

**CALIFORNIA COASTAL COMMISSION**

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Request Filed: June 4, 1999  
Staff: Jack Liebster  
Staff Report: June 24, 1999  
Hearing Date: July 15, 1999  
Commission Action:

**STAFF REPORT: REVOCATION REQUEST**

**APPLICATION NO.:** 1-98-100

**APPLICANT:** CALIFORNIA DEPARTMENT OF TRANSPORTATION,  
DISTRICT 3

**PROJECT LOCATION:** Highway One Noyo River Bridge near the south end of the City  
of Fort Bragg, Mendocino County.

**PROJECT DESCRIPTION:** Replace the existing two-lane, 36-foot-wide Highway One Noyo River Bridge with an 86.6 ft. wide, 875-ft.-long, triple cast-in place concrete box girder bridge. The proposed bridge will accommodate four 12 ft lanes, a 12 ft. median, 8 ft outside shoulders with approximately 5.5 ft sidewalks and concrete safety railing placed on both sides. Construction of the bridge will require the installation and subsequent removal of temporary falsework and trestles involving (1) the driving of approximately 224 temporary piles displacing approximately 2000 sq. ft. of the river and, (2) constructing an approximately 30,000-square-foot temporary trestle for construction access.

**INDIVIDUAL REQUESTING REVOCATION:** Vince Taylor, Dharma Cloud Foundation

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission deny the request to revoke permit 1-98-100 because the revocation request does not establish the grounds required by Section 13105 of the Commission's regulations. (Motion on Page 3).

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**SUBSTANTIVE FILE DOCUMENTS:** See Appendix A

**1. PROCEDURAL NOTE**

The Commission's regulations pertaining to revocation are included in their entirety in Exhibit 1. In pertinent part, they state the grounds for the revocation of a coastal development permit as follows:

Section 13105. Grounds for revocation of a permit shall be:

- a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application .....

Section 13108 describes the procedures to be followed:

- a) At the next regularly scheduled meeting, and after notice to the permittee and any persons the executive director has reason to know would be interested in the permit or revocation, the executive director shall report the request for revocation to the Commission with a preliminary recommendation on the merits of the request.
- b) The person requesting the revocation shall be afforded a reasonable time to present the request and the permittee shall be afforded a like time for rebuttal.
- c) The Commission shall ordinarily vote on the request at the same meeting, but the vote may be postponed to a subsequent meeting if the Commission wishes the executive director or the attorney general to perform further investigation.
- d) a permit may be revoked by a majority vote of the members of the Commission present if it finds that any of the grounds specified in Section 13105 exist. If the Commission finds that the request for revocation was not filed with due diligence, it shall deny the request.

**2. STAFF NOTE**

A revocation of a permit removes a previously granted permit. If the Commission revokes the permit and the applicant wishes to pursue the project, a new application is required.

Because of the potential impacts revocation could have on an applicant who may have acted in reliance on the permit, the grounds for revocation are necessarily narrow. The rules of revocation, for instance, do not allow the Commission to make a second judgement on a previously issued permit based on information that comes into existence after the granting of the

permit, no matter how compelling that information might be. The grounds for revocation are, of necessity, confined to information in existence at the time of the Commission's action.

This revocation request is based on subsection (a) Section 13105 of the Commission's regulations. The three elements of Section 13105(a) that must be proved before a permit can be revoked are:

- 1) That the applicant provided inaccurate, erroneous or incomplete information,
- 2) that if the Commission had known of the information, it would have denied the permit or imposed different conditions, and
- 3) that inaccurate, erroneous or incomplete information was supplied intentionally.

In addition to these three elements, Section 13108(d) establishes that the Commission must deny a revocation request that has not been filed with due diligence. As it may take some time to prepare a request, the Commission has accepted requests submitted at various times after permit approval. In this case, the permit was approved March 12, 1999, and the request submitted June 2, 1999. Therefore, no issue of due diligence is raised.

The revocation request presents two significant contentions. One contention concerns the availability of alternative "see-through" railings that met applicable safety requirements, and the second concerns the feasibility of meeting construction traffic objectives with a narrower bridge.

The staff report analyzes these contentions and the applicant's preliminary response. At several points Mr. Taylor, the individual requesting revocation, stipulates that some aspects of his contentions would best be confirmed or denied through obtaining answers to additional questions (see Exhibit 10). Staff has not pursued such detailed investigation and fact finding, but rather, based upon information in the record, has found sufficient information to formulate its recommendation. Staff does note that it is in part the commission's role to determine how much, if any, investigation of facts to require. Section 13108(c) allows the Commission to postpone action on the revocation request to a subsequent meeting if the Commission wishes the Executive Director or the Attorney General to perform further investigation. If the Commission decides not to deny the request on the basis of the staff recommendation, it may require staff to undertake further research on the issues that have been raised prior to final action on the revocation request.

#### **I. STAFF RECOMMENDATION**

The staff recommends that the Commission adopt the following motion:

##### **Motion for Denial**

The Commission hereby **denies** the request for revocation because no grounds for revocation exist pursuant to 14 Cal. Code of Regulation Section 13105.

## **II. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. PROJECT DESCRIPTION AND LOCATION**

On March 12, 1999, the Commission approved the application of the California Department of Transportation (Caltrans) to replace the existing two-lane, 36-foot-wide Highway One Noyo River Bridge with an 86.6 ft.-wide, 875-ft.-long, triple cast-in place concrete box girder bridge. The proposed bridge will accommodate four 12 ft lanes, a 12 ft. median, 8 ft outside shoulders with approximately 5.5 ft sidewalks and concrete safety railing placed on both sides.

Construction of the bridge will require the installation and subsequent removal of temporary falsework and trestles involving the driving of approximately 224 temporary piles displacing approximately 2000 sq. ft. of the river and constructing an approximately 30,000-square-foot temporary trestle for construction access.

### **B. HISTORY OF REVOCATION REQUEST**

On June 2, 1999, the Commission offices received a revocation request from Vince Taylor, Director of the Dharma Cloud Foundation addressing CDP 1-98-100 for the replacement of the Noyo Bridge (see Exhibit 2). The request conforms to the format requirements of Section 13105 et seq. of the Commission's Regulations by alleging that the applicant intentionally included erroneous or incomplete information and that accurate or complete information would have affected the Commission's decision. Specifically, the request presents two contentions supporting revocation of the permit: 1) the availability of alternative "see-through" railings that met safety requirements, and 2) the feasibility of meeting construction traffic objectives with a narrower bridge.

After reviewing the request and determining it was not patently frivolous and without merit, staff informed the applicant (John Webb of Caltrans) that the request had been accepted for further review and Commission hearing, and transmitted copies to the principally involved Caltrans staff. Commission staff invited a written response to the contentions, requesting it by June 16, to allow preparation of a complete staff recommendation.

Caltrans subsequently asked for a personal meeting with the Executive Director, which was scheduled for June 17, 1999. Caltrans' written response (Exhibit 3) was faxed to the Commission June 16, but did not directly address the contentions in the revocation request. Caltrans' attorney Tony Anziano met with the Executive Director and involved staff on July 17, raising a number of issues related to the revocation request. Additional submittals were received from Mr. Taylor on June 21, 1999 (Exhibit 4) and from Caltrans on June 23, 1999 (Exhibit 11).

**C. SUMMARY OF THE REVOCATION REQUEST'S CONTENTIONS**

As stated above, the grounds for revocation are very narrow. The three elements that must be established before a permit can be revoked under the grounds asserted in this instance are:

- 1) That the applicant provided inaccurate, erroneous or incomplete information,
- 2) that if the Commission had known of the information, it would have denied the permit or imposed different conditions, and
- 3) that inaccurate, erroneous or incomplete information was supplied intentionally.

The revocation request alleges these grounds are met for each of the two contentions: information relating to an alternative bridge railing and to a narrower bridge design.

**Bridge Rail Contentions:** Mr. Taylor argues in essence that during the time Caltrans was characterizing its "see through" railing as the only viable alternative (i.e. up to the hearing on March 11, 1999), several rail designs that better protected views had in fact either completed or substantially completed the most time-consuming parts of safety testing and could have been adapted for use in the approved project.

**Bridge Width Contentions:** Mr. Taylor argues that Caltrans had insisted at the time of the Commission hearing on March 11, 1999 that the constructed bridge is the minimum width that could be constructed 'without accepting major impacts to motorized and/or non-motorized traffic during construction,' and thus Caltrans would not present a narrower alternative design. He contends, and seeks to demonstrate, that such a narrower alternative is feasible without causing the traffic disruption alleged by Caltrans.

The three specific components of the relevant ground defined by Section 13105 et seq. for each of the two contentions are summarized and then evaluated in the following six sections.

**D. SUMMARY AND ANALYSIS: BRIDGE RAILING****Test 1: Did the applicant include inaccurate, erroneous or incomplete information?****Contention:**

Mr. Taylor contends "the evidence presented herein is overwhelming that the application included erroneous and incomplete information..." Specifically he asserts that throughout the permit hearings in Fort Bragg and before the Coastal Commission, Caltrans insisted that its proposed "see-through" railing was the only one then available. He contends: **"At the time Caltrans was making these statements, there existed a number of existing railing systems that met federal and state safety requirements and that would better preserve existing Noyo views"** that Caltrans did not inform the Commission of.

He describes several railings of two different types that he asserts were federally approved to at least the crash level of the proposed railing for the Noyo Bridge. The first type of railing is a "Combination railing" which can be used alone on the outer side of bridge sidewalks as a barrier for both pedestrians and automobiles. (The approved project's railing is of this type). Among the combination railings discussed by Mr. Taylor are:

- From **Massachusetts, the S3-TL4 Steel Bridge Railing** (Exhibit 2, pgs. 4, 16, 17 and 25).
- From the New England Transportation Consortium, **the NETC 4-Bar Sidewalk-Mounted Bridge Railing**. (Exhibit 2, pgs. 4, 18 and 23).

Mr. Taylor acknowledges that both designs would need to be slightly modified to comply with California building code requirements for a maximum 4" opening between members as opposed to the federal 6" standard they now meet.

The other type of railing Mr. Taylor asserts could be used are "Traffic railings" which provide a barrier for vehicles only. Traffic railings may be used to separate pedestrians from vehicle traffic on bridges, when combined with a lighter-weight pedestrian railing on the outside of the bridge. Because pedestrian railings can be of much lighter material, they allow for much greater visibility. A picket-type railing, which has most members oriented vertically, provides almost unimpeded visibility for motorists because vertical elements are essentially invisible from moving vehicles.

Mr. Taylor asserts that there are many traffic railings that would meet current federal and state safety standards, and singles out one:

- **The Wyoming 2-Tube traffic railing** (Exhibit 2, pgs. 4, 19 and 27, and Exhibit 5) "stands out because of its low visual obstruction. This railing is of particular interest for the Noyo Bridge because it allows a railing solution that offers both increased safety for pedestrians and maximum views for motorists."

Mr. Taylor then suggests the existing **Redwood Creek Bridge** in Humboldt County, California (Exhibit 2, pgs. 4, 20 and 21) provides a starting point for designing an environmentally outstanding railing for the Noyo Bridge. The Redwood Creek Bridge uses a Type 27 concrete railing to separate the sidewalk from traffic and a second pedestrian/bicycle railing on the outside. Mr. Taylor states that this bridge was designed in 1996 and meets current California safety regulations. By substituting the Wyoming Railing for the concrete traffic barrier, and combining it with an architecturally enhanced outer pedestrian railing similar to the one used on the Redwood Creek Bridge, Mr. Taylor asserts that **"the result would be a railing system that would provide almost unimpeded views for motorists. The railing system would meet current federal and state safety standards"**.

Mr. Taylor appended testimony to the California Transportation Commission (CTC) that included a rendering comparing how this "environmentally outstanding railing" compares to the approved railing (Exhibit 6).

He concludes "the evidence confirms that the first essential test for revocation is met."

**Analysis:**

The issue posed by the first test in this case is did the applicant provide inaccurate, erroneous or incomplete information about alternative bridge rails that were then available or might be adapted for use within a reasonable period of time? Although Commission staff requested information about the adequacy of Caltrans' proposed "see-through" railing, the applicant did not provide information to the Commission about any of the alternative bridge rails cited by Mr. Taylor. In a letter cited in the revocation request (Exhibit 2, pg. 6), Caltrans District Director Rick Knapp indicated that Caltrans recognized the need for a see-through railing as early as September 16, 1998. In that same letter, he defined the key criteria for a see-through railing:

"While some are not happy with the proposed railing, I must emphasize that we do not have the luxury to provide railings that do not meet State and Federal safety standards."

Mr. Knapp re-emphasized this point in his testimony before the Commission:

"...certainly there are numerous see-through railings. They don't meet standards. And, we don't get to set standards in Fort Bragg, you know, for national highways, federally supported highways. We go through rigorous testing of railings, and were able to be successful in **accelerating** that testing process, in order to get the **first see-through safety railing** approved." (emphasis added)

Caltrans Attorney Tony Anziano states that "with respect to bridge railings, the Department testified before the Commission that the only sidewalk-mounted see-through bridge railing approved for use in the state of California was the railing included in the design for the project. This was and is a true statement..." (Exhibit 11.) The Commission has no information to indicate that this statement is erroneous. In short, Mr. Taylor asserts that railing alternatives existed that had some level of federal approval, or acceptance, but he does not demonstrate State of California approval. The applicant states flatly that California approval did not and does not exist for see-through railings, other than the one approved by the Commission. The Commission concludes therefore that there is no evidence that the applicant provided **inaccurate** or **erroneous** information.

An argument could be made nevertheless that the applicant provided **incomplete** information. As reflected in the staff report (cited in Exhibit 2, pg. 5) Caltrans estimated that "the design, crash testing and approval process for an improved 'see-through' barrier could take from 2 to 4 years." But the revocation request points to a number of railings that had already substantially or fully completed a time-consuming part of the approval process, namely the design, crash testing and federal acceptance phases, at the time Caltrans made their 2 to 4 year estimate. The applicant did not bring up before the Commission the progress of federal review of other alternative railing designs. In their preliminary response to this point, Caltrans states that potential use of any of the alternatives cited by Mr. Taylor would require a number of policy changes and Department review of existing crash test results, all of which "would consume a great deal of time." (Exhibit 11.) Caltrans also notes that one of the designs, the NETC railing design cited by Mr. Taylor, was only the subject of a final letter of acceptance on March 11, one day prior to the Commission hearing on March 12. (Exhibit 11.)

For the Commission to find grounds for revocation on this point, the Commission would have to conclude that the applicant supplied **incomplete** information by failing to discuss with the Commission railing alternatives that had completed a portion but not all of the approval process. The Commission does not find it necessary to reach a conclusion on this point. The Commission finds that whether or not the applicant supplied incomplete information, this contention does not provide grounds for revocation because as demonstrated below, incomplete information was not supplied intentionally and complete information would not have altered the Commission's decision.

**Test 2: Would accurate and complete information have affected the conditions or the approval of the permit?**

**Contention:**

Mr. Taylor contends that a major factor in the acceptance by the Coastal Commission of the proposed bridge design was Caltrans' insistence that no "see-through" railing design other than the one proposed met current safety standards:

He refers again to the section of the staff report that relies upon Caltrans statements that the 'see-through' barrier incorporated in the project was the only one available and that developing an improved 'see-through' barrier could take from 2 to 4 years. He cites these findings as the basis for the staff report's conclusion that "no available feasible alternative railing design currently exists that meets the necessary safety criteria." He asserts this conclusion was instrumental in the staff's recommendation to the Commission to accept the Caltrans design and to compensate for the loss of views by attaching Special Condition No. 6, which provides for Caltrans to pay a mitigation fee (Exhibit 2, page 5).



**Analysis:**

These contentions may be an accurate statement of some of the factors that led to the staff recommendation regarding the bridge rail. Whether knowledge of other railing alternatives would have affected the Commission's decision regarding conditions of approval of the permit is a different question. One of the alternatives proposed by Mr. Taylor (the Wyoming 2-Tube traffic railing coupled with a Redwood Creek-type pedestrian railing) seems clearly superior in its see-through quality to the railing approved by the Commission. The other railings (the Massachusetts S3-TL4 and NETC 4-BAR) are less of an improvement over the approved railing. However, according to Caltrans, none of the three had existing state approval, and it is unclear how long such approval might require or whether such approval might ever be forthcoming.

It is possible that the 2 to 4 year design, crash testing and approval process cited by Caltrans could have been shortened for alternative designs developed in other states, but the Commission lacks any factual basis on which to conclude that a superior railing design is indeed feasible. Without such information, the Commission cannot find that knowledge of other railing alternatives at various points of the approval process would have affected the Commission's decision.

The Commission therefore finds that this contention does not provide grounds for revocation under Section 13105(a) because it does not demonstrate that accurate and complete information would have affected the conditions or the approval of the permit.

**Test 3: Was the erroneous or incomplete information supplied intentionally?****Contention:**

Mr. Taylor asserts (please see Exhibit 2, pg. 5-7 for full text) that in "attempting to determine whether or not errors and omissions of Caltrans were intentional, it is necessary to consider two statements put forth simultaneously by Caltrans in their testimony on their application:"

Mr. Taylor states:

Statement 1: Federally approved railings are acceptable to Caltrans...

Statement 2: The "see-through" barrier incorporated in the project is the only one currently approved...

Statements 1 and 2 are not compatible with facts that Caltrans knew or should have known.

First, Caltrans testified that federally railings approved could be used on the proposed Fort Bragg Bridge (Position 1). Second, Caltrans professionals insisted that there were no approved railings other than the one proposed (Position 2). These positions together imply that Caltrans had done a thorough search for federally approved "see-through" railings and had come up empty handed. Certainly, given the amount of controversy over the proposed railing, any reasonable person would expect Caltrans to have done the thorough search implied by its unconditional statement that there were no other approved railings.

As has been shown herein, there are a number of federally approved railing designs in addition to the one proposed. **Is it possible that Caltrans professionals could have made a thorough search but not found the approved alternative railings? No, it does not seem possible.** It took me, who had no prior knowledge of the Federal Highway Administration, only a few phone calls to determine that there were two federally approved see-through pedestrian/traffic railings (combination railings) and numerous approved traffic railings that can be used as barriers between sidewalk and traffic lanes (traffic railings)... Caltrans professionals are much better connected to the bridge safety section of the Federal Highway Administration than I.

Another possibility is that the Caltrans professionals on the Noyo Bridge project did not know that railings approved by the Federal Highway Administration are generally acceptable to the state, even though this is the Caltrans policy. But, this is not a realistic possibility, because the Structures Division of the Engineering Service Center of Caltrans was the source within Caltrans for its proposed "see-through" railing and also the source of the confirmation that federally approved railings were acceptable to the state.

There are only two realistic possibilities:

- Caltrans professionals knew that there were approved alternative railings but intentionally omitted mention of them from their testimony, or
- Caltrans professionals did not search for federally approved alternative railings, but intentionally implied that they had done so and found no other approved railings.

Regardless of which possibility is correct is irrelevant to determining whether there was "intentional inclusion of inaccurate, erroneous or incomplete information" by Caltrans, because both possibilities involve intentional misrepresentation by Caltrans. The evidence confirms that the third essential test for revocation is met."

#### **Analysis:**

In this last component of the grounds for revocation, Mr. Taylor suggests only two possibilities:

1. Caltrans professionals knew that there were approved alternative railings but intentionally omitted mention of them from their testimony, or
2. Caltrans professionals did not search for federally approved alternative railings, but intentionally implied that they had done so and found no other approved railings.

For the first suggestion, the revocation request provides no direct evidence at all, nor does the Commission have any reason to think that anyone associated with the project would consider such an action.

The second suggestion relies completely upon inference to demonstrate what Caltrans "implied." No evidence is presented that Caltrans directly stated that they had searched for other federally approved railings, and that is the key issue.

The Commission therefore finds that this contention does not provide grounds for revocation under Section 13105(a) because it does not show that erroneous or incomplete information was supplied intentionally.

#### **Conclusion: Bridge Railing**

A permit may be revoked if the Commission finds that either of two alternatives grounds for revocation exist in a revocation request. However, such grounds for revocation exist only if the Commission finds that all the tests set out in Section 13105(a) are met. The Commission finds the ground for revocation related to the bridge railing design fails as described above.

#### **E. SUMMARY AND ANALYSIS: BRIDGE WIDTH**

##### **Test 1: Did the applicant include inaccurate, erroneous or incomplete information?**

##### **Contention:**

Mr. Taylor introduces this section by summarizing arguments that the bridge is too wide (Exhibit 2, pg. 8), in particular, that the "excessive width, as well as the Caltrans railing design, makes impossible the preservation of existing views. The shoulders plus pedestrian lanes total 13.5 feet, compared to 4.5 feet on the current bridge; thus drivers are moved 8.5 feet further away from the edge and have a significantly shallower downward angle of view. Maintaining the present downward angle of view for motorists is critically important to maintaining the harbor views... On the proposed bridge, drivers would be unable to see the waters of the harbor even if there were no railing at all. Decreasing the width of the bridge is essential to maintaining the present coastal views."

