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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

A _____

Application of the Bay Area Toll Authority (BATA) for authority to construct a proposed West Oakland Link project (proposed CPUC Crossing No. 016-2.52-ACD) (proposed DOT No. 857922A) over the existing railroads within the County of Alameda, California.

Application No. _____

APPLICATION
REQUEST FOR EXPEDITED SCHEDULE

The Bay Area Toll Authority (BATA or Applicant) hereby respectfully requests authority from the California Public Utilities Commission (CPUC or Commission) to construct a proposed overhead grade separation bicycle/pedestrian structure over the BNSF/City of Oakland track just north of the existing grade crossing on Burma Road.

In support of this application the Applicant asserts that:

1. The Applicant's exact legal name is Bay Area Toll Authority and BATA is a local agency established pursuant to Streets and Highways Code § 30950, et seq.
2. Applicant's principal place of business is 375 Beale Street, Suite 700, San Francisco, CA 94105. The main telephone number is (415) 778-6676.
3. All correspondence, communication, notices, orders and other papers relative to this application should be addressed to: Gavin Lohry, Bay Skyway Program Coordinator, at the above address and at the following e-mail address:

glohry@bayareametro.gov. Mr. Lohry is an employee of BATA and the Applicant's authorized agent. The consultant who prepared the application should also be copied on all correspondence. The consultant's contact information is: TYLin International, Attn: Gene Lusherovich, 1111 Broadway, Suite 1450, Oakland, CA 94607, and emailed to gene.lusherovich@tylin.com.

4. The proposed West Oakland Link (Link) grade separation structure over the BNSF/City of Oakland tracks is part of the West Oakland Link project. BATA is working cooperatively with local stakeholders, government agencies and railroads.

The Link project is proposed to be implemented in two phases:

Phase 1: Begins at the at-grade connection of the Link to the Bay Bridge Trail (western terminus) and ends at a proposed landing connecting to West Grand Avenue, west of the Union Pacific Railroad (UPRR) railroad corridor. The railroad crossing for this application is located within Phase 1.

Phase 2: Extends from the proposed landing across the Port & UPRR Tracks to Mandela Parkway. This Phase will be designed and constructed at a later time.

Grade separations allow for safe and simultaneous movement of highway and rail modes of travel. The elevated portion of the Link would include fencing that varies between 4 feet and 10 feet in height above the finished surface. Fencing would be needed where the path crosses over a road or railroad; a metal guardrail barrier would be used over other areas. The fencing and barriers would comply with all relevant building, Caltrans, railroad, and safety codes. The design for the fencing and barrier would meet the technical and safety requirements of the Highway Design Manual and Guidelines for Railroad Grade Separation Projects from UPRR-BNSF, whilst following the project aesthetic theme and language developed during the community design workshops.

5. This application and relief sought herein is filed pursuant to Sections 1201 through 1205, inclusive of the Public Utilities Code and in accordance with Rules 3.7 and 3.9 of the Commission's Rules of Practice and Procedure.

6. BATA, in cooperation with Caltrans and City of Oakland, proposes to construct an overhead grade separation structure over the BNSF/City of Oakland railroads located in Alameda County.
7. The legal description for the location of the proposed grade separation at the railroad crossing (Rule 3.7(a)) is provided in Exhibit A, attached hereto and made a part hereof.
8. The proposed crossing will be at Milepost 0003.30, Rail Division or Region: None, Rail Subdivision or District: None, CPUC Number 016-2.52-ACD and the DOT Number 857922A.
9. The crossing identification number of the nearest existing public crossings (Rule 3.7(b)) is as follows:

The I-880/Grand Avenue overhead bridge nearest to the proposed link crossing is to the north, in the County of Alameda, with Mile Post 2.50, CPUC No. 016-2.50-AC and DOT Crossing No. TBD.
10. The project design drawings showing the general vicinity (Rule 3.7 (e)), roadway plan and profile (Rule 3.7 (d) and (f)), and structure design drawings (Rule 3.7 (d)) for the proposed crossing site are provided in Exhibit B, attached hereto and made a part hereof.

As shown on the design drawings and as summarized in the following table, the minimum permanent clearances exceed the clearances required by General Order 26-D (minimum vertical clearance of 22'-6" and minimum side clearance of 8'-6"). No temporary clearance exceptions are requested.

