

San Francisco Bay Conservation and Development Commission

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TO: Commissioners and Alternates

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SUBJECT: **Workshop on Proposed Modifications to the Richmond-San Rafael Bridge Public Pathway Pilot Project**
(For Commission consideration on January 16, 2025)

Summary

The California Department of Transportation (Caltrans) has submitted an application to amend BCDC Permit No. 1997.001 to modify the Richmond-San Rafael Bridge Public Pathway Pilot Project (Pilot), which was previously authorized by Amendment No. Four of that permit. While Caltrans is the permittee, the Pilot is being implemented 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 Pilot currently consists of a separated Class I public pathway on the shoulder of the westbound upper deck of the Richmond-San Rafael Bridge that is open 24 hours a day, seven days a week. Caltrans has proposed modifications to the Pilot that would reduce the days and hours of operations of the public pathway for a two-year period in order to collect additional information about whether modifying the current public pathway to an emergency vehicular shoulder during weekdays may affect response times and delays related to incidents on the bridge.

During the January 16, 2025, Commission meeting, Commissioners will have the opportunity to participate in a workshop to receive information related to the Pilot and proposed modifications, and to provide direction on important considerations related to the proposal. The workshop is NOT a public hearing or vote on Caltrans' permit amendment application, and Commissioners will not be asked to indicate how they expect to vote on the application. Instead, the workshop will provide a setting where Commissioners can engage with relevant data and policy questions, and respond to requests for guidance from staff on key concepts and considerations that will help to shape the forthcoming staff recommendation on the application.



Staff Report

I. Commissioner Workshop

During the January 16, 2025, Commission meeting, Commissioners will have the opportunity to participate in a workshop regarding an amendment request by the California Department of Transportation (Caltrans) and the Bay Area Toll Authority (BATA) to modify operations of the public pathway currently in place on the westbound upper deck of the Richmond-San Rafael Bridge. The purpose of the workshop has four main elements:

1. Share findings from the original Pilot Project;
2. Share information about the proposed Pilot modifications;
3. Provide Commissioners the opportunity to ask questions prior to a future hearing and vote; and
4. Elicit guidance for a future staff recommendation.

Caltrans is the named permittee of the BCDC permit, as well as the owner and operator of the bridge. The Pilot is being implemented by Caltrans in cooperation with BATA, which manages tolling to fund bridge operations. BATA is a subsidiary agency of the Metropolitan Transportation Commission (MTC), and was created by state law to administer tolls on the Bay Area's seven state-owned bridges.

Representatives from Caltrans, BATA, and the University of California's PATH program (which conducted the evaluation of the Pilot) will be available along with Commission staff to present information and answer questions. The workshop will provide information about the amendment request, but will not be a public hearing on the request and will not involve a vote on the request. Commissioners should refrain from prejudging the request by indicating their preferences for or against the request, but should instead provide direction on the information and criteria Commissioners believe should be developed and considered in staff's recommendation when the application comes before the Commission at a later date as a material amendment request.

II. Richmond-San Rafael Bridge Public Pathway

A. Richmond-San Rafael Bridge

The Richmond-San Rafael 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 constructed prior to the formation of the Commission, and opened to traffic in September of 1956. 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. The westbound approach to the bridge includes a seven-lane toll

plaza equipped with an electronic toll collection system, where one lane is restricted for high occupancy vehicles (HOVs) during peak commute hours and the others may be used by all general traffic and trucks. At the toll plaza, the three lanes of traffic approaching from I-580 West expand into seven lanes to pass through the toll system, then merge to two lanes to enter the bridge. The roadway then remains a two-lane facility until its juncture with US-101 North; there is no direct connection to US-101 South.

Both bridge decks originally each featured three travel lanes and were subsequently reconfigured. During the drought of the late 1970s, the right lane on the upper deck was converted to an alignment for an emergency water pipeline from the East Bay to Marin County. The pipeline was removed in 1982 and, given low traffic volumes at the time, the right lane remained closed to traffic and was instead used as an emergency shoulder and breakdown lane until the public pathway opened as part of the Pilot in 2019. The lower deck was also reduced to two lanes with a shoulder, also in the 1980s.