He states his contention for revocation as follows:

"Caltrans has insisted throughout all permit hearings that the constructed bridge is **the minimum width that could be constructed 'without accepting major impacts to motorized and/or non-motorized traffic during construction.'** Therefore, it has not presented any alternative, narrower designs. (emphasis added)

Mr. Taylor cites from Caltrans' *Frequently Asked Questions* document (Exhibit 8) where Caltrans explains its position:

"The easterly [Stage 1] bridge section will be 25.3' wide; ...This width is necessary for construction safety of traffic, non-motorized traffic, and construction workers.

The westerly [Stage 1] bridge section will match the easterly bridge section and carry one lane of traffic also, but with one exception. It will not have a sidewalk built initially. The additional width will be used to accommodate **two lanes of traffic** during a limited period of time **when a large piece of equipment will need to sit on the easterly bridge section** to begin dismantling the existing bridge. During this time, the easterly bridge will not be available to traffic during the day. The westerly bridge section will be 25.3' wide...

**To provide less than these temporary construction widths** would mean that either some or all of the pedestrian, disabled, bicycle, and motorized traffic would be subject to **major delays or would be unable to get across** the bridge altogether during construction." (emphasis added)

Mr. Taylor contends that these statements are not accurate, that there are feasible alternatives for dismantling the bridge that do not require long-term closure of one of the new sections of the bridge, that Caltrans omitted any discussion or analysis of these alternatives in its testimony, and that in so doing, Caltrans precluded consideration of narrower-bridge designs.

In support of this contention, Mr. Taylor seeks to show that a narrower bridge could maintain two-way traffic (Exhibit 2, pgs. 9-11, including footnotes omitted here):

"...only a 18.7' lane would be needed to provide an 11-foot traffic lane, a 1-foot-wide railing, a temporary 4-foot pedestrian lane, a 2-foot edge barrier, and 0.7 foot of overhang. Omitting the pedestrian lane on one side in Stage 1, as Caltrans proposes to do, the second Stage-1 bridge section could be 14.7' wide. The total width of the bridge would then be 69.4 feet, rather than the 87-foot width of the bridge proposed by Caltrans.

**"Caltrans dismantling plan determines bridge width.** The critical factor that drives the width of the proposed bridge is Caltrans's assertion that "a large piece of equipment will need to sit on the easterly bridge section to begin dismantling the existing bridge."

Closing the east section creates the need to build the west section sufficiently wide to carry two-way traffic in order not to create "major delays."...

**"Caltrans omitted consideration of alternative ways to dismantle bridge.** If it were true, as Caltrans asserts, that a "large piece of equipment" (a crane) were needed on the east section, the proposed bridge would be the minimum width that would allow staged construction and avoid extended one-way traffic. However, what Caltrans omitted from its testimony was that ...[t] here are many different possible ways to dismantle the bridge, not all of which require a crane to be located on one of the new bridge sections. I discussed alternative dismantling plans with two crane-rental companies and with Caltrans personnel. Some points that emerged from these conversations and Caltrans documents:

- Caltrans's current dismantling scenario envisions that a section of approximately 100' would be cut from the center of the bridge and lowered as a single piece without the use of cranes... the entire operation should not take longer than one day...
- "At least two" large cranes (200-250 tons) are envisioned by Caltrans as being located below the bridge, on temporary trestles, during bridge construction and dismantling....
- The size of the crane ...[to be]... placed on the new east section would be restricted by the 21' clear width ... of the section. Only "a small hydro-type crane could fit in 21 feet."...
- Cranes could operate from below the bridge or from the ends of the bridge as substitutes for the crane envisioned by Caltrans as being placed on the new bridge section. There is no question of feasibility, only of cost...
- With respect to the cost of alternative dismantling approaches, note that narrowing the bridge by 15 feet, an entirely feasible amount, would save \$3 million in construction costs – far more than the possible additional cost of a dismantling alternative that avoids use of a new bridge section...

**"What emerges clearly is that there exist feasible alternatives for dismantling the bridge that do not require long-term closure of one of the new sections of the bridge... Caltrans omitted any discussion or analysis of these alternatives in its testimony.** By omitting discussion of dismantling alternatives, Caltrans precluded consideration of narrower-bridge designs."

**Analysis:**

The record is clear that Caltrans did not present a narrowed-bridge alternative as outlined above for potential Commission evaluation. However, a critical element of the Commission's analysis of this project under the Coastal Act was whether there were "**feasible** less environmentally damaging alternatives to the proposed project," specifically a narrower bridge. Caltrans specifically asked and answered this question in their *Frequently Asked Questions* document (Exhibit 8) as follows:

**"3. Can it be replaced with a narrower structure?"**

No. Not without accepting major impacts to motorized and/or non-motorized traffic during construction."

Mr. Taylor presents an opposing view that there may in fact have been a less environmentally damaging narrowed bridge alternative that need not entail the traffic impacts Caltrans asserted. However, it is not clear that this alternative would have been feasible. A difference of opinion regarding feasibility does not equal erroneous information, inaccurate or incomplete information.

The Commission therefore finds that this contention does not provide grounds for revocation under Section 13105(a) because it does not demonstrate the applicant provided inaccurate, erroneous or incomplete information.

**Test 2: Would accurate and complete information have affected the conditions or the approval of the permit?**

**Contention:**

Mr. Taylor's contention recounts the importance the Commission placed upon protecting the existing scenic views to and from the Noyo Bridge (Exhibit 2, pgs. 11-13).

Mr. Taylor further states:

"In my testimony before the Coastal Commission on the Noyo-Bridge permit, I showed how a narrower bridge, combined with a different railing approach, could completely preserve existing views from the bridge...

A narrower bridge, thus, would contribute significantly to preserving important coastal resources. Had Caltrans presented the Commission with the option of a narrower bridge, the Commission seems likely to have required different conditions or to have denied a permit for the proposed bridge."

**Analysis:**

The Commission must determine whether accurate and complete information would have affected the conditions or the approval of the permit. Mr. Taylor contends that had Caltrans presented the Commission with the narrower bridge option, it seems likely the Commission would have acted differently.

However, as Mr. Taylor points out, he himself provided testimony to the Commission showing how a narrower bridge could "completely preserve existing views." (Exhibit 9).

It is true that Mr. Taylor's testimony was not received in time to be discussed in the staff report, and was included in an addendum handed out only days before the hearing. However, the fact Mr. Taylor made the argument for a narrower bridge to the Commission, and the Commission chose not to mandate that alternative indicates that had Caltrans supplied information about a narrower bridge, the result would have been the same.

The Commission therefore finds that this contention does not provide grounds for revocation under Section 13105(a) because it does not show accurate and complete information would have affected the conditions or the approval of the permit.

**Test 3: Was the erroneous or incomplete information supplied intentionally?**

**Contention:**

Mr. Taylor contends the evidence shows the Caltrans project team was aware that bridge width was an issue, and was in communication with the Caltrans Office of Structure Construction. Staff of that office acknowledged there were dismantling alternatives that would not require placement of a crane on one of the new bridge sections.

Mr. Taylor concludes:

"What seems apparent from conversations with the Caltrans Project Manager and the record is that Caltrans was aware that there very well might be dismantling alternatives compatible with a narrower bridge but chose not to explore them and not to present them to the Commission.

Because consideration of dismantling alternatives was essential to consideration of narrower-bridge alternatives, Caltrans intentional omission of dismantling alternatives precluded consideration of narrower-bridge alternatives."

Mr. Taylor, however, does not provide any direct evidence that Caltrans had evaluated dismantling alternatives that would have permitted a narrower bridge and intentionally withheld this information from the Commission.

The Commission therefore finds that this contention does not provide grounds for revocation under Section 13105(a) because it does not show the erroneous or incomplete information was supplied intentionally.

**Conclusion: Bridge Width** (See previous conclusion)

A permit may be revoked if the Commission finds that the grounds for revocation stated in Section 13105(a) exist. Such grounds for revocation exist only if the Commission finds that all the tests set out in Section 13105(a) are met. The Commission finds the ground for revocation related to the bridge width fail all of the tests, as described above, and therefore does not present grounds for revocation.

**F. OVERALL CONCLUSION**

The Commission denies the revocation request for Coastal Development Permit 1-98-100, the Noyo River Bridge Replacement, because the grounds identified in Section 13105(a) do not exist.

**EXHIBITS**

1. Commission Administrative Regulations Sections 13104 through 13108
2. Revocation Request from Vince Taylor for CDP 1-98-100, May 31, 1999
3. Letter of Tony Anziano, Caltrans Deputy Attorney, June 16, 1999
4. Letter of Vince Taylor, June 21, 1999
5. Wyoming 2-Tube Traffic Railing
6. Views of Noyo Harbor with Alternative Bridge Designs
7. Transcript of Hearing of CDP 1-98-100, March 12, 1999(Excerpts)
8. Noyo River Bridge Replacement Frequently Asked Questions, Caltrans 2/99
9. Vince Taylor, Testimony March 12, 1999 re CDP 1-98-100, excerpt
10. Vince Taylor: Questions for further investigation per Section 13108(c)
11. Letter of Tony Anziano, Caltrans Deputy Attorney, June 22, 1999



## HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment filed 1-28-81; effective thirtieth day thereafter (Register 81, No. 5).
3. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).

## § 13107. Suspension of Permit.

Where the executive director determines in accord with Section 13106, that grounds exist for revocation of a permit, the operation of the permit shall be automatically suspended until the commission votes to deny the request for revocation. The executive director shall notify the permittee by mailing a copy of the request for revocation and a summary of the procedures set forth in this article, to the address shown in the permit application. The executive director shall also advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the California Coastal Act of 1976 and subject to the penalties set forth in Public Resources Code, Sections 30820 through 30823.

NOTE: Authority and reference cited: Section 30333, Public Resources Code.

## HISTORY

1. Repealer and new section filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 3).

## § 13108. Hearing on Revocation.

(a) At the next regularly scheduled meeting, and after notice to the permittee and any persons the executive director has reason to know would be interested in the permit or revocation, the executive director shall report the request for revocation to the commission with a preliminary recommendation on the merits of the request.

(b) The person requesting the revocation shall be afforded a reasonable time to present the request and the permittee shall be afforded a like time for rebuttal.

(c) The commission shall ordinarily vote on the request at the same meeting, but the vote may be postponed to a subsequent meeting if the commission wishes the executive director or the Attorney General to perform further investigation.

(d) A permit may be revoked by a majority vote of the members of the commission present if it finds that any of the grounds specified in Section 13105 exist. If the commission finds that the request for revocation was not filed with due diligence, it shall deny the request.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30333, Public Resources Code.

## HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment filed 1-3-80 as an emergency; effective upon filing (Register 80, No. 1). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 5-3-80.
3. Certificate of Compliance transmitted to OAH 4-29-80 and filed 5-8-80 (Register 80, No. 19).
4. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).

## § 13108.5. Finality of Regional Commission Decision.

NOTE: Authority cited: Sections 30331 and 30333, Public Resources Code.

## HISTORY

1. New section filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment filed 1-28-81; effective thirtieth day thereafter (Register 81, No. 33).

## Article 16. Revocation of Permits

## 13104. Scope of Article.

The provisions of this article shall govern proceedings for revocation of a coastal development permit previously granted by a regional commission or the commission.

NOTE: Authority cited: Sections 30331 and 30333, Public Resources Code. Reference: Sections 30519 and 30600, Public Resources Code.

## HISTORY

New Article 16 (Sections 13104-13108) filed 2-11-77 as an emergency; effective upon filing (Register 77, No. 7).

Certificate of Compliance filed 4-29-77 (Register 77, No. 18).

Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).

## 13105. Grounds for Revocation.

Grounds for revocation of a permit shall be:

(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information could have caused the commission to require additional or different conditions on a permit or deny an application;

(b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

## HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment filed 1-28-81; effective thirtieth day thereafter (Register 81, No. 5).
3. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).

## 13106. Initiation of Proceedings.

Any person who did not have an opportunity to fully participate in the original permit proceeding by reason of the permit applicant's intentional inclusion of inaccurate information or failure to provide adequate public notice as specified in Section 13105 may request revocation of a permit by application to the executive director of the commission specifying, with particularity, the grounds for revocation. The executive director shall review the stated grounds for revocation and, unless the request is manifestly frivolous and without merit, shall initiate revocation proceedings. The executive director may initiate revocation proceedings on his or her own motion when the grounds for revocation have been established pursuant to the provisions of Section 13105.

NOTE: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

EXHIBIT NO. 1

APPLICATION NO.  
R-1-98-100CALTRANSCommission Admin  
RegulationsSections 13104  
through 13108



**Dharma Cloud Foundation**

P.O. Box 37

Caspar, CA 95420

Tel 707 964-6456 Fax 707 964-7520

EXHIBIT NO.	2
APPLICATION NO.	R-1-98-100 CALTRANS
Revocation Request from Vince Taylor for CDP 1-98-100, May 31, 1999	

May 31, 1999

(Page 1 of 37 pages)

Peter Douglas, Executive Director  
California Coastal Commission  
45 Fremont Avenue, Suite 2000  
San Francisco, CA 94105-2219

**RECEIVED**

**JUN - 2 1999**

CALIFORNIA  
COASTAL COMMISSION

Dear Mr. Douglas:

I gave written testimony on my behalf and oral testimony for the Sierra Club/Friends of Fort Bragg on Appeal No. A-1-FTB-99-6 and Application no. 1-98-100 re Noyo Bridge replacement before the Coastal Commission on March 12, 1999. The essence of my testimony was that scenic views could be preserved and damage to coastal resources reduced by redesign of the bridge.

I am writing to request that the Coastal Commission initiate revocation proceedings for Permit 1-98-100 for replacement of the Noyo River Bridge in Fort Bragg under Title 14, Section 13108 of the California Code of Regulations (CCR). I am making this request under the provisions of Title 14, Section 13106, which states:

Any person who did not have an opportunity to fully participate in the original permit proceeding by reason of the permit applicant's intentional inclusion of inaccurate information or failure to provide adequate public notice as specified in Section 13105 may request revocation of a permit by application to the executive director of the commission specifying, with particularity, the grounds for revocation. The executive director shall review the stated grounds for revocation and, unless the request is patently frivolous and without merit, shall initiate revocation proceedings.

There is sufficient evidence that I "did not have an opportunity to fully participate in the original permit proceedings," for reasons specified in Section 13106, to require you to initiate revocation proceedings. The evidence is presented in the enclosed document, "Grounds for Revocation of Coastal Commission Permit 1-98-100."

The specific grounds for revocation substantiated in the attached document are those specified in Section 13105(a), which states:

Grounds for revocation of a permit shall be:

- (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application;
- (b) ...

The grounds for revocation under 13105(a) contains three essential tests:

1. Did the application include inaccurate, erroneous or incomplete information relative to the permit?
2. Would accurate and complete information have caused the Commission to require additional or different conditions or deny the application?
3. If the application included inaccurate, erroneous or incomplete information, was the inclusion intentional?

For revocation under Section 13105(a), all three of the above tests need to be met. If one or more of the above tests are not met, the permit cannot be revoked on the basis of Section 13105(a).

With respect to the first of these three essential tests, the submitted evidence is overwhelming that the application included erroneous and incomplete information with respect to both railing designs and bridge width.

With respect to the second test, there is no doubt that "accurate and complete information [would] have caused the Commission to require additional or different conditions or deny the application." The Commission Staff emphasized the loss of important coastal values that would be caused by the proposed bridge but, based on Caltrans's testimony, concluded that no feasible alternatives were available. This conclusion was instrumental in the staff's recommendation to the Commission to accept the Caltrans design and to compensate for the loss of views by attaching Special Condition No. 6, which required Caltrans to pay a mitigation fee.<sup>1</sup> Had the Commission known that alternatives were available that met current safety standards, as it would have known had Caltrans provided complete information on alternatives, it almost certainly would have reached a different decision on the permit.

I have enclosed a copy of testimony I prepared for the California Transportation Commission. This testimony details an alternative to the proposed Caltrans bridge that uses a different railing design that meets current California and federal safety standards – in contradiction to the testimony by Caltrans that no such alternatives existed. The alternative design provides superior preservation of the scenic views of Noyo Harbor.

The third essential test asks, "Was the inclusion [of inaccurate, erroneous, or incomplete information] intentional?" As detailed in the enclosed material, there can be little doubt that Caltrans intentionally omitted information of which it was aware or intentionally overstated the degree of their expert knowledge about lack of available alternatives. Thus, in one way or another, Caltrans intentionally misrepresented information crucial to the decision of the Commission.

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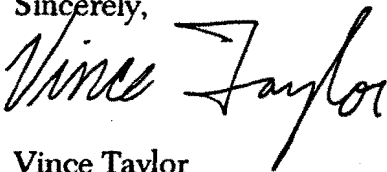
<sup>1</sup> Staff Report of the California Coastal Commission, Appeal No.: A-1-FTB-99-06, p.11.

The facts of the matter, as laid out in the enclosed material, raise sufficient questions to require the Commission to undertake a CCR Title 14, Section 13108 Hearing on Revocation.

In considering the request for revocation, you should be aware that the "urgent safety need for permit approval" cited by Caltrans during the hearing no longer exists. In its April announcement of its intention to accept the \$1 million mitigation payment and to proceed with the Noyo Bridge, Caltrans stated, "Due to delays resulting from the permitting process, it is not likely that significant work will be accomplished this year."<sup>2</sup> A condition of the permit of the National Marine Fisheries is that pile-driving and cofferdam installation be done between June 1 and October 15;<sup>3</sup> therefore meaningful construction cannot occur before June 1, 2000. Based upon the construction schedule provided by Caltrans to the Coastal Commission,<sup>4</sup> Caltrans would have until March 2000 to redesign the bridge and obtain the necessary permit amendments without creating any new delays.

I, therefore, respectfully request that you initiate revocation proceedings on Permit 1-98-100. Please inform me at the earliest possible time of your decision on my request.

Sincerely,



Vince Taylor

Encl.: 1) *Grounds for Revocation of Coastal Commission Permit 1-98-100.*

2) *Testimony on a Resolution for Approval of Funding, FP-98-91, Noyo Bridge Replacement Project.*

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<sup>2</sup> News Release #99-063, Caltrans, District 1, April 16, 1999.

<sup>3</sup> Staff Report, op. cit., Exhibit 18, p.3.

<sup>4</sup> Ibid., Exhibit 19, p. 4.

## **Grounds for Revocation of Coastal Commission Permit 1-98-100 for Replacement of the Noyo Bridge**

### **Introduction**

On March 12, 1999, the Coastal Commission approved Application No. 1-98-100 from the California Department of Transportation (Caltrans) for a permit to build the Noyo Bridge replacement.

The evidence contained herein shows that all of the conditions for revocation of this permit are met. Therefore, the Commission has the authority and duty to revoke this permit.

Grounds for revocation of a Coastal permit are contained in Title 14, Section 13105 of the California Code of Regulations (CCR):

Grounds for revocation of a permit shall be:

- (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application;
- (b) ...<sup>1</sup>

The grounds for revocation under 13105(a) contains three essential tests:

1. Did the application include inaccurate, erroneous or incomplete information relative to the permit?
2. Would accurate and complete information have caused the Commission to require additional or different conditions or deny the application?
3. If the application included inaccurate, erroneous or incomplete information, was the inclusion intentional?

For revocation under Section 13105(a), all three of the above tests need to be met.

This document shows that Caltrans violated Section 13105(a) in two important areas of testimony: 1) the availability of alternative approved "see-through" railings, and 2) the feasibility of meeting construction traffic objectives with a narrower bridge. Caltrans's testimony in both of these areas meets all three of the tests of Section 13105(a).

With respect to the first of these three tests, the evidence presented herein is overwhelming that the application included erroneous and incomplete information. With respect to the second test, given the contents and reasoning embedded in the Staff Report on the Application, as well as the statements of the Commissioners when

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<sup>1</sup> Title 14, Section 13105 of the California Code of Regulations (CCR).

voting on the Permit, there can be no doubt that "accurate and complete information [would] have caused the Commission to require additional or different conditions or deny the application." With respect to the third test, there is no remotely plausible explanation for the erroneous testimony of Caltrans that does not involve intentional inclusion.

In each of two separate areas, bridge railings and bridge width, all of the tests of Section 13105(a) are met, providing the Commission with the necessary grounds for revoking Permit 1-98-100.