Crossing Name	Engineering Station	Minimum Vertical	Minimum Horizontal
Spur Line 1	BP-LK1 Line Bent 1-10 Sta. 19+30.89	23'-10"	15'-1"
Spur Line 2 & 3	BP-LK1 Line Bent 1-11 Sta. 20+02.89	26'-8"	22'-6"
Spur Line 4	BP-LK1 Line Bent 1-12 Sta. 21+18.83	27'-3"	29'-0"

11. In support of the proposed grade separation, a Letter of Concurrence from the City of Oakland is provided in Exhibit C, attached hereto and made a part hereof.
12. The CPUC's Scoping Memo, guided by Rule 7.3 and Pub. Util. Code § 1701.1, is attached hereto as Exhibit D.
13. BATA is the project sponsor and lead agency under the California Environmental Quality Act (CEQA). Metropolitan Transportation Commission (MTC) will be the implementing agency for advertising, contract awarding, and administering the construction of the Project. Caltrans is the National Environmental Policy Act (NEPA) lead agency, per the 326 NEPA Assignment Memorandum of Understanding between Caltrans and the Federal Highway Administration (FHWA). Caltrans is also providing oversight and Quality Management Assessment.

The CEQA document is a Mitigated Negative Declaration. In 2023, BATA adopted the IS/MND for the project. Since its adoption, the project footprint expanded with the alternative ramp connections and therefore an addendum was prepared. The CEQA addendum, hereby identified as the January 2025 Addendum, was adopted by BATA on January 22, 2025. A second addendum was prepared to document the removal of the Spiral Ramp and the South Burma Road Ramp, along with the associated trail along Burma Road, that were disclosed as optional in the January 2025 Addendum. This second addendum concluded that no new or substantially more severe impacts were found to be associated with them; therefore, the elimination of these elements from the project would not substantially change the severity or significance of the environmental impacts disclosed in the Adopted IS/MND and January 2025 Addendum. For these reasons, no subsequent or supplemental environmental impact report is required pursuant to CEQA Guidelines sections 15162 and 15163. The project is a NEPA Categorical Exclusion (CE) under 23 CFR 771.117 (c): Construction of bicycle and pedestrian lanes, paths, and facilities. The approval for NEPA CE was received on May 15, 2024. Pursuant to CEQA, BATA is the Lead Agency for this project.

The following technical studies were completed in support of the NEPA CE

review process: Air Quality Analysis Technical Memorandum, Cultural Resources, Section 4(f), Water Quality Assessment, Visual Impact Assessment, Traffic, Biology, and Site Investigation Report.

The project will be phased due to funding constraints. Further CEQA addendums and NEPA revalidations may be needed if it is determined that such phasing may result in additional impacts not identified and disclosed in the approved environmental documents. The Notice of Determination (NOD) for IS/MND was approved on January 22, 2025 (State Clearinghouse No. 2022060271). Attached hereto as Exhibit E is the IS/MND document.

This Application and Project are consistent with the Environmental and Social Justice (ESJ) Action Plan and the CPUC's vision to advance equity in its programs and policies for ESJ communities.

West Oakland area has a high concentration of ESJ communities; however, the project vicinity is comprised of transportation facilities (railroad corridors and freeways) and larger industrial-related land uses. On the west side of Interstate (I) 880, the Port of Oakland (Port) and a former Oakland Army Base property is south of the project area; the East Bay Municipal Utility District (EBMUD) wastewater treatment facility is to the north. On the east side of I-880, the area is dominated by industrial uses and warehouses, with some commercial uses. The project does not require the acquisition or displacement of any residential or commercial uses and impacts during construction and operation are not anticipated to have any significant impact related to the surrounding communities including ESJ communities. Overall, the project advances multiply ESJ objectives by providing safe, reliable, and equitable non-motorized transportation access which would benefit all communities including ESJ communities.

The project supports several ESJ Action Plan goals as described below. Goal 7 is not applicable because the project is expected to result in economic or workforce development opportunities as it is a non-motorized improvement project that provides a safer more direct bicycle and pedestrian connection between Oakland and San Francisco. Goal 8 and Goal 9 are not applicable because the project does not require CPUC internal actions.

Goal 1: Consistently integrate equity and access considerations throughout CPUC regulatory activities. The project has actively engaged ESJ communities through multiple outreach efforts, including pre-CEQA community meetings and collaboration with the West Oakland Environmental Indicators Project (WOEIP), a local community-based environmental justice organization, to provide information on the project and incorporate community input into project design. The purpose of the project is to provide a safe and direct pedestrian and bicycle path between West Oakland and the Bay Bridge Trail for the surrounding communities. Currently, there is no bicycle and pedestrian path connecting West Oakland and the bike and pedestrian trail to the East Span of the Bay Bridge and the existing connections are on roadways with heavy vehicle and truck traffic that deters its use by bicyclists and pedestrians. The project would provide a separate pedestrian and bicycle path that improves access and safety for all pedestrians and bicyclists for most of its length. The benefits would accrue to all, including ESJ communities. The project is consistent with CPUC Goal 1.

Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health. The project is a non-motorized transportation project that would connect Oakland and San Francisco, and not an investment in clean energy resources. However, the project is expected to result in a mode shift from motorized vehicle travel to non-motorized. A reduction in motor vehicle travel would have a benefit on air quality by reducing vehicle emissions and greenhouse gas emissions (GHG). Additionally with the mode shift there would be public health benefits as more people use non-motorized options rather than driving. The project is consistent with CPUC Goal 2.

