by or on behalf of the Commission.

4. Discrepancies between Approved Plans and Special Conditions
   In case of any discrepancy between final approved plans and Special Conditions of this authorization or legal instruments approved pursuant to this amended authorization, the Special Condition or the legal instrument shall prevail. The permittee is responsible for assuring that all plans accurately and fully reflect the Special Conditions of this authorization and any legal instruments submitted pursuant to this authorization.

   Plan review shall be completed by or on behalf of the Commission within 45 days after receipt of the plans to be reviewed. Because of the importance of expediting the review of change orders once construction has commenced, the Commission will complete plan review of change orders within 15 days.

5. Security Barrier and Fence
   The security barrier and fencing authorized in Amendment No. Two shall be built generally in conformance with the drawing entitled "Richmond San Rafael Bridge Land Based Pier 68," dated September 9, 2004, provided and prepared by Caltrans staff (Amendment No. Two).

6. Riprap Placement
   Riprap material adjacent to the public access area shall be placed in general accordance with the preliminary plans entitled "Rock Slope Protection DD-1 and DD-2" dated March 29, 2006, so that a permanent shoreline with a minimum amount of fill is established by means of an engineered slope not steeper than two (horizontal) to one (vertical). The slope shall be created by the placement of a filter layer protected by riprap material of sufficient size to withstand wind and wave generated forces at the site (Original Authorization).

B. Temporary Construction Access

Any fill placed for construction access and work platforms shall be pile-supported or floating only, and shall be approved prior to their installation pursuant to Special Condition II.A. The permittee is strictly prohibited from using solid fill in the Bay for construction access and work platform purposes with the exception of the minimum amounts necessary of earthen fill to create the minimum necessary grade transitions from the land to pile-supported work platforms.

C. Temporary Structures

All temporary structures placed pursuant to this amended permit shall be completely removed from the Commission's jurisdiction upon completion of each individual project and the area(s) restored to its previous condition. Clean, untreated wooden, concrete or steel piles can be cut or broken off at the mud line.

D. Public Access

1. Temporary Bicycle and Pedestrian Pathway Closure Plan
   For the activities authorized in the original permit, at least 15 days prior to the authorized closure of the existing pathway the permittee shall, pursuant to Condition II.A above, submit for approval by or on behalf of the Commission a plan(s) for the temporary closure of the existing bicycle and pedestrian pathway under the east end of the bridge. Such plan(s) shall include: (1) a schedule which minimizes the time during which the temporary closure will occur; (2) specific dates for when the closed pathway will be re-opened for public use; and (3) a program for informing the public of the temporary closure. Plan review shall be completed by or on behalf of the Commission within 5 days after receipt of the plans to be reviewed. Further, the permittee is responsible for any and all damage to the existing public facilities and shall fully repair all damage prior to the return of the pathway to public use (Original Authorization).

2. Improvements to Existing Public Access Facilities
   For the activities authorized in the original permit, prior to the closure of the bicycle and pedestrian pathway, the permittee shall install improvements near the existing public access bicycle and pedestrian pathway, pursuant to Condition II.A and II.D.1, above. These improvements shall include, at a minimum, one new bench on the north side of the bridge and two new informational signs, one at each point on the path where it will be temporarily closed. The information on these signs shall include, at a minimum, the information necessary to inform the public of the temporary closure as required in Special Condition II.D.1 above and interpretive information on the seismic retrofit of the bridge. The signs shall remain in place after project completion and be maintained by the permittee or its assignee, provided such assignee is first approved by or on behalf of the Commission, to provide information to the public which is related to the history, natural environment and/or coastal recreation opportunities of San Francisco Bay (Original Authorization).

3. Public Access Enhancement on the Eastern Shoreline
   For the activities authorized in the original permit, prior to any construction authorized herein, the permittee shall create a fund in the Commission's name and deposit the sum of $40,000.00 in an interest bearing account to be dispersed, in its entirety including principal and interest, solely to the City of Richmond for the purpose of improving public access in the vicinity of the bridge, between Pt. Molate and the Miller/Knox Regional Shoreline. Funds shall be dispersed from the account at the discretion of the Commission's Executive Director, based on proposal(s) submitted by the City of Richmond, who will be the lead agency. The East Bay Regional Park District, acting on behalf of the City of Richmond, may also submit a

proposal(s) for improving public access in the vicinity of the bridge if such action and proposal(s) is first reviewed and approved by City of Richmond.

This fund shall be used to cover the costs of either securing property or access easements, and/or installing new public access improvements such as pathways, benches, trash containers, landscaping and signage. The fund may also be used for habitat enhancement adjacent to the public access improvements in the project vicinity. In the event that the public access improvements or enhancements desired between Pt. Molate and the Miller/Knox Regional Shoreline are not feasible, the Executive Director may disperse the funds to the City of Richmond to improve public access and wildlife habitat elsewhere along the City of Richmond or West Contra Costa shorelines (Original Authorization).

4. New Public Access Area on the Western Shoreline (Original Authorization)
   a. Area

      The approximately 23,971-square-foot area along approximately 226 lineal feet of shoreline north of the bridge and east of the Marin Rod and Gun Club, shown in Exhibit A and revised by Amendment No. Three, shall be made available exclusively to the public for unrestricted public access for walking, bicycling, sitting, viewing, fishing, picnicking, and related purposes. Public access to this site can be restricted during retrofit construction because this site will likely be used as a staging area and/or for construction equipment. If the permittee wishes to use the public access area after construction for other than public access purposes, it must obtain prior written approval by or on behalf of the Commission.

   b. Permanent Guarantee

      Prior to the completion of the public access improvements described above, but in no case later than December 31, 2005, (as described in the Commission's September 22, 2004 letter to the permittee) the permittee shall by instrument or instruments acceptable to counsel for the Commission dedicate to a public agency or otherwise permanently guarantee such rights for the 23,971 square-foot public access area, shown in Exhibit A, for walking, bicycling, sitting, viewing, fishing, picnicking and related purposes. The instrument shall create rights in favor of the public which shall commence no later than after completion of construction of any public access improvements required by this amended authorization and prior to the use of any structures authorized herein. Such instrument shall be in a form that meets recordation requirements of Marin County and shall include a legal description of the property being restricted and a map that clearly shows and labels the Mean High Tide Line, the property being restricted for public access, the legal description of the property and of the area

being restricted for public access, and other appropriate landmarks and topographic features of the site, such as the location and elevation of the top of bank, any significant elevation changes, and the location of the nearest public street and adjacent public access areas. Approval or disapproval of the instrument shall occur within 30 days after submittal for approval and shall be based on the following:

(1) Sufficiency of the instrument to create legally enforceable rights and duties to provide the public access area required by this amended authorization;

(2) Inclusion of an exhibit to the instrument that clearly shows the area to be reserved with a legally sufficient description of the boundaries of such area; and

(3) Sufficiency of the instrument to create legal rights in favor of the public for public access that will run with the land and be binding on any subsequent purchasers, licensees, and users.

c. Recordation of the Instrument

Within 30 days after approval of the instrument, the permittee shall record the instrument and shall provide evidence of recording to the Commission. No changes shall be made to the instrument after approval without the express written consent by or on behalf of the Commission.

d. Improvements Within the Total Public Access Area

As described in the Commission's September 22, 2004 letter to the permittee, the permittee shall install the following improvements by no later than December 31, 2005, as shown in Exhibit A:

(1) An approximately 173-foot-long and 10-foot-wide, all-weather shoreline trail, including a pedestrian bridge with two benches, which crosses over a 323-square-foot seasonal wetland at the shoreline;

(2) Six parking spaces, including one handicapped space;

(3) One picnic table with two benches, and one trash receptacle;

(4) New, drought tolerant landscaping throughout the new public access area. Native plant species are desirable; however, in no case shall the landscaping include exotic plant species which are known to be invasive; and

(5) No fewer than four public access signs whose location and design is approved by the Commission, including way-finding signs for west-bound bridge traffic and Francisco Boulevard travelers. If all-day commuter or other parking

problems are identified after the public access is completed, the permittee shall post signs to limit the number of hours the public may park at the site.

Such improvements shall first be reviewed and approved pursuant to Condition II.A of this amended authorization.

e. Maintenance

The areas and improvements within the new public access area shall be permanently maintained by and at the expense of the permittee or its assignee. Such maintenance shall include, but is not limited to, repairs to all path surfaces; replacement of any trees or other plant materials that die or become unkempt; repairs or replacement as needed of any public access amenities such as signs, benches, trash containers and lights; periodic cleanup of litter and other materials deposited within the access areas; removal of any encroachments into the access areas; and assuring that the public access signs remain in place and visible. Within 60 days after notification by staff, the permittee shall correct any maintenance deficiency noted in a staff inspection of the site.

5. Public Pathway on Westbound (Upper) Richmond-San Rafael Bridge Deck and Adjoining I-580 Sections (Material Amendment Nos. Four and Six)

a. Area

Through June 30, 2029, the approximately 202,463-square-foot (4.6-acre) area on the 4.0-mile section of the westbound (upper) Richmond-San Rafael Bridge deck and adjoining 0.19-mile (total) sections of the I-580 bridge touchdowns within the Commission's 100-foot shoreline band jurisdiction shall be made available exclusively to the public for unrestricted access for pedestrians, bicycles, and wheelchairs during the hours of operations described in Special Condition II.D.5.c ("Extended Pilot Operations"), at minimum. If the permittee wishes to use the public access area for other purposes, it must obtain prior written approval by or on behalf of the Commission.

b. Improvements within the Public Access Area

Prior to the use of any facility authorized herein, the permittee shall install the following improvements to be consistent with the plans approved pursuant to Special Condition II.A ("Specific Plans and Plan Review") of this amended authorization, and substantially conform to plans including those entitled Sign Plan (Sheets S-1 though S-14, dated June 13, 2016) and prepared by HTNB Corporation. The permittee shall not remove the movable barrier system, or substantially alter or make permanent the public access facilities required below without prior authorization by or on behalf of the Commission, through a further amendment of this amended permit.

(1) An approximately 4.0-mile-long and 10-foot-wide path on the upper deck of the Richmond-San Rafael Bridge, and a combined 0.19 miles of paths at adjoining sections of I-580 within the Commission's 100-foot shoreline band, delineated by an approximately 3.96-mile-long moveable barrier system on the upper (westbound) deck of the bridge to separate the public path from vehicular traffic;

(2) An approximately 4.0-mile-long cable railing between 42 and 62 inches above the bridge deck along the northern outer railing of the upper bridge deck;

(3) No fewer than 36 public access-related informational signs, including at the entry and exit points of the bridge public path; and

(4) Instrumentation for counting public use of the pathway on the bridge, located at the entry and exit points of the bridge.

c. Extended Pilot Operations

The permittee is authorized to conduct a continuation of the pilot project originally authorized by Amendment No. Four of this permit, through June 30, 2029. Operations of the extended pilot project may be modified as follows:

(1) Path Hours of Operation

The pathway on the bridge between Main Street in San Rafael and Stenmark Drive in Richmond shall be available for public use between 2:00 PM on Thursdays through 11:00 PM on Sundays, at minimum. The pathway shall also be available on certain State holidays as noted in Table 1.

TABLE 1: HOLIDAY SCHEDULE

Holiday	Additional Path Availability Beyond Regular Schedule
Memorial Day, Labor Day, Independence Day (if observed on Monday)	Path to remain open until 11:00 PM that Monday.
Thanksgiving	Path to open at 2:00 PM the Wednesday before Thanksgiving.
Winter Holidays	Path to remain open from 11:00 PM on the Sunday before Christmas Day through 2:00 PM on the Thursday after New Year's Day.

At all other times, the movable barrier may be relocated and the path may be used as an emergency shoulder and breakdown lane. Hours of operation and shuttle locations shall be clearly posted on signage at each entrance of the path.

The permittee shall continue to provide an accessible route to the existing fishing area north of the western touchdown of the bridge at all times. If such access is not feasible, the permittee may request temporary approval to impact the access area until June 30, 2029, at the latest, through the Plan Review process established in Special Condition II.A ("Specific Plans and Plan Review").

(2) Shuttle Service

A free shuttle service shall be provided for cyclists and pedestrians between 6:00 AM and 8:00 PM on days when the multi-use path is closed. On Thursdays, or other days that the path is scheduled to reopen, the shuttle may cease operations at the time the path becomes available. Shuttles shall have the capacity to accommodate approximately 10 passengers with their bicycles or other mobility devices (such as e-bikes, recumbent bicycles, scooters, and wheelchairs).

Pickup and drop-off locations shall be designated at the Vista Point Parking Lot in the City of San Rafael and the Tewksbury Bus Stop in the City of Richmond and include clear signage for wayfinding and shuttle operations. Target frequencies shall be every 20 minutes (actual frequencies may vary with traffic). Live tracking shall be provided online, and contact information shall be provided online, on signage, and on the shuttles for user queries and feedback.

The permittee shall monitor and review shuttle operations and user feedback on a quarterly basis and may adjust frequencies and operating hours to improve service. For alterations to shuttle service that would reduce hours of operation or frequencies, the permittee must demonstrate that the alteration would not negatively impact users and receive written approval on behalf of the Commission through the Plan Review process established in Special Condition II.A ("Specific Plans and Plan Review").

(3) Public Information and Notifications

Clear information regarding hours of operation of the path, scheduled or emergency maintenance-related closures, and shuttle operations shall be made available at all times on the Caltrans and/or BATA websites, in easy-to-find locations. Advance notice of the modified pilot initiation, schedule, and

shuttle service shall be provided online and on path signage at least 3 weeks prior to implementation of the modifications. Contents and location of path and shuttle signage shall be approved on behalf of the Commission through

the Plan Review process established in Special Condition II.A ("Specific Plans and Plan Review") to ensure clarity, visibility, accessibility, and completeness of information.

d. Pilot Analyses

By December 31, 2028, the permittee shall complete and submit to the Commission a study of the extended pilot authorized by Amendment No. Six. The study shall include, at minimum, updates to the original pilot project evaluation of traffic conditions, traffic and path user safety, maintenance impacts, and path usership, as well as the following analyses. The results of these analyses shall be used to inform future Commission decisions regarding provision of maximum feasible public access consistent with the project on the bridge following the conclusion of the pilot, and should consider the effects of both the full-time and modified versions of the path, including how a modified version may relate to implementation of the WIP,[1] as well as any other potential proposed alternative public access configurations.

(1) Performance Thresholds and Alternatives Analysis

An analysis conducted with relevant stakeholders, including the Commission, that establishes performance thresholds to be used to measure the significance of any observed changes in bridge operations (including any potential public safety issues or use conflicts) that can be attributed to the implementation of the multi-use pathway in the context of the benefits of providing public access, and meaningfully compares the effects and performance of different alternatives for providing public access on the bridge. The Performance Thresholds and Alternatives Analysis shall be conducted in a manner that adequately considers the requirements and findings of the Environmental Justice Analysis required in Subdivision (2) below. 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.

[1] The Westbound Improvement Project (WIP) is an effort by Caltrans and BATA to evaluate the feasibility of using the previously existing shoulder of the westbound upper deck as a part-time HOV lane and part-time multi-use pathway as a means of improving overall mobility and reducing reliance on single-occupancy vehicles in the I-580 corridor. Further discussion is provided in Findings Section III.B.6.c.2.

(2) Environmental Justice Analysis

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. The analysis should also include 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. The methodology for the analysis, including a list of potential stakeholders, will be presented to the Commission for approval by May 7, 2026.

(3) Design of Long-Term Facilities

Analysis of potential design alternatives for long-term public access on the bridge. Caltrans and BATA shall use meaningful engagement with stakeholders to develop conceptual design(s) of facilities that appropriately provide for user safety, comfort, and convenience, incorporating feedback from path users and other relevant stakeholders, as well as the findings from the other analyses described above. These designs shall be used to inform the development and evaluation of future public access proposals on the bridge following conclusion of the extended pilot.

(4) Structural Strengthening

Analysis and planning for required structural strengthening work to accommodate the movable barrier and/or other components of the long-term public access facilities. At the conclusion of the study, the permittee shall have developed a conceptual design for the required strengthening work for the public access component of the WIP or any other public access configuration the permittee is likely to pursue, as well as for an alternative that provides the path on a full-time basis.

e. Annual Reporting during the Pilot

Following the initiation of the pilot modifications, the permittee shall report annually to the Executive Director on the status of the extended pilot project and analyses required in Special Condition II.D.5.d ("Pilot Analyses"), the status of off-site and in-lieu access commitments required in Special Condition II.D.6 ("Off-Site Public Access"), and the status of the WIP to ensure that the extended pilot project is proceeding according to the terms of this permit.

f. Conclusion of the Pilot

By December 31, 2028, the permittee shall provide a written report and oral presentation to the Commission on the findings of the Pilot Analyses required in Special Condition II.D.5.d ("Pilot Analyses"), the results of the off-site and in-lieu public access commitments required in Special Condition II.D.6 ("Off-Site Public Access"), and the findings and status of the WIP, and shall inform the Commission as to whether Caltrans intends to implement the WIP. If Caltrans intends to implement the WIP, they shall also demonstrate how the findings of the studies required by Special Condition II.D.5.d ("Pilot Analyses") have been or will be incorporated into the design of the project. Following the conclusion of the extended pilot authorization on June 30, 2029, the multi-use pathway shall remain in place on the upper deck of the bridge, subject to the conditions below regarding the status of the WIP.

(1) Westbound Improvement Project to Proceed within 3 Years

If the WIP has received environmental clearance and a funding plan has been established, and if Caltrans is committed to seeking an amendment of this permit to authorize the WIP and to advertise the WIP for construction by December 31, 2031, then the path may continue to function with the modified operations specified in Special Condition II.D.5.c ("Extended Pilot Operations"). The permittee shall report annually to the Commission on the progress of the WIP. If it becomes apparent that Caltrans will not meet the December 31, 2031, milestone, the Commission may require the multi-use path revert to full-time operations until the WIP begins construction.

(2) Westbound Improvement Project Environmental Study Delay

If the WIP environmental study is still in progress and will conclude by December 31, 2029, the extended pilot authorization may be extended through June 30, 2030, using the Plan Review process established in Special Condition II.A ("Specific Plans and Plan Review"), with all associated deadlines being extended by one year or until the study concludes, whichever is sooner.

If the environmental study is still in progress and will not conclude by December 31, 2029, the multi-use path shall revert to full-time operations until such time as a permit amendment is made for an alternative use of the lane, which may include the WIP if and when it is ready for implementation. The permittee shall report annually to the Commission on the progress of the WIP. If it becomes apparent that Caltrans and BATA will not be able to commit to seeking an amendment of this permit to authorize the WIP and to advertise the WIP for construction by December 31, 2033, the permittee

shall request an amendment of the permit with a long-term public access proposal consistent with the findings of the studies required by Special Condition II.D.5.d ("Pilot Analyses").

(3) Westbound Improvement Project Delay

If the environmental study has concluded, but Caltrans and BATA are unable to commit to seeking an amendment of this permit to authorize the WIP and to advertise the WIP for construction by December 31, 2031, the multi-use path shall revert to full-time operations until such time as a permit amendment is approved for an alternative use of the lane, which may include the WIP if and when it is ready for implementation. The permittee shall report annually to the Commission on the progress of the WIP. If it becomes apparent that Caltrans and BATA will not be able to commit to seeking an amendment of this permit to authorize the WIP and to advertise the WIP for construction by December 31, 2033, the permittee shall request an amendment of the permit with a long-term public access proposal consistent with the findings of the the studies required by Special Condition II.D.5.d ("Pilot Analyses").

(4) No Westbound Improvement Project

If at any time Caltrans and BATA decide not to move forward with the WIP, the permittee shall request an amendment of the permit with a long-term public access proposal consistent with the findings of the the studies required by Special Condition II.D.5.d ("Pilot Analyses").

In the case that the findings of the extended pilot identify clear public safety or significant use conflicts associated with the full-time operation of the path, the results of the Pilot Analyses required in Special Condition II.D.4.d shall inform any alternative proposal, which shall be the subject of a permit amendment request.

g. Maintenance

The areas and facilities authorized in Material Amendment Nos. Four and Six shall be maintained by and at the expense of the permittee and its assignees of this specific responsibility. Such maintenance shall include, but is not limited to, repairs to all path surfaces; repairs or replacement as needed of any public access amenities such as signs and safety barriers; periodic cleanup of litter and other materials deposited within the access areas; and removal of any encroachments into the access areas. Within 30 days after notification by staff, the permittee and its assignees shall correct any maintenance deficiency noted in a staff inspection of the site.

The permittee may close the public access area specified in Special Condition II.D.5 ("Public Pathway on Westbound (Upper) Richmond-San Rafael Bridge Deck and Adjoining I-580 Sections") as needed to perform routine maintenance and repairs. The permittee shall schedule non-emergency maintenance closures in a manner that maximizes the availability of the path during hours of operation. To the extent possible, such maintenance activities that require closure of the public access area should be scheduled during periods of lower path usage and minimize the amount of time and area of the closure.

If maintenance-related closures are to be scheduled on a regular basis, this schedule shall be posted online for reference by the public. Maintenance-related closures shall be accompanied by appropriate signage notifying the public of the closure and its estimated duration, to be posted at the path entrances. Scheduled closures of the path shall be posted online at least 24 hours in advance of the closure. Unscheduled closures of the path shall be posted online within 15 minutes of the closure.