### ***No Urgent Safety Issue Involved***

In considering revocation, the Commission should be aware that there is not now an urgent safety issue that would weigh against revocation. In its application for its Coastal Permit, Caltrans emphasized the need for immediate approval without changes that would cause a delay in construction. The Noyo Bridge is one of 27 remaining bridges in the Phase II Seismic Program for bridges. Rick Knapp, Director of Caltrans District 1, emphasized: "It is critical that the remaining [bridge] structures [in the Seismic Program] be completed as soon as humanly possible to protect the safety of the traveling public."<sup>2</sup> This urgency weighed heavily in the Commissions approval of the permit.

Now, at the earliest, significant work on the new bridge will not commence before June 1 of 2000. Caltrans contributed to the permitting delays that are responsible for the postponement of this supposedly time-urgent project. After the Coastal Commission approved the Noyo project contingent upon payment of a \$1 million mitigation fee, Caltrans initiated an internal review of the project that delayed their request for final approval from the California Transportation Commission until June, 1999.

In its April announcement of its intention to accept the \$1 million mitigation payment and to proceed with the Noyo Bridge, Caltrans stated, "Due to delays resulting from the permitting process, it is not likely that significant work will be accomplished this year."<sup>3</sup> A condition of the permit of the National Marine Fisheries is that pile-driving and cofferdam installation be done between June 1 and October 15;<sup>4</sup> therefore meaningful construction cannot occur before June 1, 2000. Based upon the construction schedule provided by Caltrans to the Coastal Commission,<sup>5</sup> Caltrans would have until March 2000 to redesign the bridge and obtain the necessary permit amendments without creating any new delays.

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<sup>2</sup> Staff Report of the California Coastal Commission, Application No. 1-98-100, Exhibit 18, p.1

<sup>3</sup> News Release #99-063, Caltrans, District 1, April 16, 1999.

<sup>4</sup> Staff Report, op. cit., Exhibit 15, p.3.

<sup>5</sup> Ibid., Exhibit 19, p. 4.

## Presentation of Grounds for Revocation

### ***Section 13105(a) Violations***

Permit 1-98-100 meets the conditions for revocation because of Caltrans's violation of Section 13105(a). The grounds for revocation under Title 14 CCR Section 13105(a) contains three essential tests:

1. Did the application include inaccurate, erroneous or incomplete information relative to the permit?
2. Would accurate and complete information have caused the Commission to require additional or different conditions or deny the application?
3. If the application included inaccurate, erroneous or incomplete information, was the inclusion intentional?

Following sections apply these tests separately for information presented on 1) bridge railings and 2) bridge width.

### ***Errors and Omissions on Bridge Railings***

This section presents the evidence on violation of Section 13105(a) in the area of Caltrans's testimony on bridge railings.

#### **Test 1: Did the applicant include inaccurate, erroneous or incomplete information?**

Throughout the permit hearings in Fort Bragg and before the Coastal Commission, Caltrans insisted that the limited "see-through" railing used in its bridge design was the only one currently approved.<sup>6</sup> **This assertion is erroneous. At the time Caltrans was making these statements, there existed a number of existing railing systems that met federal and state safety requirements and that would better preserve existing Noyo views.**

Figures in Appendix 1 show several railing designs that are federally approved to at least the crash level of the proposed railing for the Noyo Bridge.<sup>7</sup> (Copies of the approval letters from the Federal Highway Administration for these railings are provided in Appendix 2.<sup>8</sup>)

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<sup>6</sup> Staff Report of the California Coastal Commission, Application No. 1-98-110, February 25, 1999, p. 10 and Exhibit 18 (Letter to Honorable Michelle White, January 13, 1999, p. 2).

<sup>7</sup> California has requested federal approval of the proposed Noyo-Bridge railing at Level 2; Rich Peters, Caltrans Transportation Laboratory, private communication, April 28, 1999.

<sup>8</sup> The approval letter for the Redwood Creek Bridge railing is not included, because the combination barrier is constructed from a Type 27 railing that is currently used in California on new construction and, therefore, meets California safety standards. Note also that although the approval letter for the NETC railing is dated March 11, 1999, the letter requesting approval was dated January 25, 1998, and crash

- Figures 1-1 through 1-3 are for "combination railings" that can be used by themselves on the outer side of bridge sidewalks. They provide a protection barrier for both pedestrians and automobiles.
  - Figure 1-1 shows a cross-section of the Massachusetts S3-TL4 Steel Bridge Railing. The spacing of the pickets (Figure 1-2) would need to be reduced below that shown to meet California standards for pedestrian railings (maximum 4" spacing), but this change would not require further testing.
  - Figure 1-3 shows the NETC 4-Bar Sidewalk-Mounted Bridge Railing, developed by the New England Transportation Consortium (NETC). As designed and tested, this railing has no vertical pickets, because it meets the federal standards for pedestrian railings of a maximum 6" opening between members. Because California requires maximum 4" spacing on pedestrian railings, it would not be acceptable in California unless vertical pickets were added to it.
- Figure 1-4 shows the Wyoming 2-Tube traffic railing. It is only one of many approved traffic railings, but stands out because of its low visual obstruction. This railing is of particular interest for the Noyo Bridge because it allows a railing solution that offers both increased safety for pedestrians and maximum views for motorists.

Traffic railings, such as the Wyoming Railing provide protection for vehicles but do not meet standards for pedestrian protection. However, federal and California bridge standards allow use of traffic railings to separate pedestrians from vehicle traffic<sup>9</sup> on bridges, allowing use of a lighter-weight pedestrian railing on the outside of the bridge. Because pedestrian railings can be of much lighter material than combination railing, they allow for much greater visibility. A picket-type railing, which has most members oriented vertically, provides almost unimpeded visibility for motorists because vertical elements are essentially invisible from moving vehicles.

Figure 1-5 shows the cross section of the Redwood Creek Bridge in Humboldt County, California. This bridge uses a combination railing to separate the sidewalk from traffic and uses a pedestrian/bicycle railing on the outside. Figure 1-6 shows the picket-style pedestrian railing for this bridge. As noted above, this type of railing provides essentially unimpeded views to pedestrians. This bridge was designed in 1996 and meets current California safety regulations.

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tests were done in November, 1997; thus information on this railing would have been provided if Caltrans had inquired of the FHWA in Fall 1998 about railings that were or might soon be approved.

\* "A pedestrian walkway may be separated from an adjacent roadway by a barrier curb, **traffic railing**, or combination railing [emphasis added.], " AASHTO Standard Specifications for Highway Bridges, Section 13.4.



The railing system used on the Redwood Creek Bridge provides a starting point for designing an environmentally outstanding railing for the Noyo Bridge. The Type 27 Concrete Railing used on the Redwood Creek Bridge as a traffic barrier would be replaced with the Wyoming Railing. The outer pedestrian railing would be similar to the one used on the Redwood Creek Bridge, perhaps modified to provide more architectural interest but retaining the vertical-element design. **The result would be a railing system that would provide almost unimpeded views for motorists. *The railing system would meet current federal and state safety standards.***

The evidence confirms that the first essential test for revocation is met.

**Test 2: Would accurate and complete information have affected the conditions or the approval of the permit?**

A major factor in the acceptance by the Coastal Commission of the proposed bridge design was Caltrans insistence that no "see-through" railing design other than the one proposed met current safety standards:

"... this [proposed] design does not fully protect views as required by Section 30251 [of the Coastal Act]. Alternative designs that provides for increased visibility certainly exist. Many railings on other roads and bridges provide for more visibility ... However, Caltrans points out that its safety standards have changed, and the 'see-through' barrier incorporated in the project **is the only one currently approved**. Caltrans estimates that the design, crash testing and approval process for an improved 'see-through' barrier could take from 2 to 4 years."<sup>10</sup> The Staff Report further states that "Caltrans has taken the position that such a delay is not acceptable (Exhibit 18)." [Emphasis added.]

Based on these statements, the Staff Report concluded, "Thus, no available feasible alternative railing design currently exists that meets the necessary safety criteria."<sup>11</sup> This conclusion was instrumental in the staff's recommendation to the Commission to accept the Caltrans design and to compensate for the loss of views by attaching Special Condition No. 6, which provides for Caltrans to pay a mitigation fee.<sup>12</sup>

The evidence confirms that the second essential test for revocation is met.

**Test 3: Was the inaccurate, erroneous or incomplete information included intentionally?**

In attempting to determine whether or not errors and omissions of Caltrans were intentional, it is necessary to consider two statements put forth simultaneously by Caltrans in their testimony on their application.

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<sup>10</sup> Staff Report, op. cit., p. 10.

<sup>11</sup> Ibid., p. 11.

<sup>12</sup> Ibid.

Statement 1: Federally approved railings are acceptable to Caltrans.

The Staff Report on the application for the Noyo Bridge permit states:

Caltrans' policy is that "all bridge railings must be crashworthy by testing following AASHTO [American Association of State Highway Transportation Officials] guidelines" and be accepted by the Federal Highway Administration (FWHA)."<sup>13</sup>

Eldon Davisson, Chief, Office of Structural Design, Caltrans, confirmed that the above quote accurately represents Caltrans policy.<sup>14</sup>

Statement 2: The "see-through" barrier incorporated in the project is the only one currently approved.

Rick Knapp, Director of Caltrans District 1, in which Fort Bragg is located, stated in a letter to the Mayor of Fort Bragg:

At that meeting [held on September 16, 1998], Caltrans committed to include a see-through railing if we could get an approved, safety-tested design before construction of the project. Subsequent to the meeting, a design was safety-tested and approved by Caltrans and the Federal Highway Administration which has "see-through" component. While some are not happy with the proposed railing, I must emphasize that we do not have the luxury to provide railings that do not meet State and Federal safety standards.<sup>15</sup>

The Staff Report on the permit application states, "However, Caltrans points out ... the 'see-through' barrier incorporated in the project is **the only one currently approved.** [Emphasis added.]"<sup>16</sup>

Statements 1 and 2 are not compatible with facts that Caltrans knew or should have known.

First, Caltrans testified that federally railings approved could be used on the proposed Fort Bragg Bridge (Position 1). Second, Caltrans professionals insisted that there were no approved railings other than the one proposed (Position 2). These positions together imply that Caltrans had done a thorough search for federally approved "see-through" railings and had come up empty handed. Certainly, given the amount of controversy

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<sup>13</sup> Ibid., p. 10.

<sup>14</sup> Private communication, April 27, 1999. There is one exception: pedestrian railings need to have openings no greater than 4" in California and no greater than 6" under federal standards. All designs that meet federal crash standards can be modified to meet California pedestrian-safety standards by adding or changing the spacing of pickets on the side away from vehicle traffic. This modification can be done without the need for additional crash testing.

<sup>15</sup> Letter from Rick Knapp to Michelle White, January 13, 1999, included as Exhibit 18 of the Staff Report on Application No. 1-98-100.

<sup>16</sup> Staff Report, op. cit., p. 10.

over the proposed railing, any reasonable person would expect Caltrans to have done the thorough search implied by its unconditional statement that there were no other approved railings.

As has been shown herein, there are a number of federally approved railing designs in addition to the one proposed. **Is it possible that Caltrans professionals could have made a thorough search but not found the approved alternative railings? No, it does not seem possible.** It took me, who had no prior knowledge of the Federal Highway Administration, only a few phone calls to determine that there were two federally approved see-through pedestrian/traffic railings (combination railings) and numerous approved traffic railings that can be used as barriers between sidewalk and traffic lanes (traffic railings).<sup>17</sup> Caltrans professionals are much better connected to the bridge safety section of the Federal Highway Administration than I.

Another possibility is that the Caltrans professionals on the Noyo Bridge project did not know that railings approved by the Federal Highway Administration are generally acceptable to the state, even though this is the Caltrans policy. But, this is not a realistic possibility, because the Structures Division of the Engineering Service Center of Caltrans was the source within Caltrans for its proposed "see-through" railing and also the source of the confirmation that federally approved railings were acceptable to the state.

There are only two realistic possibilities:

- Caltrans professionals knew that there were approved alternative railings but intentionally omitted mention of them from their testimony, or
- Caltrans professionals did not search for federally approved alternative railings, but intentionally implied that they had done so and found no other approved railings.

Regardless of which possibility is correct is irrelevant to determining whether there was "intentional inclusion of inaccurate, erroneous or incomplete information" by Caltrans, because both possibilities involve intentional misrepresentation by Caltrans.

The evidence confirms that the third essential test for revocation is met.

### **All tests for revocation are met**

In the area of Caltrans's information supplied to the Commission on bridge railings, all of the tests of Section 13105(a) are met, providing the Commission with the necessary grounds for revoking Permit 1-98-100.

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<sup>17</sup> I contacted a friend of mine who works on pedestrian safety in New York City. He called AASHTO and was given the name of Dave Densmore, Director of Bridge Technology, Federal Highway Administration. I called Mr. Densmore, and he referred me to Richard D. Powers, Office of Bridge Safety, Federal Highway Administration, Washington, D.C., (202) 366-1320. Mr. Powers maintains a repository of federally approved railing designs, and he immediately told me of the various approved railing designs and sent documentation on them.

## ***Errors and Omissions on Bridge Width***

This section presents the evidence on violation of Section 13105(a) in the area of Caltrans's testimony on the minimum feasible bridge width.

### **Background**

Although railing designs for the Noyo Bridge have received the most attention in regulatory hearings, the excessive width of the proposed design contributes equally to its destruction of coastal values. The bridge is described as a "four-lane bridge", but it has not just four traffic lanes and two sidewalks, but an unused 12' center median and two eight foot shoulders. Including sidewalks, the proposed bridge is 87 feet wide, wider than the Golden Gate Bridge<sup>19</sup>, almost completely filling its right of way and coming within 10 feet of a restaurant and motel on the seaward side of the bridge.

The excessive width of the bridge directly violates the Fort Bragg LCP Scenic Corridor Combining Zone regulations, which requires that structures in this zone contribute to the "character and image of the city as a place of beauty, spaciousness and balance."

The excessive width, as well as the Caltrans railing design, makes impossible the preservation of existing views. The shoulders plus pedestrian lanes total 13.5 feet, compared to 4.5 feet on the current bridge; thus drivers are moved 8.5 feet further away from the edge and have a significantly shallower downward angle of view.

Maintaining the present downward angle of view for motorists is critically important to maintaining the harbor views. The boundary between the water and buildings in the harbor is relatively close to the bridge. To see the pilings of the piers requires the present downward angle. On the proposed bridge, drivers would be unable to see the waters of the harbor even if there were no railing at all.

Decreasing the width of the bridge is essential to maintaining the present coastal views.

### **Test 1: Did the applicant include inaccurate, erroneous or incomplete information?**

Caltrans plans to construct the Noyo Bridge in two stages. In Stage 1, two outlying bridge sections will be built along side the existing bridge. When they are completed, the existing bridge will be dismantled and Stage 2 construction will fill in the gap between the Stage 1 sections, creating a single, unified bridge span.

Caltrans has insisted throughout all permit hearings that the constructed bridge is the minimum width that could be constructed "without accepting major impacts to

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<sup>19</sup> The traffic lanes plus sidewalks of the Golden Gate Bridge total 82 feet. The total width equals 90' because the suspension cable works extend beyond the sidewalks. The smaller dimension is the appropriate one to compare to the Noyo Bridge width.

motorized and/or non-motorized traffic during construction.”<sup>19</sup> Therefore, it has not presented any alternative, narrower designs.

Caltrans explains its position:

The easterly [Stage 1] bridge section will be 25.3' wide; ... This width is necessary for construction safety of traffic, non-motorized traffic, and construction workers.

The westerly [Stage 1] bridge section will match the easterly bridge section and carry one lane of traffic also, but with one exception. It will not have a sidewalk built initially. The additional width will be used to accommodate two lanes of traffic during a limited period of time when a large piece of equipment will need to sit on the easterly bridge section to begin dismantling the existing bridge. During this time, the easterly bridge will not be available to traffic during the day. The westerly bridge section will be 25.3' wide...

To provide less than these temporary construction widths would mean that either some or all of the pedestrian, disabled, bicycle, and motorized traffic would be subject to major delays or would be unable to get across the bridge altogether during construction.<sup>20</sup>

**Bridge width not justified by need to maintain two-way traffic.** Caltrans proposes to build lanes on each side of the existing bridge equal to 24.3 feet during Stage 1. But, only a 18.7' lane would be needed to provide an 11-foot traffic lane, a 1-foot-wide railing, a temporary 4-foot pedestrian lane, a 2-foot edge barrier, and 0.7 foot of overhang. Omitting the pedestrian lane on one side in Stage 1, as Caltrans proposes to do, the second Stage-1 bridge section could be 14.7' wide. The total width of the bridge would then be 69.4 feet, rather than the 87-foot width of the bridge proposed by Caltrans.

**Caltrans dismantling plan determines bridge width.** The critical factor that drives the width of the proposed bridge is Caltrans's assertion that “a large piece of equipment will need to sit on the easterly bridge section to begin dismantling the existing bridge.” Closing the east section creates the need to build the west section sufficiently wide to carry two-way traffic in order not to create “major delays.” The proposed west section width of 25.3' is just sufficient to allow two 11' traffic lanes (0.8 feet less than a “standard” lane), even omitting a sidewalk.

**Caltrans omitted consideration of alternative ways to dismantle bridge.** If it were true, as Caltrans asserts, that a “large piece of equipment” (a crane) were needed on the east section, the proposed bridge would be the minimum width that would allow staged construction and avoid extended one-way traffic. However, what Caltrans

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<sup>19</sup> *Noyo River Bridge Replacement Project Frequently Asked Questions*, Question 3., included as Exhibit 19 of Staff Report, op. cit.

<sup>20</sup> *Ibid.*, p.4.

omitted from its testimony was that **the proposed dismantling plan is merely conceptual.**<sup>21</sup> The dismantling scenario described is not an essential aspect of the staged construction plan that Caltrans prefers.

There are many different possible ways to dismantle the bridge, not all of which require a crane to be located on one of the new bridge sections. I discussed alternative dismantling plans with two crane-rental companies and with Caltrans personnel. Some points that emerged from these conversations and Caltrans documents:

- Caltrans's current dismantling scenario envisions that a section of approximately 100' would be cut from the center of the bridge and lowered as a single piece without the use of cranes. "Draw works" would be attached to the section to be lowered. The lowering cables would be attached to the remaining sections.<sup>22</sup> The center section of the bridge could be lowered to the temporary trestle to be built as part of construction and then barged to land; the entire operation should not take longer than one day.<sup>23</sup>
- "At least two" large cranes (200-250 tons) are envisioned by Caltrans as being located below the bridge, on temporary trestles, during bridge construction and dismantling.<sup>24</sup>
- The size of the crane envisioned by Caltrans as being placed on the new east section would be restricted by the 21' clear width (including the sidewalk) of the section. Only "a small hydro-type crane could fit in 21 feet."<sup>25</sup>
- Cranes could operate from below the bridge or from the ends of the bridge as substitutes for the crane envisioned by Caltrans as being placed on the new bridge section. There is no question of feasibility, only of cost.<sup>26</sup>
- With respect to the cost of alternative dismantling approaches, note that narrowing the bridge by 15 feet, an entirely feasible amount, would save \$3 million in construction costs – far more than the possible additional cost of a dismantling alternative that avoids use of a new bridge section.<sup>27</sup>

**What emerges clearly is that there exist feasible alternatives for dismantling the bridge that do not require long-term closure of one of the new sections of**

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<sup>21</sup> Nick Abuhamdieh, Office of Structure Construction, Caltrans, private communication, May 18, 1999. The procedure to be used in dismantling the bridge is the responsibility of the contractor. The contractor must submit its plan for approval to the state, where it is subject to modification. No "dismantling plan" exists until one is approved by the state.

<sup>22</sup> Gudmund Setberg, Office of Structure Design, Caltrans, private communication, April 30, 1999.

<sup>23</sup> *Construction Scenario: Noyo River Bridge Replacement*, undated, received at the Coastal Commission December 8, 1998, p. 7.

<sup>24</sup> *Ibid.*, p.

<sup>25</sup> John Anderson, Fort Bragg Crane, Richmond, CA, private communication, April 23, 1999.

<sup>26</sup> John Anderson, *Ibid.*; Bob Ford, Diamond Dismantling, Detroit, Michigan, private communication, March 10, 1999; Tim McKenna, F&M Mafco, Cincinnati, Ohio, private communication, May 12, 1999.

<sup>27</sup> According to Caltrans testimony to the Coastal Commission, it cost \$2 million to add 10 feet to the bridge for sidewalks (Chart entitled "Enhancements and Mitigation Measures Already Included"). Therefore, each reduction of 5 feet in bridge width would save \$1 million in construction costs.

the bridge.<sup>25</sup> Caltrans omitted any discussion or analysis of these alternatives in its testimony. By omitting discussion of dismantling alternatives, Caltrans precluded consideration of narrower-bridge designs.

