

December 28, 2025

BY EMAIL

Belia Ramos, President
Association of Bay Area Governments
fcastro@bayareametro.gov

Re: Formal Legal Inquiry – Bay Lights 360

Dear Ms. Ramos and ABAG Executive Board,

The Soft Lights Foundation requests an independent investigation by the Association of Bay Area Governments (ABAG) into the actions of ABAG Executive Director Andrew Fremier, ABAG Chief Deputy Executive Director Alix Bockelman, ABAG General Counsel Kathleen Kane, the Bay Area Toll Authority (BATA) Oversight Committee, San Francisco Bay Conservation and Development Commission (BCDC) Executive Director Larry Goldzband, the BCDC Commissioners, the California Department of Transportation (Caltrans), and the California Department of Fish and Wildlife (DFW) related to the Bay Lights 360 project.

The Bay Lights 360 is a 1.8-mile-wide light pollution project proposed by Ben Davis, the Founder of the non-profit Illuminate. Mr. Davis has secured over \$11,000,000 from wealthy benefactors to install 48,000 animated, blue-rich Light Emitting Diode (LED) lights on the San Francisco-Oakland Bay Bridge which will create light pollution for the entire San Francisco Bay Area. Half of these lights will be aimed directly into the eyes of drivers as they cross the bridge.

Mr. Davis has convinced BATA to be the lead agency for this Project. Andrew Fremier is the Executive Director of the Metropolitan Transportation Commission (MTC), which includes the BATA agency, but is simultaneously the Executive Director of ABAG. Alix Bockelman is the Chief Deputy Executive Director of MTC, and simultaneously the Chief Deputy Executive Director of ABAG. Kathleen Kane is the General Counsel for MTC and is simultaneously the General Counsel for ABAG.

The Soft Lights Foundation learned of the proposed Bay Lights 360 project in 2023 and began notifying Caltrans of the environmental and health impacts of LED lights and requesting information on the Environmental Impact Report (EIR) for the Project. The response from Caltrans each time was that the project was in the planning phase and that our concerns would be addressed. In 2024, the Soft Lights Foundation also began communicating with BATA. BATA

also responded that the project was in the planning phase. However, in December 2024, Caltrans suddenly began construction on the Project.

Because BATA had not produced an EIR for the project, Mark Baker, President of the Soft Lights Foundation, filed a Pro Se lawsuit under the California Environmental Quality Act (CEQA). In response, BATA Staff members Andrew Fremier, Alix Bockelman, and Kathleen Kane hired an outside law firm to oppose my lawsuit. I do not know whether this action was approved by the BATA Oversight Committee.

The basis for BATA's opposition to my lawsuit is that BATA filed a CEQA Notice of Exemption (NOE) on August 15, 2023 and that, as such, my lawsuit was untimely. This NOE was signed by BATA Chief Deputy Executive Director Alix Bockelman. However, BATA has failed to produce a Project Approval document from the BATA Oversight Committee. Because the Project was never approved, the NOE is void and my lawsuit is timely. This legal case is now being heard by the California Court of Appeal, First Appellate District. BATA continues to oppose my lawsuit.

The Soft Lights Foundation has submitted public comment to the BATA Oversight Committee numerous times and requested that the BATA Oversight Committee open an investigation into this Project. The Oversight Committee has instead chosen to allow BATA staff to continue carrying out the project. The BATA Oversight Committee has not provided an opportunity for public comment, has not held public hearings, and has not voted to approve the project. The Oversight Committee has provided no oversight.

Caltrans issued an encroachment permit to BATA for the Project on October 29, 2024. This encroachment permit expired on October 31, 2025. The Soft Lights Foundation has contacted Caltrans District 4 Director David Ambuehl many times, requesting information about the status of the encroachment permit, but Mr. Ambuehl has not responded even once. We have also contacted Caltrans Director Dina El-Tawansy, who was previously the District 4 Director, many times about this issue, but Ms. Tawansy also has not responded.

BCDC Executive Director Larry Goldzband issued a permit for the Project by claiming that the Project involved "minor fill". This classification allowed Mr. Goldzband to bypass the BCDC Commissioners. However, the Project involves no fill at all, and this action appears to have been taken solely to avoid BCDC Commission oversight. The Soft Lights Foundation has notified the BCDC Commissioners, but no action has been taken to investigate.

In December, 2025, Illuminate announced that construction had started on the Project a second time. There is no information on the BATA or MTC website about this project.

After the December, 2025 announcement by Illuminate, we learned about ABAG and that ABAG is a separate entity from MTC and BATA, but which is served by the same executive staff. It is our grave concern that numerous officials from BATA, the BATA Oversight Committee, BCDC, the BCDC Commissioners, Caltrans, and DFW have acted inappropriately and

unethically on this Project. Until now, we have received no information from Mr. Fremier, Ms. Bockelman, or Ms. Kane related to ABAG and the Bay Lights 360 project. It appears to us that these executive officials have conspired with BCDC and Caltrans officials to push this project through without ABAG involvement. For these reasons, the Soft Lights Foundation requests that ABAG open a transparent investigation, using an independent, outside agency to determine whether ABAG executive staff have fulfilled their duties and obligations to ABAG, or whether ABAG has been willfully excluded from providing input and decision making related to the Bay Lights 360 project.

Specifically, the ABAG San Francisco Estuary Partnership appears to have been excluded from the entire Bay Lights 360 process. The Bay Lights 360 project will inundate the SF Bay with blue-rich light pollution, which is contrary to the vision of the Estuary Blueprint, and contrary to State public health policy under the 2019 Blue Light Awareness Day proclamation. We request that the ABAG investigation seek to determine how and why the ABAG Estuary Partnership was excluded from Bay Lights 360 planning.

The ABAG website states, “ABAG membership is voluntary and represents the cities, towns and counties of the Bay Area with a population of more than 7 million people. We offer members research and analysis, education and outreach, regional coalition coordination, and cost-effective member service programs.”



The photo above from the ABAG website shows a vast number of San Francisco Bay Area stakeholders. We are in disbelief that a project the size and scope of the Bay Lights 360 project has been able to proceed without oversight from so many agencies, without public input, and with the preparation of a CEQA Environmental Impact Report. Therefore, we hope that ABAG appreciates the gravity of this situation and agrees to open a full and transparent investigation.

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

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