The permittee may place barriers to facilitate closures, and shall remove the barriers and any other equipment or materials from the public access area upon completion of the maintenance activity. The permittee shall notify the Commission of any maintenance activities requiring closures of longer than 8 hours.

h. Flood-Related Closures

In the event of flooding during and after major storm events at the land approaches of the bridge, which may cause serious harm or danger to path users, the permittee may close the path, and shall inform the public via the 511 and 511.org systems, as well as via the Caltrans and BATA websites and on-site signage, as soon as feasible. The path shall remain closed as long as necessary to protect users from flooding. When flooding recedes, the permittee shall immediately reopen and inspect the safety of the public path, and inform the public via the above mentioned systems.

6. Off-Site Public Access

a. Improvements to Bridge Approaches

The following facilities, as shown in Exhibit A and the plans entitled "Bike Path Improvements on Bridge Approaches," dated July 31, 2025, and prepared by Caltrans, shall be made available exclusively to the public for unrestricted public access for walking, bicycling, and related purposes. If the permittee wishes to use the public access area for other purposes, it must obtain prior written approval by or on behalf of the Commission.

(1) Eastern Approach

The approximately 50,000-square-foot, 1-mile-long Bay Trail segment parallel to westbound I-580 to Castro Street in the City of Richmond, consisting of a 14-foot-wide segment between Stenmark Drive and Point Richmond and a 10- to 12-foot-wide Class I barrier-separated segment between Tewksbury/Standard Avenue and Stenmark Drive near Point Molate.

(2) Western Approach

The approximately 19,000-square-foot, 0.3-mile long Bay Trail segment parallel to Sir Francis Drake Boulevard from the I-580 off-ramp to Andersen Drive in the City of San Rafael, consisting of an 8-foot-wide Class IV barrier-separated segment.

b. In Lieu Funding

By February 28, 2026, BATA/MTC staff shall recommend approval by MTC of $10M in funding under Regional Measure 3 for the following two projects to enable them to begin construction by December 31, 2026.

(1) Richmond Wellness Trail Phase II

An approximately 1.1-mile segment of Class IV bike path that would complete the 4-mile Richmond Wellness Trail, closing the gap between Cutting Boulevard to the Richmond Ferry Terminal.

(2) Neighborhood Complete Streets

Improvements along an approximately 1.7-mile segment of Harbour Way from I-580 to Downtown Richmond, including restriping of Harbour Way from three lanes to two lanes and the installation of Class IV bike lanes and pedestrial-scale lighting.

If these projects cannot be approved for funding or construction within this timeframe, Caltrans and BATA will, prior to December 31, 2026, identify and recommend for approval an alternative project or projects that can begin construction by the end of the extended pilot period to which to apply the $10M funding. The alternative project(s) shall first by approved by or on behalf of the Commission through the plan review process to ensure that they will improve bicycle and pedestrian connections from Richmond neighborhoods to the Richmond-San Rafael Bridge and Bay shoreline.

c. Funding Assistance

During the pilot period, Caltrans and BATA shall conduct at least two meetings a year with local jurisdictions and transportation authorities in Marin and Contra Costa counties to identify potential partnerships and funding opportunities to

increase bicycle and pedestrian infrastructure connections to the Richmond-San Rafael Bridge and Bay shoreline, and to improve non-motorized transbay connectivity. These efforts shall include coordination with local stakeholders to identify additional funding sources, anticipated cycles, process and eligibility, to improve access to the Richmond-San Rafael Bridge, including relevant improvements to the Bay Trail and surrounding local and regional pathways and connector trails. Caltrans and BATA will provide records of all meetings and outcomes on an annual basis during the extended pilot period, per Special Condition II.D.5.e ("Annual Reporting during the Pilot").

7. Reasonable Rules and Restrictions
   The permittee may impose reasonable rules and restrictions for the use of the public access areas required pursuant to Special Condition II.D to correct particular problems that may arise. Such limitations, rules, and restrictions shall have first been approved by or on behalf of the Commission upon a finding that the proposed rules would not significantly affect the public nature of the area, would not unduly interfere with reasonable public use of the public access areas, and would tend to correct a specific problem that the permittee has both identified and substantiated. Rules may include restricting hours of use and delineating appropriate behavior.

E. Water Quality

At least 20 days prior to the commencement of dredging authorized herein, the permittee shall inform the Executive Director that the water quality certification (Resolution No. 97-053) from the California Regional Water Quality Control Board, San Francisco Bay Region, is still effective. Revocation of such certification shall terminate the Commission's amended authorization for that dredging. Any amendments to the water quality certification shall be approved by the California Regional Water Quality Control Board, San Francisco Bay Region, and submitted to the Executive Director at least 20 days before the start of the amended work (Original Authorization).

F. Dredging Authorization

The approximately 219,000 cubic yards or less of new dredging authorized by this amended permit shall be completed within 60 months of the date of issuance or by December 31, 2005, whichever is earlier. No further dredging is authorized by this amended permit (Original Authorization).

G. Upland Disposal of Material Unsuitable for Aquatic Disposal

The approximately 3,320 cubic yards of material from piers 71 through 77, which was determined to be unsuitable for aquatic disposal by the Dredged Materials Management Office and the Regional Water Quality Control Board, shall be disposed of in an appropriate manner at an upland location outside the Commission's jurisdiction.

Prior to the disposal of the 3,320 cubic yards of material, the permittee shall submit to the Commission documentation which contains the proposed date and location for the disposal of this material. After the disposal, the permittee shall submit evidence that the material was disposed of in an appropriate manner (Original Authorization).

H. Dredging and Disposal Notice

At least 20 days prior to the commencement of the dredging and disposal authorized herein, the permittee shall notify the Executive Director of the planned start and duration of these activities. The permittee shall permit the Commission staff or representatives of other state or federal agencies to come aboard the dredge or barge associated with the dredging or disposal episode and observe the operation to ensure that the dredging or disposal activity is consistent with the dredging report required herein and the other terms and conditions of this amended permit (Original Authorization).

I. Timing

To protect important fisheries or migrating anadromous fish species, including the Pacific herring (Clupea harengus), the winter-run chinook salmon (Oncorhynchus tshawytscha), and the steelhead trout (Oncorhynchus mykiss), no open water suction dredging shall occur in water shallower than 20 feet pursuant to this permit between January 1 and May 31 of any year during the duration of this amended permit unless written approval of this dredging technique during this period is provided by or on behalf of the Commission and after approval by appropriate wildlife agencies prior to the commencement of the dredging during the closure. Within the cofferdams and piles there are no restrictions on reasonable dredging techniques. Clamshell dredging is allowed year-round provided a professional biologist, or other individual sufficiently competent to identify herring spawning activity, shall inspect the project site during the dredging operations occurring between December 1 and March 1 of any year, and if herring spawning is detected by the on-site biologist or qualified individual, Department of Fish and Game personnel, or the Commission staff, all dredging outside of coffer dams and piles will cease for a minimum of 14 days within a 200-meter limit or until it can be determined that the herring hatch has been completed and larval herring concentrations have left the site. To facilitate rapid and efficient communication under these circumstances, the permittee shall provide the Commission staff and Department of Fish and Game personnel with all necessary telephone, FAX, and pager numbers. Dredging may be resumed thereafter at the sole discretion of the permittee and the Commission staff, but shall be terminated if further spawning takes place at the site (Original Authorization).

J. Barge Overflow Sampling and Testing

Results of any effluent water quality or other testing required by the San Francisco Bay Regional Water Quality Control Board shall be submitted in writing to the Commission's office at the same time that such testing is submitted to the Regional Board (Original Authorization).

K. Dredging Operation Plan and Updates (Original Authorization)

1. Dredging Operation Plan

   A dredging operation plan shall be submitted at least 30 days before the start of the initial dredging operations. The plan shall contain: (a) the overall location of the area authorized to be dredged and to what depth based on Mean Lower Low Water (MLLW); (b) the proposed area to be dredged and to what depth based on MLLW; (c) a vicinity map showing the proposed disposal site; and (d) the proposed volume of material to be dredged and disposed.

2. Updates

   Every 90 days after the start of dredging operations, the permittee shall submit to the Executive Director updates of the dredging operation plan which describe the dredging activities that occurred within the previous reporting period, including: (a) the location of the area authorized to be dredged and to what depth based on MLLW; (b) the actual area dredged and to what depth based on MLLW, and any dredging which occurred outside the area authorized to be dredged or below the authorized depths; (c) the actual volume of the material dredged; (d) a vicinity map showing the disposal site; and (e) the volume of the material disposed in the Bay. In addition, the updates of the dredging operation plan required herein shall include a plan, as described in Special Condition II.K.1 above, for the proposed dredging activities to occur during the next reporting period.

3. Changes

   The Executive Director shall be notified of any proposed changes in the dredging operation plan 14 days in advance of the proposed change.

4. Final Dredging Operation Plan

   Within 60 days of completion of all dredging activities authorized herein, the permittee shall submit to the Executive Director a report which contains: (a) the location of the area authorized to be dredged and to what depth based on MLLW; (b) the actual area dredged and to what depth based on MLLW, and any dredging which occurred outside the area authorized to be dredged or below the authorized depths; (c) the actual volume of the material dredged; (d) a vicinity map showing the disposal site; and (e) the volume of the material disposed in the Bay.

5. In-Bay Disposal
   The permittee shall only dispose of dredged material in the Bay that has been recommended for approval for in-Bay disposal by the Dredged Materials Management Office and authorized by the San Francisco Bay Regional Water Quality Control Board. Any material not approved for in-Bay disposal shall be disposed upland or in the ocean in accordance with disposal plans approved by the responsible agencies.

It is the intent of the Commission that the reports, maps and information required herein would be the same as those required by the Dredged Materials Management Office and the other applicable public agencies that manage the dredging and disposal of material in San Francisco Bay. All dredging authorized herein can be considered a single episode.

L. Protection of the Seal Haul-out Area

Prior to any construction authorized herein, the permittee shall submit for review and concurrence by or on behalf of the Commission, evidence that will ensure that the final construction plans and specifications for the project include mitigation measures which will minimize impacts to the harbor seals (Phoca vitulina) and their haul out site. The mitigation measures shall include a restricted access and a monitoring plan approved by the National Marine Fisheries Service. The permittee shall submit a copy of the Incidental Harassment Authorization issued by National Marine Fisheries Service. In addition, the name and phone number of the individual(s) at the National Marine Fisheries Service, and the parties responsible for ensuring that the restricted access and monitoring plan is followed, must be submitted to the Executive Director (Original Authorization).

M. Coordination with Appropriate Wildlife Agencies to Minimize Impacts to Birds

Prior to any construction authorized herein, the permittee shall submit for review and concurrence by or on behalf of the Commission, evidence, such as a contract and/or agreement with the U.S. Fish and Wildlife Service, the U.C. Santa Cruz Predatory Bird Research Group and/or the Point Reyes Bird Observatory, that will ensure compliance with the terms of the Biological Opinion issued by the U.S. Fish and Wildlife Service with respect to the peregrine falcon.

In addition, prior to any construction activities authorized herein, the permittee shall submit for review and concurrence by or on behalf of the Commission, evidence that a plan, such as handling procedures approved by the California Department of Fish and Game, in consultation with the Point Reyes Bird Observatory, designed to minimize adverse impacts to the double-crested cormorant (Phalacrocorax auritus) colony which

exists on the support beams and scaffolding underneath the bridge, and other migratory birds nesting and breeding on the structure, is in place. Such evidence shall include the name and phone number of the individual(s) at the California Department of Fish and Game and the Point Reyes Bird Observatory, and the parties responsible for ensuring that the handling procedures are followed (Original Authorization).

N. Coordination with Appropriate Wildlife Agencies to Minimize Impacts to Eelgrass Beds

Prior to any construction authorized herein, the permittee shall submit for review and concurrence by or on behalf of the Commission, evidence that a plan designed to minimize adverse impacts to the existing eelgrass (Zostera marina) beds has been reviewed and approved by the National Marine Fisheries Service, the California Department of Fish and Game, and/or the U. S. Fish and Wildlife Service. The approved plan shall include pre- and post-monitoring surveys of the existing eelgrass beds and an experimental transplanting and relocation program if determined necessary by the wildlife agencies. Such evidence shall include the name and phone number of the individual(s) at the National Marine Fisheries Service, the California Department of Fish and Game or the U. S. Fish and Wildlife Service responsible for reviewing and approving the plan and the parties responsible for ensuring that the plan is adhered to. Any monitoring reports prepared pursuant to the approved plan shall be sent to the Commission, as well as the final report which assesses the results of the eelgrass mitigation measures (Original Authorization).

O. Placement and Use of the Construction Barges and Coordination with the U.S. Coast Guard

Prior to the use of any barges in the Bay, the permittee shall first submit evidence that their use complies with the U. S. Coast Guard Checklist and the Dredging Operation Plan and updates required pursuant to Special Condition II.K (Original Authorization).

P. Mitigation to Offset the Placement of Fill in the Bay

Prior to any construction authorized herein, the permittee shall prepare a mitigation program which will ensure the creation of new Bay surface area and water volume in the Central Bay, and shoreline clean-up adjacent to the bridge, all of which will be sufficient to offset the fill placed in the Bay as part of the project. The total cost of this mitigation program shall not exceed $1,500,000.00 dollars, and shall include the following:

1. At the project site, the mitigation program shall create at least 1,005 cubic yards, over at least 6,176 square feet, of new Bay as the result of shoreline clean up, removal of abandoned piles or other structures, and/or by not backfilling around the newly retrofitted piers on the East Approach section of the bridge. All shoreline

clean-up and fill removal is subject to final plan review approval pursuant to Special Condition II.A above.

2. To create new Bay surface area and/or water volume off-site, the permittee shall create a fund in the Commission's name and deposit the initial sum of $750,000.00 in an interest bearing account to be dispersed, in its entirety including principle and interest, solely to remove approximately one acre of dilapidated, pile-supported structure or other fill from the Central Bay. Funds shall be dispersed from the account at the discretion of the Commission's Executive Director, based on proposal(s) submitted by an owner of such filled lands in the Central Bay. The amount of this fund may be adjusted depending upon the relationship between costs and environmental benefits associated with the improvements in the Bay required under Special Condition II.P.

This fund shall be used to cover the costs of planning, environmental assessments, demolition and appropriate disposal of the dilapidated fill. The fund may also be used for habitat enhancement in the areas disturbed by the fill removal and in the project vicinity. Priority shall be given to fill removal projects located near the Richmond-San Rafael Bridge and secondly in the Central Bay. In the event that fill removal projects are not feasible in the Central Bay, the Executive Director may disperse the funds to another entity for use outside the Central Bay, provided that the entity first proves that it has a feasible fill removal project, sufficient legal interest over the fill to be removed, and that it is capable and competent to carry out the subject fill removal project (Original Authorization).

Q. Creosote Treated Wood

No pilings or other wood structures that have been pressure treated with creosote shall be used in any area subject to tidal action in the Bay or any certain waterway, in any salt pond, or in any managed wetland within the Commission's jurisdiction as part of the project authorized herein (Original Authorization).

R. Bridge Railings

Any new or replacement bridge railings on the concrete trestle section of the bridge shall not exceed 32 inches in height unless a higher bridge railing is necessary to accommodate pedestrian, bicycle or wheelchair access across the bridge. Bridge railings shall be designed to provide motorists with views of the Bay. The design of the bridge railings must be reviewed by or on behalf of the Commission to ensure this objective is achieved and shall not be installed until the design is approved in writing.

1. Material Amendment No. Four
   This amended permit authorizes the permittee to install a cable railing that is between 42 and 62-inches in height on the upper bridge deck adjacent to the public path. The height of the railing is necessary to protect the safety of public path users. Any changes in design must be reviewed by or on behalf of the Commission to ensure views of the Bay are protected, and shall not be installed until the design is approved in writing.

S. Notice to Contractor

The permittee shall provide a copy of this amended permit and final PS&Es to any contractor or person working in concert with the permittee to carry out the activities authorized herein and shall point out the special conditions contained herein (Original Authorization and Amendment No. Four).

T. Certification of Contractor Review

Prior to commencing any grading, demolition, or construction, the general contractor or contractors in charge of that portion of the work shall submit written certification that s/he has reviewed and understands the requirements of the permit and the final BCDC-approved plans, particularly as they pertain to any public access or open space required herein, or environmentally sensitive areas.

U. Commission Jurisdiction Over Fill Area

Notice is hereby given that, under the McAteer-Petris Act, the area of the approved project that is within the Commission's jurisdiction under Section 66610(a) remains within that jurisdiction even after fill or substantial change in use, authorized by the Commission, may have changed the character of the area; so that the permittee or the permittee's successors in interest will require further action by or on behalf of the Commission prior to any future change of use or work within areas filled pursuant to this authorization.

V. Recording

The permittee shall record this document or a notice specifically referring to this document or the amended permit with Marin County and Contra Costa County within 30 days after execution of the amended permit issued pursuant to this amended authorization and shall, within 30 days after recordation, provide evidence of recordation to the Commission.

W. Peak Hour Travel Lane

The permittee shall monitor and ensure motorist compliance with the closed periods of the lower deck peak hour travel lane (Amendment No. Six).

X. Emergency Shoulder

During the extended pilot period for the multi-use path, through June 30, 2029, the permittee shall monitor and ensure motorist compliance with the intended use of the shoulder as being for emergencies only. If motorist compliance is identified as a recurring issue, the permittees shall explore and implement feasible design or operational approaches to remedy the misuse of the shoulder.

III. Findings and Declarations

This amended permit is issued based on the Commission's findings and declaration that the authorized work is consistent with the McAteer-Petris Act, and the *San Francisco Bay Plan*, the California Environmental Quality Act, and the Commission's amended management program for the San Francisco Bay segment of the California coastal zone for the following reasons:

A. Original Authorization

1. Use

   The basic purpose of the new fill is for the seismic retrofit of the existing Richmond-San Rafael bridge. As stated in the McAteer-Petris Act, bridges are considered a water-oriented use. Thus, the fill involved in this project is consistent with the use requirements of the McAteer-Petris Act.

2. Fill

   Section 66605 of the McAteer-Petris Act, in part, provides that "further filling of San Francisco Bay should be authorized only when public benefits from fill clearly exceed public detriment from the loss of the water areas and should be limited to water-oriented uses (such as...water-oriented recreation...) or minor fill for improving shoreline appearance or public access to the Bay....That the fill in the Bay should be authorized only when no alternative location is available for such purposes....That the water area...to be filled should be the minimum necessary to achieve the purpose of the fill....That public health, safety and welfare require that fill be constructed with sound safety standards which afford reasonable protection to persons and property...."

   The project will result in approximately 55,800 square feet of new solid and pile-supported fill, approximately 270,000 square feet of pile-supported replacement fill, and approximately 197,000 square feet of temporary, pile-supported and solid fill.

a. Alternative Upland Location

Because the retrofit will occur along the same alignment of the existing bridge, no alternative upland locations exist for the project. Further, mass transit alternatives will not achieve the basic purpose of the project, which is to improve public safety of an existing bridge.

b. Minimum Necessary Fill

In designing the project, Caltrans needs to reduce the probability that the bridge will collapse in a major earthquake. During the seismic modeling and analysis of the existing bridge, Caltrans determined that the retrofit must limit the displacement of the pile-supported foundations during an earthquake. Therefore, the majority of new solid fill, approximately 45,000 square feet, is necessary to enlarge the approximately 70 sets of piers with new piles, pile caps and casings. Caltrans also determined that the existing, approximately 3,250-foot-long, concrete trestle section of the bridge should be replaced rather than retrofitted, largely because of persistent concrete deterioration and because the additional costs and time for retrofit of the existing trestle are outweighed by the benefits of a new trestle. The replacement of the existing concrete trestle is responsible for the remainder of the new fill associated with the project, resulting in approximately 10,800 square feet of pile-supported fill. (The existing trestles currently cover approximately 270,000 square feet of Bay surface area, the new trestles will cover approximately 280,800 square feet of Bay surface area). Each new trestle will have two, 22-inch-wide safety barriers; two, 12-foot-wide travel lanes; one, 10-foot-wide shoulder on the outside; and one new, 6-foot wide shoulder on the inside for a total trestle width of 43 feet, 8 inches. The existing trestles have two, 12-foot-wide travel lanes; one, 12-foot-wide shoulder on the outside; two, 39-inch-wide safety barriers; and no shoulder on the inside lane for a total trestle width of 42 feet, 6 inches. Therefore, the increase in cantilevered fill is the result of a one-foot, 2-inch increase in the width of the concrete trestle sections along their entire length.

The increase in cantilevered fill over the Bay is not significant given the scope of the entire project. The narrower safety barriers will further increase the roadway width on the trestle which could also improve public access possibilities on this section of the bridge. Still, to ensure the fill does not exceed this amended authorization, the Commission finds that Special Condition II.A, for final plan review, is needed. Therefore, as conditioned, the Commission finds that the retrofit of the existing bridge constitutes the minimum necessary fill needed to serve the project purpose.

c. Safety of Fills

Section 66605(e) of the McAteer-Petris Act, in part, provides "[T]hat public health, safety and welfare require that fill be constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions..." In addition, the Bay Plan includes findings and policies to ensure the safety of all new fills in the Bay. The Bay Plan states, in part, "[T]o reduce risk of life and damage to property, special consideration must be given to construction on filled lands in San Francisco Bay .... A proposed project should be approved by the Commission if its Engineering Criteria Review Board (ECRB) determines that the proposed project is in accordance with the [Bay Plan] policies for Safety of Fills....Even if the Bay Plan indicates that a fill may be permissible, no fill or building should be constructed if hazards cannot be overcome adequately for the intended use in accordance with the criteria prescribed by the Engineering Criteria Review Board." The Commission relies on the advice of the ECRB to assure that approved projects are consistent with Bay Plan policies on safety of fills.