Goal 3: Strive to improve access to high-quality water, communications, and transportation services for ESJ communities. The project would provide a safer and more direct non-motorized transportation option for all communities including ESJ communities, to the Bay Bridge Trail and connections to employment opportunities, transit options, and recreation. The project is consistent with CPUC Goal 3.

Goal 4: Increase climate resiliency in ESJ communities. The project is not a climate-adaption project however, the project can enhance climate resiliency by providing a mobility choice, reducing reliance on automobiles, and supporting GHG reduction goals. The direct connection and improved non-motorized infrastructure provided by the project would reduce reliance on automobiles and support long-term greenhouse gas reduction goals. The project is consistent with CPUC Goal 4.

Goal 5: Enhance outreach and public participation opportunities for ESJ communities to meaningfully participate in the CPUC's decision-making process and benefit from CPUC programs. As discussed under Goal 1, the project has actively engaged ESJ communities, including the West Oakland Environmental Indicators Project, through multiple outreach efforts. In addition, during the CEQA phase, the Draft IS/MND was circulated for public review, and comments from individuals, agencies, and organizations were addressed, with most expressing support for the project. Additional outreach would also occur prior to construction to ensure the community remains informed and involved. The project is consistent with CPUC Goal 5.

Goal 6: Enhance enforcement to ensure safety and consumer protection for all, especially for ESJ communities. While the goal primarily concerns utility safety, the project does improve safety of bicycles and pedestrians with the physical separation between the project and motor vehicles for most of its length. The safety benefit associated with the project and the improved connections to the surrounding area would apply to all communities including ESJ communities. The project is consistent with CPUC Goal 6.

14. Pursuant to Rule 1.9(d) of the Commission's Rules of Practice and Procedure, the Applicant is issuing this Notice of Availability (NOA). The NOA is being served on all parties listed on the official service lists for this application, which are attached as Exhibit F - Certificate of Service.
15. Pursuant to Rule 2.4 of the Commission's Rules of Practice and Procedure, a Verification memo Exhibit G is attached hereto.
16. BATA will be responsible for maintenance costs attributable to the Project.

Maintenance of the at-grade features of the Project, including day-to-day maintenance activities such as trash pick-up and cleaning, will be contracted out by BATA to a third-party service provider. During the PS&E phase, the specific maintenance roles and responsibilities will be established in a Maintenance Agreements between Caltrans and BATA. Caltrans will own the completed bridge structure. Ownership of other completed project elements rests within the jurisdiction and/or right of way in which they are located.

17. One copy of Exhibit I showing proposed roadway lighting plan in conformance with CPUC Rule of Practice and Procedure is included as part of 3.7(f).

WHEREFORE, the Applicant respectfully requests:

- I. That the Public Utilities Commission of the State of California issue an Order authorizing construction of the overhead grade separation pursuant to the provisions of Sections 1201-1205, inclusive, of California Public Utilities Code. The overall Build Alternative for the Project consists of both at-grade and elevated paths. The Class I Link project would extend 6,030 feet (1.14 miles) between Mandela Parkway on the east and the Bay Bridge Trail on the west. The combined length of Class I paths, as well as ramps and connecting paths for the Project, would be 11,000 feet (2.1 miles). At the west end, the Link would connect to the Bay Bridge Trail near the Caltrans maintenance facility. At the east end, the Link would connect to the existing bicycle/pedestrian path on Mandela Parkway in West Oakland. In addition, the project will include improved bicycle and pedestrian connectivity on the surface streets from Wood Street to Mandela Parkway and Peralta Street. The Project also includes a 460 ft bridge over UPRR right of way between Admiral Toney Way and Frontage Road. When completed, bicyclists and pedestrian traffic that utilize the existing 8-ft multi use path on West Grand Avenue west of Frontage Road will be re-routed to the new bridge over UPRR.

II. Request for an Expedited Schedule:

We formally request an expedite CPUC process as the funding for the project is tied to a Ready-To-List (RTL) date of 02-28-2027, which requires us to have all

the material prepared for CTC by the **end of November 2026** for the January 2027 CTC meeting, as they do not meet in February 2027. Per our current baseline schedule, we have about a nine-month period to obtain approval from CPUC. Attached (see Exhibit H) for your reference is formal documentation related to the funding deadline. Any delays to the approval of the formal application could potentially result in ratepayer harm. Failure to secure funding for the West Oakland Link project would result in the loss of significant public benefits, including enhanced pedestrian, bicyclist, and vehicle safety, improved system reliability, and progress toward CPUC's equity goals.

Dated at San Francisco, California, County of San Francisco, this 9th day of March 2026.

Signed:  _____

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