B. Current Pilot Project

The Commission issued Material Amendment No. Four of BCDC Permit No. 1997.001 to Caltrans on September 20, 2016. The amendment authorized a four-year pilot project to evaluate the use of a separated Class I public pathway on the shoulder of the westbound upper deck of the Richmond-San Rafael Bridge and use of the shoulder of the eastbound lower deck as a part-time vehicular travel lane during PM peak hours only. The authorized Pilot includes the following components on the bridge decks and approaches:

1. **Westbound Upper Deck.** On the upper deck, the Pilot includes a 4-mile long, 10-foot-wide bi-directional Class I accessible public pathway on the northern shoulder, separated from vehicle traffic by a 42-inch-tall, 18-inch-wide moveable barrier. It also includes an outer safety railing on the north side of the pathway, as well as informational signage, traffic-monitoring cameras and usage instrumentation. At the westbound approach to the bridge, the Pilot includes a 0.19-mile-long segment of the same Class I pathway and moveable barrier in the shoulder of I-580.
2. **Eastbound Lower Deck.** On the lower deck, the Pilot converts a 4-mile segment of the 12-foot-wide shoulder to a vehicle travel lane during peak commute hours only, and includes signage as well as traffic-monitoring cameras. At the eastbound approach to the bridge, the Pilot also converts a 0.65-mile-long segment of the I-580 shoulder for use as a vehicle travel lane.

The public access improvements made on the bridge and approaches connect to other permanent improvements constructed as part of the Pilot, but located outside of the Commission's jurisdiction. These include improved pedestrian and bicycle travel adjacent to the I-580 corridor in Contra Costa County involving a barrier-separated path connection from the Tewksbury/Standard Avenue Intersection near Point Richmond to Stenmark Drive near Point Molate, approximately 1 mile long. In Marin County, this included completion of the gap between the Vista Point and Andersen Drive through widening of the sidewalk along E Francisco Boulevard to create a bi-directional shared-use facility, and a Class IV bicycle path along Sir Francis Drake Blvd off-ramp flyover, approximately 1.5 miles long.

Caltrans' purposes in piloting these uses of the bridge shoulders were to seek a means of reducing congestion and travel time in the eastbound direction and to provide pedestrian and bicycle facilities across the bridge, the latter of which is related to the provision of public access contemplated in the findings of the original permit. Caltrans intended to evaluate the performance and use of these improvements to determine whether they could feasibly be made permanent.

The BCDC permit required that Caltrans provide a written and verbal report to the Commission at or around the end of the third year of the Pilot regarding the status of the public pathway (Special Condition II.H). The status report was required to include, but was not limited to, 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 and BATA provided a report to the Commission at a briefing on May 2, 2024. During the briefing, Commissioners made a number of requests for additional information regarding the Pilot. These questions have been summarized and responses provided in Attachment A of this staff report.

The authorization provided in Amendment No. Four expired at the end of the four-year pilot period. As the lower deck pilot improvements opened on April 20, 2018, and the upper deck pilot improvements opened on November 18, 2019, the original authorization for the pilot project components expired on April 20, 2022, and November 18, 2023, respectively. However, the amended permit also stated that the Pilot facilities could not be removed, substantially altered, or made permanent without authorization through a permit amendment. Thus, to allow time to conclude the Pilot evaluation, determine appropriate next steps, and complete the amendment process with BCDC, Caltrans requested and was granted Non-Material Amendment No. Five to temporarily extend the authorization of the Pilot through December 31, 2025.

C. Evaluation

Evaluation of the Pilot Project was conducted by California PATH (Partners for Advanced Transportation Technology), a research center at the University of California, Berkeley. PATH prepared a “Before” study in 2018, which included a preliminary set of evaluations focusing on conditions that existed in 2015-2016 before the Pilot was implemented.¹ The “After” study was completed in two phases. Phase I was published in 2022 and provided the data that was presented to the Commission at the May 2024 briefing.² Phase II was completed on May 8, 2024, and includes data gathered since 2022, as well as a discussion of modifications made to an existing bike path connecting the bridge to Sir Francis Drake Boulevard in Marin County outside of the Commission’s jurisdiction. The Phase II report is currently the main source of data about the project used by the applicants and Commission staff and is included as Attachment B of this staff report.