The project was reviewed by the Commission's ECRB at its January 31, 1996 and May 29, 1996 meetings. The performance criteria presented to the Board targeted a "no collapse" scenario for the bridge in a 7.25 Richter Scale earthquake with a 20-second duration on the Hayward fault, which is approximately 5 miles from the bridge, or an 8.0 Richter Scale earthquake with a 40-second duration on the San Andreas fault, which is approximately 10 miles from the bridge. Under these criteria, the bridge would provide limited emergency vehicle and repair equipment access within days and full service within months, possibly a year. Significant damage to the superstructure was considered acceptable as this bridge is not classified by the California Department of Transportation as a "lifeline structure."

The soil characteristics at the site were described as ranging from Franciscan Bedrock at the east end of the bridge (Castro Rock and Red Rock being examples of where the bedrock is at or above the surface of the Bay) to extremely soft Bay muds up to 75 feet deep at the west end of the bridge. Additional layers of silty clay sands and gravel, including the San Antonio Formation, Merritt sands, (which have high liquefaction potential), and the Alameda Formation, are between the Bay muds and the bedrock ranging from depths of 25 feet to 100 feet, and in a few cases up to 280 feet deep. The anticipated ground motions expected at the site were discussed by the ECRB members in detail, including the target rock response spectra, the rock motion and mudline time history, and the soil/foundation interaction time history. Analysis of the site characteristics

demonstrated that the motions coming from the rock into the structure generally will create the greatest vertical loads on the bridge, while the motions from the muds generally will create the greatest horizontal loads on the bridge.

The philosophy behind the bridge structure itself and its retrofit was also discussed by the ECRB members in detail. One aim of the retrofit is to create predictable and reliable ductile “fuses” which will protect the superstructure (the cantilevered and truss sections of the bridge). This will involve controlling tower rocking by strategically adding isolation bearings, dampers and hinges on the towers as well as strengthening the towers themselves. In addition, a number of new structural elements will be added to strengthen the superstructure. In response to questions asked by the ECRB, the permittee stated that concrete and steel plates will be added and overlapped at all the tower legs to distribute the loads vertically, thereby preventing failure at the tower legs. Further, in response to the ECRB, the permittee stated that liquefaction, the anticipated mud loads and the varying time histories across the length of the bridge were analyzed, and that the performance criteria and retrofit philosophy were regularly reviewed at a State level peer review group once a month.

Based on the presentation given by the permittee, the ECRB found that, in its opinion, it is reasonable to conclude that the project will be constructed to a level of seismic safety and tidal flood protection consistent with and appropriate to its intended use.

To ensure the final project plans met the criteria approved by the ECRB, the Commission finds that Special Condition II.A, for final plan review, is needed. Therefore, as conditioned, the Commission finds that the retrofit of the existing bridge will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions.

d. Mitigation

In part, Section 66605 of the McAteer-Petris Act requires that the public benefits of the project clearly outweigh the detriments caused by any Bay fill. In order to make the legal findings necessary to authorize a development requiring fill, the Commission has occasionally found it necessary to require mitigation to assure that the public benefits of the fill clearly exceed the adverse impacts of the fill.

The San Francisco Bay Plan requires that a permittee offset the unavoidable adverse impacts of fill through a variety of mitigation techniques. In part, the Bay Plan, states: “Whenever mitigation is needed, the mitigation program should be provided as part of the project. Mitigation should consist of measures to

compensate for the adverse impacts of the fill to the natural resources of the Bay, such as to water surface, volume or circulation, fish and wildlife habitat or marshes or mudflats. Mitigation is not a substitute for meeting the other requirements of the McAteer-Petris Act concerning fill. When mitigation is necessary to offset the unavoidable adverse impacts of approvable fill, the mitigation program should assure: (a) that benefits from the mitigation should be commensurate with the adverse impacts on the resources of the Bay and consist of providing area and enhancement resulting in characteristics and values adversely affected; (b) that the mitigation would be at the fill project site, or if the Commission determines that on-site mitigation is not feasible, as close as possible; (c) that the mitigation measures would be carefully planned, reviewed, and approved by or on behalf of the Commission, and subject to reasonable controls to ensure success, permanence, and long-term maintenance; (d) that the mitigation would, to the extent possible, be provided concurrently with these parts of the project causing adverse impacts; and (e) that the mitigation measures are coordinated with all affected local, state, and federal agencies having jurisdiction or mitigation expertise to ensure, to the maximum practicable extent, a single mitigation program that satisfies the policies of all the affected agencies....”

Further, a report prepared by the Commission, entitled “Commission Mitigation Practices,” dated 1987, states, in part, that nearly all permits issued by the Commission for bridges have provided mitigation. The report explains that, in addition to the shading of tidal environments, bridges can present a significant barrier to wildlife. Further, environmental impacts resulting from submerged and pile-supported fill include changes in substrate which affect the kinds and numbers of benthic organisms that live in an area, alteration of currents and water circulation, sometimes leading to the creation of underwater mounds.

The project will result in approximately 55,800 square feet of new solid and pile-supported fill, approximately 270,000 square feet of pile-supported replacement fill, and approximately 197,000 square feet of temporary, pile-supported and solid fill. Because of the size of the project, its many components, and the length of time (40 years) in which the natural environment has become acclimated to the bridge, the adverse impacts to the Bay, fish and wildlife and water quality from the project were analyzed independently. Potential adverse impacts to fish and wildlife and associated mitigation measures are discussed in the “Fish and Wildlife” Section below. Similarly, the potential adverse impacts to water quality and associated mitigation measures are discussed in the “Dredging and Water Quality” section below.

In terms of the loss of Bay surface area and water volume, the largest impact is from the retrofitting the approximately 70 sets of bridge piers, nearly all of which would occur below the surface of the water. The loss of water surface area would occur primarily from the "casing" of the existing shafts stemming from the enlarged footings. In addition, the replacement of the concrete trestle section of the bridge will result in a net decrease of the Bay's surface area (by approximately 10,800 square feet) from new pile supported fill. The largest loss of Bay surface area will result from the temporary fill for work platforms and coffer dams, which totals approximately 197,000 square feet of pile-supported and "solid" fill (while coffer dams are not actually the complete replacement of water area with solid fill, they effectively exclude the Bay from the area within the coffer dam, creating a similar impact). While the permittee cannot predict at this time the length of time the temporary fill will remain in place, the project is not anticipated to be completed for at least 4 or 5 years and it is not unreasonable to expect much of the temporary fill to be in place for the duration of the project. However, portions of the temporary fill are proposed to be removed once construction activities are complete, and all the temporary fill may not have be in place at the same time or for the same duration. Still, there is no standard measurable way to quantify how the placement of the temporary fill will impact the environment of the Bay.

The mitigation package to offset the unavoidable adverse impacts resulting from the loss of Bay surface area and water volume, as proposed by the permittee, includes increasing the water area and volume adjacent to the newly retrofitted piers, a financial contribution to the Commission for the purposes of removing approximately one acre of pile-supported or other fill from the Bay and the clean-up of wooden piles, steel pipes and asphalt and concrete debris on the shoreline and in the Bay underneath the East Approach of the bridge. This clean-up work will result in the removal of approximately 901 square feet, or 15 cubic yards, of fill from the Bay, and the new Bay created adjacent to the newly retrofitted piers will equal approximately 7,280 square feet, or 830 cubic yards of new Bay. Because final shoreline clean-up plans are not available at this time, the Commission finds that Special Condition II.A is needed to ensure that the clean-up and fill removal portions of the project are successful.

The permittee explored the possibility of removing fill in the Bay near the project site and found that there were no practicable fill removal projects, primarily due to ownership, contamination and environmental review reasons. Further exploration of fill removal possibilities away from the project site revealed that the Port of San Francisco has some dilapidated pile supported fill structures which could be removed at a cost of approximately $10.00 to $25.00 a square

foot. Still, because of the ownership, contamination and environmental review issues which would need to be resolved before any fill could be removed, it is impracticable at this time to specify an exact fill removal project. The permittee has proposed and is required herein to spend approximately $1,500,000.00 to mitigate for the fill placement, of which $750,000.00 will be deposited in an account solely for fill removal. It is estimated that $750,000.00 to $1,000,000.00 will be sufficient to remove approximately one acre of pile supported fill in the Bay. One acre of pile supported fill removed from the Bay, in combination with the other mitigation measures proposed and required herein adequately offsets the loss of Bay surface are and water volume resulting from the project.

To ensure the financial contribution portion of the mitigation program is carried out adequately, the Commission finds that Special Condition II.P, which requires the permittee to create an interest bearing account in the Commission's name for the purposes of removing fill, is needed. Therefore, as conditioned, the Commission finds that the retrofit of the existing bridge includes an adequate mitigation program which compensates for the adverse impacts of the fill to the water surface, volume and circulation of the Bay.

e. Conclusion

In conclusion, based on the above discussions and as conditioned herein, the Commission finds the public benefits of the original project clearly outweigh the detriments caused by the Bay fill, and the project is consistent with the Commission's laws and policies on the placement of fill in San Francisco Bay.

3. Maximum Feasible Public Access

Section 66602 of the McAteer-Petris Act states that: "...existing public access to the shoreline and waters of the...[bay]...is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided...."

The San Francisco Bay Plan also includes findings and policies that require public access to and along the shoreline of the Bay. The Bay Plan, in part, states: "...maximum feasible public access to and along the waterfront should be provided in and through every development in the Bay or on the shoreline...except in cases where public access is clearly inconsistent with the project because of public safety considerations or significant use conflicts. In these cases, access at other locations, preferably near the project should be provided....Federal, state, regional and local jurisdictions...should cooperate to provide new public access, especially to link the entire series of shoreline parks and existing public access areas....[A]gencies should assure that provisions for public access to and along the shoreline are included as conditions of approval and that the access is consistent with the Commission's

requirements and guidelines." Further, Bay Plan Map No. 4 designates the Richmond-San Rafael Bridge as a scenic highway.

a. Public Access Across the Bridge

Generally, to meet the requirements of Section 66602 of the McAteer-Petris Act, the Commission has required that new bridges and major improvements to existing bridges across the Bay include a bicycle and pedestrian pathway. Further, the Richmond-San Rafael Bridge is designated as a "proposed [planned] Bay Trail" by the California State Coastal Conservancy and the Association of Bay Area Government's Bay Trail project. The Bay Plan's findings and policies on Transportation also recognize the heavy use of the automobile in the Bay Area and its attendant environmental problems and, therefore, the Plan recommends that a primary goal in transportation planning, from the point of view of preserving and properly using the Bay, should be a substantial reduction in the dependence on the automobile and the development of new systems of transportation that can carry large volumes of people.

Likewise, Section 888.2 of the Streets and Highways Code (which is administered by Caltrans) states, in part, "The department shall incorporate non-motorized transportation facilities...where non-motorized facilities do not exist, upon the finding that the facilities would conform to the California Recreational Trails System Plan..." Furthermore, Section 885.2 of California's Streets and Highways Code finds and declares, in part, that "[t]he design and maintenance of many of our bridges and highways present physical obstacles to the use of bicycles....[t]he bicycle is a legitimate transportation mode on public roads and highways.... [and] [b]icycle transportation can be an important, low-cost strategy to reduce reliance on the single passenger automobile and can contribute to a reduction in air pollution and traffic congestion." Section 30112 of the Streets and Highways Code also states, in part, "It is the intent of the Legislature, in enacting this section, to provide for the use of toll bridges by both pedestrians and bicycles, whenever this is economically and physically feasible."

It should be noted, however, that these sections of the Streets and Highways Code, while indicating the State's desire to provide for bicycle and pedestrian access over a toll bridge like the Richmond-San Rafael Bridge, they do not apply directly to the seismic retrofit of existing structures and are aimed more at the construction of new facilities. Other civic organizations which actively support the addition of some form of access over the bridge include the East Bay Regional Park District and the Bay Area Air Quality Management District. In fact, the Bay Area '94 Clean Air Plan, adopted by the Bay Area Air Quality Management District, includes policies and transportation control measures to

improve bicycle access and facilities which state, in part, "[e]ncourage Caltrans to accommodate bicycles on all bridges," and "[provide direct access for bicycles on any new or modified bridge construction." Many bicycle organizations, including the Regional Bicycle Advisory Committee of the San Francisco Bay Area, the East Bay Bicycle Coalition, the International Mountain Bicycling Association, the Bicycle Friendly Berkeley Coalition, the San Francisco Bicycle Coalition, the Bicycle Friendly Kid Coalition and the Bike the Bridge! Coalition, strongly support the addition of unrestricted bicycle access across the bridge and state that such access would help achieve many of the goals and objectives of agencies and organizations listed above.

The existing bridge was built in the late 1950's, before the Commission was created, and was, therefore, not designed to accommodate public access. Pedestrian and bicycle use on the bridge is currently prohibited for safety reasons. The original project, which is the retrofit of the existing structure to withstand collapse in a future earthquake, will not change the existing road configuration on the bridge (other than re-striping the lanes to create a new two-foot shoulder on the inside and a 10-foot shoulder on the outside), will not change the use or capacity of the bridge, and will not include any improvements for pedestrian and bicycle use on the bridge. One exception is the replacement of the concrete trestle portion of the bridge. The replacement of the trestle represents approximately one-half mile of new bridge across the Bay. However, the new trestle will be put back in the same location and will have an almost identical road configuration as the portion to be removed. Simply stated, the original project would have no impact on existing bicycle or pedestrian access across the bridge or on the potential for providing such access across the bridge in the future (It should be noted that the project considered and authorized in Material Amendment No. Four of this permit results in a temporary change to public access on the bridge, as discussed later in this amended permit).

Under the new retrofit laws, the strengthening of these vital transportation structures have been deemed to be an emergency and any special condition which could potentially significantly hinder or delay the retrofit of such structures should not be imposed by a permitting agency as it would be detrimental to the public's health, safety and welfare.

When the Commission reviewed the original project, probably the biggest reason for prohibiting bicycle and pedestrian access across the bridge is that it has not been studied to address issues, associated with motorist and non-motorists sharing a lane on a toll bridge. Vehicle speeds on the bridge often exceed 65 m.p.h. and the bridge is often buffeted by gusty winds throughout the year.

There is also concern about the hazards the existing expansion grates create for skinny-tired bicycles and that the railing design may not be adequate to keep a bicyclist or pedestrian from accidentally falling off the side of the bridge. The addition of such access could therefore create new safety considerations for motorists as well as non-motorists and could create new liability issues for the permittee unless the new access were designed and constructed to meet the rigorous safety standards adopted by Caltrans and the Federal Highways Administration. In addition, any new access would also have to meet the requirements of the Americans with Disabilities Act.

Unlike other bridges in the Bay Area, the Richmond-San Rafael Bridge has an extra lane which is not used as a vehicle travel lane. This lane would be a logical place to provide public access. However, this lane still serves important roadway functions, such as acting as a breakdown lane and a maintenance lane, and the permittee states that these uses would still have serious safety implications for pedestrians or bicycles using the lane. This lane is also used illegally by impatient commuters who pass waiting vehicles on the right; this activity could potentially be very dangerous to bicycles and pedestrians if they were in the lane. Lastly, the permittee states that since the bridge was not originally designed to provide non-motorized access, the existing entrance and exit ramps of the bridge would need to be studied and possibly re-designed to make them safe for non-motorized access on the bridge.

On the other hand, there are numerous reasons for providing access across the bridge. Non-motorized travel in the vehicle breakdown lane and maintenance lane would be similar to non-motorized travel on the shoulder of countless miles of roadway throughout the State of California. According to a representative of the Caltrans Bicycle Facilities Division, over 1,000 miles of the 4,000 miles of the State's freeway shoulders are open to bicycles. The accident ratio between vehicles and bicyclists is estimated to be very low; however, no statistics are kept on the number of bicyclists who use the freeways.

Perhaps the greatest reason for providing access on the bridge is the availability of the existing 12-foot-wide curb lane which is not used for vehicle travel. It provides a big "shoulder" which can be used for non-motorized travel. The curb lane was used for vehicle travel up until the late 1970's when an emergency water pipeline from the East Bay to Marin County was installed during the severe drought years. After the rains returned and it was determined that the emergency water pipeline was no longer necessary, the pipeline was removed. The curb lane was not reopened because the traffic volumes did not require it, and it was determined that the curb lane serves the functions of the bridge

better as maintenance and breakdown lane. Still, many people look at the "unused" lanes in each direction on the bridge as a non-motorized vehicle and recreational opportunity.

Whenever possible, Caltrans and the Federal Highway Administration prefer highway shoulders to be at least 10 feet wide. Exceptions to this shoulder width can be found throughout the State. For instance, the Antioch Bridge has only a 4-foot, 6-inch-wide shoulder adjacent to the vehicle travel lanes and this shoulder is open to bicycles. The Caltrans' standard for the width of Class I separated bike path is 3.6 meters, or approximately 12 feet. The Bay Trail standard for the width of the Bay Trail is 12 feet. The standard width for a Class II bike lane on a roadway where parking is prohibited is 1.2 meters, or approximately 4 feet. Class III bikeways are shared facilities with motor vehicles where bicycle usage is secondary and this width is dependent on many factors. Because the existing curb lane is 12 feet wide, it exceeds the preferred shoulder width standards for highways as well as the preferred bike path and bike lane width standards. As evidenced elsewhere in the State, and as pointed out in the public testimony at the public hearing for the project, bicyclists and pedestrians often share a roadway shoulder with the occasional broken down vehicle or maintenance activity, and this shared use is not in itself prohibitive to access along highways.

Still, improvements to the curb lane on the bridge could only make it safer for bicycles and pedestrians. Such improvements, in no particular order, include new steel plates placed over the existing expansion grates in the roadway, increased railing heights, new signs alerting drivers to the presence of bicyclists or pedestrians on the bridge and cautioning cyclists and pedestrians to proceed at their own risk, new road surface painting which would clearly delineate the curb lane for non-motorized travel, new pylons further delineating the curb lane, and a solid concrete barrier running the length of the bridge or another technique to completely separate a bicycle and pedestrian facility from the vehicle travel lanes. These improvements, with the exception of the separated bicycle and pedestrian facility, are mostly inexpensive and could likely be constructed with materials left over from retrofit project construction. It is possible that the total cost for providing minor safety improvements on the bridge for bicyclists and pedestrians could cost less than one percent of the entire total project cost.

Another argument for providing access across the bridge is that there are generally no alternatives for bicycles and pedestrians to travel between Marin County and Contra Costa County. One would have to ride across the Golden Gate Bridge and take BART underneath the Bay to get from one side of the Bay to the other. A trip from Richmond to San Rafael over the bridge would cover

approximately 10 miles. The trip via the Golden Gate Bridge and BART would be approximately 30 miles. If one were to travel north around San Pablo Bay, the journey could be as long as 40 to 50 miles. Shuttle service for bicycles across the bridge was recently discontinued. Caltrans argues that a low demand for the shuttle service by bicycles prompted it to discontinue its use, while the bicyclists argue that the service was very inconvenient and unreliable and, therefore, led to cyclists having to use other methods for crossing the Bay between Richmond and San Rafael. Bus service across the bridge has also been considered inadequate by the bicycling community in large part because of its infrequent scheduling and limited service on weekends and nights. In addition, bicyclists have also complained that, when the busses are full and there is no room for their bicycles, they are unable to board the bus.

Even though there is no direct pedestrian and bicycle access across the bridge now there is still evidence of a demand for such access. This has been shown by the numbers of people who continue to cross the bridge on bicycles even though it is illegal and the large number of people who turned out at the public hearing and have written letters in support of such access. It has also been suggested that if such a facility is built, it would increase the demand for it. The addition of such access will provide a new recreational opportunity desired by region which is consistent with the goals and objectives of numerous agencies and organizations throughout the Bay Area. It would also open up new recreational opportunities for the underprivileged communities in Richmond and San Rafael, and it would especially cater to people without automobiles. Further, it would provide excellent bicycle and pedestrian links to the planned Pt. Molate park and recreational opportunities just to the north of the bridge on the eastern shoreline.

Bicycles are a proven, effective and efficient form of transportation in the Bay Area. Multi-modal transportation is consistent with many of the goals and objectives of local and regional planning agencies, and bicycle trans-portation is one of the key elements of multi-modal transportation. It is widely known that bicycle travel can be good for one’s health, does not waste non-renewable sources of energy, is non-polluting and can reduce traffic congestion.

After the retrofit work is done on the Richmond-San Rafael Bridge, it is unlikely that Caltrans would need to undertake another project on the bridge which would allow the Commission to analyze the need to provide bicycle and pedestrian access over the bridge. The retrofit work would ideally extend the life of the bridge structure 50 or more years. In addition, because of the existing land use patterns in Marin County and Contra Costa County, the likelihood for

increased vehicle trips over the bridge in the near future that would require expanding the capacity of the bridge is very low. Therefore, now is the opportune time to pursue bicycle and pedestrian access across the bridge.