The Coastal Commission Staff Report also omits any discussion of a narrower-bridge alternative. When queried about why this omission occurred, the Commission staff person in charge of preparing the report said that Caltrans rejected all suggestions for a narrower bridge.<sup>26</sup>

The evidence confirms that Caltrans presentation of information was incomplete; thus the first essential test for revocation is met.

**Test 2: Would accurate and complete information have affected the conditions or the approval of the permit?**

Protection of the existing scenic views is a major objective of the Coastal Act and was a major concern expressed in the Staff Report on the Appeal and Application:

The area framed by the Noyo River bluffs in and around Noyo Harbor, the mouth of the river and Noyo Bay is an area of exception visual interest and scenic qualities. This fact is fully reflected in the Fort Bragg LCP ... it calls for the protection of these scenic values and views. ... The proposed bridge would introduce a significantly enlarged, urban-type structure into the views of this scenic corridor area. The proposed bridge would be highly visible from visitor destinations ... and would affect views to and from the bluff, the scenic setting at the mouth of the Noyo, and the ocean.<sup>27</sup>

...

The particular configuration and design of the existing bridge, especially the high visibility afforded by its current railings, afford generous views for motorists from the bridge itself to and along the ocean and the scenic coastal area of Noyo Harbor and the Noyo River. The bridge is in fact one of the few places in Fort Bragg where the ocean is visible from Highway 1. The bridge is also a highly visible feature of the coast views afforded from visitor destination points and recreational area in and around Noyo River. The prominence of the bridge makes the bridge one of the most significant elements defining the character of the area.<sup>28</sup>

The excessive width of the proposed bridge makes it fundamentally incompatible with the requirement of the Coastal Act "to protect the scenic and visual qualities of coastal areas." The present bridge is 34 feet wide. Including sidewalks, the proposed bridge is

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<sup>25</sup> Short-term closures of one lane are envisioned by Caltrans in its current construction scenario. *Construction Scenario*, op. cit., pp. 4, 8.

<sup>26</sup> Jack Liebster, Coastal Commission, private communication, March 29, 1999.

<sup>27</sup> Staff Report, op. cit., Appeal, p. 26.

<sup>28</sup> Ibid., Application, p. 10.

87 feet wide, wider than the Golden Gate Bridge<sup>32</sup>, almost completely filling its right of way and coming within 10 feet of a restaurant and motel on the seaward side of the bridge.

**Detracts from spaciousness, balance, and appearance.** Because of its excessive width, the proposed bridge cannot possibly conform to Fort Bragg LCP Scenic Corridor Combining Zone, Section 18.58.050(C), which includes the following requirements (emphasis added):

- The structure shall be so designed that it in general contributes to the character and image of the city as a place beauty, **spaciousness and balance.**
- The exterior design and appearance of the structure is not of a quality or **scale** so as to cause the nature of the neighborhood to **materially depreciate in appearance** and value.

Rather than contributing to a sense of **spaciousness and balance**, the bridge would **crowd up against the existing buildings and destroy the balance between open spaces and structures, materially depreciating the appearance** of the neighborhood. All of this would occur in an area of exceptionally important coastal resources.

**Makes impossible the preservation of valuable coastal views.** The proposed bridge would place drivers about 20 feet from the edge of the bridge, nine feet further than they are on the present bridge. Thus, on the proposed bridge, drivers would have a significantly shallower downward angle of view.

The staff report recognizes the decreased downward angle of view<sup>33</sup>, but does not recognize that maintaining the downward angle of view is critically important to maintaining the harbor views. The boundary between the water and buildings in the harbor is relatively close to the bridge. To see the pilings of the piers requires the present downward angle. On the proposed bridge, drivers would be unable to see the waters of the harbor even if there were no railing at all.<sup>34</sup>

In my testimony before the Coastal Commission on the Noyo-Bridge permit, I showed how a narrower bridge, combined with a different railing approach, could completely preserve existing views from the bridge.<sup>35</sup>

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<sup>32</sup> The traffic lanes plus sidewalks of the Golden Gate Bridge total 82 feet. The total width equals 90' because the suspension cable works extend beyond the sidewalks. The smaller dimension is the appropriate one to compare to the Noyo Bridge width.

<sup>33</sup> "Second, the increased width of the proposed new shoulders and sidewalk ... would place vehicle occupants further from the edge of the bridge, creating additional view blockage." Ibid., p. 10

<sup>34</sup> Vince Taylor, *Testimony on the Proposed Noyo River Bridge To the Fort Bragg Planning Commission* December 9, 1998.

<sup>35</sup> Vince Taylor, *Testimony on the Proposed Noyo River Bridge to the California Coastal Commission*, March 9, 1999, pp. 6-7.



A narrower bridge, thus, would contribute significantly to preserving important coastal resources. Had Caltrans presented the Commission with the option of a narrower bridge, the Commission seems likely to have required different conditions or to have denied a permit for the proposed bridge.

The evidence confirms that the second essential test for revocation is met.

**Test 3: Was the inaccurate, erroneous or incomplete information included intentionally?**

I discussed the subject of bridge width with the Caltrans Project Leader for the Noyo Bridge, Karen Tatman, several times, beginning in Fall of 1998. I argued for a narrower bridge in my testimony before the Fort Bragg Planning Commission on December 9, 1998.<sup>36</sup> In my testimony to the Coastal Commission, which was known to Ms. Tatman prior to the Coastal Commission hearing, was the assertion by John Anderson of Bragg Crane that placement of a crane on the bridge was not necessary for dismantlement.<sup>37</sup> The Commission staff also inquired about the possibility of a narrower bridge prior to the hearing.<sup>38</sup> Therefore, the Caltrans project team was aware that bridge width was an issue.

The project team was certainly in communication with the Caltrans Office of Structure Construction, a member of which stated to me that there were "surely" dismantling alternatives that would not require placement of a crane on one of the new bridge sections.<sup>39</sup> What is clear from talking with a number of engineers and dismantling professionals is that there is always a variety of ways available to do a given dismantling project.

What seems apparent from conversations with the Caltrans Project Manager and the record is that Caltrans was aware that there very well might be dismantling alternatives compatible with a narrower bridge but chose not to explore them and not to present them to the Commission.

Because consideration of dismantling alternatives was essential to consideration of narrower-bridge alternatives, Caltrans intentional omission of dismantling alternatives precluded consideration of narrower-bridge alternatives.

The evidence confirms that the third essential test for revocation is met.

**All tests for revocation are met**

In the area of Caltrans's information supplied to the Commission on bridge width, all of the tests of Section 13105(a) are met, providing the Commission with the necessary grounds for revoking Permit 1-98-100.

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<sup>36</sup> Ibid.

<sup>37</sup> Vince Taylor, *Testimony on the Proposed Noyo River Bridge to the California Coastal Commission*, March 9, 1999.

<sup>38</sup> Jack Liebster, Coastal Commission, private communication, March 29, 1999.

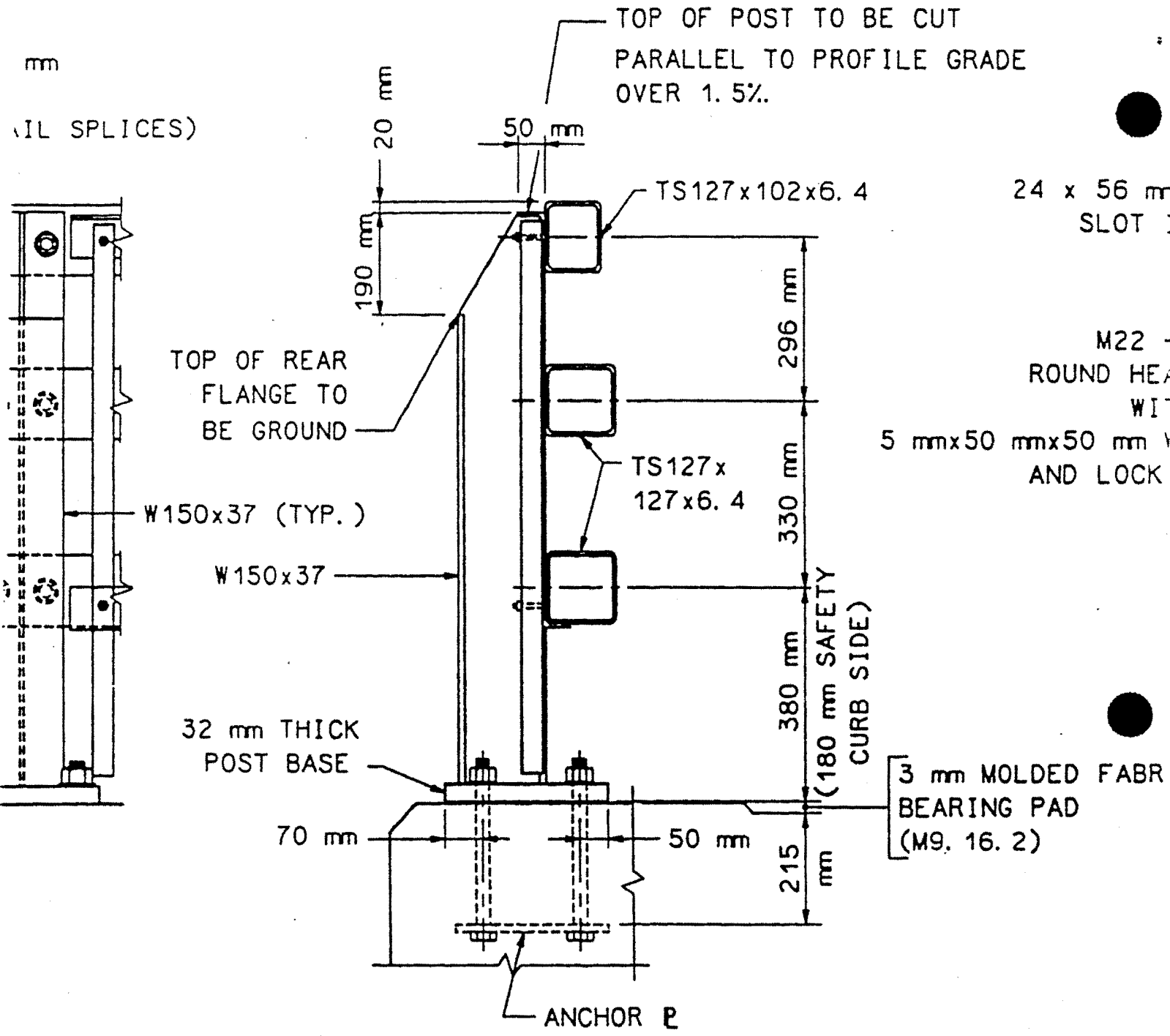
<sup>39</sup> Nick Abuhamdiah, Office of Structure Construction, Caltrans, private communication, May 18, 1999.

## ***Conclusion***

In both the areas of bridge railings and bridge width, the information supplied to the Coastal Commission by Caltrans meets the three tests required to establish a Section 13105(a) violation. A violation in either area is sufficient grounds for revocation of Permit 1-98-100.

## Appendix 1

# **Selected Federally Approved Bridge Railings**



NOTE: SECTION AT SIDEWALK SHOWN. SECTION AT  
SAFETY CURB SIMILAR EXCEPT AS NOTED.

## SECTION 1-1

SCALE 1:10

Figure 1-1  
Massachusetts S-3-TL4 Steel  
Bridge Railing  
Cross-Section

8 mm-HARDENED COUNTERSUNK  
MACHINE SCREW WITH NUT &  
LOCK WASHER.

Ex 2 p16



**P-10-051(AMT) PITTSFIELD--S3-PL2, NORTH BRIDGE RAILING-**

Figure 1-2  
Massachusetts S-3-TL4 Steel  
Bridge Railing  
Photo

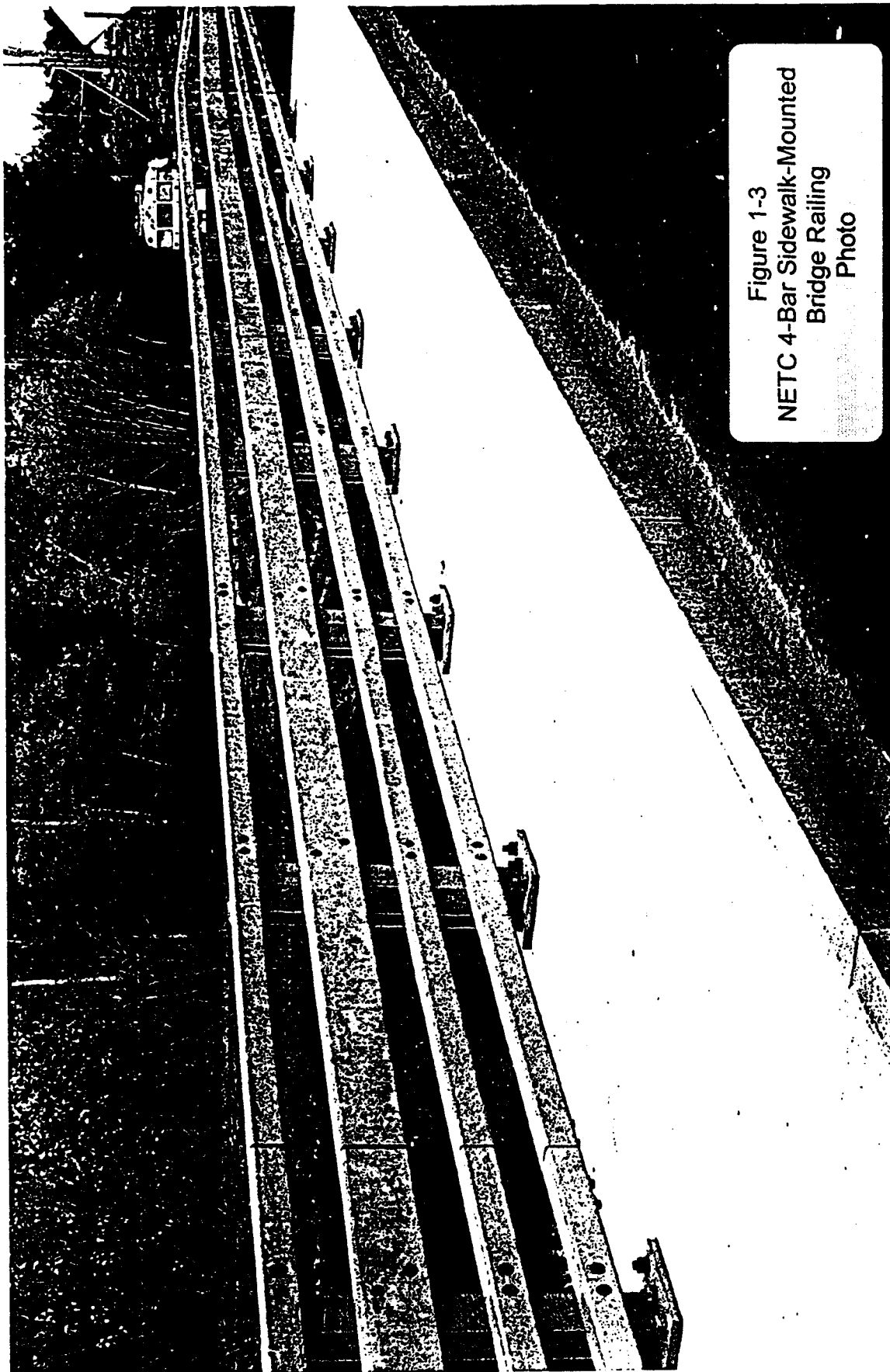


Figure 1-3  
NETC 4-Bar Sidewalk-Mounted  
Bridge Railing  
Photo

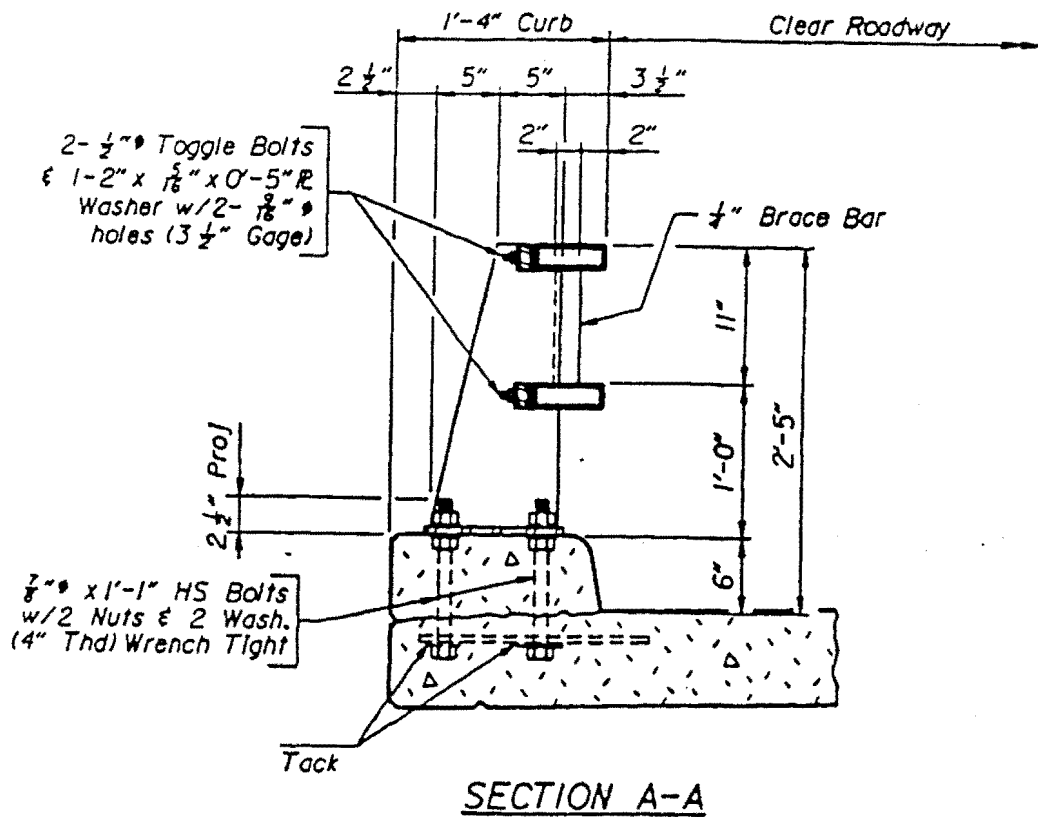
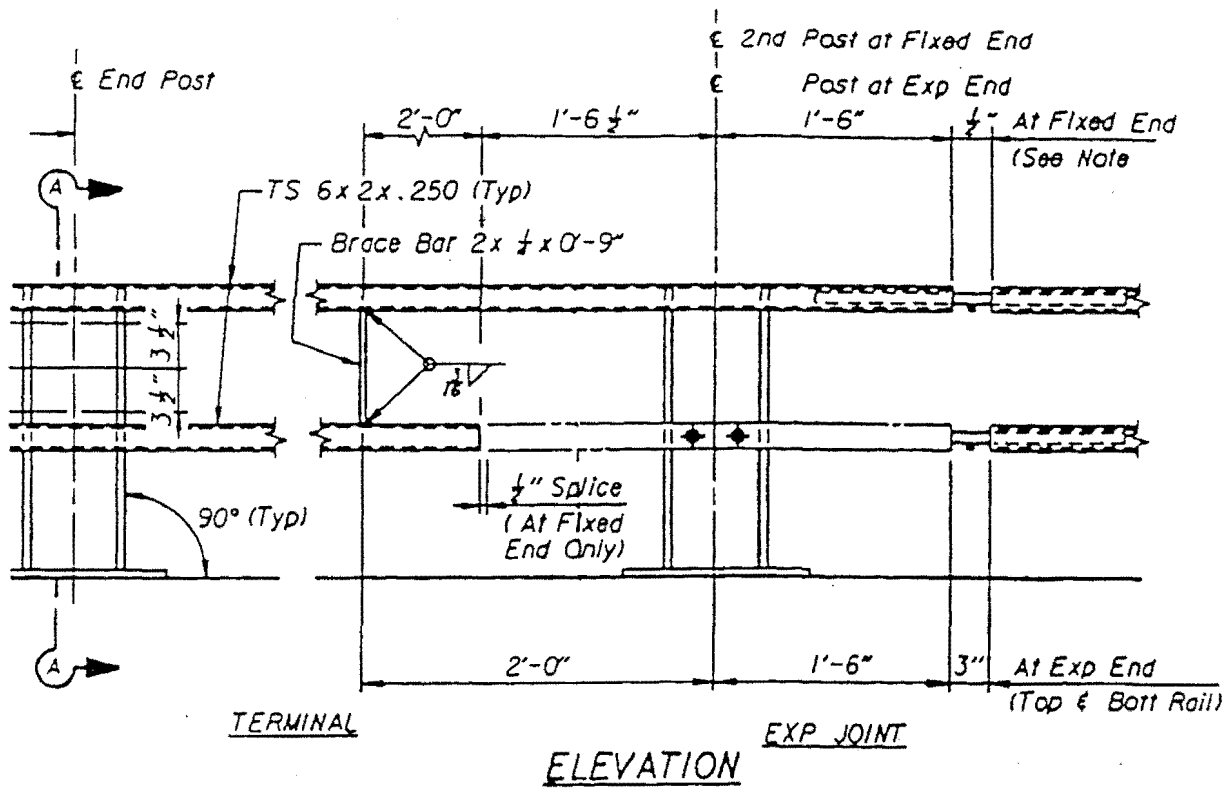
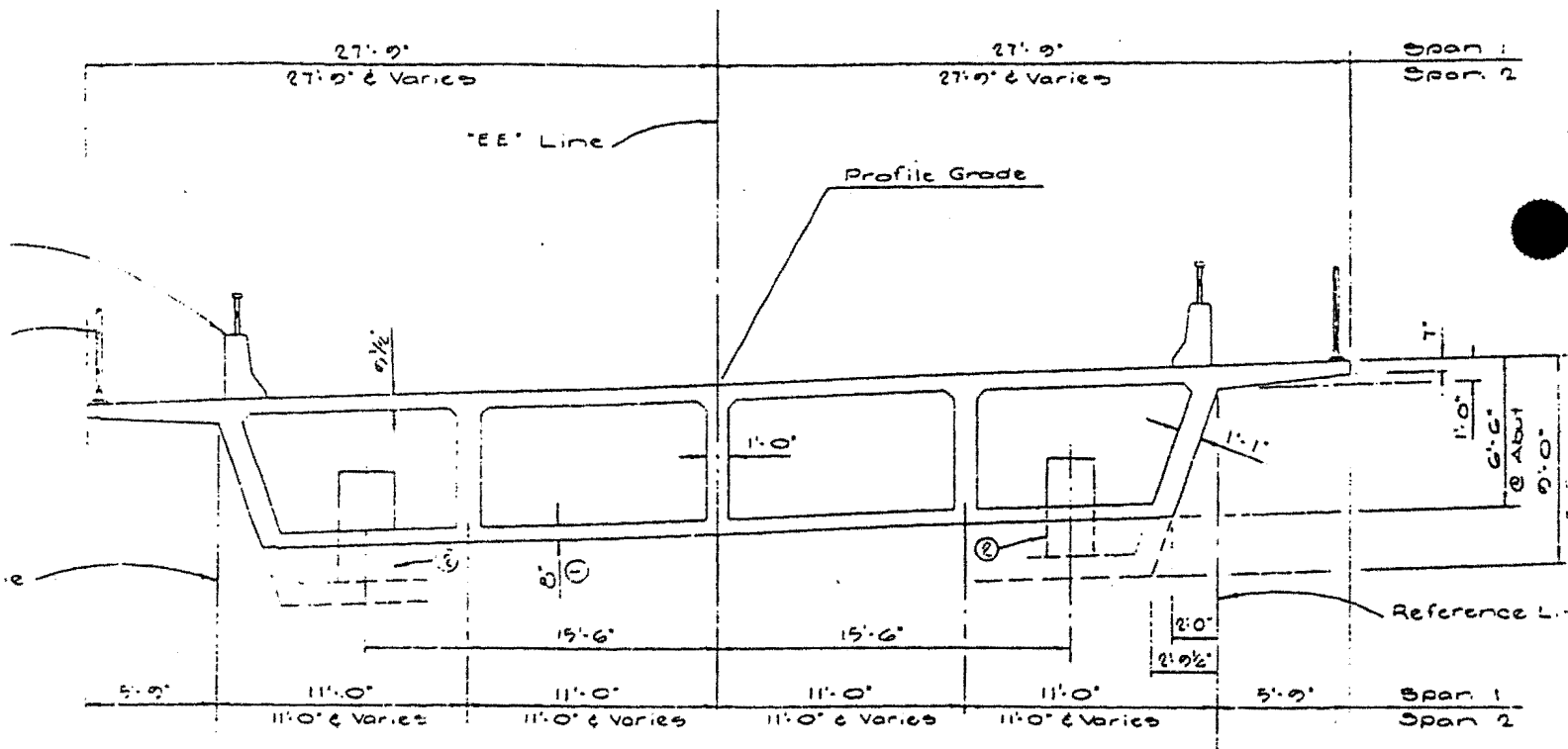


