

September 1, 2004

Fax to: (415) 352-3606

Ms. Barbara Kaufman, Chair  
San Francisco Bay Conservation and Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

**Re: A request for a public hearing about bicycle access  
on the Richmond-San Rafael Bridge due to recent staff level approvals  
for new work by Caltrans**

Dear Chair Kaufman and Commissioners:

On behalf of the Marin County Bicycle Coalition (MCBC), I am writing to respectfully request that the Commissioners of the San Francisco Bay Conservation and Development Commission agendaize a full discussion about public access with relation to new work being done by the California Department of Transportation on the Richmond-San Rafael Bridge.

MCBC and bicycle advocates throughout the Bay Area have been working in good faith with BCDC in recent years to help secure direct bicycle access to the Richmond-San Rafael Bridge, as summarized below. This effort is consistent with the Commission's mandate to ensure maximum feasible public access to the Bay.

We recently learned that Caltrans is conducting two activities related to the bridge which we believe warrant a full discussion by the Commission. These activities include:

- Repairing 700 expansion joints on the bridge. This work results in re-decking the bridge in the vicinity of the joints.
- Resurfacing the entire bridge.

This week we learned that BCDC staff and Caltrans met on August 30, 2004 about these activities, and that BCDC staff plans to find these activities permissible under: 1) Permit number 1-97 which was issued on September 10, 1997 for the seismic retrofit of the bridge, and under 2) Permit number M87-42 which is a general maintenance permit for all bridges in the nine Bay Area counties. It should be noted that permit M87-42 was approved administratively by BCDC staff by July 29, 2004 – only one month ago. It is my understanding that this permit is a compilation of three previous permits, some of which had already expired.

As you are aware, the issue of bicycle access on the Richmond-San Rafael Bridge has come before the Commission several times over the past seven years. Most recently, on October 17, 2002 the Commission approved a motion to “support the goal of providing safe, direct access for bicyclists on the Richmond-San Rafael Bridge after the completion of the current seismic retrofit project.” (Please see the attached letter from October 18, 2002 from BCDC's Executive Director Will Travis.) The letter further requested that the Metropolitan

Transportation (MTC) and Caltrans work together to develop a Project Initiation Document (PID) for such bicycle access.

In the fall of 2003, MTC awarded a contract for this third access study. The study was to take place from January 2004 – August 2004, and the PID was to be completed by August of 2004. It is now September of 2004 and there has only been one meeting of the Technical Advisory Committee for this study, and that meeting took place in January of 2004.

Prior to the October 2002 meeting of the Commission, your agency received petitions, letters from the public, a resolution of support from the Marin County Board of Supervisors and letters from Senator John Burton, Senator Tom Torlakson, Assemblyman Joe Nation, and Assemblymember Carol Migden – all supporting direct bicycle access on the Bridge. Assemblyman Nation's letter further stated, "...when Caltrans requests permission from BCDC to re-deck the bridge (which I understand will occur soon), I encourage BCDC to require direct bicycle access as a condition for the permit."

MCBC was told by BCDC in 2002 that Caltrans would be required to come to the full Commission for a permit to re-deck the bridge. However, we are now being told that a partial re-decking of the bridge, and a full re-surfacing of the bridge, are covered under existing permits – one of which was recently created through resurrecting expired permits.

The Marin County Bicycle Coalition believes that safety is of the utmost importance for all bridge users. However, we are confused and frustrated by this process, as we understood that the Commission had been looking forward to further discussing the issue of public access on the Richmond-San Rafael Bridge. Unless the Commission requires a public hearing to discuss how these permits relate to bicycle access, the opportunity to ensure public access will be denied due to a stalled study and internal decisions made without the benefit of a full and open discussion.

As you know, there is a long history with regards to bicyclists working for public access on the Richmond-San Rafael Bridge, and in general the Commission has been very supportive of these goals. Some historical occurrences include:

- In 1974 Caltrans agreed to provide direct public access on the Bridge on a trial basis. Access was planned to begin in 1975, but due to the drought, a water pipeline was installed instead.
- In 1997, when Caltrans sought the permit to seismically retrofit the Richmond-San Rafael Bridge, BCDC included a "finding" which required Caltrans to conduct a RSRB bicycle/pedestrian access feasibility study. At the time that permit 1-97 was issued, there was a discussion about BCDC requiring public access as a condition for the retrofit permit, however, BCDC received notice from then Attorney General Dan Lundgren stating that BCDC no longer had the authority to require public access as part of a permit based on your mandate for "maximum feasible public access." This was a new interpretation of BCDC's authority, which took away some of BCDC's power.

- In 1998 the public access study was completed and was supportive of direct public access (at a cost of \$3.7 million). However, the only option Caltrans endorsed from this 1998 study was a new separated bicycle and pedestrian facility, which was ruled out because of high costs (\$93 million).
- In 1999, bicycle advocates went to Attorney General Bill Lockyear to challenge the Lundgren findings about BCDC's ability to uphold maximum feasible public access and his office issued a new finding which again granted BCDC the power to require access as a condition for a permit. Unfortunately, however, Permit 1-97 for the seismic retrofit had already been issued and could not be changed. It is ironic and unfortunate that BCDC's power to uphold maximum feasible public access was suspended for a two-year time period during which permits were issued for seismic retrofits on many Bay Area bridges, including the RSRB, thus denying public access.
- Due to urgings from BCDC and the public, in the year 2000, Caltrans commissioned the Mineta Transportation Institute to evaluate bicycle/pedestrian use of freeways, expressways, toll bridges, and tunnels. The data from this second study determined that "bicycle collisions on bridges and tunnels are rare events." Although the findings of this study seemed to support direct access, Caltrans declared the data "inconclusive."
- In the fall of 2002, BCDC heard the report from Caltrans regarding this second bridge access study and approved the aforementioned motion urging MTC and Caltrans to conduct a third public access study and develop a PID to fund and provide public access as soon as possible. This study is taking place now, but is stalled over projections regarding when Caltrans and MTC believe that the third lane on the bridge will be needed for auto traffic.

The record summarized above clearly documents that there has been a tremendous amount of work done to investigate and substantiate the safety of allowing bicycle access, and to create plans for public access on the Richmond-San Rafael Bridge. The MCBC urges the Commission to conduct a full public hearing regarding permits for the Caltrans work, and to take prompt action to ensure that direct bicycle access is a specific condition of any and all permits that are required for this important project.

Thank you for your consideration of this request.

Sincerely,

Deb Hubsmith  
Executive Director  
Marin County Bicycle Coalition

Cc: Metropolitan Transportation Commission, c/o Steve Heminger, Executive Director  
Marin County Board of Supervisors, c/o Supervisor Kinsey, President  
Assemblyman Joe Nation