The Commission finds that there are many laws and policies, including laws and policies which Caltrans operates under, and especially the Commission's laws and policies, which state that bicycle and pedestrian access should be considered in transportation projects and should be provided wherever feasible. If another project were proposed for the Richmond-San Rafael Bridge of this cost ($305,000,000.00), the Commission would likely require the permittee to provide a Class I bike path across the bridge which would link with the Bay Trail on each side of the Bay as part of the project.

The Commission has analyzed the public access issue and found that the provision of bicycle and pedestrian access across the bridge is desirable and would maximize the project's public access benefits. However, at the August 7, 1997, Commission meeting the permittee voluntarily stated that it would use its best efforts to provide public access across the Richmond-San Rafael Bridge, as follows:

The original permit contained a finding that stated, as follows:

By December 31, 1997, but in no event later than December 31, 1998, Caltrans will submit to the Commission a study, prepared by or on behalf of Caltrans in consultation with the Metropolitan Transportation Commission (MTC) and the Commission staff, which will determine the feasibility of providing pedestrian, bicycle and wheelchair access across the bridge. Provided the study determines that some access is feasible, Caltrans will, by December 31, 1999, submit to the Commission an implementation program which will ensure that such access is provided on the bridge as soon as the retrofit work is done, but in any event no later than December 31, 2003. Further, if the study determines that some access is feasible, Caltrans will, by December 31, 1999, submit to the Commission evidence that the processes for obtaining the necessary funding and securing the necessary authorizations for providing such access on the bridge have been initiated.

While developing the study (and implementation program if necessary), Caltrans will also consult with the Federal Highway Administration, the Bay Trail Project, interested regional bicycle, pedestrian and disabled persons organizations, the Cities of Richmond and San Rafael, the Golden Gate Bridge, Highway and Transportation District, and the counties of Contra Costa and Marin.

The study (and implementation program if necessary) will address, at a minimum, the following: (a) safety issues related to motorized and non-motorized travel on the same roadway and any standards associated with these safety issues, both on the bridge and on the bridge approaches; (b) removing all legal impediments which make it against the law to ride a bicycle or walk across the bridge; (c) installing the minimum safety improvements for bicycle access across the bridge, such as signs (which alert drivers of the presence of bicycles on the bridge and caution cyclists to proceed at their own risk), new painted stripes in the curb lane to delineate a bike lane, new cones, pylons or similar improvements, new steel plates across the expansion grates to prevent skinny-tired bicycles from getting stuck, and/or new or modified bridge railings; (d) installing the minimum necessary safety improvements for pedestrian and wheelchair access across the bridge; (e) obtaining the funding necessary, and the funding sources that may be available for any of the access alternatives developed; (f) establishing the time period, including the preparation of any environmental documents required by the California Environmental Quality Act, for implementing any of the alternatives developed; (g) potential bicycle, pedestrian and wheelchair patronage on the bridge; and (h) designed standards for bicycle facilities as outlined in the Highway Design Manual Chapter 1000, Bikeway Planning and Design.

Therefore, for all the foregoing reasons, the Commission finds that the project is consistent with the Commission's mandated responsibility of ensuring that maximum feasible public access consistent with this project is provided, as required by Section 66602 of the McAteer Petris Act. This finding is not based on the opinion of the California Attorney General's Office regarding the scope of the Commission's legal authority to include specific public access conditions in this permit in lieu of making this finding.

b. Impacts to Existing Public Access at the Bridge

A bicycle and pedestrian pathway exists on the easterly shoreline, traveling along the eastbound lane of I-580 from Point Richmond, underneath the East Approach Section of the bridge, and connecting to Western Drive on the north side of the bridge. The portion of the path which travels underneath the bridge will be closed for approximately three months to facilitate the retrofit of the supports in this location.

The permittee explored the possibility of building a temporary structure which would allow for continued access under the bridge during the retrofit. Such a structure was estimated to cost approximately $35,000 to $40,000. However, the benefits of providing a temporary structure would not likely be worth this

amount of money, and that this amount of money will provide better public benefits by creating permanent improvements to the limited public access on the east side of the bridge.

The permittee investigated enhancements that could be made to improve public access along the Richmond shoreline between Pt. Molate Beach Park to the north of the bridge and the Miller/Knox Regional shoreline to the south to help offset this impact. The Bay Trail Project, the City of Richmond and the East Bay Regional Park District have expressed their desire to improve this section of shoreline because Western Drive, on the north side of the bridge, could become a gateway to new, spectacular public access and coastal recreation opportunities at Point Molate and Point San Pablo.

The permittee's investigation found that the proposed route follows a Southern Pacific railroad spur. The Bay Trail Project staff, appointed to the Blue Ribbon Advisory Committee of the City of Richmond, is actively pursuing the conversion of the spur to a trail. Concerns about converting the spur relate to public safety as the trail would cross property formerly used by a chemical industry. The property is owned by Chevron Refining Company and the U.S. Navy. A schedule for conversion of the rail spur has not been set. Extending the existing bike path would require a joint agreement with Bay Trail, the City of Richmond, and property owners along the permittee's right-of-way. This will likely be a long and involved process, one which will not be completed prior to permit issuance. Additionally, the bike trail extension proposal has not undergone environmental review. Therefore, the permittee and the Commission do not find it feasible to extend the bike path at this time as part of this project. However, the permittee has indicated its willingness to work with staff of the Bay Trail Project as the bike trail plans continue to develop. Therefore, the Commission finds that Special Condition II.D.3, which requires the permittee to make a financial contribution consistent with the project impact to help develop this desired east shore Bay access, is needed to offset the adverse impacts of the construction.

Further, the permittee is required, pursuant to Special Conditions II.D.1 and II.D.2, to install informational signs at the path describing the seismic retrofit project and other bicycle and pedestrian options in the vicinity. There is also informal access on the westerly shoreline prior to the point where the concrete trestle section of the bridge begins out over the water. In addition, on the southerly side of the western approach there are approximately 20 Caltrans parking spaces and a public access concrete pier just east of San Quentin Village. Although the publicly-used shoreline areas on the westerly end of the bridge are

within the project boundary, they would not be impacted by the project with the exception of the construction of a new public access and Park-and-Ride facility.

c. Public Access on Marin County Shoreline

To increase the public benefits associated with the project, the permittee proposed and is required, pursuant to Special Condition II.D.4, to construct an approximately 23,971-square-foot public access facility on the northerly shoreline at the west end of the bridge, just east of the Marin Rod and Gun Club. This facility will be designed to provide, a public access area that includes a shoreline path, parking for shoreline access, landscaping, and benches to take advantage of the views of the Bay. To ensure that the public access area remains maintained and available to the public in the future, the public access area is required, pursuant to Special Condition II.D.4.b, to be permanently guaranteed.

In addition, the Commission is also concerned with preserving and enhancing views to the Bay in new roadway projects whenever possible. Visual access to the Bay from the roadway will not be adversely impacted from the project because no changes are proposed to the bridge railings on the East Approach, West Approach and Main Span sections of the bridge. The exception is on the concrete trestle section because the existing railings would be removed and replaced with new 32-inch-high, concrete safety barriers which would increase views of the Bay from the bridge over the existing barriers. Generally, the Commission has found that the standard 32-inch-high barriers used by Caltrans are low enough so that they do not impact views to the Bay. To ensure that any new railings on the bridge do not exceed 32-inches in height, Special Condition II.R is needed (It should be noted that the project considered and authorized in Material Amendment No. Four of permit authorizes a cable railing that is between 42 and 62-inches in height; however, the cable railing has been specially chosen as it will not impact views to the Bay, as discussed later in this amended permit).

In conclusion, because the project is a retrofit of an existing bridge, the Commission finds, as conditioned herein, the project includes a maximum feasible public access component consistent with the project, and that the project would not create significant adverse impacts to existing public access areas.

4. Fish and Wildlife

Section 66605 of the McAteer-Petris Act states, in part, that: "...the nature, location and extent of any fill should be such that it will minimize harmful effect to the Bay Area, such as the reduction or impairment of the...fertility of marshes or fish and wildlife resources."

The San Francisco Bay Plan also includes findings and policies protecting the fish and wildlife resources of the Bay. The Bay Plan, in part, states: "The benefits of fish and wildlife in the Bay should be insured for present and future generations of Californians. Therefore, to the greatest extent feasible, the remaining marshes and mudflats around the Bay, the remaining water volume and surface area of the Bay, and adequate fresh water inflow into the Bay should be maintained. Specific habitats that are needed to prevent the extinction of any species, or to maintain or increase any species that would provide substantial public benefits, should be protected, whether in the Bay or on the shoreline behind dikes...."

The project has the potential to create adverse impacts to a number of birds, marine mammals, fish and their habitats. One such species is the peregrine falcon, a state and federal government endangered species. No falcon nesting has been observed on the Richmond-San Rafael Bridge, only nesting behavior. Still, to minimize impacts on the falcon, the permittee has been consulting with the USFWS to develop a mitigation program to avoid and/or offset any adverse impacts to the falcon. In this program, which is required by Special Condition II.M, Caltrans will help fund a program at the U.C. Santa Cruz Predatory Bird Research Group which will raise peregrine falcon chicks for ultimate release into the wild based upon the U.S. Fish and Wildlife Service Biological Opinion.

The winter-run chinook salmon is also listed as endangered fish species. Of concern is the addition of suspended particle matter in the water resulting from the construction activities that would temporarily affect these fishes' foraging and food resources. In addition, the temporary work platforms on the easterly end of the bridge could potentially create adverse impacts to existing eelgrass beds by compacting and/or disrupting the eelgrass substrate. Eelgrass beds are important rearing habitat for juvenile fish, including Pacific Herring, providing nesting sites, food and shelter. Past efforts in San Francisco Bay to plant and transplant eelgrass have not proven successful. To minimize the impacts on the eelgrass beds, the permittee agreed, and is required, pursuant to Special Condition II.B, to use pile-supported work platforms instead of solid fill. These pile-supported work platforms could potentially have detrimental impacts on the eelgrass beds as resuspended sediments and the shade from the platforms decrease photosynthesis of the plants and inhibit their growth. Therefore, to protect and restore the eelgrass beds to the greatest extent feasible, as well as protect steelhead, herring and salmon foraging and their food resources, the permittee has developed and is required to implement mitigation measures, pursuant to Special Condition II.I and II.N, with the NMFS, the CDFG, the USFWS and the RWQCB to: (1) minimize turbidity in the water from construction activities; (2) prohibit open water suction dredging in waters shallower than 20 feet between January 1 and May 31 and limit other dredging and

construction activities during significant fish migration or spawning activities as directed by the NMFS or the CDFG; and (3) perform pre-and post-project surveys of the eelgrass beds. In addition, because of the potential loss of eelgrass habitat, the permittee is required, pursuant to Special Condition II.N, to continue to work with the wildlife agencies (USFWS and NMFS) to develop an experimental eelgrass planting program in the project area if determined necessary.

Other species of concern, while not officially listed as rare or endangered, that still receive special protection by law include harbor seals and the Pacific herring. The harbor seals, which haul out at Castro Rocks about 50 feet south of the bridge, are protected by the Marine Mammal Protection Act. Potential adverse impacts to the seal haul out resulting from the construction of the project are expected to be minimized since pier 55, the closest pier, is founded on rock and would not need dredging or new piles. Mitigation measures to protect the seals have been developed in consultation with the NMFS, as required pursuant to Special Condition II.L, to include work restrictions on piers 54, 55 and 56 from March through June, the pupping and molting season of the seals, as well as establishment of an exclusion zone around Castro Rocks. In addition, the permittee developed and is required to implement, pursuant to Special Condition II.I, mitigation measures developed in consultation with the NMFS and the CDFG to protect the Pacific herring from the construction activities during spawns. The Pacific herring's peak spawning season is from December 1 to March 1 and suspended particle matter can suffocate the eggs. Therefore, the permittee has agreed to halt construction activities within 200 meters of a spawning site upon notification from the CDFG for approximately two weeks, which should allow enough time for the eggs to hatch.

Last, the project could potentially create adverse impacts to other fish and bird species which use the bridge, most notably the double crested cormorant colony existing underneath the bridge. The project could result in the loss of one year of breeding habitat for the cormorants; however, according to the CDFG, the potential loss of breeding habitat for one year would not be considered a significant adverse impact. Similarly, the loss of breeding habitat for other, more common bird species, such as seagulls, for one year is not considered a significant adverse impact. Still, the permittee will, pursuant to Special Condition II.M, implement protocols established by the CDFG or the Point Reyes Bird Observatory for handling of these birds during the construction activities. The project would also impact benthic organisms in the Bay muds and on the existing bridge footings. However, it is anticipated that these organisms would quickly recolonize the project site after the dredging episodes and the footing retrofit work are completed. In addition, the new and enlarged piles and piers can provide valuable habitat, food and cover for fish once they are recolonized by benthic organisms.

In conclusion, the Commission finds that, as conditioned, the project minimizes adverse impacts to the fish and wildlife resources of San Francisco Bay and is therefore consistent with the McAteer-Petris Act and the San Francisco Bay Plan which require a project to minimize harmful effects to the fish and wildlife.

5. Dredging and Water Quality

Section 66605 of the McAteer-Petris Act states, in part, that: "...the nature, location and extent of any fill should be such that it will minimize harmful effects to the Bay Area, such as the reduction or impairment of...water quality...." Further, the McAteer-Petris Act states, in part, that "dredging is essential to establish and maintain navigational channels for maritime commerce, which contributes substantially to the local, regional, and state economies...." In this case, the dredging associated with the retrofit of the Richmond-San Rafael Bridge, while not dredging a navigation channel, can be viewed as dredging necessary for the maintenance of a significant transportation facility that contributes substantially to the local, regional, and state economies.

The San Francisco Bay Plan Dredging Policy No. 1 states: "[d]redging should be authorized when the Commission can find: (a) the permittee has demonstrated that the dredging is needed to serve a water-oriented use or other important public purpose; (b) the materials to be dredged meet the water quality requirements of the San Francisco Bay Regional Water Quality Control Board; (c) important fisheries and Bay natural resources would be protected; and (d) the materials would be disposed of in accordance with [Dredging] Policy 2...." The Bay Plan Dredging Policy No. 2 states: "[d]isposal of dredged materials should be encouraged in non-tidal areas where the materials can be used beneficially, or in the ocean. Disposal in tidal areas of the Bay should be authorized when the Commission can find that: (a) the permittee has demonstrated that non-tidal and ocean disposal is infeasible; because there are no alternate sites available or likely to be available for use in a reasonable period, or the cost of disposal at alternate sites is prohibitively expensive; (b) disposal would be at a site designated by the Commission; (c) the quality and volume of the material to be disposed is consistent with the advice of the San Francisco Bay Regional Water Quality Control Board; and (d) the period of disposal is consistent with the advice of the Department of Fish and Game and the National Marine Fisheries Service...." The Bay Plan Dredging Policy No. 5 states: "[o]nce non-tidal or ocean disposal sites have been secured or designated, and prior to completion of the LTMS, the maximum feasible amount of dredged material should be disposed of at non-tidal sites or in the ocean. Until non-tidal upland disposal sites are secured and ocean disposal sites designated, aquatic disposal in the Bay should be authorized at sites designated by the U.S. Army Corps of Engineers and the Commission. Dredged materials disposed of aquatically in the Bay, particularly at the

Alcatraz Island disposal site, should be carefully managed to ensure that the amount and timing of disposal does not create navigational hazards, adversely affect Bay currents or natural resources of the Bay, or foreclose the use of the site by projects critical to the economy of the Bay Area...."

As mentioned above, the Richmond-San Rafael Bridge is considered a water-oriented use under the McAteer-Petris Act. On April 2, 1997, the multi-agency Dredged Material Management Office (DMMO) reviewed the sediment quality chemical and toxicity analyses for this project and made the recommendation that the majority of sediments to be dredged were suitable for unconfined aquatic disposal. The exception applied to Richmond Composite 13 material located adjacent to piers 71 through 77. In these locations, the DMMO recommended that the entire volume of material which would be removed from piers 71 through 74 (approximately 1,690 cubic yards) and the upper 6 feet of material from piers 75 through 77 (approximately 1,630 cubic yards) be disposed in an appropriate manner at an upland location outside of the Commission's jurisdiction. Subsequently, the staff of the San Francisco Bay Regional Water Quality Control Board (Regional Board) recommended approval of a Water Quality Certification for this project at its April 16, 1997, Board meeting. This recommendation was adopted by the Regional Board as Resolution No. 97-053 which allows the permittee to dispose of dredged materials from the project site at the Alcatraz Dredged Material Disposal Site (SF-11), a site designated by BCDC for in-bay disposal.

The permittee can dispose up to approximately 215,700 cubic yards in the Bay. The remaining approximately 3,320 cubic yards of material that was determined unsuitable for aquatic disposal will be disposed at an upland location, pursuant to Special Condition II.G. The permittee briefly explored alternative disposal options other than the in-Bay option, but they were found infeasible primarily due to cost. In addition, because the project is considered an "emergency project" pursuant to the Seismic Retrofit Bond Act of 1996, the permittee does not have unlimited time to explore and develop disposal alternatives.

To prevent navigational hazards, adverse impacts to water quality, and adverse impacts to fish and wildlife resources, the Commission finds that Special Conditions II.E, II.F, II.H, II.I, II.J and II.K are necessary to manage the amount and timing of the dredged materials and their disposal at the Alcatraz dredged materials disposal site. These special conditions include the requirement for water quality analysis, maps of the dredging sites, monitoring of the dredging and disposal activities, and abiding by the annual and monthly disposal targets for the Alcatraz disposal site. As conditioned, the Commission finds that the dredging and dredged material disposal associated with the project serve a water-oriented use, meet the requirements of

the RWQCB, minimize adverse impacts to fish and wildlife resources as much as possible, and dispose of the materials unsuitable for aquatic disposal in an appropriate manner in an upland location.

In conclusion, the Commission finds the dredging and dredged material disposal activities are consistent with the Commission's laws and policies governing water quality, dredging and disposal of dredged materials in San Francisco Bay.

6. Priority Land Use Area

Section 66602 of the McAteer-Petris Act states that: "...certain water-oriented land uses along the Bay shoreline are essential to the public welfare of the Bay Area, and these uses included...water-related industry...." The San Francisco Bay Plan also includes findings and policies which protect lands adjacent to the Bay for "priority land uses," such as water-related industry. As shown on Bay Plan Map No. 4, the easterly portion of the project site, the Chevron refinery property, is designated as a water-related priority land use site.

The project is not located in an area critical to the operations of the Chevron facility. The permittee has also discussed with Chevron the use a portion of the site to access the temporary work platforms and for construction staging areas. In addition, because the bridge already exists and the project would not substantially change the size or use of the bridge, the project will not adversely impact the ability of the site to remain available for water-related industrial purposes.

Therefore, the Commission finds the project will not adversely impact the existing or future use of this designated water-related industry priority use site.

B. **Amendments**

1. Amendment No. One — Time Extension

Amendment No. One to the permit involved a time extension to the original authorization.

2. Amendment No. Two — After-The-Fact

Amendment No. Two authorizes the installation of a security barrier, as required by the California Highway Patrol, at ground-level on the north and south sides of the eastern bridge approach within the Commission's 100-foot shoreline band. The barrier consists of a 30-inch-high concrete barrier and an adjacent six-foot-tall chain link fence. While the fence makes the access area less appealing and attractive, it does not physically interfere with use of the adjacent public access path and was determined by the California Highway Patrol to be necessary to maintain the security of the bridge. Therefore, the project involves the placement of a small amount of material that does not affect public access, the environment, or conflict with a priority use designation, and thus is a "minor repair or improvement," as

defined by Regulation Section 10601(b)(1), for which the Executive Director may issue an amendment to a permit pursuant to Regulation Section 10810. Amendment No. Two was issued after-the-fact pursuant to an Enforcement investigation. The issuance of this amendment does not preclude future enforcement action for violations of this permit.

3. Amendment No. Three
   Amendment No. Three authorizes the removal of existing cement riprap and installation of approximately 226 lineal feet of new rock slope protection adjacent to the public access at the west end of the bridge, authorizes a revised design for that public access, and revision of Exhibit A. The changes to the public access design are consistent with the 2004 agreement between BCDC and the permittee, which was memorialized in BCDC's September 22, 2004 letter to the permittee from Brad McCrea. Accordingly, the permittee agreed, to offset its delay in installing the required public access improvements, to replace the Park and Ride lot with shoreline access parking, upgrade the signage requirement, increase the total public access area by 20,571 square feet, and to complete this work by December 31, 2005. The revisions to the public access described above do not materially alter the project authorized by the permit and, thus, this amendment is was similar to a minor repair or improvement for which the Executive Director may issue an amendment to a permit, pursuant to Government Code Section 66632(f) and Regulation Section 10622(a).

4. Material Amendment No. Four — Public Access Improvement Project
   The subject of the material amendment involves activities on the Richmond-San Rafael Bridge (in the Bay) and at adjoining sections of I-580 (within the 100-foot shoreline band), which will remain in place for up to a four-year period and result in a change to traffic operational patterns on the eastbound (lower) deck and a multi-use public pathway on the westbound (upper) deck. In the original permit (1997) for the bridge seismic retrofit, the Commission found that a public pathway on the bridge could maximize public access consistent with the project, but did not require Caltrans to provide such an improvement due to a variety of reasons, including safety and operational concerns.