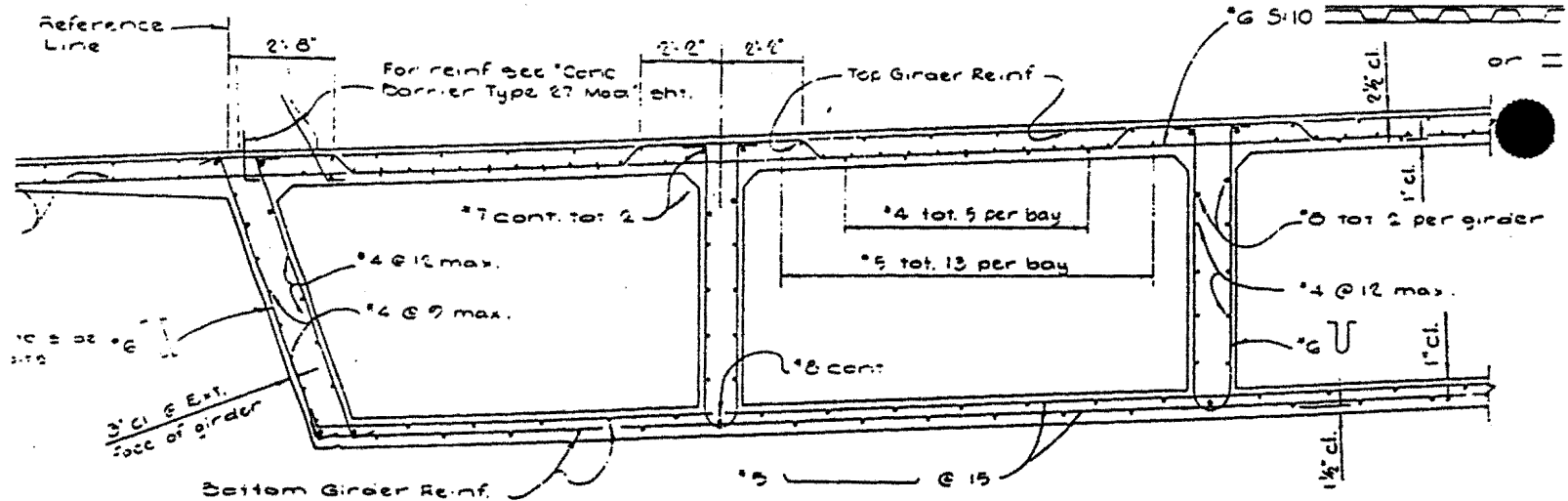
Figure 1-4  
Wyoming Two-Tube Traffic  
Railing  
Elevation and Cross-Section



### TYPICAL SECTION

1/4" = 1'-0"

- ① - Slab thickness varies 8" to 1'-0" @ Haunch
- ② - Utility support: pedestal (near Pier) furnished by others. See "Detail P"



### PART TYPICAL SECTION

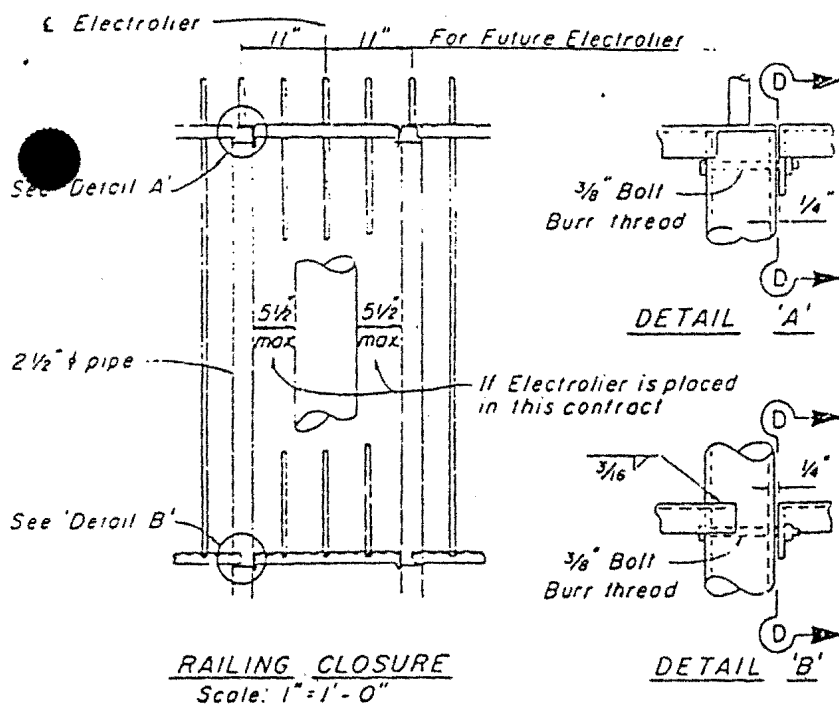
1/4" = 1'-0"

57-1

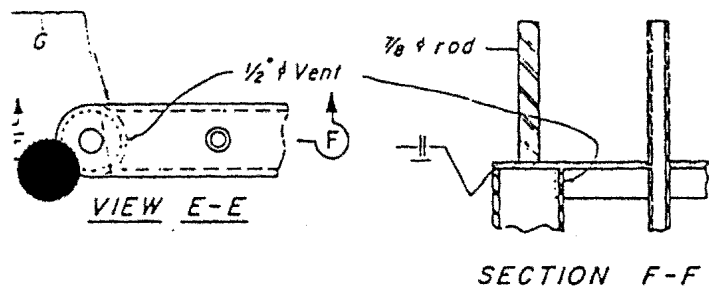
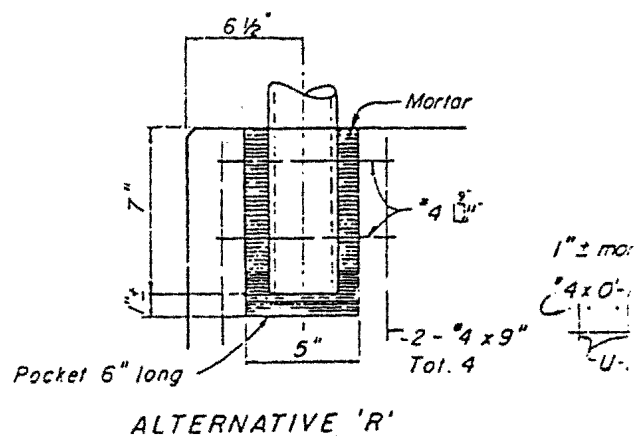
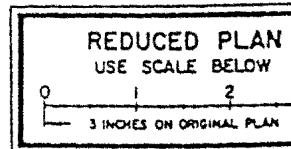
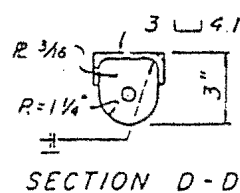
Figure 1-5  
Redwood Creek Bridge  
Cross-Section

DESIGN	Vanessa Jones	CONTRACT	AKINSANYA	BRIDGE NO.	4-28
DETAILS	E. N. Brumby 7/85	CONTRACT	AKINSANYA	POST MILE	121.00
QUANTITIES	Fl. Hendry 6/85	CONTRACT	E. N. Brumby	PROJECT ENGINEER	REGISTERED CIVIL ENGINEER NO.
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS				CU 01201	Disregard notes bearing earlier revision dates
				WO 197491	





Note: For Electroliner Anchor Bolts and Lighting Reinforcement see "Lighting Reinforcement" sheet.



NOTES: Rail posts shall be vertical.  
Space posts to clear expansion joints by 9" min. to E. of post.  
At expansion joints in deck, rail joints shall provide same allow movement with corresponding increase in length of sleeve and sl.  
Railing on bridge wingwalls to be placed after walls are backfill

Curved Alignment:

50' Rad. or greater - 8' Max. post spacing - Panels straight.  
30' to 50' Rad. - 8' Max. post spacing - Panels curved  
30' to 50' Rad - 6' Max. post spacing - Panels straight.  
Less than 30' Rad. - 6' Max. post spacing - Panels curved.

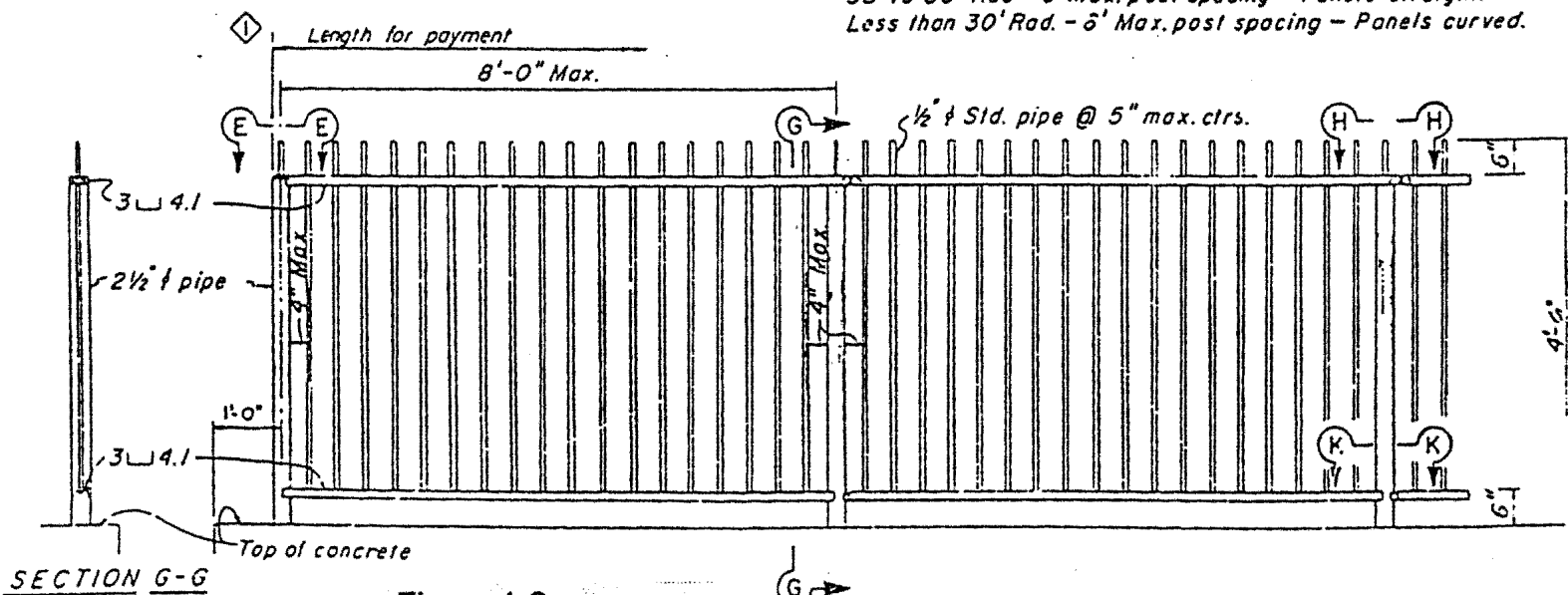


Figure 1-6  
Redwood Creek Bridge  
Outer Railing  
Elevation

ELEVATION  
No Scale

DESIGN	BY V. Jones	CHECKER AKINSANYA
DETAILS	BY E. Hendry 5/85	CHECKER AKINSANYA
QUANTITIES	BY E. Hendry 4/85	CHECKER E. Hendry

ORIGINAL SCALE IN INCHES  
FOR REDUCED PLANS

Ex 2 p21

## Appendix 2

# **Federal Approval Letters for Selected Bridge Railings**



U.S. Department  
of Transportation

Federal Highway  
Administration

400 Seventh St., S.W.  
Washington, D.C. 20590

March 11, 1999

Refer to: HMHS-1

Mr. James M. Sime  
Assistant Manager for Research  
Connecticut Department of Transportation  
280 West Street  
Rocky Hill, CT 06067

Dear Mr. Sime:

In your January 25, 1998, letter to the Federal Highway Administration's (FHWA) Director, Office of Engineering, you requested acceptance of two bridge rail designs that were developed and tested for use on the National Highway System by the New England Transportation Consortium (NETC).

The first design is the NETC 2-Bar Curb-Mounted Bridge Railing shown as Enclosure 1. This design was tested to Performance Level 2 (PL-2) in accordance with the American Association of State Highway and Transportation Officials Guide Specifications for Bridge Railings and was effectively accepted as an NCHRP Report 350 Test Level 4 (TL-4) railing by its inclusion in the summary listings attached to my May 30, 1997, memorandum on crash testing of bridge railings.

The second design is the NETC 4-Bar Sidewalk-Mounted Bridge Railing shown as Enclosure 2, and documented in publication Nos. FHWA-RD-99-027, FHWA-RD-99-028, FHWA-RD-99-029, and FHWA-RD-99-030, entitled "Full-Scale Crash Evaluation of Sidewalk-Mounted Steel Bridge Railing." Review of each crash test report showed that the 4-Bar Bridge Railing met all appropriate evaluation criteria for an NCHRP Report 350 traffic barrier at TL-4. Summary sheets on each of the three tests that were conducted are enclosed (Enclosure 3).

RECEIVED

MAR 15 1999

CONNECTICUT  
DEPT. OF TRANSPORTATION  
DIVISION OF RESEARCH

Ex 2 p 23

Based on the information you provided for our review, we conclude that both the NETC 2-Bar Curb-Mounted Bridge Rail and the 4-Bar Sidewalk-Mounted Bridge Rail are acceptable as TL-4 designs and may be used on the National Highway Safety when selected by a transportation agency. We understand that neither design is proprietary and that anyone wishing to obtain detailed plans and specifications may contact you by telephone at (860) 258-0309 or via e-mail at [james.simes@po.state.ct.us](mailto:james.simes@po.state.ct.us). We further understand that the NETC is currently developing transitions to be tested in the near future for use with these two bridge railings.

Sincerely yours,

*Dwight A. Horne*

Dwight A. Horne  
Director, Office of Highway Safety  
Infrastructure

3 Enclosures

SEP 4 1998

Refer to: HNG-14

Alexander K. Bardow, P.E.  
Bridge Engineer  
Massachusetts Highway Department  
Ten Park Plaza  
Boston, Massachusetts 02116-3973

Dear Mr. Bardow:

In your August 20 letter to Mr. Henry H. Rentz, you summarized the full-scale crash testing that has been done to date on the Massachusetts S3-TL-4 Steel Bridge Railing and requested the Federal Highway Administration to agree that the flush-mounted design tested behind a 1.5-m wide sidewalk could be used behind sidewalks of greater width without additional testing. You also requested our concurrence in omitting test 4-10 from the test matrix when testing the same railing mounted on a 200-mm high concrete curb.

Members of my staff have reviewed data on the tests run on the sidewalk-mounted design and agree that this railing satisfies the National Cooperative Highway Research Program Report 350 evaluation criteria for a test level 4 (TL-4) bridge rail. We note also that Section 13.7.1.1 of the AASHTO LRFD Bridge Specifications permits use of a combination railing having a minimum height of 42 inches (that was crash tested with a sidewalk) on a sidewalk with a width of 3.5 feet or more and with a curb height no greater than that used in the crash test installation. The S3-TL-4 railing essentially satisfies these requirements and may be used on wider sidewalks without additional testing.

Because the total height of the S3-TL-4 curb-mounted design remains at 1057 mm, the support posts are shortened by 200 mm, the height of the curb. This reduces the vertical opening between the top of the curb and the bottom of the lower rail element to approximately 120 mm. There is virtually no likelihood that the 820 kg test vehicle would snag on this

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design, particularly in light of this vehicle's performance in the sidewalk mounted test that was run. Therefore, we concur that test 4-10 may be waived and that TL-4 acceptance can be obtained upon satisfactory completion of tests 4-11 and 4-12.

Please call Mr. Richard Powers of my staff at (202) 366-1320 if you have additional questions.

Sincerely yours,

Dwight A. Horne  
Chief, Federal-Aid and Design Division

FHWA:HNG-14:RPowers:366-1320:9-3-98:rp:BARDOW

copies to:

HNG-1 HNG-10 HNG-14 Reader, 3128

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U.S. Department  
of Transportation

Federal Highway  
Administration

# Memorandum

420.

ect **ACTION:** Wyoming Bridge Railings

om Acting Chief, Federal-Aid and Design  
Division

to Mr. Vincent F. Schimmoller  
Regional Administrator (HES-08)  
Lakewood, Colorado

Date JUL 1 1996

Reply to  
Attn of HNG-14

Your May 30 office memorandum to Mr. Gerald L. Eller requested our review and acceptance of a National Cooperative Highway Research Program (NCHRP) Report 350 test level 4 (TL-4) bridge railing developed by the Wyoming Department of Transportation (WYDOT). This railing was tested by the Texas Transportation Institute (TTI) and documented in its January 1996 report entitled "Wyoming Test Level 4 Bridge Railing." Subsequently, a memorandum dated June 6 was sent to Mr. Seppo Sillan from our Wyoming Division Administrator requesting our acceptance of WYDOT's current bridge railing design as a TL-3 bridge rail. This request included a test report also prepared by TTI, dated May 1996 and entitled "Testing and Evaluation of the Wyoming 740WYBRAIL Bridge Railing System."