The PATH study examined a number of indicators for traffic and safety impacts to evaluate whether any changes in operations could be attributed to the installation of the new public pathway. These indicators included peak hourly flows across the bridge and through the bridge approach; physical extent and duration of congestion on the bridge, the approach, and on local roads; travel times across the bridge; speeds on the bridge; traffic patterns; incident rates, types, and severity; the location and duration of incidents; incident locations; and incident response times.

Many of the findings show that where changes have been observed in bridge operations before and after implementation of the Pilot, the changes are not statistically significant, meaning that they cannot be attributed to a specific cause and are more likely to be the result of random chance. In other words, those findings cannot be directly attributed to the Pilot study. Of the study’s findings, only two indicators showed a potential impact on operations that Caltrans and BATA have expressed interest in studying further, as discussed below.

1. **Peak Hourly Flows.** Following implementation of the Pilot, average peak hourly flows dropped by 7 percent on weekdays and 4 percent on weekends.³ 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.⁴ Specifically, the design of the pathway approaching the bridge

¹ Available online at <https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/ca18-2997-finalreport.pdf>

² Available online at https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/final-reports/ca22-3141_final_reportv3-a11y.pdf

³ California PATH. After Study for the Richmond-San Rafael Bridge (Phase II), p. 112.

⁴ *Ibid*, p. 113.

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. The study did not provide an estimate of the overall change in travel times due to flow reductions resulting from the Pilot, but PATH has stated to BCDC staff that the difference is likely an average of 5 to 6 minutes during the AM peak.

- 2. Weekday Incident Rates.** The study states that most of the observed changes in incident rates, types, and severity were not statistically significant.⁵ Overall, incident rates have dropped on both the bridge and bridge approach, but when focusing on rates during the weekday AM peak, the data suggests there may be a potential increase in incident rates during those times.⁶ During the peak AM period, the average number of incidents on the approach increased from 22.5 to 26.5 per year, and the average number of incidents on the bridge increased from 31.5 to 40.5. The report expresses 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 incidents per million miles traveled to 4.26 on the approach, and from 2.31 to 3.07 on the bridge (2.74 to 3.47 overall) during peak hours. The report states that this change was not found to be statistically significant, and thus could be the result of random variability.⁷ The report also found that there was no evidence that the Pilot had increased the time needed to clear crash events, but that more precise data for the periods during which an incident affects traffic would be needed for a more definitive answer.⁸ Incidents may include various types of collisions, such as rear-endings, sideswipes, collisions with objects, etc.

It's also important to note that while the PATH study presents data and discusses its statistical significance, it does not discuss the significance of any observed changes for purposes of making any policy recommendations, leaving that instead for decision-makers.

⁵ *Ibid*, p. 179.

⁶ *Ibid*, p. 165-167.

⁷ *Ibid*, p. 167.

⁸ *Ibid*, 177.

III. Proposed Modifications

Caltrans and BATA have proposed the following modifications to the Pilot Project:

1. On the eastbound (lower) bridge deck, continue, on a permanent basis, the use of the shoulder as a vehicle travel lane during the peak commute hours of 2:00pm to 7:00pm each day.
2. On the westbound (upper) bridge deck, for a two-year Modified Pilot period, reduce the availability of the public pathway to only the period from 2:00pm on Thursdays through 9:00pm on Sundays, with some additional availability around holidays. At all other times, the movable barrier separating the pathway would be removed and the path would revert to a shoulder and emergency breakdown lane. A shuttle would operate between 6:00am and 7:00pm on days where the path is closed to transport cyclists across the bridge (on Thursdays, the shuttle would run until the path reopens). 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. Caltrans would begin implementing the modifications in spring 2025.

Caltrans and BATA have stated that the purpose of the modifications is to determine if the availability of the emergency shoulder would improve the operations of the bridge to reduce vehicular delay during the week, while providing bicycle and pedestrian access on the weekends and a shuttle connection for bicyclists on weekdays to minimize impacts on existing weekday cyclists. The agencies have proposed the modifications to provide their boards, the Commission, and the public a better understand of the role of the shoulder, particularly as related to traffic incidents during the morning commute. Caltrans will also use the extended time of the Modified Pilot to study the structural strengthening improvements that would be required if the pathway and moveable barriers were to be made permanent.