   Following issuance of the original permit, Caltrans undertook a multi-year study to assess the feasibility of public access on the bridge. The study identified a preferred pathway design: a bi-directional path on the westbound (upper) deck of the bridge separated from traffic by a moveable barrier. However, Caltrans expressed concerns with implementation of the "preferred" alternative, including that highways without shoulders provide less recovery space for errant vehicles, and over the potential costs to support and maintain a public path. Subsequently, the Commission

requested that Caltrans provide additional information to support its conclusions and, in 2009, asked Caltrans to further study the feasibility of undertaking a public access pilot program on the bridge, similar to the one which is the subject of Material Amendment No. Four.

a. Fill

Section 66605 of the McAteer-Petris Act provides, in part, that fill: "should be limited to water-oriented uses" or for "minor fill for improving public access to the Bay;" be "the minimum amount necessary to achieve the purpose of the fill"; "the nature, location, and extent of any fill should be such that it will minimize harmful effects to the Bay area…"; be built "in accordance with sound safety standards;" and on property to which the applicant has valid title.

The project involves converting a maintenance/emergency vehicle shoulder at the lower eastbound bridge deck into a regular vehicle travel lane as needed during peak traffic times and converting a similar shoulder at the upper westbound deck into a public pathway with an adjacent concrete barrier and outer safety railing. In addition, the project involves the placement of associated facilities, including signage, and safety cameras. All of these improvements will be placed on the existing, seismically-retrofitted bridge and result in no additional coverage of the Bay. Bridges are defined in the McAteer-Petris Act as water-oriented use and the public pathway and related improvements authorized by Amendment No. Four are components of the existing Richmond-San Rafael Bridge. The pedestrian/bicycle/wheelchair pathway is a use that is commonly seen on bridges spanning the Bay and Bay tributaries. The fill will not result impact Bay resources nor will it affect the structural stability of the bridge.

The Commission finds that the public pathway and related improvements on the existing bridge are consistent with the Commission's laws and policies on Bay fill.

b. Public Access and Views

Section 66602 of the McAteer-Petris Act states, in part, that "public access to the shoreline and waters of the Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." The Bay Plan Transportation Policy No. 4 states, in part, "transportation projects on the Bay shoreline and bridges over the Bay…should include pedestrian and bicycle paths that will either be part of the Bay Trail or connect the Bay Trail with other regional and community trails."

The Bay Plan policies on public access further state, in part, "…maximum feasible public access to and along the waterfront…should be provided in and through every new development in the Bay or on the shoreline…." Policy No. 8 states, in

part, "public access improvements…should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should permit barrier free access for persons with disabilities to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs." Policy No. 9 states, in part, "a small amount of fill may be allowed if the fill is necessary and is the minimum absolutely required to develop the project in accordance with the Commission's public access requirements." Policy No. 10 states, in part, "access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available." Policy No. 13 states, "the Public Access Design Guidelines should be used as a guide to siting and designing public access consistent with a proposed project. The Design Review Board should advise the Commission regarding the adequacy of the public access proposed."[2]

Bay Plan Appearance, Design, and Scenic Views Policy No. 2 states, in part, "All bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore." Policy No. 6 states, in part, "guard rails and bridge supports should be designed with views in mind." The Public Access Design Guidelines advise applicants, in part, to "make public access usable by…maximizing user comfort by designing for the weather and day and night use…and…provide basic public amenities, such as trails, benches…trash containers…lighting…that are designed for different ages, interests, and physical abilities."

Over a four-year pilot period, Caltrans will provide public access on the bridge and adjoining highway connections and associated facilities. The width and design of the pathway will encourage movement by all users, including those with disabilities. A traffic barrier and an outer safety cable railing will be installed—the design of the outer railing will maximize views of the Bay for pathway visitors. Caltrans will install signage to guide users to nearby parking, including distances to destinations and landmarks. Public parking is available at vista points near the bridge approach to Marin County, the Bay Business Park, and at Point Molate Beach in Contra Costa County. Public transportation is available in Richmond and San Rafael, connecting the paths to larger public

[2] Policy references in this section have been revised in Amendment No. Six to reflect updated policy numbers following the amendment of the Bay Plan Public Access Policies in October 2019.

transportation systems, including the Larkspur ferry terminal. All project elements will be maintained by Caltrans and BATA.

At the bridge pathway connections immediately outside the Commissions jurisdiction, and at connecting pathways and facilities located nearby in Contra Costa County and Marin County in Caltrans right-of-way, the permittee: will permanently realign the proposed bridge pathway to East Francisco Boulevard from Main Street and Grange Avenue; will permanently widen Main Street (Marin County) at the area located between the RSR eastbound and westbound ramps to accommodate two 4-foot-wide Class II striped bike lanes and one 5-foot-wide sidewalk; will permanently install a solid barrier at East Standard Avenue in the City of Richmond (Contra Costa County) to separate bicycle, and pedestrian traffic from vehicles and to link existing bicycle paths on Tewksbury Avenue and Marine Street located in Point Richmond; will permanently install a Class I, bi-directional bicycle and pedestrian path separated from vehicle traffic by a solid barrier along the north side of westbound I-580, from the Marine Street interchange (Contra Costa County) to Stenmark Drive and the Toll Plaza; will permanently widen the I-580 off-ramp to Stenmark Drive (Contra Costa County) to accommodate a 10-foot-wide bi-directional bicycle and pedestrian path separated from vehicle traffic by a concrete barrier; will install a crosswalk at Stenmark Drive to connect to a trail to Point Molate; and will permanently replace safety railings with a screen to block adjacent fuel pipelines at the Scofield Avenue undercrossing in Richmond (Contra Costa County), providing connections to San Francisco Bay Trail segments located in the City of San Rafael, and proposed Bay Trail extensions to Point Molate. Bicycle/pedestrian counters would be installed on both sides of the bridge to collect usage data.

On January 11, 2016, the Commission's Design Review Board (DRB) reviewed the Project. The DRB asked the permittee to: (1) consider the proposed bridge pathway and its connections from a regional perspective, and to map present and future pedestrian and bicycle routes within this region of the Bay to learn how the project will best fit within this network; (2) make clear and safe connections to the bridge pathway on both sides of the bridge in order to "position the project for success," and work with the surrounding jurisdictions to create safe connections; (3) decrease the size of the vertical posts as much as possible, and provided positive feedback on the cable railing; (4) provide amenities for pathway users, including seating, signage, shelter, water and parking; (5) explore the possibility of including some lower lighting closer to the pathway to supplement the tall pole lights that exist now; (6) provide a transparent top portion of moveable barrier in order to maintain views for drivers, bicyclists and pedestrians in addition to increasing the sense of personal

safety for pathway users; and (7) add mile markers for safety and orientation purposes on the bridge, and add color or patterns on the pavement of the landside connections leading to the bridge. Following the advice from the DRB, the permittee made revisions to the design of the project, including signage, seating, connections, parking, and the railing. Because of the temporary nature of the pilot program, other amenities, such as lighting, will not be installed at present, but will be revisited if the project becomes permanent.

To ensure that the final project is consistent with the Commission's authorization, final plans, including amenities and signage, were reviewed by the BCDC staff in accordance with Special Condition II.A. Because of the temporary nature of the pilot program, a permanent guarantee, as required in Bay Plan policies on public access, is not required in this amended permit. However, the permittee is required to install instruments to measure usage of the path, maintain the path for the entirety of the pilot program, report to the Commission at the end of the third year of the pilot program, and seek Commission authorization to make changes to the path, as required in Special Conditions II.D.4.b, II.D.4.c, and II.D.4.d. These Special Conditions will enhance the public benefits associated with the project, and position the project for success, as advised by the Commission's DRB.

To ensure the safety of pedestrians, bicycles, and other path users during and after flood events, and to maximize the amount of time the path is open to users, Special Condition II.D.5.a has been included. Special Condition II.R.1 allows the installation of a cable railing, which is higher than authorized in the original permit. The new cable railing is necessary to protect the safety of path users, while protecting views of the Bay. After four years, the bi-directional bicycle and pedestrian path on the Richmond-San Rafael Bridge may be made permanent or may return to function as a shoulder for vehicles. Therefore, the Commission finds that the project, as conditioned, is consistent with the Commission's laws and policies on public access, and appearance, design, and scenic views.

5. Amendment No. Five — Time Extension

Amendment No. Five provides an extension of time for the use of the facilities temporarily authorized by Amendment No Four. Amendment No. Four authorized a four-year pilot project on the Richmond-San Rafael Bridge involving the use of the shoulder on the westbound upper deck as a multi-use public path and the use of the shoulder on the eastbound lower deck as a peak hour part-time travel lane. The lower deck pilot improvements opened on April 20, 2018, and the upper deck pilot improvements opened on November 18, 2019. Thus, the original authorization for

the pilot project components expired on April 20, 2022, and November 18, 2023, respectively.

Special Condition II.D.5.2, established in Amendment No. Four in Special Condition II.H.4 (moved to II.D.5.2 as of Amendment No. Six), states that the permittee shall not remove the improvements associated with the pilot project or make them permanent without prior authorization by or on behalf of the Commission through an amendment of this permit. The condition also required that the permittee provide a written and verbal report to the Commission on the status of the public pathway including an analysis of public usage and benefits, an assessment of any operational and safety issues, and the need for any future changes to the facilities, including removal or making them permanent.

Caltrans requested that the time period for the pilot program be extended from the original 4-year length until December 31, 2025, to allow for all reporting on the status of the pathway to be completed and presented to the Commission, and to allow Caltrans and the Bay Area Toll Authority to consider potential modifications to the operation to the facilities to allow for further analysis of the pathway and to prepare an associated material amendment request. Since submitting the time extension request, Caltrans has provided a briefing to the Commission—at the May 2, 2024, Commission meeting—on the pilot project's findings to date and has submitted a material amendment request for modifications to the pilot project that has not yet been filed. An extension of time is warranted because the improvements were not authorized to remain longer than the four-year pilot period, but cannot be authorized to be modified or removed without a material amendment to this permit.

While Caltrans had originally requested a time extension through June 30, 2025, to accommodate the material amendment process, Caltrans and the Commission received public comment that asked that the extension be made through December 31, 2025, to allow the end of the pilot to align with the implementation of the separate Richmond-San Rafael Forward project on the eastern approach to the bridge. Following the public comment, Caltrans modified its request.

The work authorized in Amendment No. Five involves an extension of time that would not materially alter the project authorized by this permit and will not result in a reduction of public benefits for which the Executive Director may issue a nonmaterial amendment to the existing permit, pursuant to Government Code Section 66632(f) and Regulation Section 10822.

6. Material Amendment No. Six
   a. Authorized Project
      Material Amendment No. Six authorizes the continuation, as modified, of the activities included in the pilot project previously authorized by Amendment No. Four, as follows.

      (1) Project on the Eastbound Lower Deck
         On the lower deck and eastbound approach, Amendment No. Six authorizes the continued use of the shoulder as a vehicle travel lane each day during PM peak commute hours on a permanent basis, effectively concluding the pilot on the lower deck.

      (2) Project on the Westbound Upper Deck
         On the upper deck and westbound approach, Amendment No. Six authorizes an extension of the pilot for a multi-use path in the previously existing shoulder through June 30, 2029. The amendment also authorizes modifications to the pilot to allow Caltrans and BATA to test the feasibility of part-time use of the multi-use path as part of planning for the WIP, an effort to analyze the potential implementation of a part-time HOV lane on the upper deck that would require repurposing the shoulder as a part-time travel lane when the HOV lane is open. The modifications include reducing the availability of the path to only the period from 2:00 PM on Thursdays through 11:00 PM on Sundays, with some additional availability around State holidays (see Special Condition II.D.5.c, "Pilot Operations," for detailed requirements). At all other times, the movable barrier separating the pathway would be moved to the edge of the bridge and the path would revert to an emergency shoulder and breakdown lane. Additionally, a free shuttle will be provided between 6:00 AM and 8:00 PM on days where the path is closed to transport cyclists and pedestrians across the bridge (on Thursdays, the shuttle would run until the path reopens at 2:00 PM). The shuttle would run between the Tewksbury Avenue bus stop in Richmond and the Vista Point parking lot in San Rafael and involve the placement of informational signage.

   b. Application History
      As described in Section III.B.4 ("Material Amendment No. Four – Public Access Improvement Project"), Amendment No. Four authorized a four-year pilot project to test implementation of a peak hour third lane on the bridge's lower deck and a multi-use path on the upper deck. Amendment No. Four required the Commission's approval at the end of the pilot in order to make permanent, remove, or substantially alter the original pilot project's improvements.

The pilot project improvements on the lower deck opened on April 20, 2018, and the upper deck pilot improvements opened on November 18, 2019. Thus, the original authorization for the pilot project components expired on April 20, 2022, and November 18, 2023, respectively. However, Caltrans was not prepared at either time to request the permanence, removal, or substantial alteration of the pilot project improvements, as the evaluation of the improvements was still being completed. Thus, Amendment No. Five was granted on August 20, 2024, extending the authorization for the pilot project improvements until December 31, 2025, in order to provide adequate time for Caltrans to complete the evaluation and formulate a proposal for the future of the pilot project improvements as part of a permit amendment request.

Caltrans is the permittee for this BCDC permit and has been implementing the pilot project in coordination with the Bay Area Toll Authority (BATA), which is a subsidiary agency under the Metropolitan Transportation Commission (MTC) created to administer tolls on the Bay Area's State-owned bridges. The two agencies worked closely on the preparation of a permit amendment request. Prior to the submission of the amendment request that is the subject of Amendment No. Six, Caltrans submitted another amendment request, dated July 26, 2024, and filed as complete on January 13, 2025. That request was temporarily withdrawn from Commission consideration by Caltrans, per Commission Regulation Section 10421, on March 26, 2025, in order for Caltrans and BATA to prepare a material amendment to the application. Caltrans ultimately allowed that request to be permanently withdrawn on June 12, 2025, before submitting a new request with a revised project description on July 7, 2025.

Both the previous request that was ultimately withdrawn and the current request that is the subject of this permit amendment included the permanent continuation of the lower deck peak hour lane, as well as the reduction of operating hours for an extended multi-use path pilot on the upper deck to restore the emergency shoulder on a part-time basis, with a free bicycle and pedestrian shuttle. However, the previous request did not include a clear connection between the modifications and the WIP (which had not yet advanced to the environmental planning stage at the time the prior request was filed as complete on January 13, 2025), and did not include off-site or in lieu public access benefits to address public access impacts during the modified pilot period, both of which are a part of the project authorized by Amendment No. Six.

c. Public Access

McAteer-Petris Act Section 66602 states the legislative finding that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." The project will establish the lower deck peak hour lane as a new permanent element and alter the nature of the public access provided on the bridge. Per the McAteer-Petris Act, the Commission must ensure that the maximum feasible public access consistent with the project is provided to the Bay and its shoreline.

Because BCDC's laws and policies do not otherwise define the term "maximum" in the phrase "maximum feasible public access," the Commission retains the discretion to consider the concept of "maximizing" public access for any given permit application. For example, public access can be maximized in terms of quantity, such as by increasing the amount of square footage provided for public access uses or linear feet of a trail. It can also be maximized in terms of quality; for this, the Bay Plan's Public Access Policies provide direction for how public access should be designed, how it should function, and how it fits into the Plan's vision of a regional public access network. Per Section 66602 of the McAteer-Petris Act, the public access required to be provided by any given project may be limited by two statutory factors: feasibility and consistency with the project.

For an applicable definition of "feasibility," because the Commission's laws and policies do not otherwise define this term, the California Environmental Quality Act (CEQA) may provide a useful point of reference for adapting a working definition. This is particularly so considering that CEQA specifies a definition of "feasible" (for purposes of that law). Furthermore, a robust history of interpretation of the term "feasible" has been established through published caselaw. 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" (Title 14 of the California Code of Regulations Section 15364).[3] As a general proposition, published CEQA caselaw regarding application of the concept of "feasibility" appears to primarily focus on economic feasibility and legal feasibility.[4]

[3] Reference also section 21061.1 of the California Public Resources Code, which provides a similar definition but does not include the reference to "legal" factors.

[4] See, e.g., *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 599-600 [economic feasibility]; *Sequoyah Hills Homeowners Ass'n v. City of Oakland* (1993) 23 Cal.App.4th 704, 714-15 [legal feasibility]; *Tiburon Open Space Committee v. County of Marin* (2022) 78 Cal.App.5th 700, 736).

Bay Plan Public Access Policy No. 2 provides a basis for determining the meaning of "consistency with a project," and 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, including unavoidable, significant adverse effects on Bay natural resources…."

Thus, the Commission must consider whether the public access provided as part of the proposed project would maximize the quantity and/or quality of the access to the extent feasible, and also whether the maximum feasible public access would otherwise be clearly inconsistent with the project due to safety considerations or significant use conflicts.

(1) Extension of the Pilot

The Commission finds that maximum feasible public access consistent with the project is likely to involve the long-term provision of some variation of the public access pathway on the upper deck. However, the original pilot project did not result in sufficient information for the Commission to determine what form that pathway should ultimately take. In particular, further information is required regarding the structural needs of the bridge to support a pathway, whether the design of the pathway should be adjusted to better meet the needs of users, and how the pathway addresses the needs of disadvantaged communities from an environmental justice perspective. Additionally, Caltrans and BATA are in the process of studying the potential implementation of the WIP, which proposes a part-time schedule for the pathway, alternating with provision of a part-time HOV lane. Therefore, Amendment No. Six authorizes an extension through June 30, 2029, for Caltrans and BATA to continue providing the pathway, with modifications as discussed below, in order to address these information gaps and allow for evaluation of the WIP.

(a) Background

Since the original authorization was issued in 1997, Caltrans, BATA, BCDC, and others have worked together to continue to study and discuss the feasibility of providing non-motorized public access across the bridge. In 1998, Caltrans completed the Richmond-San Rafael Bridge Public Access Feasibility Study, per the findings of the original permit, which included a long-term recommendation for a cantilevered bicycle and pedestrian facility and an interim recommendation to use the shoulders of both decks for bicycle and pedestrian access. That study, however, cited

deficiencies in available data that precluded a definitive safety analysis. To address the deficiencies, Caltrans commissioned the Mineta Transportation Institute to conduct a statewide safety study of bicycle and pedestrian use of freeways, toll bridges and tunnels, completed in 2001.[5] However, Caltrans found the statewide study to be inconclusive on the issues of capacity, operations, safety, and enforcement.

In November 2007, BATA prepared a project study report seeking to develop alternatives for bicycle and pedestrian access across the bridge. The project study report identified a preferred public access alternative consisting of a bi-directional multi-use path on the westbound deck of the bridge separated from traffic by a moveable barrier. The alternative required use of the shoulder, which Caltrans considered to be a non-standard feature that required approval of a design exception. Caltrans denied the exception based on safety concerns related to the loss of the shoulder for use as recovery space for errant vehicles and use of the moveable barrier, after which the Commission requested additional information to support Caltrans' conclusions. In 2009, BATA proposed a pilot program similar to the one ultimately authorized by Amendment No. Four, although at the time Caltrans continued to hold the same safety concerns. The Commission requested that Caltrans study the feasibility of undertaking a pilot program, and, in 2016, Caltrans requested Amendment No. Four to authorize the pilot. Caltrans intended to evaluate the performance and use of these improvements to determine whether they could feasibly be made permanent.

To evaluate the pilot project, Caltrans contracted California PATH (Partners for Advanced Transportation Technology), a research center at the University of California, Berkeley. PATH prepared a "Before" study in 2018 that described conditions existing in 2015 and 2016, before the pilot was implemented, as well as an "After" study that was documented in two phases. Phase I of the After Study was published in 2022 and provided the data that was presented to the Commission at a briefing on May 2, 2024, to satisfy Special Condition II.H (removed as of Amendment No. Six as it is no longer relevant) of Amendment No. Four to provide a written and verbal report to the Commission regarding the status of the pathway. Phase II, which was completed on May 8, 2024, updated the Phase I analysis with data gathered since 2022 and discussed

[5] Mineta Transportation Institute, September 2001. Statewide Safety Study of Bicycles and Pedestrians on Freeways, Expressways, Toll Bridges, and Tunnels.

modifications made to an existing bike path connecting the bridge to Sir Francis Drake Boulevard in Marin County, located outside of the Commission's jurisdiction. The Commission received a briefing on the Phase II findings at a Commission Workshop held on January 16, 2025. The Phase II report is currently the main source of data about the pilot project used by Caltrans and the Commission for purposes of the current permit amendment request and is referenced in this document as the "PATH Study."