After reviewing the reports and the crash videos, we agree that the first design, the WYDOT TL-4 Bridge Railing shown in Enclosure 1, meets all the NCHRP Report 350 acceptance criteria for a TL-4 longitudinal barrier. Enclosure 2 contains a summary of the results from the three NCHRP Report 350 tests that were run on this design, i.e., test nos. 4-10, 4-11, and 4-12.

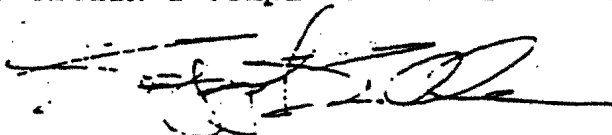
The second railing, the Wyoming 2-tube, curb-mounted design, was previously accepted under the NCHRP Report 230 criteria. This design, shown in Enclosure 3, has now been tested successfully with the 2000-kg pickup truck, thus qualifying it as an NCHRP Report 350 TL-3 railing. Enclosure 4 summarizes the test results.

Although all of the test results were successful, we believe that two of the design details for these railings could result in vehicular snagging under some impact conditions. One of these

details is the flat steel plate welded to the terminal sections of both designs. A vehicle hitting the rail on the departure end of a bridge might snag on the edge of this plate. Lengthening and bending this plate away from the face of the rail elements would eliminate this potential problem. The second detail is somewhat similar but is probably less critical. This is the brace bar that is welded between the two rails to support the terminal section during shipping. Although recessed approximately 50 mm from the face of the rails, it too could present a snag point under some impact conditions. Use of a temporary support brace or increasing the offset distance of a permanent brace to match the face of rail to support post offset distance might be considered to address this concern.

There have been concerns in the past that some steel tube sections can shatter upon impact at extremely low temperatures. Since the materials sent to us for review did not include the specifications for the steel bridge railing tubes, we ask that you provide assurance that WYDOT's specifications address this issue satisfactorily. Enclosures 5 and 6 are excerpts from the AASHTO-AGC-ARTBA June 1979 "Guide for Standardized Highway Barrier Rail Hardware" and the 1995 "Guide to Standardized Highway Barrier Hardware", respectively, which address the issue of brittle fracture and suggest additions to the appropriate specifications when A500 steel is used to form the rail elements. Note that Enclosure 5 calls for a modification of the drop-weight tear test, ASTM E436. This modification is based on a New York specification, which was developed to allow testing steel tubes with sides too small to produce specimens of the size required by E436.

By a copy of this memorandum, we will advise the Federal Highway Administration field offices of our action. Unless advised otherwise, we will assume that these railings are non-proprietary and that other highway agencies interested in either of them may contact WYDOT directly to obtain a complete set of drawings.



Seppo I. Sillan

6 Enclosures

Geometric and Roadside Design Acceptance Letter B-37



**Testimony on a Resolution for Approval of Funding  
FP-98-91**

**Noyo Bridge Replacement Project  
California Transportation Commission**

**June 7-8, 1999**

**Vince Taylor**

**Agenda Item: 2.5b(4)**



**Dharma Cloud Foundation**

P.O. Box 37

Caspar, CA 95420

Tel 707 964-6456 Fax 707 964-7520



## Testimony on a Resolution for Approval of Funding FP-98-91

### Noyo Bridge Replacement Project

### Recommendation and Summary

#### Recommendation

The Commission is ultimately responsible for seeing that Caltrans respects the laws of California and uses taxpayers' money wisely. As proposed by Caltrans, the Noyo Bridge replacement project would waste millions of dollars and unnecessarily destroy rare, legally protected coastal scenic resources. The Commission should reject the request to approve funding for the Noyo Bridge replacement project.

#### Deficiencies in the Proposed Design

The existing Noyo Bridge is located along the Mendocino coast, in a place of great scenic beauty. It overlooks Noyo Harbor, the Harbor entrance, and spectacular coastal bluffs. Its narrow width and open railing design provide motorists with spectacular views.<sup>1</sup> In designing the new Noyo Bridge, Caltrans failed to consider feasible alternatives that would lessen its negative impact on these valuable coastal resources. Specifically, building the proposed Noyo Bridge would virtually eliminate the current spectacular views of the harbor and its entrance. **The loss of scenic views caused the California Coastal Commission to impose a \$1 million mitigation fee upon Caltrans.** This mitigation fee is part of the budget that the Commission is being requested to approve. If the Transportation Commission approves this project, it will sanction Caltrans's acceptance of this penalty, setting a dangerous, expensive precedent.

#### Modified Design Would Meet All Safety, Traffic, and Environmental Goals - And Would Save 4.5 Million Dollars

A relatively minor redesign of Noyo Bridge would meet both Caltrans's and the Coastal Acts objectives. By rejecting the current request for funding approval and requesting Caltrans to redesign the Noyo Bridge, the Transportation Commission would accomplish all of the following:

- 1) Eliminate the dangerous precedent of huge mitigation fees on coastal Caltrans projects.
- 2) Save Caltrans \$4.5 million dollars. The Coastal Commission would happily remove its \$1 million mitigation penalty if the bridge did not degrade the valuable coastal

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<sup>1</sup> Caltrans agrees that the views are spectacular: "Views of the ocean are spectacular while driving over the bridge." *Noyo River Bridge Replacement Initial Study/Environment Assessment*, Caltrans, November 1998.

resources of Noyo Harbor. Because the redesigned bridge would be narrower, construction costs would be \$3.5 million less, making a total savings of \$4 million.

- 3) Meet the vehicle traffic and safety requirements of Caltrans, while improving pedestrian safety. The redesigned bridge would have four traffic lanes, a shoulder, and a protected sidewalk. It would conform to federal highway safety requirements.
- 4) Allow two-way traffic during construction, as would the current proposed design. You may hear from the Caltrans project staff that the bridge cannot be built narrower without requiring one-way traffic during construction. This is untrue. The width of the Caltrans design is being driven by an unneeded "requirement" to build the two outlying Phase 1 bridge sections wide enough to carry two-way traffic on one of the sections while the old bridge is being dismantled. Alternative dismantling procedures could eliminate the need for the excess width.
- 5) Not significantly delay the completion of a seismic-safety project. The Noyo Bridge project has now been delayed to the point where meaningful work will not be able to commence until next June of 2000. This provides sufficient time to conduct the redesign and obtain necessary revisions in permits without causing a delay in the start of construction.
- 6) Preserve the existing views of the harbor. The vehicle safety barrier would be placed between the vehicle lanes and the pedestrian lane. This would allow use of a decorative iron railing that would provide views even better than the current ones. Since presenting my testimony, I have learned that a number of safety barriers have passed all necessary tests and meets the safety standards of the Federal Highway Administration.
- 7) Make the bridge fit more appropriately within its harbor setting. The bridge proposed by Caltrans is wider than the Golden Gate Bridge. It is completely out of scale with its surroundings. It would come within ten feet of a restaurant and a motel. The modified design would be seventeen feet narrower, increasing the distance from the closest buildings by 85 percent.

Denying approval of the funding request for the proposed Noyo Bridge replacement serves everyone's interests -- including Caltrans. It will get a better bridge at a lower cost and will improve its relations with the Coastal Commission and the coastal community.

## How to Build A Better Noyo Bridge

### Use a Better Railing System

The Caltrans bridge design uses a concrete bridge railing that obscures most of the downward views of drivers. The destruction of existing views has been a major criticism of the proposed bridge. The Caltrans project team has insisted that their proposed "see-through" railing is the only approved railing and, therefore, has refused to consider any alternatives. **The Caltrans project team is wrong.**

**There are a number of superior see-through railing systems that meet federal and state safety requirements.<sup>2</sup>** Two bridge-railing designs have particular relevance to creating a better Noyo Bridge: 1) the "Wyoming 2-Tube" traffic railing and 2) the railings of the Redwood Creek Bridge in Humboldt County.

- Figure 1-1 in Appendix 1 shows the Wyoming 2-tube traffic railing.<sup>3</sup> It is only one of many approved traffic railings, but stands out because it provides acceptable vehicle crash protection with very little visual obstruction.<sup>4</sup> This railing is of particular interest for the Noyo Bridge because it allows a railing solution that offers both increased safety for pedestrians and maximum views for motorists.

Traffic railings, such as the Wyoming Railing provide protection for vehicles but do not meet standards for pedestrian protection. However, federal and California bridge standards allow use of traffic railings to separate pedestrians from vehicle traffic<sup>5</sup> combined with use of a pedestrian railing on the outside of the bridge. Pedestrian railings can be of much lighter material, thus allowing greater visibility. A picket-type of railing, which has most members oriented vertically, provides almost unimpeded visibility for motorists because vertical elements are essentially invisible from moving vehicles.

- Figure 1-2, Appendix 1, shows the cross section of the Redwood Creek Bridge in Humboldt County, California. This bridge uses a combination railing to separate the sidewalk from traffic and uses a pedestrian/bicycle railing on the outside. Figure 1-3, Appendix 1, shows the picket-style pedestrian railing for this bridge. As noted above, this type of railing provides essentially unimpeded views to

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<sup>2</sup> Vince Taylor, *Testimony on the Resolution for Approval of a Project for Future Consideration of Funding, 1-Men-1 59.9/60.6, Noyo Bridge Replacement Project to the California Transportation Commission, re Resolution E-99-13, May 5, 1999.* Three federally approved railings are described. Schematics and photos for the railings are presented.

<sup>3</sup> This railing has been in use in Wyoming for over 21 years. Versions of it have been crash tested and certified by the federal government as meeting current Level-3 and Level-4 crash protection.

<sup>4</sup> The railing proposed by Caltrans for the Noyo Bridge meets only Level-2 crash protection, a significantly lower level of protection than either Level 3 or Level 4.

<sup>5</sup> "A pedestrian walkway may be separated from an adjacent roadway by a barrier curb, **traffic railing**, or combination railing [emphasis added.], " AASHTO Standard Specifications for Highway Bridges, Section 13.4.

pedestrians. This bridge was designed in 1996 and meets current California safety regulations.

**The railing system used on the Redwood Creek Bridge provides a starting point for designing an environmentally outstanding railing for the Noyo Bridge.** The Type 27 Concrete Railing used on the Redwood Creek Bridge as a traffic barrier would be replaced with the Wyoming Railing. The outer pedestrian railing would be similar to the one used on the Redwood Creek Bridge, perhaps modified to provide more architectural interest but retaining the vertical-element design. **The result would be a railing system that would provide almost unimpeded views for motorists.**

I want to emphasize that the combination of a traffic barrier and a pedestrian railing meets current California safety standards and was very recently used on the Redwood Creek Bridge. The only modification being suggested is to substitute the Wyoming Railing for the concrete railing used on the Redwood Creek Bridge.

### **Build A Narrower Bridge**

The bridge Caltrans proposes is completely out of scale with Noyo Harbor and every other bridge on scenic Highway 1. Although described as a "four-lane bridge", it has not just four traffic lanes and two sidewalks, but an unused 12' center median and two eight foot shoulders. Including sidewalks, the proposed bridge is 87 feet wide, wider than the Golden Gate Bridge<sup>6</sup>, almost completely filling its right of way and coming within 10 feet of a restaurant and motel on the seaward side of the bridge.

Building a narrower bridge will save money and reduce its destruction of coastal values:

- For every five feet of reduction in width, the cost of the bridge would be reduced by \$1 million.<sup>7</sup> Reducing the bridge width by 17.4 feet, as proposed in a later section, would save \$3.5 million.
- The width of the proposed bridge causes it to violate the Fort Bragg LCP Scenic Corridor Combining Zone regulations, which requires that structures in this zone contribute to the "character and image of the city as a place of beauty, spaciousness and balance."
- The width of the proposed bridge, as well as the Caltrans railing design, makes impossible the preservation of existing views. The shoulders plus pedestrian lanes total 13.5 feet, compared to 4.5 feet on the current bridge; thus drivers are moved 8.5 feet further away from the edge and have a significantly shallower downward angle of view.

<sup>6</sup> The traffic lanes plus sidewalks of the Golden Gate Bridge total 82 feet. The total width equals 90' because the suspension cable works extend beyond the sidewalks. The smaller dimension is the appropriate one to compare to the Noyo Bridge width.

<sup>7</sup> According to Caltrans testimony to the Coastal Commission, it cost \$2 million to add 10 feet to the bridge for sidewalks (Chart entitled "Enhancements and Mitigation Measures Already Included"). Therefore, each reduction of 5 feet in bridge width would save \$1 million in construction costs.

Maintaining the present downward angle of view for motorists is critically important to maintaining the harbor views. The boundary between the water and buildings in the harbor is relatively close to the bridge. To see the pilings of the piers requires the present downward angle. On the proposed bridge, drivers would be so far away from the edge of the bridge that they would be unable to see the waters of the harbor even if there were no railing at all.

### **Excessive Width of the Proposed Bridge Is Unnecessary**

Over time, Caltrans has moved from one supposed justification to another for the width of the proposed bridge. None of the reasons put forth by Caltrans stands up to analysis:

**Bridge width not justified by need to maintain two-way traffic.** Caltrans proposes to build lanes on each side of the existing bridge equal to 24.3 feet during Stage 1. But, only a 18.7' lane would be needed to provide an 11-foot traffic lane, a 1-foot-wide railing, a temporary 4-foot pedestrian lane, a 2-foot edge barrier, and 0.7 foot of overhang. Omitting the pedestrian lane on one side in Stage 1, as Caltrans proposes to do, the second Stage-1 bridge section could be 14.7' wide. The total width of the bridge would then be 69.4 feet, rather than the 87-foot width of the bridge proposed by Caltrans.

**Bridge width not justified by need to dismantle the existing bridge.** The present width of the bridge is being driven by the supposed requirement to use one of the Stage-1 lanes to hold a crane during bridge dismantling. The center section of the bridge will be lowered without cranes. Caltrans envisions two cranes below the bridge, which could be used to assist in lowering remaining pieces of the old bridge. Discussions with dismantling companies and Caltrans personnel confirm that there are alternatives for dismantling that wouldn't require placing a crane on a Stage-1 bridge section.<sup>5</sup>

**Safety considerations do not justify the excessive width.** The proposed bridge is in a low-speed zone. An accident that would seriously block all four traffic lanes of the proposed bridge would be a rare event indeed. Eliminating the median and reducing the shoulders would have little effect on vehicle safety or the ability of emergency vehicles to cross the bridge after an accident -- certainly not enough to justify the resulting degradation of exceptional coastal resources. More lives could be saved by spending the savings from building a narrower bridge on safety improvements at other points along Highway 1, which has many sections that are far more dangerous to traverse than would be a narrower Noyo Bridge.

**Alignment with roads to north and south provides no justification for excessive width.** Caltrans has argued that the proposed width of the bridge is justified because it will duplicate the planned configuration of the roadways on both ends of the bridge.

<sup>5</sup> People interviewed were: John Anderson, Fort Bragg Crane, Richmond, CA; Tim McKenna, F&M Mafco, Cincinnati, Ohio; Bob Ford, Diamond Dismantling, Detroit, Michigan; Nick Abuhamdiah, Office of Structure Construction, Caltrans.

Highway 1 between Fort Bragg and Mendocino has repeated changes in alignment; thus drivers will be alert to such changes. In any event, the change in alignment will be relatively minor, and there will be ample room for gradual transitions. The benefits in terms of preservation of exceptional coastal resources dominate the relatively minor benefits of preserving alignment.

### **Modified Design Meets Traffic Objectives, Improves Safety, Preserves Coastal Resources, and Reduces Construction Costs**

A straightforward modification of the Caltrans design could meet all of the important traffic and safety concerns of Caltrans, while maintaining coastal views and greatly reducing the negative impact of the bridge on the spaciousness, balance, and appearance of the area in which it is placed. Further, the modified design would significantly improve the safety of pedestrians. Because the modified bridge would be smaller than the proposed bridge, it would cost less to build.

Many variations on the modification discussed here are possible, including different combinations of sidewalk and shoulder widths. The key elements of the proposed modification are:

- Elimination or significant reduction in the central median (to reduce width and save money)
- Reduction in the width of the shoulders (to place drivers closer to the edge of the bridge and to save money)
- Placement of a traffic railing between the sidewalk and shoulder, combined with a picket-style pedestrian railing on the outside of the sidewalk (to minimize obstruction of views by railings).

**An alternative modified design:** four 11.8' vehicle lanes, two 4' shoulders, two 1-foot wide traffic railings, and two pedestrian lanes of 6' width, including the pedestrian railings. The total width of the bridge would be 69.2'.

**Safety barrier key element in modified design.** The vehicle lanes are separated from the pedestrian lane on each side by a curb-mounted Wyoming traffic railing. Placing the safety barrier adjacent to the traffic lanes has extremely important benefits:

- Pedestrians are protected from vehicle accidents. With the Caltrans design, any vehicle that loses control to the extent that it crashes into the railing will cross the sidewalk, endangering those unfortunate enough to be in these lanes. Thus, **the modified design would save lives lost with the proposed Caltrans design.**
- A relatively lightweight iron railing could be used on the outside of the pedestrian bicycle lane, because it would not need to withstand vehicle impacts.
- **An iron railing would provide almost unobstructed views,** because the vertical rods in such railings are not visible to moving drivers.



- **An iron railing would give the bridge a traditional look, helping to preserve the "earlier-era" appearance of Noyo Harbor.**
- **The pedestrian lane could be at the same level as the vehicle lanes, one foot lower than in the proposed design.** This puts the edge of the bridge one-foot lower relative to drivers' eyes, increasing their downward angle of vision. They would have almost the same downward view on the proposed bridge with a four-foot shoulder and five-foot sidewalk as on the present bridge with its four-foot pedestrian walkway. In contrast, because of the shoulders and the raised sidewalks, the proposed Caltrans design wouldn't allow drivers any views of the harbor waters, even were it not for the additional view blockage caused by its concrete railing.

**Modified design preserves harbor views.** Figures 2-1 and 2-2, Appendix 2, contrast drivers' views of the harbor from the modified-design bridge and the proposed Caltrans bridge. (Vertical elements of the railings have been omitted because they would not be perceived by drivers moving across the bridge.) These Figures show how the modified design preserves important harbor views, whereas the Caltrans design badly degrades these views.

**Modified bridge would better contribute to spaciousness and balance.** In contrast to the Caltrans design, the modified design would not crowd up against the buildings around it. The North Cliff Motel and Cliff House Restaurant would be less than 10 feet from the Caltrans bridge. The modified design nearly doubles the space between the bridge and these buildings. As required by the Fort Bragg LCP, the modified design better "contributes to the character and image of the city as a place of beauty, **spaciousness and balance.**" (Emphasis added.)

**Modified bridge would save \$3.5 million.** The modified bridge would be 69.2 feet wide, compared to 86.6 feet for the Caltrans design, a reduction of 17.4 feet. Based on Caltrans estimates of incremental cost for bridge width, the modified design would cost \$3.5 million less to construct.<sup>9</sup>

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<sup>9</sup> According to Caltrans testimony to the Coastal Commission, it cost \$2 million to add 10 feet to the bridge for sidewalks (Chart entitled "Enhancements and Mitigation Measures Already Included"). Therefore, each reduction of 5 feet in bridge width would save \$1 million in construction costs.

## Conclusion

The proposed Noyo Bridge replacement is the wrong bridge for historic and beautiful Noyo Harbor. The design team ignored the existence of alternative railings that could preserve the spectacular views from the present bridge. It has brought forth a \$1 million mitigation penalty from the Coastal Commission, setting a dangerous precedent. I would waste \$4.5 million of taxpayers' money. It has angered many coastal residents already and will anger even more motorists in the future if it is built.

I respectfully request that the Transportation Commission disapprove the request for funding of the Noyo River Bridge replacement project.

