BAY AREA TOLL AUTHORITY

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
TEL 510.817.5700
TDD/TTY 510.817.5769
FAX 510.817.7848
E-MAIL info@mtc.ca.gov
WEB www.mtc.ca.gov

Memorandum

TO: BATA Oversight Committee

DATE: February 1, 2012

FR: Executive Director

W. I. 1251

RE: BATA Assumption of CEQA Lead Agency Designation for "The Bay Lights" Project

Staff recommends that the Committee refer for approval to the Authority BATA's assumption of California Environmental Quality Act (CEQA) Lead Agency Designation for "The Bay Lights" Project, subject to the execution of an agreement between "Illuminate the Arts," the non-profit corporation sponsoring the project and BATA, consistent with this memorandum.

Background

The Bay Lights Project is a privately-financed fine arts installation, which features 24,000 energy-efficient LED lights to be placed on the suspender cables of the northern-facing side of the Bay Bridge's West Spans. The lights will celebrate the 75th "Diamond" anniversary of the Bay Bridge. The white theme will also serve to introduce the aesthetic feel of the new East Span, slated to open in 2013. The Bay Lights Project is a temporary installation. The LED's will first be illuminated to mark the Bay Bridge's 75th Anniversary and will stay in place through the opening of the new East Span in late 2013. This fine arts installation will provide an international focal point during the America's Cup races and festivities slated for the summer and fall of 2013. After 2013, the Bay Lights will be removed from the West Spans.

For the project to move forward, Illuminate the Arts must submit a Transportation Art Application ("TAA") to the California Department of Transportation, which triggers the Department's encroachment permit process. The San Francisco Department of Public Works will be serving as the lead agency for the TAA, reviewing and submitting the application and working with the Board of Supervisors to get a resolution of support. The TAA requires a CEQA determination, which calls for a public agency step in as CEQA Lead Agency to make the determination.

BATA received a letter from Caltrans, which is attached for your reference, indicating it will delegate CEQA Lead Agency status to BATA for this project. The Lead Agency is responsible for making decisions regarding the proper manner of complying with CEQA requirements for the project. As a condition to serving as CEQA Lead Agency, BATA would require an agreement with Illuminate the Arts, setting out the roles and responsibilities of the parties, including requiring Illuminate the Arts to indemnify BATA for all claims and liabilities arising out of the project to provide insurance, a bond, or other assurance to demonstrate its financial capacity to carry out its obligations under the agreement.

Recommendation

Staff recommends that the Committee refer for approval to the Authority BATA's assumption of CEQA Lead Agency status for "The Bay Lights" Project, subject to the Executive Director, or his designee, negotiating and entering into an agreement with Illuminate the Arts, setting out the roles and responsibilities of the parties, including requiring Illuminate the Arts to indemnify BATA for all claims and liabilities arising out of the project and to provide insurance, a bond, or other assurance to demonstrate its financial capacity to carry out its obligations under the agreement.

Steve Heminger

J:\COMMITTE\BATA Oversight\2012\b_February_2012\5_CEQA Lead for "The Bay Lights" Project_Weinstein.doc

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5900
FAX (510) 286-5903
TTY 711

Flex your power!
Be energy efficient!

January 24, 2012

Andrew B. Fremier
Deputy Executive Director, Operations
Bay Area Toll Authority
Joseph P. Bort Metrocenter
101 Eight Street
Oakland, CA 94607-4700

Dear Mr. Fremier:

Thank you for your letter regarding the California Environmental Quality Act (CEQA) compliance process for The Bay Lights project. I have reviewed your request that the Department of Transportation (Department) delegate the role of CEQA Lead Agency responsibility for this project to the Bay Area Toll Authority (BATA).

I have determined that there is sufficient justification to delegate CEQA Lead since the organization sponsoring this project is a non-profit group and the project will be privately funded.

Under CEQA Lead Agency responsibility, BATA will assess the impacts of the project on the environment. The Department will retain a Responsible Agency role. The CEQA Lead Agency will conduct the environmental process according to the Department standards that apply to the CEQA process including, but not limited to, the guidance provided in the Standard Environmental Reference available at www. dot.ca.gov/ser

If you have any questions about this letter, please contact me or Melanie Brent, Office Chief of Environmental Analysis, at (510) 286-5231.

Sincerely,

BIJAN SARTIPI
District Director

c: Jason Weinstein, Senior Program Coordinator, BATA/MTC