(b) Feasibility – Technological Factors

It is important to consider the original pilot and the findings of the PATH Study when evaluating maximum feasible public access for the proposed project because the original pilot included the same improvements on the lower deck that are part of the current amendment request, as well as a version of the multi-use path with greater, unrestricted availability as compared to that included in the proposed project. That unrestricted version of the path is already in place and has been observable during the original pilot period for feasibility. Per the working concept of "feasible" adapted from the CEQA context provided above, the Commission should consider whether the unrestricted version of the multi-use path that was included in the original pilot (and is currently present on the bridge) is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

As the path has already been successfully implemented, operated, and maintained for over four years, the Commission concludes that no significant economic, environmental, legal, or social barriers justify concluding that the path is "infeasible" for purposes of the extended, modified pilot. That is: the necessary funds were expended to put the path in place, and the permittee has not alleged that ongoing costs are so severe as to render it impractical to continue provision of the path; no evidence exists in the record that continuance of the path would result in any significant adverse environmental impacts; the permittee has not alleged that continuance of the path is legally prohibited; and while questions may exist regarding public safety or significant use conflicts associated with continuance of the path (to be addressed through the studies required for extended pilot by Special Condition II.D.5.d, "Pilot Analyses"), it is also the case that continuance of the path would achieve socially-beneficial purposes, as reflected in the applicable Bay Plan Public Access Policies.

However, regarding potential technological factors, during the pilot period, Caltrans determined that continued use of the moveable barriers for the multi-use path will require structural strengthening of the bridge to protect against long-term wear and tear. Caltrans anticipates that this will consist of strengthening some combination of the three northernmost steel stringers (parallel beams underlying the deck) that are integral to the upper deck framing system. To do so, Caltrans must first confirm the long-term configuration of the path and the placement of the moveable barriers before developing the particulars of the scope of work and how it would be carried out.

Amendment No. Six includes Special Condition II.D.5.d.4 ("Structural Strengthening") to ensure that Caltrans and BATA provide an analysis of the structural work needed to accommodate long-term public access on the bridge as part of the extended pilot study.

(c) "Maximizing" Access – Long-Term Design and Environmental Justice

The design of the existing multi-use path was determined under Amendment No. Four to be the maximum feasible public access for the original pilot, and more permanent improvements such as lighting were not incorporated at the time due to the pilot's temporary nature (Section III.B.4.b, "Public Access and Views"). Amendment No. Four evaluated the path's consistency with Bay Plan Public Access Policy Nos. 8, 10, and 13, which state, in part, as follows:

- **Public Access Policy No. 8.** Public access improvements … should be consistent with the project, the culture(s) of the local community, and the physical environment, …, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should provide barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs, including using appropriate languages or culturally-relevant icon-based signage.[6]

[6] Note Public Access Policy No. 8 was revised from the version assessed by Amendment No. Four as part of the Environmental Justice and Social Equity Bay Plan Amendment No. 2-17 to include the underlined text.

- **Public Access Policy No. 10.** Access to and along the waterfront should be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available….

- **Public Access Policy No. 13.** The Public Access Design Guidelines should be used as a guide to siting and designing public access consistent with a proposed project. The Design Review Board should advise the Commission regarding the adequacy of the public access proposed. The Design Review Board should encourage diverse public access to meet the needs of a growing and diversifying population. Public access should be well distributed around the Bay and designed or improved to accommodate a broad range of activities for people of all races, cultures, ages, income levels, and abilities.[7]

Continuance of the existing multi-use path would be consistent with these policies, as the accessible design and 24-hour availability would provide barrier-free access and opportunities for a variety of activities, including cycling and walking, as well as transportation connectivity. In terms of safety, the path has been adequately maintained and signed over the course of the pilot, and its connections to trail networks on both ends of the bridge have been improved. The PATH Study reported that no path-related incidents were recorded by either the California Highway Patrol or the online Street Story platform, and a survey conducted in Summer 2021 indicated that path users generally viewed the path as safe, although some improvements were suggested. However, regarding the long-term form of the path, the permittee did not revisit the Commission's Design Review Board prior to requesting Amendment No. Six, and so the findings related to comments provided by the Board in 2016 for the improvement of the facility, as described in Section III.B.4 ("Material Amendment No. Four – Public Access Improvement Project"), remain relevant to this current analysis.

In the time since Amendment No. Four was issued, the Commission adopted a suite of new policies and revisions to existing policies as part of the Environmental Justice and Social Equity Bay Plan Amendment (BPA No. 2-17). In addition to the underlined sections of the policies listed above, Public Access Policy No. 5 was added to promote public access

[7] Note Public Access Policy No. 13 was revised from the version assessed by Amendment No. Four as part of the Environmental Justice and Social Equity Bay Plan Amendment No. 2-17 to include the underlined text.

designed with meaningful input from community members. The policy states, in part:

- **Public Access Policy No 5.** Public access that substantially changes the use or character of the site should be sited, designed, and managed based on meaningful community involvement to create public access that is inclusive and welcoming to all and embraces local multicultural and indigenous history and presence. In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved….

The design of the original pilot was primarily a function of technical considerations and, while the design that was approved did consider feedback from the Commission's Design Review Board and public comment, Caltrans and BATA did not undertake a substantive community engagement process to develop it, nor did the Bay Plan's policies at the time require them to do so. Similarly, the scope of the pilot evaluation did not include community outreach, beyond business and path user surveys, to assess the suitability of the path design for a broad usership that includes members of disadvantaged communities. Therefore, it is unclear at this time whether the current design of the path is fully consistent with the updated policies that were revised and/or enacted subsequent to approval of the original pilot project. This determination should be made before requiring the existing path to remain in place long-term, as currently designed and configured, as constituting "maximum feasible public access" consistent with the project.

Special Condition II.D.5.d.2 ("Environmental Justice Analysis") and Special Condition II.D.5.d.3 ("Design of Long-Term Facilities") are included to ensure that any long-term public access project resulting from the extended pilot will be thoughtfully designed to meet the needs of potential users, including those from disadvantaged communities.

(2) Consistency with the Project

Determination of what constitutes maximum feasible public access does not end the Commission's inquiry. The Commission must also consider whether the maximum feasible public access that would otherwise be required is also "consistent with the project" for purposes of Government Code section 66602 and Bay Plan Public Access Policy No. 2. The Commission finds that the present evidence in the record, including specifically consideration of the results of the PATH Study, does not indicate that providing the path on a long-term basis would be clearly inconsistent with the project because of

safety considerations or significant use conflicts. However, Caltrans and BATA desire to study this further during the extended pilot period on the basis of certain findings from the initial pilot study, which are summarized below. They requested to continue studying the path and traffic operations to determine whether there may be safety issues or significant use conflicts that could necessitate changes in the way the path is ultimately implemented at the end of the extended pilot. Thus, Amendment No. Six provides a framework for analyzing the significance of any potential safety or use conflicts at the conclusion of the extended pilot.

Subdivisions (a) and (b) below discuss the PATH Study findings regarding public safety concerns as well as use conflicts associated with the pathway over the course of the original pilot. Subdivision (c) explains Caltrans' and BATA's rationale for further studying, as part of the extended pilot, potential safety considerations and significant use conflicts associated with provision of the pathway as public access on a long-term basis. This further study will inform the Performance Thresholds and Alternatives Analysis required by Special Condition II.D.5.d.1 ("Performance Thresholds and Alternatives Analysis"), which will allow the Commission to assess the significance of the further studies and compare the benefits and impacts of any proposed long-term public access alternatives at the conclusion of the extended pilot period.

Subdivision (d) below specifically addresses consideration and proposed implementation of the WIP as the justification for reducing the availability of the pathway during the extended pilot in order to conditionally provide maximum feasible public access "consistent with the project." Whether Caltrans and BATA move forward with the WIP, it will inform what public access ultimately be provided on a long-term basis, as reflected in Special Condition II.D.5.f ("Conclusion of the Pilot").

(a) Public Safety Considerations of the Original Pilot

To assess safety, the PATH Study evaluated incidents and sought to determine whether the implementation of the upper deck pathway had affected incident rates, types, severity, duration, locations, and response. "Incidents," in the study, included various types of collisions, such as rear-endings, sideswipes, collisions with objects, etc., and did not include non-collision events such as flat tires or vehicles running out of gas. The study looked at changes in overall averages, as well as averages for the weekday AM peak (6:00 to 9:00 AM), as it corresponds to a period with high congestion on the approach and is a key source of motorist

complaints about traffic conditions. The study's findings for these indicators are summarized as follows, focusing on findings that excluded the COVID-impacted period (the five quarters between March 2020 and June 2021) due to the impacts of the COVID-related stay-at-home orders on travel demand. The PATH Study included a discussion of cyclist and pedestrian safety as well, which is also summarized below.

- **Incident Rates.** Overall, the rates of incidents on the bridge and approach decreased during the study period, although the observed changes were not statistically significant, meaning that they cannot be attributed to any particular cause and may simply be the result of randomness.[8] However, incident rates during the weekday AM peak appear to have increased on the bridge and approach. The PATH Study expressed incident rates as incidents per million miles traveled rather than incidents per year so that the rates can be compared in a way that would not be affected by fluctuations in traffic volumes. When ignoring the COVID-impacted period, incident rates were observed to increase from 3.61 to 4.26 incidents per million miles traveled on the approach, and from 2.31 to 3.07 incidents per million miles traveled on the bridge (2.74 to 3.47 overall) during peak hours. Statistical analysis indicated that the before and after rates were not statistically different based on the observed quarterly variability in incident rates and the changes were not found to be statistically significant.[9]

- **Incident Types.** The analysis broke down the overall incident rates into incident rates by type, including rear-end, sideswipe, hit object, broadside, overturn, auto-pedestrian, and other. Both before and after, rear-ends, sideswipes, and vehicles hitting objects made up 96 percent of all reported incidents on the bridge or approach, with rear-ends being the most common incident type. Implementation of the path did not significantly change the proportion of the different incident types that occurred. The occurrence rates of incident types follow the same pattern as incident rates described above, with rates generally decreasing overall (except for hit objects at the approach, which saw a small increase) and rates generally increasing during the weekday AM peak. As with the total incident rates, none of the

[8] California Partners for Advanced Transportation Technology (PATH), May 8, 2024. After Study for the Richmond-San Rafael Bridge (Phase II). Page 166.
[9] *Ibid*, p.167.

observed changes in incident rates by type were statistically significant and may be the result of randomness.[10]

- **Incident Severity.** The analysis broke down the overall incident rates into different categories of severity, including incidents with no injury, with complaint of pain, with other visible injury, with severe injury, or that were fatal. The report stated that overall, the addition of the multi-use path does not appear to have had significant negative impacts on the severity of incidents occurring on the bridge or approach, and that most of the observed changes were not statistically significant. The only incident type for which there appeared to be some statistical significance was incidents with a complaint of pain, which saw a decrease from 0.29 to 0.16 incidents per million miles traveled on the approach. During the weekday AM peak, noticeable increases in the rates of severity were observed for incidents with other visible injury, which may have carried some statistical significance. However, given the level of variability in the incident rates from one quarter to the next, the report found that the changes observed during the weekday AM peak were not statistically significant, meaning that the observed negative impacts might just be the results of randomness effects in the types of incidents included in the before and after datasets and may not be related to the presence of the path.[11]

- **Incident Durations.** The study analyzed the estimated duration of incidents that occurred on the bridge, considering all incidents lasting longer than four minutes, based on information from California Highway Patrol logs. Overall, the data suggested that the average duration of incidents on the upper deck has not significantly increased following the addition of the multi-use path. The data showed a slight increase in average incident duration, from 45.8 to 46.8 minutes, and a slight reduction in median duration, from 35.0 to 33.0 minutes. Statistical tests to assess the significance of the changes indicated that no definitive conclusion can be made on either positive or negative impacts, and that the path does not appear to have had significant impacts on the duration of incidents on the bridge, overall.[12] Looking at the weekday AM peak, the data indicated again

[10] *Ibid*, p.171
[11] *Ibid*, p.176
[12] *Ibid*, p.177.

that the addition of the multi-use path has not increased incident durations on the upper deck. The average duration of incidents during the weekday AM peak was found to have decreased from 42.0 to 38.7 minutes, while the median duration remained unchanged at 33.5 minutes. The study noted that none of the observed changes were considered statistically significant, and that they could just be the result of the normal variability of incident durations on the bridge. It also noted that uncertainty in the accuracy of duration estimates potentially reduces the validity of the observation.[13]

- **Incident Response.** The study assessed whether the path introduced significant inconveniences for incident response crews by examining whether there have been significant changes in the location of bridge incidents and incident response times. The study concluded that no notable change in incident locations can be assumed to have occurred, and that it can be assumed that incidents were similarly located before and after implementation of the path.[14] For response times, some increases in response times were observed. Overall, the median response time increased from 11.5 to 12.0 minutes and the average response time increased from 11.6 to 14.8 minutes. During the weekday AM peak, the median response time decreased from 13.0 to 12.0 minutes and the average response time increased from 12.9 to 16.3 minutes. However, statistical tests indicated that the observed differences in response times are not statistically significant at the 95-percent confidence level.[15] Additionally, similar increases in response times in the 3-minute range were also observed on the lower deck.[16] The report stated that the relatively small number of incidents that have occurred on the upper deck of the bridge since 2016 makes it difficult to make any clear conclusion on whether the modifications have significantly affected incident response times. Current data suggests only a small potential impact.[17]

[13] *Ibid*, p.178.
[14] *Ibid*, p.182.
[15] *Ibid*, p. 187.
[16] *Ibid*, p. 185.
[17] *Ibid*, p. 187.

- **Cyclist and Pedestrian Safety.** No path-related incidents were recorded by the California Highway Patrol or by users on the online Street Story platform, although there is anecdotal evidence of rare incidents, such as cyclists injuring themselves after falling.[18]

Given these findings, there is no clear indication that the multi-use path on the upper deck has impacted safety to date, as no changes were observed that were statistically significant and could be attributed directly to the presence of the pathway.

(b) Use Conflicts of the Original Pilot

In terms of significant use conflicts, the Commission is considering whether the presence of the public access pathway would significantly impair the bridge's function as an important regional transportation corridor. To evaluate this, the Commission referenced the PATH Study's assessment of whether the multi-use path has caused a change in capacity and/or an increase in congestion, the extent and duration of congestion, capacity of the bridge to meet travel demand, travel times, and/or impacts on local arterials in Richmond.

The study found that there has been a decrease in bridge capacity and vehicle throughput since the implementation of the multi-use path. Average peak hourly flows were observed to have dropped by 7 percent on weekdays and 4 percent on weekends, which is equivalent to approximately 250 and 125 fewer vehicles per hour, respectively.[19] Traffic volumes during the weekday AM and weekend peak hours are nearly as high as pre-COVID levels after dropping significantly during the pandemic, so the study infers that the observed drops in capacity are the result of modifications made for the pilot project. Specifically, the design of the pathway approaching the bridge resulted in a shorter merge area after vehicles pass through the toll plaza, which reduces the rate that vehicles can pass through that section, and the narrower appearance of the roadway following the installation of the barriers may cause drivers to drive more slowly.[20] The study did not provide an estimate of the overall change in travel times due to flow reductions resulting from the pilot, but Caltrans and BATA have stated that the difference is likely an average of 5 minutes during the weekday AM peak.

[18] *Ibid*, p. 156.
[19] *Ibid*, p. 112.
[20] *Ibid*, p. 113.

Despite the apparent slight drop in capacity, the study found that the extent of the congestion upstream (east) of the toll plaza during the weekday, Saturday, and Sunday peak periods remains similar to what occurred before the multi-use path was implemented.[21] The duration of the weekday congestion was between 6:00 and 11:00 AM, with peak queues occurring between 7:00 and 7:30 AM. During the congested period, traffic speeds dropped below 15 miles per hour (mph), and peak queues extended on average approximately 3.5 miles upstream (east) of the toll plaza, to between the Marina Bay Parkway and Regatta Boulevard interchanges in Richmond. Congestion also existed on the weekend, but with shorter durations and extents, and traffic speeds only dropped to around 20 to 25 mph. On Saturdays, the extent of congestion was about the same as in 2018, but the duration was significantly longer during the pilot period. The congested period lasts from 10:00 AM to 4:15 PM, with peak queues occurring between 12:00 and 3:00 PM. During this time, traffic speeds dropped to about 20 mph, and peak queues extended approximately 1.75 miles from the toll plaza to near the Richmond Parkway. Sunday congestion was typically observed between 10:30 AM and 3:45 PM, with speeds of about 20 to 25 mph and peak queues occurring between 12:00 and 2:00 PM and also extending about 1.75 miles. Compared to 2018 conditions, both the average extent and duration of Sunday congestion appear to have increased.[22]

Per the study, travel times to access the bridge from I-80 remain close to historical averages on weekdays, Saturdays, and Sundays. Average peak weekday travel times from I-80 to the entrance of the bridge reached 22 minutes in the fall of 2021, 26 minutes in 2022, and nearly 20 minutes in 2023. These travel times were below observations from 2015 to 2018, which varied between 26 and 31 minutes.[23]

Traffic speeds on the bridge have decreased somewhat during the morning peak period since implementation of the path. Before the modifications, reduced speeds were primarily constrained to the first third of the bridge, more specifically to the first half mile. Past this initial section, traffic then generally flowed at or above 50 mph. In both 2022 and 2023, average speeds between 40 and 50 mph were observed across a sizable portion of the length of the bridge during the morning peak

[21] *Ibid*, p.129.
[22] *Ibid*, p.111.
[23] *Ibid*, p. 118.

period (the speed limit on the bridge is 55 mph). These speed reductions have only increased travel times across the bridge by less than one minute. Speed reductions were also observed during the Saturday and Sunday midday peaks but similarly have not resulted in significant changes in average travel times across the bridge.[24]

The PATH Study found that on average, weekday morning travel time reliability since 2021 is generally similar to previous years, although peak weekday travel times are more variable than they were before the path was implemented. The study notes that the variability is likely due to the impacts of vehicle accidents or breakdown incidents on travel times, as the presence of the moveable barrier prevents disabled vehicles from pulling out of traffic.[25]

The study analyzed traffic speeds along Castro Street, Richmond Parkway, and Cutting Boulevard to determine whether the presence of the multi-use path could be affecting local arterials in Richmond. The data showed that for Castro Street and Richmond Parkway, the highest levels of weekday morning congestion were observed prior to 2019, meaning that morning congestion was observed to decrease on those segments after the path was put in place (this does not mean that the path is responsible for the reduction in congestion). On Cutting Boulevard, no noticeable changes in AM peak congestion were observed after the path was implemented. Thus, there is no indication in the data that the presence of the path has had significant impacts on local arterials on the Richmond side of the bridge.[26]

The results of the PATH Study indicated that there have been some changes to traffic conditions on the I-580 West corridor since the path was implemented, but it is not clear whether the changes represent a significant decrease in the corridor's functionality or that there would be a significant improvement if the path were not in place.

To summarize the observed changes where operations may have worsened, (1) average peak hourly flows were observed to have dropped by 7 percent on weekdays and 4 percent on weekends, corresponding to a difference of an average of 5 minutes of travel time during the weekday AM peak; (2) congestion appears to be similar before and after the

[24] *Ibid*, p. 122.
[25] *Ibid*, p. 129.
[26] *Ibid*, p. 126.

implementation of the path, with some increase in the duration and/or extent of congestion during the weekend peak; (3) vehicle speeds have decreased along the bridge since path implementation, but these reductions have only increased travel times across the bridge by less than one minute during the weekday AM peak and did not result in significant increases on the weekends; and (4) weekday morning travel times are less reliable since the path was implemented, likely due to the effects of incidents, which are unpredictable.

There are a few issues with interpreting the data that has been presented thus far. First, while some connections can be drawn between the presence of the path and certain operational changes, such as vehicle speeds and the lack of a shoulder to accommodate disabled vehicles, it is not clear that all of the observed changes are attributable solely to the path, or that removing the path would result in substantive improvements. For example, there are a number of other factors that could be contributing to congestion and the rate of incidents leading to delays. These include traffic backups originating downstream of the bridge, increased friction at the toll plaza following the implementation of cashless tolling, lane configurations, and driver behavior.

Second, there is no established threshold of significance for bridge operations that provides a benchmark for whether any of the observed changes are significant at the policy level. The Commission's policies and guidance documents do not provide specific direction in this regard, and Amendment No. Four did not account for this issue at the time that the original pilot was approved. There are also no analogous thresholds in other areas of State policy. Thus far, there has not been an analysis of the pilot project improvements that provides a means for determining performance criteria and evaluation measures, balancing priorities, assessing design alternatives, and building consensus among stakeholders around decision-making.

As such, the Commission finds that no clear use conflicts have arisen over the course of the pilot that justify precluding a second pilot period for the multi-use path, as described in the previous section.

(c) Further Study of the Extended Pilot

As Caltrans and BATA will continue to evaluate bridge operations over the course of the extended pilot and intend to more closely examine vehicle flows, incident rates, and incident response, it is important to establish a framework for the analysis that will allow the Commission to

assess the significance of any findings and compare the benefits and impacts of any proposed long-term public access alternatives. To this end, the extended pilot should include a Performance Thresholds and Alternatives Analysis to establish thresholds for making decisions regarding the significance of any observed changes in operations attributable to the path and weigh the impacts and benefits of different public access alternatives. The outcome of the Performance Threshold and Alternatives Analysis will inform the ultimate proposal for long-term design and operations of the pathway along the bridge. Special Condition II.D.5.d.1 ("Performance Thresholds and Alternatives Analysis") requires Caltrans to perform this analysis prior to the conclusion of the extended pilot period.