Note: Appendix 2 is reproduced  
as Exhibit 6

DEPARTMENT OF TRANSPORTATION  
LEGAL DIVISIONSTREET ADDRESS:  
595 MARKET STREET, SUITE 1700  
SAN FRANCISCO, CALIFORNIA 94105MAILING ADDRESS:  
P.O. BOX 7444  
SAN FRANCISCO, CALIFORNIA 94120-7444TELEPHONE (415) 982-3130  
FACSIMILE (415) 495-2517

RECEIVED

JUN 17 1999

CALIFORNIA  
COASTAL COMMISSION

June 16, 1999

Steven F. Scholl  
Deputy Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105RE: Coastal Development Permit Application No. 1-98-100  
Replacement of Highway One Noyo River Bridge, Fort Bragg

Dear Mr. Scholl:

This letter is in response to your letter of June 4, 1999, regarding the revocation request submitted to your office by Mr. Vincent Taylor. In your letter you requested a response from the Department by today's date for inclusion in the staff report and recommendation. This provided the Department with 7 working days to respond to a very delicate matter pertaining to a significant public safety project. The Department does not believe that this period of time is appropriate. The Department will be submitting a written response to Mr. Taylor's allegations at a future date and prior to the hearing on the matter. The Department is similarly concerned that the revocation request was accepted by Commission staff for a hearing within 2 days of its receipt. It would appear that such a significant decision on a public safety project merited more than a 2 day review. Additionally, I would note that Department staff has already met with Commission staff to address many of Mr. Taylor's concerns, and the Department expects that the information already provided will be considered in the upcoming staff recommendation.

Finally, by this letter I am requesting a copy of any Commission policies or guidelines regarding the standards by which a revocation request is deemed to be frivolous or not frivolous and subject to a Commission hearing.

Very truly yours,

TONY ANZIANO  
Deputy Attorney

EXHIBIT NO. 3

APPLICATION NO.  
R-1-98-100 CALTRANSTony Anziano letter  
Caltrans Deputy  
Attorney,  
June 16, 1999



**Dharma Cloud Foundation**

P.O. Box 37

Caspar, CA 95420

Tel 707 964-6456 Fax 707 964-7520

June 21, 1999

rcvd. 6/21/99

Peter Douglas, Executive Director  
California Coastal Commission  
45 Fremont Avenue, Suite 2000  
San Francisco, CA 94105-2219  
Tel: (415) 904-5200  
Fax: (415) 904-5400

EXHIBIT NO. 4
APPLICATION NO. R-198-100 CALTRANS
Letter of Vince Taylor, June 21, 1999
(Page 1 of 10)

Dear Mr. Douglas:

I see from the contents of the letter sent to Steven Scholl by Mr. Anziano on June 16, 1999 that we share something in common -- being attacked by Caltrans for doing our job. This type of response by Caltrans -- belligerent and antagonistic, rather than accommodating and cooperative -- exemplifies the attitude that Caltrans has exhibited toward all sincere efforts to work together to achieve better solutions. I hope that you will not dismiss it as "a standard practice" of Caltrans to which you have become inured through repetition, but reflect on how it magnifies the antagonistic quality of what ideally should be a cooperative process.

This type of belligerent response is at the core of what I'm trying to change. Consider that most citizens have nowhere near the resources that the commission brings to reviews of Caltrans projects. When the Caltrans treats all efforts to bring about change as an attack on itself and responds antagonistically, what chance do citizens have to affect the outcome of a design process that vitally affects their community's well-being?

I see the upcoming revocation hearing as an opportunity for the commission to obtain and expose to public scrutiny much more information about the standard operating procedures followed by Caltrans in responding to citizen input. I fervently hope that you will recommend to the commission that it authorize the commission staff to pursue further investigation, including obtaining answers to the questions for Caltrans that I have submitted to the commission. The evidence that I provided in my *Grounds for Revocation* gives you ample basis for making such a recommendation.

Thank you for referring my call to you this morning to Bob Merrill. He explained to me that you were planning to recommend that the Commission reject my request for revocation. In view of Caltrans's failure to meet the commission's deadline for making a written response to the contentions raised in my request, I am surprised at this decision. I understand that Mr. Anziano met with you and gave you various verbal arguments, some of which Mr. Merrill relayed to me this morning. Without anyone there to rebut his points, you apparently were influenced by them.

I consider it irregular and improper that Caltrans can give the staff arguments verbally, rather than in writing as the commission requested. Verbal arguments are not part of the

record. I'm thereby put into the position of having to try to answer something that Caltrans can later claim it never said. This may seem an unwarranted anxiety on my part, but based on Caltrans performance in this case to date, I believe it is highly warranted. However, if I don't respond, Mr. Anziano's contentions will go unanswered. These are not good choices, but given that these choices, I prefer to respond.

To avoid this kind of situation in the future, I request that the commission consider only evidence presented in writing, or if Caltrans wishes to make an oral presentation to the staff, that I and/or my lawyer be given the opportunity to attend. I am glad to make the reciprocal offer.

In the remainder of this letter, I will respond to Mr. Anziano's contentions, as I understand them based on my conversation with Mr. Merrill. If there are inaccuracies in my understanding, please let me know and I will modify my responses accordingly.

Mr. Anziano apparently made arguments and assertions in two important areas, each of which I will consider separately:

- 1) that there were not alternative railings fully approved by the federal government that Caltrans could have known about sufficiently in advance of the March hearing to have included them in its presentation, and
- 2) that even had such alternative railings been available and the commission had knowledge of them, the knowledge would not have "caused the commission to require additional or different conditions on a permit or deny an application."

### **Contention: No alternative railings fully-approved by the federal government were available**

Apparently, Mr. Anziano attempted to create doubt that there were alternative railings that were fully accepted by the Federal Highway Administration (FHWA) in the fall of 1998, when the controversy arose over the solid concrete railing initially proposed by Caltrans. Please rest assured that there were many, many such railings available at that time. I've requested that Mr. Richard Powers of the FHWA send me the May 30, 1997 summary listing of railings accepted by the FHWA as meeting current crash-test standards.<sup>1</sup> I will forward a copy to you for the record as soon as I have received it. Mr. Powers assures me that the listing contains a large number of railings.

In my request for revocation, I provided documentation on several railings that had been issued acceptance letters by the FHWA. I understand that Mr. Anziano asserts that, in one case the acceptance letter was issued only two days before the permit hearing, making it

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<sup>1</sup> Current standards for crash testing are those specified in NCHRP Report 350, which was issued in 1993. Note that, to be precise, the FHWA never "approves" a railing, but only "accepts" a railing for use on the National Highway System. Caltrans used the term "approved" in its testimony; thus I have used the term also. Understand that "federally approved" really means "federally accepted."

unreasonable for me to term this an available approved railing, and in the other cases that the letters of acceptance were qualified. Let me respond.

### ***NETC railing availability***

First, note that with respect to the 2-Bar Curb-Mounted Railing of the New England Transportation Consortium (NETC), it was accepted by the FHWA in May, 1997, as noted in the acceptance letter included in Appendix 2 of my *Grounds for Revocation*. This 2-bar railing could serve as the traffic railing in the type of railing system that I proposed as an alternative in my testimony at the permit hearing. Thus, there is no question about the availability and relevance of this railing.

With respect to the 4-bar railing of the NETC, I explicitly noted in my *Grounds for Revocation* that the acceptance letter, which was reproduced therein, was issued on March 11, 1999; thus I was not trying to hide this fact from the commission. However, as I also noted:

“... the letter requesting approval [for the NETC railing] was dated January 25, 1998, and crash tests were done in November, 1997; thus information on this railing would have been provided if Caltrans had inquired of the FHWA in Fall 1998 about railings that were or might soon be approved.<sup>2</sup>

Because, as I explain later in this letter, the bridge railing would not have had to be available for installation until the end of 1999, I considered and continue to consider the NETC railing as a legitimate alternative that should have been presented by Caltrans to the commission.

After Mr. Merrill told me that Mr. Anziano objected to inclusion of the NETC railing as an alternative, I checked with Mr. Richard Powers of the FHWA to see why the railing took more than a year to approve, a delay that might suggest problems with the railing. Upon further checking, he found that the submission date of January 25, 1998 written in the acceptance letter was in error. The correct date is January 25, 1999.

This new information led to the following questions: 1) Why did more than a year elapse between crash tests and the request for acceptance, and 2) would Caltrans have been informed of this railing if it had inquired of the FHWA in Fall 1998 of railings approved or about to be approved?

Mr. Powers referred me to Charles McDivitt, a Structural Engineer in the Office of Safety, Research, and Development of the FHWA. He was the contracting officer's technical reference for the NETC railing crash testing, and he explained the reasons for the long delay after the crash tests were performed. The essence of his explanation was that Southwest Research Institute, which performed the tests, was very tardy in preparing the final report, in part because the chief investigator left the organization and in part because of technical problems that were time consuming to resolve. There were not problems with

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<sup>2</sup> Vince Taylor, *Grounds for Revocation of Coastal Commission Permit 1-98-100 for Replacement of the Noyo Bridge*, May 31, 1999, footnote 8, p. 3.

the railing, only with getting the necessary test data prepared for submission to the FHWA. Obviously, because Mr. McDivitt was closely involved in this process throughout 1998, Caltrans would have been informed about the status of the NETC railing if it had asked within the FHWA in Fall 1998 of railings approved or about to be approved.

### ***Other referenced railings***

I understand that Mr. Anziano asserted or implied that the other referenced railings were not fully accepted by the FHWA. This is incorrect. As shown in the letters included in Appendix 2 of my *Grounds for Revocation*, the Massachusetts and Wyoming railings referenced were fully accepted.

The letter of acceptance for the Wyoming railing, dated July 1, 1996, expressed a desire to see some minor design features changed (such as the configuration of the end plate and the use of a brace bar for shipping), but it did not condition its acceptance on these changes being made (which in any event could be easily done). It also expressed a concern that Wyoming use a steel that would not be subject to brittle fracture at extremely low temperatures – obviously not a problem on the coast of northern California.

I want to emphasize that the TL-3 version of this railing has been in widespread use in Wyoming for at least 21 years. It is a time-tested design. I emphasize this because this is the railing type that I would have used in the alternative design I proposed in my testimony at the commission hearing on the Noyo Bridge permit, had Caltrans provided information on its availability. However, I relied, as did the commission staff on the unequivocal, unqualified assertions of Caltrans that no other approved railings were available; therefore I proposed use of an unspecified “safety barrier.”

As we all know now, there were many approved traffic railings that could have been used. Because this type of railing system (traffic railing combined with pedestrian railing) is well known within Caltrans, the Caltrans project staff could have told the commission that this was an acceptable alternative – rather than maintaining to the commission staff, as I document in my *Grounds for Revocation*, that “the ‘see-through’ barrier incorporated in the project is the only one currently approved.”

The other referenced railing, the Massachusetts S3-TL-4 Steel Bridge Railing, flush-mounted design, was fully accepted for use on sidewalks of any width. This is the configuration that would be appropriate for the Noyo Bridge. Other discussion in the acceptance letter referred to testing of a curb-mounted design; but this is not relevant to the Noyo Bridge.

### ***Summary***

No points raised by Mr. Anziano detract in any degree from the validity of my contention that at the time Caltrans was denying their existence, there were a number of federally approved railings.

## **Contention: Knowledge of alternative railings would not have affected the commission's decision**

As I understand Mr. Anziano's argument, even had Caltrans presented the commission with alternative, federally safety-approved railings, it would have argued to the commission that incorporating any of these into the Noyo Bridge would have entailed unacceptable delays. Therefore, even though they may have omitted information on alternative, federally safety-approved railings, this omission would have not caused the commission to reach a different decision or impose different conditions.

My understanding is that Mr. Anziano gave the following reasons why the other alternative railings would have entailed unacceptable delays:

- 1) "significant" time would be needed to assure that the federally approved railings meet California safety standards, and
- 2) current Caltrans policy is to use only concrete railings because they have lower maintenance costs than metal railings; so the use of metal see-through railings would require a change in Caltrans policy – which according to Mr. Anziano could not be done quickly.

### ***Question One: Do California crash-test standards differ from federal standards?***

The first reason given by Mr. Anziano is that federally approved railings would still require time-consuming additional testing to meet state safety standards. As I documented in my request for revocation, Eldon Davisson, who is Chief of the Office of Structural Design, under whom is conducted all bridge design and state crash testing, told me that California will structurally accept a railing that is accepted by the FHWA.<sup>3</sup> Before you accept a different position from Caltrans, I would think you should require a statement from Mr. Davisson contradicting my citation of him. To my knowledge, Caltrans has not provided you with such a statement, which it could easily have done by now.

But, even beyond the statement made by Mr. Davisson, I am highly skeptical that there is any significant difference in federal and state crash-test procedures and standards because the crash-test procedures required for federal acceptance of a railing are extremely detailed, complex, and expensive to conduct.

The crash-test procedures required for federal acceptance are specified in NCHRP Report 350. For example, to achieve acceptance by the FHWA as a Test Level 4 (TL-4) railing, the railing must be subjected to a crash tests for 1) a small sedan, 2) a pickup truck, and 3) an 18,000 lb. single-unit van truck. Each of these vehicles must meet specified measurements for center-of-gravity above the ground and distance between wheels. Each of these vehicles must be crashed into the test railing at a specified angle and rate of speed. Detailed acceleration, deceleration, and visual data must be recorded.

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<sup>3</sup> Ibid., p.6.



Given the difficulty and expense of conducting the federal tests, and their very high standards for safety, I have great difficulty in believing that California conducts additional, more demanding crash tests. But, whether I am correct or not is easily resolved by asking Caltrans to provide the commission with copies of its written manuals specifying safety standards that it applies to bridge railings. You should also ask Caltrans to identify specific differences between Caltrans standards and the NCHRP Report 350 standards used by the Federal Highway Administration in certifying railing designs.

I want to stress the importance of getting Caltrans to provide copies of its approved specifications, not simply a general description of its standards. The purpose of this proceeding is to determine whether the commission can rely upon statements from Caltrans personnel; therefore it is of the highest importance to require that Caltrans provide detailed documentation of any claims that it makes.

***Question Two: Would Caltrans policy on concrete railings have precluded the commission's decision from being influenced by knowledge that alternative, safety-approved railings existed?***

The second reason given by Mr. Anziano is that current Caltrans policy is to standardize on concrete railings and that changing this policy would take so long that alternative metal railings could not be used on a "time-urgent seismic-safety" project.

When I first heard this argument, I didn't know whether to laugh or cry -- laugh because it is so patently ridiculous a reason for ruling out a railing that would preserve the highly scenic views from the Noyo Bridge, or cry out of frustration because Caltrans once again is citing its internal requirements as justification for rejecting an alternative that it can find no substantive reason to reject.

The first point I want to emphasize is that this argument is a perfect example of how Caltrans has responded whenever I've refuted one of its "reasons" for rejecting an alternative. It brings up another "reason," then another reason, until when all else fails, it cites "Caltrans requirements."

You and the commission should be absolutely clear that during the permit process the only reason that Caltrans cited for not using a better see-through railing was that there were no other safety-approved railings. If Caltrans had other substantive reasons why it couldn't use alternative railings, it would certainly have cited them. But, it cited no other reason.

Rick Knapp said in a letter to the mayor of Fort Bragg, "At that [September 16, 1998] meeting, Caltrans committed to include a see-through railing design if we could get an approved, safety-tested design before construction of the project."<sup>4</sup> Note well the underlined phrase. The only qualification Mr. Knapp made was "an approved, safety-tested design."

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<sup>4</sup> Letter from Rick Knapp to Michelle White, January 13, 1999, included as Exhibit 18 of the Staff Report on Application No. 1-98-100. Emphasis added.

Karen Tatman, Project Manager for the Noyo Bridge, responding to a citizen complaint about the obliteration of views by the solid concrete railing initially proposed for the Noyo Bridge, wrote:

A recently tested see-through railing developed by Caltrans passed the required safety crash tests and is in the approval process with the Federal Highway Administration, FHWA. We agree that see-through railing should be used at this site and we will include this railing in our design.<sup>5</sup>

Again, I want you to note that the only cited requirement for use on the project was passing "the required safety crash tests."

Now that I have shown that there are a number of alternative, superior see-through railings that have "passed the required safety crash tests," Caltrans is falling back to its last line of defense: "They don't meet Caltrans requirements." In this instance, the "requirement" is that the railings must be concrete in order to minimize maintenance costs.

Given Caltrans very tardy assertion of this tired class of excuse, I would think the commission staff would attach little weight to it. But, since you appear to be taking it seriously, you should ask Caltrans some questions whose answers will help to inform the commission about this supposed insurmountable barrier to metal railings.

The concrete-only railing excuse can be broken down into two parts, both of which must be true if it is to stand as a reason for rejecting all metal railings: 1) current Caltrans policy is that only concrete railings are acceptable to it, and 2) changing this policy would take so long that alternative metal railings could not be used on a "time-urgent seismic-safety" project. Consider each of these in turn.

#### Only concrete railings are acceptable to Caltrans

First, it is worth noting that the railing proposed by Caltrans has a metal top rail and numerous vertical bars in the 11" horizontal opening. Thus, Caltrans is currently willing to accept "some" metal components on bridge railings.

Second, the Caltrans Redwood Creek Bridge, which I cited in revocation request, has a pedestrian railing that is entirely metal. The engineering drawings supplied to me are dated December 15, 1986 – only 2-1/2 years ago. Thus, if Caltrans has a policy against metal railings, it is less than 2-1/2 years old.

Caltrans should be asked to respond to the following:

- 1) Please provide the written Caltrans regulations that specify acceptable construction materials for bridge railings.
- 2) Please give the date when the restriction to concrete for bridge railings was mandated?

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<sup>5</sup> Letter from Karen A. Tatman to Phillip Sharples, responding to a comment by him on the lack of a views from the proposed bridge, October 29, 1998.

- 3) Please provide the commission with a list of any bridges that have been designed since the time that the restriction to concrete for bridge railings was mandated and that contain metal in the railings.

The requested answers and information will let the commission know exactly what is the regulation being cited as preventing the use of metal railings, how long the policy has been in place, and how strictly it has been enforced. If the responses show that the policy does not exclude all use of metal railings, the concrete-only excuse would not have been a valid reason for Caltrans to reject the alternative see-through railings.

Further, the responses will be relevant to determining the validity of the second part of the concrete-only railing excuse.

The time required to change the concrete-only railing policy would be unacceptably long

If the staff is to determine that knowledge of alternative see-through railings wouldn't have affected its decision, it needs to accept Mr. Anziano's assertion that changing this policy would have taken and "unacceptably long time."

The first point is that accepting a metal railing on the Noyo Bridge would not require a change in overall policy. As I noted in my oral testimony at the March hearing:

They [Caltrans personnel] have it totally within their power to make exceptions to any of these rules and regulations. It is laid right out in their design manual, to make an exception, and all that it requires to get that approved is a signature of the project manager and the project development coordinator, another internal Caltrans official.<sup>6</sup>

In the context of this hearing, where the staff report stated that Caltrans said it would take 2-4 years to develop and test an alternative railing, the ability of Caltrans to make exceptions to its design standards did not persuade a majority of the commission to deny the permit. However, even in this circumstance, the vote for the permit was only 5 to 4.

Suppose instead that the commission knew of the alternative railings and that the issue had come down solely to whether or not Caltrans was willing to make an exception to its concrete-only railing policy. Mr. Douglas, are you certain in your own mind that in this circumstance the commission would have made the same decisions? Are you certain enough to recommend to the commission that it reject, without further investigation, my request for revocation? I would like to receive your answers to these questions.

***How much time is available to Caltrans to fully qualify a railing for the Noyo Bridge***

In judging the merits of Mr. Anziano's contention that delays in approval of federally approved railings for the Noyo Bridge would have taken "too long" given that the bridge

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<sup>6</sup> *Reporters Transcript of Proceedings*, State of California Coastal Commission, Appeal No. A-1-99-06 and Application No. 1-98-100, Friday, March 12, 1999.

replacement is a seismic-safety project, the staff and commission should recognize that the railing would not have been needed for quite some time. Even on the accelerated bidding schedule proposed by Caltrans in testimony submitted to the commission, a contractor was not expected to begin work until August 1, 1999. Then, according to Caltrans:

With the contractor working seven days per week, it is possible [emphasis added] that all of the water work (trestle construction, falsework piles driven in the river, and cofferdams placed) could be completed by October 15, 1999 within the requirements of construction permits. This would allow the contractor to work all winter constructing the new footings and the new abutments.<sup>7</sup>

The construction of the new bridge sections could not be begun until the phase of work described above were completed, presumably in March 2000, and the railings would not have been needed prior to that time. As the alternative railings are already in use in other parts of the country, the railing components should be readily obtainable. At a minimum, therefore, Caltrans would have had until January 2000 to make whatever qualifications, policy changes, and exceptions were required to utilize the superior railing alternatives. Not every aspect of the alternative railings would have needed to be resolved at the time of the permit hearing.

### ***Delays in the Noyo Bridge not "unacceptable" to Caltrans***

Throughout the permit process Caltrans emphasized that the Noyo Bridge project was an important seismic safety project and that any delays in the project were unacceptable. Mr. Anziano rang the same tocsin in his June 16, 1999 letter to Steven Scholl, chastising the commission's actions on "a very delicate matter pertaining to a significant safety project."

