

# Exhibit H



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**California Division**

October 15, 2024

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In Reply, Refer To:  
HDA-CA

## **ELECTRONIC CORRESPONDENCE ONLY**

Ms. Dina El-Tawansy,  
District 4 Director  
California Department of Transportation  
111 Grand Avenue  
Oakland, CA 94612

**SUBJECT: Approval of Right of Way Use Agreement re: Bay Lights 360 Project**

Dear Ms. El-Tawansy,

This letter is in response to your request for approval of a right-of-way use agreement (RUA) for the Bay Lights 360 project. This transportation art project proposes to replace previously installed exterior decorative lights on the west span of the San-Francisco-Oakland Bay Bridge on Interstate 80, as well as add the installation of interior lights. The project is located between San Francisco and Alameda Counties, in California.

The proposed lights will be positioned along the outside and inside vertical suspender cables on the upper deck of the bridge. Interior lights are proposed to be visible from the roadway and exterior lights visible from the Bayside. Interior and exterior lights will be placed on two separate circuits and must be controlled by Caltrans. Due to safety concerns already articulated to Caltrans, FHWA will not authorize the use of the interior lights until FHWA has determined the lights can function safely and does not impair the highway or interfere with the free and safe flow of traffic (23 CFR 710.403(b)).

As a result, this RUA approval is only for the installation of the lighting system and exterior lights use. Interior lights use (including testing) is not allowed under this approval and will not be permitted until a comprehensive test under an FHWA approved testing plan is completed, and a separate FHWA approval for the use of the interior lights is obtained. This approval allows for the installation of interior lights at the applicants's own risk, recognizing the potential that the interior lights may not be allowed to be used.

Once testing is performed, and safety risks associated with the use of the interior lights have been analyzed and mitigated, Caltrans will submit a request for FHWA's approval for interior lights use and will report on the monitoring of crash rates on the bridge after installation of the lights.

Monitoring must include threshold for the termination of use of interior lights if there is an increase of crash rates for serious injury and fatal crashes.

If you have any questions, please contact David Tedrick, ROW Program Manager at [david.tedrick@dot.gov](mailto:david.tedrick@dot.gov) or call (916) 498-5024.

Sincerely,

Antonio Johnson  
Director, Planning, Environment and  
Right of Way  
Federal Highway Administration

TO (via email):

Dina El-Tawansy, Director, Caltrans District 4

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CC (via email):

Tony Tavaréz, Director, Caltrans

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Andrew B. Fremier, Executive Director, Bay Area Toll Authority

Elissa Konove, Division Administrator, FHWA

Matt Schmitz, Acting Deputy Division Administrator, FHWA

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