(d) Modifications of Pathway Availability Under the Extended Pilot

In addition to authorizing a three-year extension of the pilot period, Amendment No. Six permits Caltrans to modify the pilot project in a manner that changes the nature of and reduces the amount of public access available on the bridge compared to the full-time pathway that has been provided under Amendment No. Four. These modifications are being permitted because the Commission finds that they are necessary and appropriate to complete the planning phase of the WIP, which is currently being undertaken by Caltrans and BATA. While evaluating the operations involved in moving the movable barrier in a manner that could accommodate a part-time HOV lane, Caltrans could not also maintain full-time availability of the path. Thus, provision of the full-time pathway as maximum feasible public access for purposes of the extended pilot would result in a "significant use conflict" per Bay Plan Public Access Policy 2. The WIP planning effort itself is consistent with Bay Plan Transportation Policy No. 1, which states that the Commission should "encourage alternative methods of transportation and land use planning efforts that support transit and do not require fill." Similar to the original pilot, the extended pilot period would be used to determine the long-term technological feasibility of the modified operations in terms of the bridge's structural strengthening needs.

At the November 2023 meeting of the BATA Oversight Committee, BATA staff were directed to work with Caltrans to initiate a Design Alternatives Analysis (DAA) for the Richmond-San Rafael Bridge WIP to analyze operational solutions and improvements that could help meet regional mobility needs. This direction was in response to numerous public comments to improve westbound traffic congestion during the weekday

AM peak period, questioning the impact of the multi-use path, and urging BATA and Caltrans to consider other alternatives. In particular, the DAA analyzed the feasibility of providing a part-time HOV lane as a third lane on the upper deck, which would require repurposing the shoulder that is currently being used for the pathway pilot at the times the HOV lane is open. The DAA was intended to narrow down the alternatives and identify major challenges in advance of starting the required environmental process. On May 14, 2025, the BATA Oversight Committee approved BATA staff to pursue the next phase of project delivery, including the project initiation and environmental process.

The extension of the pilot, as modified, is timed to parallel the Planning/Environmental Phase of the WIP, with both concluding at approximately the same time in 2028. The proposed modifications to operations of the multi-use path are intended to support this phase of the project by allowing BATA and Caltrans to test the more frequent barrier movements and shuttle service needed to accommodate both an HOV lane and a multi-use path on a part-time basis. Ultimately, the results of the original pilot, the modified extended pilot, and WIP environmental study will inform planning for long-term improvements for the corridor.

The days the shoulder would be restored correspond to the days being considered as part of the WIP for a potential part-time HOV lane on the basis that they would be most effective to encourage carpooling and transit use. The proposed days of operation of the path were selected based on findings that bicycle usage of the pathway was higher on weekends (averaging 264 westbound bicycle trips and 219 eastbound bicycle trips on Saturdays in the summer high season) than on weekdays (averaging 75 westbound trips and 66 eastbound trips in the summer high season) during the study period. Note that the study observed seasonal trends in bicycle usage; winter averages were typically 25 to 40 percent lower than summer averages. Pedestrian usage varied from 7 to 30 entries per day per direction in the summer and 6 to 20 in the winter season with little variation on days of the week. Additionally, since vehicular traffic volumes are generally lower and there is more recreational path usage on some designated State holidays, the pathway's operating schedule will also include additional availability around those holidays, per Special Condition II.D.5.c ("Extended Pilot Operations").

During the extended pilot, on days when the path is closed, Caltrans and BATA will operate a shuttle to continue to provide transportation connectivity for cyclists and pedestrians seeking to cross the bridge. The shuttle will only operate until 8:00 PM on those days (or until the path reopens at 2:00 PM on Thursdays), so there will be a period of time each evening on the days when the path is closed that cyclists and pedestrians will either need to use other public transportation or seek alternative travel arrangements. According to usage data in the PATH Study, approximately 4 percent of weekday users (5 to 6 individuals per day) traveled the bridge outside of the shuttle's planned operating hours, on average.

Over the course of the Commission's engagement with the project authorized by this Amendment, including at a briefing on May 2, 2024, and workshop on January 16, 2025, Commissioners and members of the public have raised the question of whether the implementation of the pilot modifications could be delayed until after the completion of the Richmond-San Rafael Forward Project (RSR Forward), which is intended to relieve congestion at the westbound approach through the implementation of Open Road Tolling (ORT) and an HOV lane extension. The question stemmed from a concern that the RSR Improvements would introduce new variables to Caltrans' analysis of the pilot's impacts on bridge operations. In order to compare the performance of the modified pilot and the original pilot using the same traffic conditions and lane configurations that were studied in the PATH Study, Caltrans would need to implement the modifications before the ORT and HOV improvements open in Summer 2026. Although the study period for these conditions will be short, the data will still be valuable for comparing the two versions of the pilot and establishing a baseline for evaluating the modified pilot.

Special Condition II.D.5.c ("Pilot Operations") establishes operating parameters for the modified extended pilot to ensure regular, predictable hours of availability for the pathway and shuttle service, as well as clear signage and information services. Because the prior bicycle shuttle service (discussed in the original authorization) was discontinued due to a failure to achieve consistent ridership, Special Condition II.D.5.c.2 ("Shuttle Service") requires the permittee to provide live online tracking for the shuttle, clear signage, and a clear mechanism for receiving, tracking, and acting on ridership data and feedback from riders.

Additionally, because there is still uncertainty as to whether Caltrans and BATA will elect to fully implement the WIP pending the findings of the environmental study phase, Special Condition II.D.5.f ("Conclusion of the Pilot") establishes how Caltrans shall proceed with treating the shoulder/pathway at the end of the pilot period. If at that time Caltrans and BATA commit to advertising the WIP for construction by December 31, 2031, then they may continue to operate the path in its modified state. The period between the conclusion of the pilot and the implementation of the WIP will include the time needed for Caltrans to return to the Commission with an amendment request to authorize the WIP. The condition includes some flexibility for Caltrans to extend the pilot period by up to one year if the WIP environmental study requires one additional year or less to conclude. It also includes a requirement that Caltrans report to the Commission annually on the status of the WIP delivery following the conclusion of the pilot. If it becomes apparent that Caltrans will not meet the 2031 milestone, the Commission may require the multi-use path revert to full-time operations in the interim.

If the conclusion of the environmental study is delayed for longer than a year, or if Caltrans and BATA either cannot commit to reaching the construction milestone of advertising the WIP for construction within 3 years or choose not to pursue the WIP any further, Caltrans will return the pathway to full-time operations until such a time as the Commission approves a different use of the shoulder. If the analyses completed as part of the extended pilot identify clear public safety or significant use conflicts associated with the full-time operation of the path, Caltrans has the option of amending the permit with an alternative proposal provides maximum feasible public access consistent with the project using the findings of those analyses.

To ensure that all required components of the extended pilot project are being completed as intended in a timely manner, Special Condition II.D.5.e ("Annual Reporting during the Pilot") requires Caltrans to report to the Executive Director on the pilot's status on an annual basis.

(3) Off-Site and In Lieu Access

The modifications to the pilot will disrupt the public's established use of the multi-use path for the duration of the pilot extension. During that time, members of the public who use the path as a transportation connection on weekdays will have an alternative available in the form of the free shuttle service required by Special Condition II.D.5.c ("Extended Pilot Operations"),

as limited by the shuttle's operating hours. Those who use the path as a recreational facility will no longer be able to do so on most weekdays other than during certain holiday weeks.

Bay Plan Policy No. 2 states, "…maximum feasible 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…. In these cases, in lieu access at another location preferably near the project should be provided. If in lieu public access is required and cannot be provided near the project site, the required access should be located preferably near identified vulnerable or disadvantaged communities lacking well-maintained and convenient public access in order to foster more equitable public access around the Bay Area."

As full-time availability of the path would be inconsistent with the project's need to test specific operating conditions for the WIP, a number of in-lieu public access commitments have been identified and are required by this permit to address the reduction in availability of the pathway as part of the extended pilot. The objective underlying the selection of these commitments is to improve regional bicycle and pedestrian connections to the bridge, thus increasing usership of the pathway at the times it is available by removing barriers to access elsewhere along the network.

(a) Bridge Approaches

As part of the original pilot project, Caltrans constructed new bicycle and pedestrian infrastructure on the eastern and western approaches to the bridge, located outside of the Commission's jurisdiction. These were not included as requirements of the permit in Amendment No. Four. Special Condition II.D.6.a ("Improvements to Bridge Approaches") has been added in Amendment No. Six to ensure that these facilities are provided on a permanent basis as part of this permit to connect landside trails to the path on the bridge and the shoreline. These include an approximately 1-mile-long Class I barrier-separated Bay Trail segment parallel to westbound I-580 to Castro Street in the City of Richmond and an approximately 0.3-mile-long Class IV separated Bay Trail segment parallel to Sir Francis Drake Boulevard from the I-580 off-ramp to Andersen Drive in the City of San Rafael.

(b) In Lieu Funding

In June 2018, Bay Area voters approved Regional Measure 3 (RM 3) to finance a $4.45 billion slate of highway and transit improvements through an increase of tolls on the region's seven State-owned toll bridges. Parameters for the toll increase and expenditures were established in Senate Bill 595 (2017) and MTC Resolution No. 4404. RM 3 included an expenditure plan allocating the funds, which was last amended on January 24, 2025.

Of the RM 3 funds, a portion was allocated to westbound improvements in the Richmond-San Rafael Bridge Corridor, including $75M dedicated to projects in Contra Costa County. In 2023, project sponsors BATA and the Contra Costa Transportation Authority agreed to recommend up to $10M of the Contra Costa funds specifically for bicycle access improvements in the City of Richmond serving the transbay corridor and connecting to the path on the bridge. The City of Richmond has identified two priority projects that are eligible for the $10 million from RM 3, which they intend to seek to complete their funding for construction.

The first is Phase II of the Richmond Wellness Trail, which is a planned 4-mile active transportation and green infrastructure corridor that integrates stormwater management, tree canopy, and cultural interpretive features. Phase I of the trail was completed in 2022, and connects the Richmond BART and Amtrak stations to Cutting Boulevard. Phase II will extend the trail from Cutting Boulevard to the San Francisco Bay Trail on the Richmond waterfront, connecting downtown Richmond to the Richmond Ferry Terminal. This connection will enhance access to the bridge corridor by providing additional connections from downtown Richmond, the waterfront Bay Trail, the Richmond Greenway, and the Ferry Terminal to the Bay Trail on Cutting Boulevard. Cutting Boulevard will in turn connect to the trail network leading to the bridge, pending the completion of a gap closure at Tewksbury Avenue that is currently in implementation.

The second project is the Neighborhood Complete Streets project, which will improve bicycle and pedestrian safety and accessibility on Harbour Way between I-580 and Downtown Richmond. Planned improvements include a road diet, new bike lanes, enhanced pedestrian-scale lighting, raised medians, curb extensions, mid-block crossings, and landscape features. These enhancements directly address critical safety barriers and support safe, continuous access across I-580 and BNSF rail lines to the

Bay Trail, Richmond Greenway, and Ferry Terminal via the Wright Avenue overpass. The improvements will connect the Iron Triangle neighborhood of Richmond to the Bay Trail at Cutting Boulevard.

Caltrans and BATA cannot guarantee the approval of these projects for RM 3 funding at the time of issuance of Amendment No. Six, as that will require the City of Richmond to first complete project planning and environmental documentation, then request approval for the funding allocation from MTC. Thus, Special Condition II.D.6.b ("In Lieu Funding") requires BATA staff to recommend Board approval by February 28, 2026, to allow both projects to begin construction by December 31, 2026. Although this funding has previously been recommended specifically to fund these types of projects within Richmond, no other eligible projects have yet come forward to request allocation, as of the issuance of this Amendment. Caltrans and BATA worked with the City of Richmond to identify the two trail projects above as being eligible for the funding and are committing to the delivery of funding to these projects so that they will be completed within the extended pilot period. If for any reason these projects cannot be funded to be completed in that timeframe, the special condition requires that an alternative project or projects be identified to receive the $10M that that improve bicycle and pedestrian connections from Richmond neighborhoods to the Richmond-San Rafael Bridge and Bay shoreline and can begin construction by the end of the extended pilot period.

(c) Funding Assistance

Special Condition II.D.6.c ("Funding Assistance") requires Caltrans and BATA to provide assistance to local jurisdictions and transportation authorities in Marin and Contra Costa counties during the extended pilot period to facilitate funding connections and partnerships that will increase usership of the bridge path by improving bicycle and pedestrian connectivity to the bridge and Bay shoreline. While funding opportunities will be subject to availability and cannot be guaranteed, Caltrans and BATA can commit to providing staff support and forums to identify and connect stakeholders to opportunities as they arise. The special condition requires a minimum of two meetings per year with stakeholders, to be documented as part of the annual reporting required by Special Condition II.D.5.e ("Annual Reporting during the Pilot").

(4) Summary of Legal Framework and Policy Analysis

To summarize, BCDC's laws and policies call for all projects approved by the Commission to provide "maximum feasible public access consistent with the project" (see Government Code section 66602; Bay Plan Public Access Policy 2). "Feasibility" and "consistency with the project" are critical qualifications to the requirement that projects provide public access.

The justification for requiring the path (or modification thereof) on a long-term basis as "maximum feasible public access consistent with the project" is in relation to the permittee's request to permanently authorize the peak hour lane component of the original pilot on the lower, eastbound deck of the bridge. The justification for extending and modifying the path component of the original pilot instead of requiring the path (or modification thereof) as long-term public access permanently at the conclusion of the current pilot at the end of 2025 is two-fold: (1) to allow the permittee sufficient time to consider its pursuit of the WIP; and (2) relatedly, to allow sufficient time to further analyze and clarify present-day informational gaps regarding "feasibility" and "consistency" of the path (or modification thereof) as long-term public access with "the project" (the WIP or not) at the conclusion of the extended, modified pilot.

(d) Maximum Feasible Public Access Consistent with the Project for the Duration of the Extended, Modified Pilot (Short-Term)

The proposed modifications to availability of the existing path can be deemed the maximum feasible public access consistent with the project for the duration of the extended pilot because the reduction of the availability for the next three years is necessary in order to consider the WIP, implementation of which would necessitate reducing the path to part-time availability to accommodate an HOV lane. As previously discussed, in furtherance of the WIP, the permittee will seek to understand the effects of weekly placement and removal of the barrier to accommodate a part-time HOV lane and part-time path.

In terms of consistency with BCDC's laws and policies, in this case, full-time provision of the path as "maximum feasible public access" would represent a "significant use conflict" per Bay Plan Public Access Policy No. 2 that is inconsistent with the current project proposal of extension of the modified pilot for the next three years while the permittee actively determines whether to pursue the WIP.

The Commission and the permittee recognize the temporal loss of full-time availability of the path for the duration of the extended, modified pilot for the next three to four years. To address this temporal loss of public access ability, the permit conditions require the permittee to: (1) incorporate off-site bicycle infrastructure improvements connecting to the bridge as requirements of the permit; (2) commit in-lieu funding for off-site bicycle infrastructure improvements in Richmond that would connect to the bridge; and (3) commit to support local stakeholders in seeking funding opportunities to improve active transportation connections to the bridge and shoreline in both Contra Costa and Marin counties.

(e) Maximum Feasible Public Access Consistent with the Project After the End of the Extended, Modified Pilot (Long-Term)

In order to determine what constitutes "maximum feasible public access consistent with the project" at the end of the extended, modified pilot, this permit requires further analysis during the extended pilot period to address present-day informational gaps regarding both the "feasibility" of the path (or some modification thereof) as long-term public access and whether it will ultimately be "consistent" with "the project," depending on whether the WIP is ultimately pursued or not.

Regarding the "feasibility" of long-term public access, Special Condition II.D.5.d.3 ("Design of Long-Term Facilities") requires consideration of a long-term design for the public pathway, which was not contemplated at the time the original pilot was approved. Special Condition II.D.5.d.4 ("Structural Strengthening") requires analysis of what structural strengthening of the bridge is required to accommodate a long-term public access facility, which was identified as a need during the original pilot period.

Regarding "consistency" of long-term public access with the project, Special Condition II.D.5.d.1 ("Performance Thresholds and Alternatives Analysis") requires the permittee to establish performance thresholds relating to public safety concerns and significant use conflicts to be used to measure the significance of any observed changes in bridge operations during the extended pilot that can be attributed to the path. The requirement that the permittee establish performance thresholds is justified for a couple of reasons. Although the permittee has not to date provided clear evidence that the path under the original pilot has presented or will present any safety considerations or significant use

conflicts on the bridge, the permittee does seek to further study two indicators identified by the PATH Study as showing a potential impact of the path on bridge operations: peak hourly flows and weekday incident rates. Furthermore, Amendment No. Four did not account for what circumstances may render "maximum feasible public access" inconsistent with the project or otherwise consider the relevance of Bay Plan Public Access Policy No. 2 at the end of the original pilot.

Regarding "the project" at the end of the extended, modified pilot, any determination of long-term consistency of "maximum feasible public access" with "the project" cannot be made at this time, in part due to the informational gaps described above, and in part because it is not yet known whether Caltrans and BATA will pursue the WIP. This uncertainty as it relates to the ultimate determination of what constitutes "maximum feasible public access consistent with the project" is addressed under four possible scenarios in Special Condition II.D.5.f ("Conclusion of the Pilot"). Importantly, in all scenarios, the only potential reasons that full-time availability of the path (or modification thereof) may not be provided at the end of the extended, modified pilot are if: (1) the permittee timely pursues the WIP; or (2) the analyses of the extended, modified pilot per Special Condition II.D.5.d ("Pilot Analyses") identify clear public safety or significant use conflicts associated with full-time availability of the path per Bay Plan Public Access Policy No. 2, necessitating an alternative proposal.

Additionally, Bay Plan Environmental Justice Policy No. 1 requires that the guiding principles on environmental justice and social equity established in the Bay Plan should shape all Commission actions, and Bay Plan Public Access Policy No. 5, requires that public access should be sited, designed, and managed based on meaningful community involvement. Therefore, Special Condition II.D.5.d.2 ("Environmental Justice Analysis") requires an environmental justice analysis to inform as long-term public access considerations in addition to the other studies required by this permit.

Following end of the extended, modified pilot, the permittee will need to obtain another permit amendment from the Commission. At that time, the Commission will determine, for the long-term basis, what constitutes "maximum feasible public access consistent with the project," as further informed by the information generated by the additional analyses required by Special Conditions II.D.5.d ("Pilot Analyses") and II.D.5.f ("Conclusion of Pilot").

(5) Conclusion

Special Condition II.D.5.f ("Conclusion of the Pilot") requires Caltrans to report to the Commission on the status of all public access requirements included in Amendment No. Six at the end of the extended pilot period. As conditioned, for the reasons stated above, the Commission finds that the project authorized by Amendment No. Six provides maximum feasible public access to the Bay and along the shoreline, consistent with the project.

d. Bay Fill

A portion of the authorized project would take place on existing Bay fill along the Richmond-San Rafael Bridge, but would not place new solid fill in the Bay or expand the coverage of existing fill. Additionally, the authorized project is consistent with the requirements for uses on Bay fill established by McAteer-Petris Act Section 66605.

Section 66605(a) requires that further fill of the Bay should be authorized only when public benefits from fill clearly exceed public detriment from the loss of water areas and should be limited to water-oriented uses or minor fill for improving shoreline appearance or public access to the Bay. The authorized project involves minor fill atop the existing bridge structure that will not increase the square footage of cantilevered fill or volume of solid fill in the Bay. The lower deck peak hour travel lane will benefit the public by reducing congestion along the I-580 corridor during periods of high traffic. According to the PATH Study, since the piloting of the peak hour lane, the I-580 eastbound traffic congestion that previously existed has been eliminated and travel time during the peak hour between US-101 and I-80 has been reduced by up to 14 minutes. Additionally, the study found no evidence of impacts on incident types and incident response, and there have been no signs of impacts on activities to perform Caltrans bridge maintenance and inspections. The part-time upper deck multi-use path benefits the public by providing the only non-motorized trans-bay connection between the East Bay and Marin County, allowing for unique public access opportunities as described in Section III.B.6.d ("Public Access") and a critical active transportation linkage. The part-time operation of the path benefits the public by continuing to provide public access benefits on a part-time basis while also supporting the WIP, which is studying the potential for a part-time HOV lane and part-time multi-use path on the upper deck to improve regional mobility in the corridor. Thus, public benefits from the fill clearly exceed the public detriment from a net-zero loss of water areas. Further, Section 66605(a) lists "bridges" as a water-oriented use, and the authorized project is consistent with the structure's continued use as a bridge.

Section 66602(b) requires that fill in the Bay should be authorized only when no alternative upland location is available for such purpose. The authorized improvements were designed to target transportation and public access concerns unique to the Richmond-San Rafael Bridge, and no project in an alternative upland location would resolve the specific instance of congestion addressed by the peak hour travel lane or provide a qualitatively similar active transportation or public access connectivity to the path.

Section 66602(c) requires that the water area authorized to be filled should be the minimum necessary to achieve the purpose of the fill. As previously stated, the authorized project would result in no increase in coverage of the Bay or volume of solid fill in the Bay. Caltrans has stated that continued long-term use of the moveable barriers for the multi-use path will require structural strengthening of the bridge to protect against long-term wear and tear. The extent of necessary work to support a permanent pathway has not yet been determined, but would be developed during the authorized continuation of the pilot, per Special Condition II.D.5.d ("Pilot Analyses"). At such time as the work is determined and other necessary analyses have been completed to identify a permanent public access project, Caltrans may seek an amendment of this permit or, if applicable, may seek to complete the work under an existing regional operations and maintenance permit.[27] The impacts of any new fill would be considered at that time. No new fill for structural strengthening is necessitated by the activities authorized in this amendment.