Caltrans and BATA have also stated that the drivers of the proposal include the large volume of public comment from individuals and some local governments regarding concerns about the pathway and its impacts on congestion and incidents, as well as certain findings of the PATH study that warrant further evaluation. These findings include the data that show reduced traffic throughput of up to 7 percent during weekday commute hours, reduced speeds on the bridge since the implementation of the pathway, and potential increased incident rates and response times during the weekday morning commute period when incidents have the highest risk and impact on traffic, as described above.

The proposed days of operation were selected based on findings that 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. Caltrans and BATA believe the proposed days of operation allow for an evenly distributed share and best use of the shoulder and enough data to evaluate the role of the shoulder in relation to incidents and traffic throughput during peak commute periods, and are not considering any alternatives that would make the pathway available more than the proposed number of days per week.

A. Related Initiatives

At the same time as the Modified Pilot, BATA is pursuing two other initiatives to address traffic flows, provide transit and carpool priority, and increase person throughput in this part of the I-580 West corridor, summarized below. Neither of these initiatives is included in the current amendment request.

1. Richmond-San Rafael Forward (RSR Forward)

RSR Forward includes three separate projects designed to address traffic congestion on the bridge approach.

- a) **Open Road Tolling (ORT) and HOV Lane.** This project will remove the existing toll booths at the westbound toll plaza and replace them with an overhead toll gantry, as well as reinstate a previously existing westbound HOV lane along I-580 from west of Regatta Boulevard to the new toll gantry. Estimated travel time savings are up to 12 minutes for transit/carpools and up to 5 minutes for general traffic. The project is planned to open in Spring 2026.
- b) **Cutting Boulevard Transit Priority.** This project seeks to improve transit access and operations in the corridor by implementing transit signal priority (TSP) and bus stop improvements along Cutting Boulevard in Richmond for Golden Gate Transit Route 580, which travels across the Richmond-San Rafael Bridge, and AC Transit service along Cutting Boulevard. This project is planned to open in Summer 2026.
- c) **Richmond Parkway Interchange.** This project seeks to improve access to I-580 West for traffic from the Richmond Parkway Interchange and address local congestion in Richmond by creating dual left turn lanes at the Castro Street/I-580 ramps to reduce the left-turn queue length. This project is planned to open in Fall 2028.

2. Westbound Upper Deck Design Alternative Assessment (DAA)

BATA, along with Caltrans, the Contra Costa Transportation Authority (CCTA), and the Transit Authority of Marin (TAM), is undertaking an evaluation of alternative uses of the westbound bridge shoulder that will help maximize person throughput, reduce congestion, and maintain public access. Alternatives analyzed include those that provide a shoulder, HOV lane, or multi-use path, on a full- or part-time basis. The analysis will consider environmental impacts, traveler demographics, vehicle miles traveled, traffic operation analysis, impacts on safety and incident response, geometry and structural requirements, transportation demand management and transit strategies, and cost estimates. The DAA evaluation is expected to conclude in early 2025, followed by environmental evaluation of any project to be advanced as a result of the evaluation. The environmental evaluation is anticipated to require approximately two years to complete.

BATA has stated that, ultimately, the results of the Pilot, Modified Pilot, RSR Forward, and DAA will inform future proposals for the corridor.

IV. Relevant Policies

The amendment request primarily implicates two areas of policy within the San Francisco Bay Plan (Bay Plan), public access and transportation.

A. Public Access

Government Code section 66602 of the McAteer-Petris Act includes a finding and declaration that states, “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 McAteer-Petris Act does not further define the term “maximum feasible,” but the Bay Plan describes conditions in which public access should be provided and how it should be planned and designed. The following Bay Plan Public Access policies are relevant to the Commission’s determination as to whether the proposed public access provided by a project is the maximum feasible, consistent with the project, to the Bay and along the shoreline.

- **Public Access Policy No. 1.** A proposed fill project should increase public access to the Bay to the maximum extent feasible, in accordance with the policies for Public Access to the Bay.
- **Public Access Policy No. 2.** In addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, 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, whether it be for housing, industry, port, airport, public facility, wildlife area, or other use,

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. 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.