Section 66602(e) requires that fill be constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters, and Section 66602(f) requires that fill should be authorized when the filling would, to the maximum extent feasible, establish a permanent shoreline. The authorized project does not require any structural work on the bridge other than potential future strengthening work as described above, and would not alter the existing shoreline.

e. Transportation

The Bay Plan recognizes that there has historically been considerable pressure to place fill in the Bay for new bridge and roadway projects. It thus includes a Transportation section to set policies for approving such uses, with consideration

[27] BCDC Permit No. M1987.042 authorizes Caltrans to conduct routine maintenance and rehabilitation activities within State highway rights-of-way.

for how these projects can impact long-term demands for new Bay fill. These include Transportation Policy Nos. 1 and 4 as follows:

- **Transportation Policy No. 1.** Because of the continuing vulnerability of the Bay to filling for transportation projects, the Commission should continue to take an active role in Bay Area regional transportation and related land use planning affecting the Bay, particularly to encourage alternative methods of transportation and land use planning efforts that support transit and that do not require fill….

- **Transportation Policy No. 4.** Transportation projects on the Bay shoreline and bridges over the Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline.

The project authorized by Amendment No. Six includes the part-time conversion of the pre-existing shoulder of the lower deck of the bridge into a peak hour travel lane, making permanent the improvements tested during the pilot program authorized by Amendment No. Four. The conversion is intended to expand capacity in the eastbound direction daily during the PM peak, when traffic volumes would otherwise result in significant congestion and traffic delays. In 2017, prior to implementation of the original pilot, congestion during the PM peak would generally extend to the Highway 101 (US-101) interchange, or farther west on weekdays. During the original pilot, the peak hour lane operated from 2:00 PM to 7:00 PM daily. Observations of the pilot's impact on peak eastbound traffic shows that peak travel times from the US-101 interchange in Marin County to the toll plaza in Richmond dropped by 14 to 17 minutes on weekdays, 10 to 14 minutes on Saturdays, and 6 to 8 minutes on Sundays. Reductions in congestion were also observed on adjacent roadway segments, including on US-101 between Sir Francis Drake Boulevard and the I-580 interchange, Sir Francis Drake Boulevard, and Francisco Boulevard that may be attributable to the peak hour lane.

The lower deck portion of the authorized project is a means of increasing bridge capacity without the expansion of fill in the Bay, and specifically targets a period of need rather than generally increasing capacity at all times in a manner that might induce additional travel demand. The PATH Study found that driver compliance with the regular opening and closure of the travel lane during the original pilot period was above 99 percent, with up to 16 vehicles an hour using it when it is formally closed. To ensure that the lane and shoulder continue to

function as intended without effectively becoming a full-time travel lane, Special Condition II.W ("Peak Hour Travel Lane") is included to require continued monitoring of shoulder usage and to ensure motorist compliance.

Further, the authorized project also includes the continued piloting of a multi-use path on the upper deck to promote alternative modes of transportation, including active transportation, transit, and carpooling, and to provide a trans-bay connection for the Bay Trail. While the extended pathway pilot is temporary, Special Condition II.D.5 ("Public Pathway on Westbound (Upper) Richmond-San Rafael Bridge Deck and Adjoining I-580 Sections") is included to ensure a long-term connection for active transportation users at the conclusion of the pilot, taking into consideration results of further analysis during the extended pilot. The extension and modification of the path on the upper, westbound deck to allow the permittee to consider the WIP can also be found consistent with Bay Plan Transportation Policy No. 1, which states that the Commission should "encourage alternative methods of transportation and land use planning efforts that support transit and do not require fill." If the permittee ultimately pursues the WIP, the Commission will fully evaluate that proposal for consistency with Bay Plan Transportation Policy No. 1 as part of the next permit amendment request at the end of the extended, modified pilot.

In that scenario, potential permitting of an HOV lane as consistent with Bay Plan Transportation Policy No. 1 may also render full-time availability of the existing path a "significant use conflict" for purposes of Bay Plan Public Access Policy No. 2, thus potentially precluding provision of the path on a full-time basis as "maximum feasible public access" due to inconsistency with the operation of a part-time HOV lane. Under those circumstances, the path (or modification thereof) may be provided on a part-time basis, which the Commission may potentially determine constitutes "maximum feasible public access consistent with the project." These issues will be more fully analyzed and resolved as part of a future permit amendment request following the end of the extended, modified pilot when a long-term public access proposal will be made by the permittee.

Thus, the Commission finds that the authorized project is consistent with the Bay Plan's Transportation Policies.

f. Bay Resources

Section 66602(d) of the McAteer-Petris Act requires that the nature, location, and extent of any fill should be such that it will minimize harmful effects to the bay area, such as, the reduction or impairment of the volume surface area or

circulation of water, water quality, fertility of marshes or fish or wildlife resources, or other conditions impacting the environment.

The authorized project does not involve any new construction work, as all related improvements are already in place and all activities would take place within an existing developed right-of-way above the water line where there is limited potential for the project to affect Bay species, habitats, or water quality, as discussed in the April 2016 Natural Environment Study (Minimal Impact)/No Effect Determination and NEPA/CEQA Re-Validation Form, revised March 2024 and July 2025, prepared for the original pilot and proposed modifications. Therefore, the Commission finds that the authorized project is consistent with the Commission's laws and policies regarding the protection of Bay resources.

g. Environmental Justice and Social Equity

The Richmond-San Rafael Bridge is a segment of I-580, which traverses the communities of Richmond and San Rafael on its approaches and connects the broader regions of the East Bay and North Bay, providing access to homes, jobs, services, and recreational opportunities.

On the eastern side, the bridge touches down at Castro Point in an area that is largely characterized by industrial and open space uses, near the neighborhood of Point Richmond. According to the Commission's Community Vulnerability Mapping Tool, this area is within a 2020 Census block group identified as having "highest contamination vulnerability" and "low social vulnerability." Contamination vulnerability in the area is indicated by the presence of nearby hazardous cleanup activities, groundwater threats, and hazardous waste facilities. Farther east, approximately 2 miles from the touchdown, I-580 cuts between a primarily residential area (containing the Santa Fe, Stege, Atchison Village, Pullman, and City Central neighborhoods, among others) to the north, and an industrial area near the Port of Richmond that also contains the Marina Bay neighborhood to the south. The residential neighborhoods to the north are identified as having "highest contamination vulnerability" and "highest social vulnerability." Social vulnerability in this area is indicated by high percentiles of single-parent households, people with disabilities, people of color, individuals without a high school degree, individuals without U.S. citizenship, and households categorized as Very Low Income.

The bridge's western touchdown is southeast San Rafael, which includes the Canal neighborhood. The immediate proximity is characterized by mix of residential uses, open space, industrial development, and the San Quentin Rehabilitation Center. The Community Vulnerability Mapping Tool identifies this area as "High Contamination Vulnerability" and "Highest Social Vulnerability."

Contamination vulnerability in this area is indicated by the presence of nearby hazardous waste facilities and solid waste sites. Social vulnerability is indicated by high percentiles of renter-occupied households, single-parent households, people of color, individuals without a high school degree, individuals with limited English proficiency, individuals without U.S. citizenship, and households categorized as Very Low Income.

As discussed in Section III.B.6.c ("Public Access"), Caltrans has yet to analyze the equity impacts of the initial pilot project. However, the public access component of the project authorized by Amendment No. Six (*i.e.*, continuation of the existing path as modified), has the potential to affect vulnerable communities in various ways. These include potential positive impacts, such as providing additional recreational opportunities for nearby communities and providing alternative transportation routes for individuals without access to a vehicle. They also may include negative impacts, as indicated by public comments received by the Commission in relation to the project. These comments shared concerns that congestion and delays caused by the presence of the multi-use path during the original pilot have resulted in quality of life impacts for low-income commuters, increased traffic in low-income communities near the bridge, and increased emissions of air pollutants near low-income communities from slow-moving traffic. While the PATH Study did not find any impacts on local arterials or emissions and did not establish the significance of observed delays that could be attributed to the presence of the path, these concerns should be directly assessed prior to any ultimate decision regarding the long-term provision and configuration of public access on the bridge.

The peak hour lane is understood to have limited potential for environmental justice impacts as it involved only minor physical changes to the environment and has primarily served to reduce traffic congestion. Although the PATH Study estimated that there was some increase in emissions in the eastbound direction, this was likely due to more vehicles driving above the posted speed limit of 55 mph (50 to 55 mph is the optimal speed for emissions). No comments were received expressing equity concerns about implementing the peak hour lane.

The Bay Plan includes the following Environmental Justice and Social Equity Policies relevant to this project:

- **Environmental Justice and Social Equity Policy No. 3.** Equitable, culturally relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects and appropriate minor projects in underrepresented and/or identified vulnerable and/or disadvantaged

communities, and such outreach and engagement should continue throughout the Commission review and permitting processes. Evidence of how community concerns were addressed should be provided. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.

- **Environmental Justice and Social Equity Policy No. 4.** If a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities….
- **Public Access Policy No. 5.** Public access that substantially changes the use or character of the site should be sited, designed, and managed based on meaningful community involvement to create public access that is inclusive and welcoming to all and embraces local multicultural and indigenous history and presence. In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved. If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.

Thus, Special Condition II.D.5.d ("Pilot Analyses") is included to ensure that an Environmental Justice and Social Equity Analysis that includes meaningful involvement is performed as part of the extended pilot prior to establishing the specific long-term public access requirements for the project as maximum feasible public access consistent with the project.

C. Public Trust

1. Original Project

The approximately 55,800 square feet of new solid and pile-supported fill, approximately 270,000 square feet of pile-supported replacement fill, and approximately 197,000 square feet of temporary, pile-supported and solid fill authorized herein are for the retrofit of an existing bridge, a water-oriented use as defined by Section 66605 of the McAteer-Petris Act. Water-oriented uses are consistent with the public trust. Further, the retrofit work would provide for increased safety of persons and property using the bridge.

2. Amendment Nos. Four and Five

The project associated with Amendment No. Four will not result in any net increase of Bay fill, is temporary in nature, and facilitates public access to the Bay and shoreline. Thus, the Commission finds that the fill is consistent with the public trust.

3. Amendment No. Six
   The project authorized by Amendment No. Six will not result in any net increase of Bay fill and facilitates public access to the Bay and shoreline. The associated improvements are located on existing fill within an existing right-of-way and are consistent with the lease for the bridge's use as such granted by the State Lands Commission. Thus, the Commission finds that the project is consistent with the public trust needs for the area.

D. Title

The project is located with the California Department of Transportation right-of-way for the Richmond-San Rafael Bridge. This right-of-way was secured by lease from the California State Lands Commission for the life of the bridge plus one year.

E. Environmental Review

1. Original Project
   Pursuant to the Seismic Retrofit Bond Act of 1996, the original project was statutorily exempt from the California Environmental Quality Act (CEQA) (Public Resource Code). Further, Senate Bill 131, Chapter 15, Section 180.2, specifies that qualifying projects shall be considered to be activities under the CEQA, Section 21080(b)(4), which states that CEQA does not apply to "[s]pecific actions necessary to prevent or mitigate an emergency."

2. Amendment No. Four
   Pursuant to the California Environmental Quality Act (CEQA), Section CCR 15061[b][3], and the National Environmental Policy Act (NEPA), Section 23 USC 327, the California Department of Transportation (Caltrans) issued an exemption from environmental review on May 27, 2016 for the project that is the subject of Material Amendment No Four.

3. Amendment No. Five
   The activity authorized by Amendment No. Five is an extension of time for a use previously authorized in Amendment No. Four, with no other alterations. The Commission finds that the extension of time to complete the previously authorized work for up to 25 additional months would not result in any increase in significant environmental impacts above the baseline of what was already identified and evaluated as part of the environmental review for Amendment No. Four. Therefore, this time extension is categorically exempt under CEQA in reliance on the "common sense exemption" (14 CCR § 15061(b)(3)).

4. Amendment No. Six

   The activity authorized by Amendment No. Six is the continuation of the pilot activities that were the subject of the CEQA exemption issued by Caltrans on May 27, 2016, under the General Rule exemption or "common sense" exemption (*ie.*, that the project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment [14 CCR section 15061[b][3]), and also the exemption issued pursuant to the National Environmental Policy Act or NEPA (23 USC 327) based on the determination that the project would not individually or cumulatively have a significant impact on the environment.

   On July 2, 2025, Caltrans, as lead agency, issued a NEPA/CEQA Re-Validation Form for the project authorized by Amendment No. Six. The Re-Validation revised a previously issued Re-Validation (dated June 26, 2024) to extend the completion date of the modified pilot from December 31, 2025, to at least December 31, 2028. The 2024 Re-Validation concluded that the original NEPA exemption was in need of updating to document changes to the environmental setting and new laws or regulations, and only minor technical changes or additions to the CEQA exemption were necessary. Caltrans found no new impacts to environmental resources as a result of the project.

F. **Conclusion**

For all of the above reasons, the benefits of the revised project clearly exceed the detriment of the loss of water areas, the impacts to water quality and the impacts to fish and wildlife. Further, the project does not adversely affect current or future maximum feasible public access to and along the shoreline of the Bay, and the project provideds maximum feasible public access to the Bay and its shoreline consistent with the project. Therefore, the project is consistent with the San Francisco Bay Plan, the McAteer-Petris Act, the Commission's Regulations, and the Commission's amended management program for the San Francisco Bay segment of the California coastal zone.

IV. **Standard Conditions**

A. **Permit Execution**

This amended permit shall not take effect unless the permittee(s) execute the original of this amended permit and return it to the Commission within 120 days after the date of the issuance of the amended permit. No work shall be done until the acknowledgment is duly executed and returned to the Commission.

B. Notice of Completion

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

C. Permit Assignment

The rights, interests, and obligations contained in this permit are assignable in full or in part. This permit shall be assigned within thirty (30) days whenever: (a) the permittee transfers any interest in any real property on which an activity is authorized by a permit to occur; or (b) reassignment is necessary to achieve full compliance with one or more conditions of a permit. To assign this permit, the permittee-assignor and the assignee shall execute and submit for review and approval by Commission counsel a permit assignment document executed and dated by the assignor and assignee or their authorized representatives that contains all of the information specified in section 10830(a) of the Commission's regulations (14 C.C.R. § 10830(a)) and that also complies with sections 10830(b) or 10830(c), if applicable.

D. Permit Runs with the Land

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

E. Other Government Approvals

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

F. Built Project Must Be Consistent with Application

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

G. Life of Authorization

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

H. Commission Jurisdiction

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

I. Changes to the Commission's Jurisdiction as a Result of Natural Processes

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

J. Violation of Permit May Lead to Permit Revocation

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

K. Should Permit Conditions be Found to be Illegal or Unenforceable

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

L. Permission to Conduct Site Visit

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

M. Abandonment

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

N. Best Management Practices

1. Debris Removal
   All construction debris shall be removed to an authorized location outside the jurisdiction of the Commission. In the event that any such material is placed in any area within the Commission's jurisdiction, the permittee(s), their assignees, or successors in interest, or the owner of the improvements, shall remove such material, at their expense, within ten days after they have been notified by the Executive Director of such placement.

2. Construction Operations
   All construction operations shall be performed to prevent construction materials from falling, washing or blowing into the Bay. In the event that such material escapes or is placed in an area subject to tidal action of the Bay, the permittee(s) shall immediately retrieve and remove such material at its expense.

O. In-Kind Repairs and Maintenance

Any in-kind repair and maintenance work authorized herein shall not result in an enlargement of the authorized structural footprint and shall only involve construction materials approved for use in San Francisco Bay. Work shall occur during periods designated to avoid impacts to fish and wildlife. The permittee(s) shall contact Commission staff to confirm current restricted periods for construction.

P. Indemnification by Applicants and Liability for Costs and Attorney's Fees

By acceptance of this permit, the permittee agrees to reimburse BCDC in full for all: (1) reasonable BCDC staff time, calculated using reasonable hourly rates; and (2) BCDC costs and attorneys fees - including (a) those charged by the Office of the Attorney

General, and (b) any court costs and attorneys fees that BCDC may be required by a court to pay - that BCDC incurs in connection with the defense of any action brought by a party other than the permittee against BCDC or any of its officers or employees challenging the approval or issuance of this permit. As part of any request for reimbursement, BCDC will provide an itemized accounting of the reasonable BCDC staff time and BCDC costs and attorneys fees for which BCDC is requesting reimbursement, and permittee shall make payment within 30 days of receiving a reimbursement request. BCDC retains complete authority to conduct and direct the defense of any legal action initiated against the agency.

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

DocuSigned by:
Harriet Ross
FF0ABDCC800744A...

HARRIET LAI ROSS
Regulatory Director
San Francisco Bay Conservation and Development Commission

HLR/KP/mm
* *

Receipt acknowledged, contents understood and agreed to:

Executed at Oakland, California

California Department of Transportation
Permittee

On 08/21/2025

Signed by:
Moujan Mostaghimi
9C3F3A9FC0BF4BB...
Signature

Moujan Mostaghimi
Print Name

Division Chief, Environmental Science and Engineering
Title

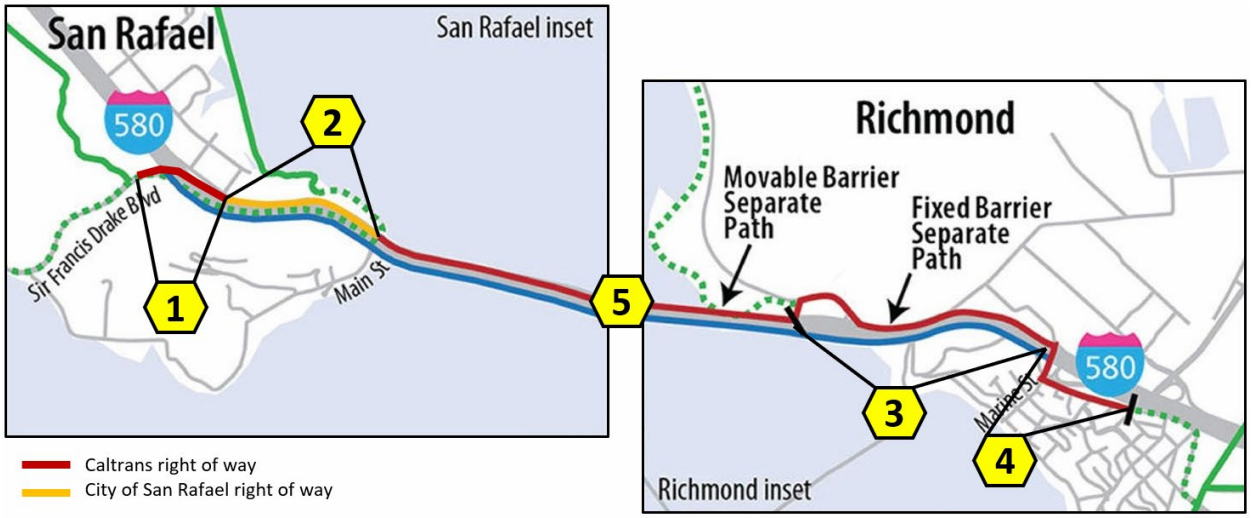
cc: U. S. Army Corps of Engineers, Attn: Regulatory Functions Branch

San Francisco Bay Regional Water Quality Control Board,
Attn: Certification Section
Environmental Protection Agency
County of Marin Planning Department
Contra Costa Planning Department
City of Richmond Planning Department
City of San Rafael Planning Department

Exhibit A-2: Public Access Improvements

1997.001.06

July 31, 2025



1. **Improvement to Western Bridge Approach** (Special Condition II.D.6.a.2: Off-Site Public Access). An approximately 0.3-mile, 8-foot-wide Class IV barrier-separated segment of the Bay Trail parallel to Sir Francis Drake Boulevard from the I-580 off-ramp to Andersen Drive in the City of San Rafael located within Caltrans Right-of-Way.
2. **East Francisco Boulevard Sidewalk Widening.** Sidewalk widening along a 0.5-mile-long segment of East Francisco Boulevard in the City of San Rafael between the Richmond-San Rafael Bridge Vista Point and Sir Francis Drake off-ramp for bi-directional shared-use traffic. This is not a BCDC required public access improvement.
3. **Improvement to Eastern Bridge Approach** (Special Condition II.D.6.a.1: Off-Site Public Access). An approximately 0.7-mile, 10 to12-foot wide Class I barrier-separated Bay Trail segment between Stenmark Drive and Marine Street at the E. Standard Avenue I-580 off-ramp in the City of Richmond.
4. **Improvement to Eastern Bridge Approach** (Special Condition II.D.6.a.1: Off-Site Public Access). An approximately 0.3-mile, 14-foot-wide Bay Trail segment between Marine Street and Castro Street in the City of Richmond.
5. **Public Pathway on Westbound (Upper) Richmond-San Rafael Bridge Deck** (Special Condition II.D.5). An approximately 4.0-mile, 10-foot wide barrier separated public pathway.