- **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.
- **Public Access Policy No. 8.** Public access improvements provided as a condition of any approval should be consistent with the project, the culture(s) of the local community, and the physical environment, including protection of Bay natural resources, such as aquatic life, wildlife and plant communities, 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.
- **Public Access Policy No. 12.** Federal, state, regional, and local jurisdictions, special districts, and the Commission should cooperate to provide appropriately sited, designed and managed public access, especially to link the entire series of shoreline parks, regional trail systems (such as the San Francisco Bay Trail) and existing public access areas to the extent feasible without additional Bay filling and without significant adverse effects on Bay natural resources. State, regional, and local agencies that approve projects 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.

B. 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 an eye on how these projects can impact long-term demands for new Bay fill. The Bay Plan's Transportation policies underwent a comprehensive update in 2005 to account for emerging trends in public transportation, land use policy, and congestion management. The Transportation section includes the following related findings:

- **Transportation Finding d.** Primary reliance on the single-occupant vehicle for transportation in the Bay Area means further pressures to use the Bay as a route for future roadways and bridges. Therefore, a primary goal of transportation planning, from the point of view of preserving and properly using the Bay, should be a substantial reduction in dependence on the single-occupant vehicle. While single-occupant vehicles will still be needed and used for many types of travel, the goal should be the improvement and expansion of systems of transportation that can carry large volumes of people and goods without damaging the environment of the Bay Area, including increased air and water pollution and shoreline space devoted to roadways and parking.
- **Transportation Finding f.** Pressure to fill the Bay for surface transportation projects can be reduced by: improving the efficiency and increasing the capacity of existing transportation facilities and services, increasing access to public transit, providing safe and convenient public pathways for non-motorized forms of travel (e.g., bicycles, pedestrian), and by accommodating more of the region's growth in denser, mixed-use neighborhoods around transit stations and terminals.
- **Transportation Finding i.** A continuous network of paths and trails linking shoreline communities and crossing the Bay's bridges is a vital component in a regional transportation system and provides travel alternatives to the automobile.

The findings support the following related policies:

- **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. The Metropolitan Transportation Commission, the California Department of Transportation, the California Transportation Commission,

the Federal Highway Administration, county congestion management agencies and other public and private transportation authorities should avoid planning or funding roads that would require fill in the Bay and certain waterways.

- **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.

V. Considerations

In reviewing the amendment request, staff has identified considerations that require additional Commission guidance before a staff recommendation can be made. The January 16 workshop will include discussion and activities for participating Commissioners to explore these issues together.

A. Public Access

The Bay Plan's findings and policies indicate that non-motorized public access is highly desirable along the bridge corridor and should be developed if it can feasibly be provided. In particular, Public Access Policy No. 12 seeks to create a linked network of shoreline parks, regional trails, and public access areas without additional Bay fill and Transportation Policy No. 4 states that projects on bridges over the Bay should include bicycle and pedestrian access connected to the Bay Trail. The current pathway on the Richmond-San Rafael Bridge provides a key link between trail systems on the north and east sides of the Bay while utilizing existing infrastructure to minimize the need for new Bay fill. Furthermore, Caltrans' amendment request includes a proposal for a permanent improvement, which is permanent use of the lower deck shoulder as a peak-hour travel lane, and should include maximum feasible public access, consistent with the project, to the Bay and along the shoreline, as well as bicycle and pedestrian access per Public Access Policy No. 2 and Transportation Policy No. 4.

In its current state, the 24-hour daily availability of the path encourages diverse activities and movement to the Bay and along the shoreline, and is barrier free. The proposed Pilot modifications would reduce the availability of the pathway for a two-year period. The Commission should consider whether the Pilot has already demonstrated that the pathway is the maximum feasible public access on the bridge, or if further study is warranted. If further study is warranted, Commissioners should

consider whether the proposed reduction of the path's availability is required to acquire the necessary information, and how further study would help the Commission make a determination on maximum feasible public access at the conclusion of the Modified Pilot.

B. Feasibility

The McAteer-Petris Act and the Bay Plan require that a project provides the "maximum feasible public access" consistent with the project, to the Bay and along the shoreline. In past instances, the Commission has exercised its discretion in determining whether projects meet this requirement on a case-by-case basis considering the facts presented. Because BCD's laws, policies, and regulations do not themselves define the term "feasible," when considering the meaning of feasibility, staff recommends considering the relevance of the definition provided in the California Environmental Quality Act, in which "'feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors" (Public Resources Code Section 21061.1).

Discussion between the Commission and Caltrans of whether a public pathway on the Richmond-San Rafael Bridge is feasible dates back at least to the original issuance of Permit No. 1997.001. At the time, Caltrans agreed to study whether public access could feasibly be provided on the bridge, and, if so, to implement such access. However, that initial study, and additional subsequent studies, were all held by Caltrans to be inconclusive, up to the point the Pilot was proposed in 2016. Amendment No. Four authorized the Pilot, but it did not establish any guidance for the Commission or the applicant to use to determine feasibility at the end of the Pilot evaluation. While this preserves the Commission's discretion for ultimately making this determination with respect to proposed Modified Pilot, it means that there are no criteria that have previously been contemplated by the Commission to guide its decisionmaking as to how to proceed forward at the end of the Pilot authorized by Amendment No. 4. Thus, staff requests that Commissioners consider what feasibility means in the particular context of the permittee needing to provide maximum feasible public access consistent with the project (*i.e.*, allowance of permanent improvements on the lower deck and Modified Pilot on the upper deck) to and along the shoreline in order to allow for a comprehensive analysis of this topic in the staff recommendation. In considering this question, Commissioners should also consider the relation of relevant Bay Plan Policies to the determination of feasibility.

C. Significance

In considering the amendment request and what constitutes the maximum feasible public access in this context, staff's recommendation is that the amount, nature, and quality of public access may be balanced with other considerations, such as public safety or significant use conflicts (*see, e.g.*, Bay Plan Public Access Policy 2). However, as previously discussed, the information provided in the Pilot evaluation consists of observational or statistical data only. It is not accompanied by any thresholds or metrics for determining whether any identified or potential impacts are significant enough from a policy standpoint for the Commission to find that maximum feasible public access in this setting is anything less than permanent full-time access. The proposed modified Pilot study is planned to be similarly structured, without significance criteria.

Staff believes that, where possible, it is important for the Commission to have thresholds and metrics for determining the significance of data presented. For any aspect of bridge operations that the Commission considers essential to the discussion of public access feasibility, there should be criteria for determining whether an impact would be significant enough to warrant a different view of what maximum feasible public access would be. As an example, if travel time is an important consideration for the Commission, the presence of the pathway is resulting in a 7-percent reduction in traffic flows across the bridge such that removing the pathway would result in an approximately 3- to 6-minute time savings for drivers, is that significant enough to affect the Commission's view of the pathway's feasibility?

Thus, staff requests that the Commissioners consider: At what point does an impact of public access on bridge operations would affect feasibility, and how can that be expressed as criteria for evaluating data? Is additional information needed to define such criteria?

VI. Public Comment

The Commission has received a significant amount of public comment on this matter to date, which will be made publicly available prior to the workshop. Comments include those from: commuters expressing their distress with congestion on the bridge during peak hours and who would like the pathway to revert to a shoulder or third travel lane to help alleviate traffic; residents that believe that congestion creates a disproportionate environmental justice burden for nearby communities; cyclists concerned that modifications to the pilot would negatively impact their commutes across the bridge; residents who see the path as a resource for promoting active transportation, sustainability, public health, and equity, and who oppose any modifications that would reduce access; and trail advocacy groups that

write that the Pilot has shown the path to be feasible and reverting it to a breakdown lane is unwarranted; as well as that any approved modifications should wait until the end of 2025 when effects of the Richmond-San Rafael Forward projects can be seen.

The Commission has also received resolutions from the West Contra Costa County Transportation Commission, the City of Albany, the City of Richmond, and the City of Berkeley supporting 24-hour, 7-day access to the bridge path (*i.e.*, no modification of the Pilot as authorized by Amendment No. 4), as well as a letter from the Marin County Board of Supervisors supporting Caltrans' amendment request for a Modified Pilot.