From the statements coming forth from Caltrans, one would think that they would do everything in its power to move the project ahead as fast as possible. Its actions however, show that the vital necessity of replacing the bridge "as quickly as possible"<sup>8</sup> disappeared quite quickly once it had its Coastal Commission in hand. Following the imposition of the \$1 million mitigation fee by the commission, Caltrans undertook an internal review that was not completed until April 16, 1999. The self-imposed delay meant that Caltrans could not meet the tight schedule that it had proposed to the commission for completing in-water construction by October 15, 1999. In announcing the outcome of its review, Caltrans stated, "... it is not likely that significant work will be accomplished this year."<sup>9</sup> Because of the conditions of its permits, the delay caused by Caltrans meant that work on the Noyo Bridge could not begin until June 2000. Caltrans may rejoin that the delay in seeking funding approval was caused by the lack of a permit from the Regional Water Quality Control Board, North Coast Region, rather than by its internal review. This would be disingenuous, because without obtaining this permit, Caltrans did apply for and receive funding approval at the June 7-8 meeting of the California Transportation Commission.

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<sup>7</sup> Staff Report of the California Coastal Commission, Appeal No.: A-1-FTB-99-06, Exhibit 19.

<sup>8</sup> Rick Knapp, *Reporters Transcript of Proceedings*, op. cit., p. 23.

<sup>9</sup> News Release #99-063, Caltrans, District 1, April 16, 1999.

## **In Conclusion**

Upon analysis, none of the assertions or arguments made verbally by Mr. Anziano have any validity. The information I have provided herein should persuade you to recommend to the commission that they authorize you to further investigate my contentions and to request answers from Caltrans to the questions that I have provided to the commission.

Sincerely,

*Vince Taylor* Vince Taylor

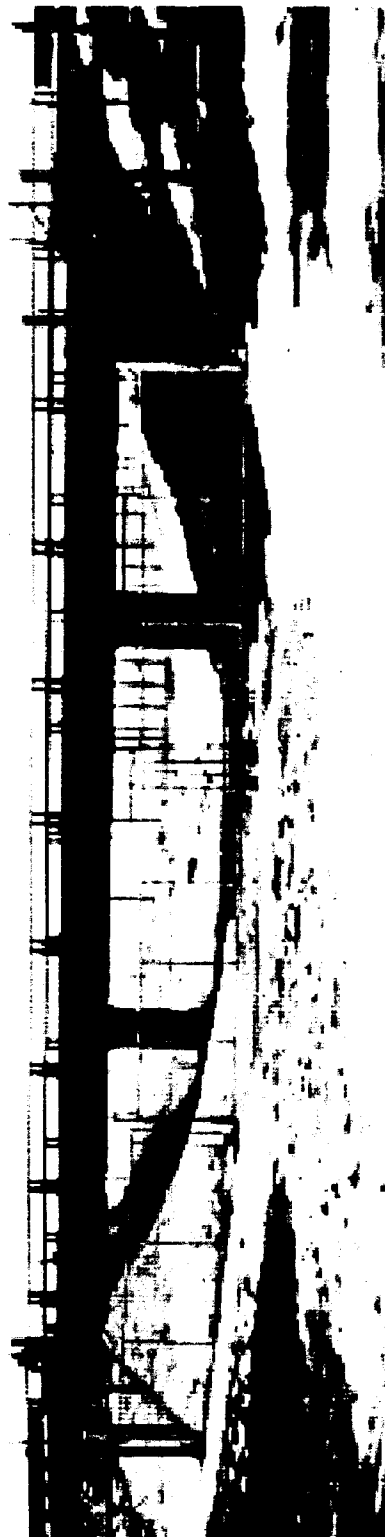


EXHIBIT NO.	5
APPLICATION NO. R-1-98-100 CALTRANS	
Wyoming 2-Tube Traffic Railing	

EXHIBIT NO.	6
APPLICATION NO.	R-1-98-100 CALTRANS
Views of Noyo Harbor with Alternative Bridge Designs (Page 1 of 3)	

## Appendix 2

### Views of Noyo Harbor with Alternative Bridge Designs

# Modified New Noyo Bridge — Wyoming Traffic Railing and Picket-Style Pedestrian Railing Small Sedan View

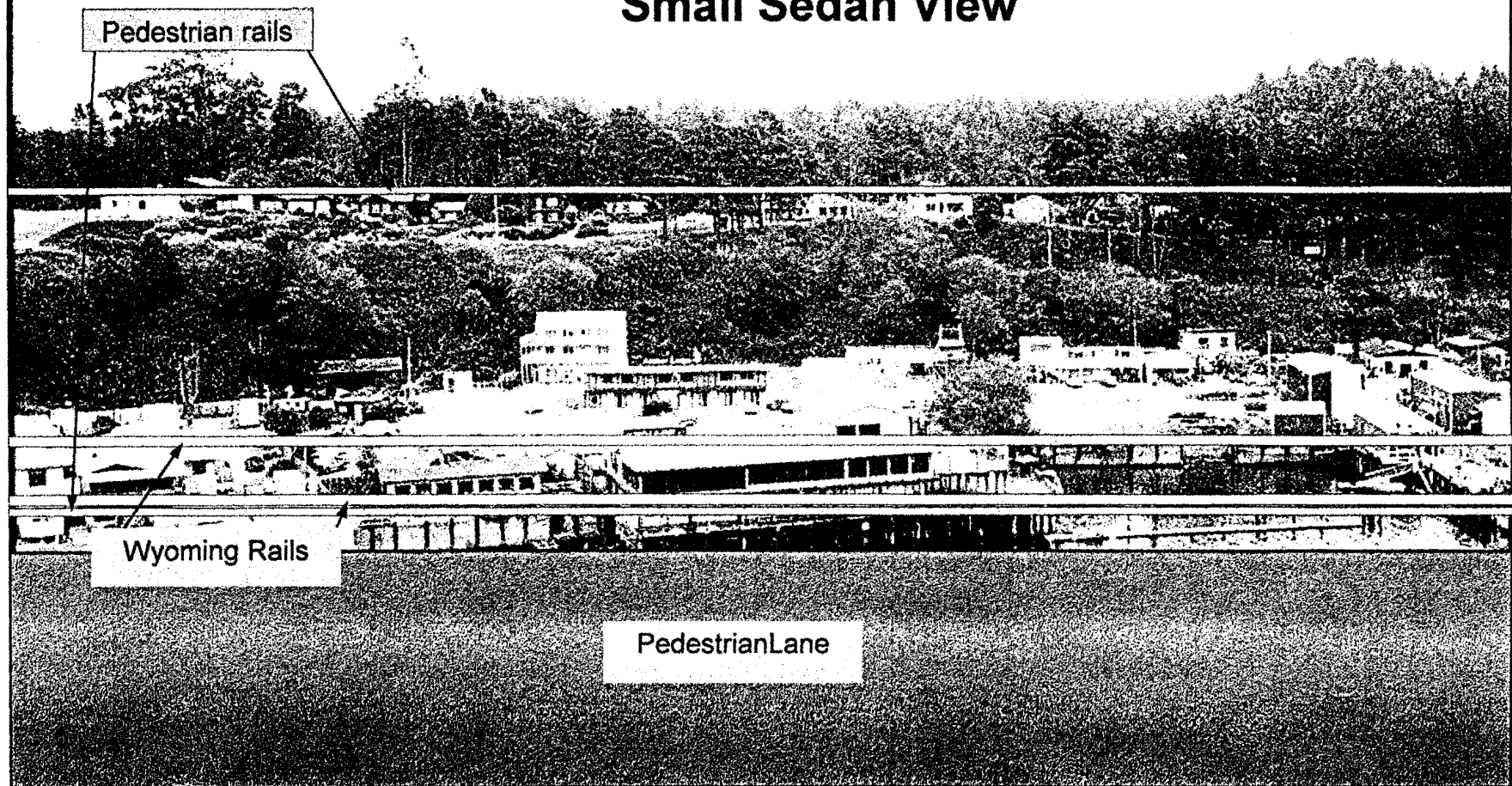


Figure 2-1

Vince Taylor, Dharma Cloud Foundation  
May 23, 1999



## Proposed Noyo Bridge "See-Through Railing" Small Sedan View

Steel rail

Concrete Railing

Concrete Railing

Sidewalk and Roadway

Figure 2-2

Vince Taylor, Dharma Cloud Foundation  
March 8, 1999

EXHIBIT NO. 7
APPLICATION NO. R-1-98-100 CALTRANS
Transcript of Hearing of CDP
1-98-100, 3/12/99 (Excerpts)

STATE OF CALIFORNIA  
COASTAL COMMISSION

(Page 1 of 16)

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CALTRANS	)	
	)	
CITY OF FORT BRAGG	)	Appeal No. A-1-99-06
	)	and
COUNTY OF MENDOCINO	)	Application No. 1-98-100

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Excerpts

Friday  
March 12, 1999

Agenda Items Nos. 3.a. & 4.a.

Carmel Mission Inn  
3665 Rio Road  
Carmel, California

Mr. Knapp

1 match. We have an approved federal document. We will be  
2 using state and federal funds, for sure. If we have run out  
3 of the seismic bond measures between now and then, we will  
4 use state funding, and federal funding. It doesn't matter.  
5 All of that money is already programmed for projects. If we  
6 have to come up with \$2 million, it will have to come from  
7 another project.

8 I would be happy to respond to any other comments  
9 that were raised that challenged things that Caltrans has  
10 done. One would be, I guess, the see-through railing.  
11 Certainly, there are numerous see-through railings. They  
12 don't meet standards. And, we don't get to set standards in  
13 Fort Bragg, you know, for national highways, federally  
14 supported highways. We go through rigorous testing of  
15 railings, and we were able to be successful in accelerating  
16 that testing process, in order to get the first see-through  
17 safety railing approved.

18 EXECUTIVE DIRECTOR DOUGLAS: Two minutes.

19 MR. KNAPP: As was pointed out by your last speaker

20 --

21 CHAIR WAN: You will have to wind up.

22 MR. KNAPP: -- there are lots of solid ones that  
23 are being built. And, that is why, because we didn't have an  
24 approved safety one.

25 CHAIR WAN: Thank you.

1 MR. KNAPP: Thank you.

2 CHAIR WAN: I am going to go back to staff.

3 EXECUTIVE DIRECTOR DOUGLAS: Just a couple of  
4 comments.

5 First of all, the staff was very aware of the  
6 safety issue here, and that is why we support the construc-  
7 tion of a new bridge, and we applaud many of the features  
8 that are built into the design of the bridge that provide  
9 physical access. We didn't have a problem with that.

10 We did wrestle with the question of design, and  
11 scale, and, you know, how it would fit into the community,  
12 but we were also told, in no uncertain terms, that any delay  
13 or redesign like that would defeat the new bridge.

14 And, so we really narrowed our focus on the  
15 question of visual resources, and how to mitigate the impacts  
16 of the bridge, and the rail, on visual resources, and that is  
17 how we came up with the Condition No. 6. And, that is really  
18 the only issue, I think, in contention. We don't disagree  
19 with the construction of a new bridge. It would be nice if  
20 it could be smaller, but that is not something that we  
21 decided to focus on.

22 The Commission has faced, on numerous occasions,  
23 Caltrans' projects where your conditions of mitigation were  
24 argued, or characterized as conditions that would kill the  
25 project, only to find that somehow there was a way found to

1 make both the project work, and implement mitigation  
2 measures.

3 We tried to craft a condition here that mitigates  
4 for adverse impacts on visual resources, that is workable,  
5 that is reasonable, and feasible. We didn't have a lot of  
6 time to do that. We are certainly open to any suggestions  
7 from the Commission. We will answer any questions that you  
8 may have. It is, obviously, a judgment call for you to make,  
9 in terms of whether or not you think that this condition is,  
10 first of all, necessary, or whether or not it ought to be  
11 modified in a manner that would work.

12 I was intrigued by the comments from the Caltrans'  
13 representative that there are funds available for, what they  
14 called, enhancements, that could lead to carrying out this  
15 condition, but something that works so that we don't just  
16 lose the visual resource without some sort of offset. That  
17 is what we are concerned about.

18 CHAIR WAN: Thank you.

19 Commissioner Dessser.

20 COMMISSIONER DESSER: Listening to this discussion,  
21 both with regard to our staff, and Caltrans, I am reminded of  
22 the expression that when all you have is a hammer, everything  
23 looks like a nail.

24 I think that I found the testimony of Mr. Taylor  
25 quite compelling, and I am interested in a site-specific

1 solution to this, and I think that what makes our coast  
2 unique is its very visual and topological characteristics,  
3 and I am not persuaded that because these are the kinds of  
4 techniques that are used other places to build bridges,  
5 clearly that hasn't been -- one of the letters pointed out --  
6 satisfying to the mayors of Oakland and San Francisco.  
7 Similarly, I don't think that it is going to be satisfying in  
8 this case, here.

9 And, as to our staff, I don't think that finding  
10 another place for views really gets at the problem that is  
11 raised by constructing a bridge in this way.

12 I also do not appreciate the tactics -- if indeed  
13 that is what they are -- that have been used by Caltrans to  
14 threaten interminable delays, if we don't agree to these  
15 designs.

16 So, I would like to hear a little bit more about  
17 why site-specific design isn't appropriate, or possible in  
18 this case.

19 EXECUTIVE DIRECTOR DOUGLAS: I think we would ask  
20 the Caltrans' representative to respond.

21 Our staff did have discussions with them, about a  
22 redesign, narrowing of the bridge, and other kinds of issues  
23 that deal with the scale, and we were told that that delay  
24 and the costs associated with that would probably kill the  
25 project, and so we relied on that.

1 COMMISSIONER DESSER: And, I guess I just want to  
2 point out that either way, we are going to be living with  
3 this bridge for a very, very long time, so if it takes a  
4 little bit longer to design the right thing, that we are  
5 going to be living with for the next 40 years, that seems  
6 like a small price to pay up front.

7 CHAIR WAN: Did you want to have the gentleman from  
8 Caltrans come up?

9 MR. KNAPP: Thank you. I want to mention one brief  
10 thing, and then ask Karen to come up and explain exactly why  
11 the bridge needs to be the width it is, and the config-  
12 uration.

13 The comment about the tactics, I have heard this  
14 kind of thing, in which we were using scare tactics, and we  
15 were threatening that we were going to take away the project,  
16 and that sort of thing, and that concerned me very much, and  
17 that is the reason I wrote the January 13 letter, which is  
18 Exhibit 18 in your package. I would urge you to take a close  
19 look at that, and I said -- you know, I was even, in the  
20 January 24, after I explained that entire thing, somebody got  
21 up and said, "You are trying to use scare tactics on us. You  
22 are trying to twist the arms of the public, of the city  
23 council," and to me, you know, kind of suggests that the city  
24 council doesn't have a mind of its own, that they didn't  
25 conclude that this was a good project. They, in fact,

1 overturned the planning commission's denial of the appeal. I  
2 attended that meeting. I explained all of this stuff, and as  
3 a matter of fact I got an opportunity to get up and ask and  
4 respond to the question that we were using fear tactics.

5 What I am saying is that I can't tell you. I am  
6 not the California Transportation Commission. I cannot tell  
7 you, if I go back and say, "We increased the cost of this  
8 project by 20 percent already, from \$20 million to \$24  
9 million," that was the maximum flexibility we had, "we've  
10 spent \$4 million more, and I need \$2 million more."

11 I cannot tell you, and I know how excruciatingly  
12 painful it is when we go back and ask for more money, so I  
13 know management of our organization will have to look at it  
14 and say, "Do we want to go back and ask for that additional  
15 money?"

16 And, I also know that that project that is  
17 suggested by staff is not necessarily feasible. We go out  
18 and appraise a piece of property, and we say that property is  
19 worth \$250,000 we cannot give someone \$1 million for it,  
20 because it is a gift of public funds; therefore, it is not  
21 feasible. Then you are going off some other place to build  
22 some unknown project somewhere.

23 I hope that explains -- I really and truly -- I  
24 went to the meeting on the 24th. I spent a long time, a lot  
25 more time than I had the opportunity to spend today to



1 explain and answer every single question, and we have had  
2 numerous meetings, open houses, on this project. We have a  
3 Web Page, an interactive Web Page so that we would deal with  
4 every single comment and question that came up.

5 And, I asked the city council, if you can point to  
6 a single project in your community that has had the kind of  
7 community outreach and involvement than our project, please  
8 tell me what project that is. And, no one came forward with  
9 anything like that.

10 Somebody stood up and said there were a lot of  
11 opponents, or there are some opponents to this project, and  
12 an individual said, "I've talked to those people that are the  
13 opponents, and not one of them seemed to agree with one  
14 another on what we should build." And, I think you are  
15 seeing that with the Bay Bridge in San Francisco, there are a  
16 lot of differences of opinion, and your staff indicated it is  
17 a judgment decision on the type of bridge.

18 Karen could easily explain to you again about the  
19 segmented approach, where you have to build the bridge on  
20 each side. If we have to build a bridge on each side, and  
21 not just stop traffic, in order to do all of this retrofit  
22 work, then we have to have enough room to provide for one  
23 lane of traffic, and a shoulder. And, if we don't have that,  
24 then we are going to have a situation that will not meet the  
25 safety needs of the public, the pedestrians, the bicyclists,

1     and the motorists.

2                     And, if you could give Karen about a minute, I  
3     think she could really clarify that for you.

4                     Thank you very much.

5                     EXECUTIVE DIRECTOR DOUGLAS:   You can take the  
6     microphone, please.

7                     MS. TATMAN:   Oh, yes.

8                     EXECUTIVE DIRECTOR DOUGLAS:   We need this on the  
9     record.

10                    MS. TATMAN:   Thank you, sorry about that.   I'm not  
11    used to working with microphones.

*attached*

12                    I would direct your attention to Exhibit 19, which  
13    is titled Noyo River Bridge Replacement Project Frequently  
14    Asked Questions, as you can imagine this has been a  
15    frequently asked question.

16                    Caltrans owns 100-feet of right-of-way through that  
17    area of Fort Bragg, and as you probably noted in the  
18    pictures, and as staff recognizes, there are several  
19    businesses, very close to our right-of-way.   In fact, the one  
20    on the south-west corner, the Cliff House Restaurant, is  
21    barely 6-feet outside of our right-of-way.   In fact, they  
22    even have a walkway with, kind of an overhang protection  
23    thing that actually comes very close to our right-of-way, and  
24    their landscaping is actually on our right-of-way.   We have  
25    extremely limited room to build a new bridge in here, and

1 that is what is driving the issue.

2 In order to maintain one lane of traffic in each  
3 direction, we can't touch the existing bridge. It can't be  
4 partially dismantled. You can't strip off one little piece,  
5 and leave the rest. There is only 26 feet available for  
6 traffic right now. Any less than that doesn't make sense.  
7 You can't go down to one-lane traffic control, because there  
8 is no detour around, so we have to leave the existing bridge  
9 alone, so that we maintain one lane in each direction.

10 So, what we do is build the minimum amount of  
11 bridge outside, and we build it in pieces. Stage 1, we are  
12 actually building 25.3 feet of bridge. And, that is  
13 accounted for, again, in Exhibit 19, and Vince Taylor  
14 mentioned only building 16 feet of bridge width. In fact,  
15 that is what we are building, but that 16 feet is from here  
16 to here. What Vince doesn't recognize, and hasn't recognized  
17 throughout our discussions -- I've been talking with Vince  
18 since last August. We have had some very nice discussions --  
19 we also need, because you have the end of the bridge here,  
20 you have to have some k-rail to keep people from driving into  
21 the existing bridge. We are going to have to have some  
22 construction workers on that side of the k-rail walking  
23 along, so we have to provide that. We are only providing  
24 one-foot of width.

25 COMMISSIONER DESSER: Can I ask you a question?

1 MS. TATMAN: Certainly.

2 COMMISSIONER DESSER: I drive a lot on Highway One,  
3 all up and down, and drive back and forth between the Bay  
4 area and Pt. Reyes, and depending on the way I go, often I  
5 find that a lane is cut down to one --

6 MS. TATMAN: Yes.

7 COMMISSIONER DESSER: -- and there are Caltrans  
8 crews that are stopping traffic, in one direction or another,  
9 while traffic is coming through. Why can't you do -- this is  
10 substantially cheaper, too, I should think. Why can't you do  
11 that kind of a solution here?

12 MS. TATMAN: Our traffic studies show that if we go  
13 down to one lane of traffic, anytime between 6:00 a.m. and  
14 9:00 p.m., that we will back traffic up all the way through  
15 town.

16 The unique situation here is there are no detours.  
17 Local traffic can't just go another way around and bypass the  
18 construction.

19 And, we are talking about --

20 COMMISSIONER DESSER: I live in Sausalito, and I --  
21 and traffic sometimes gets backed up --

22 MS. TATMAN: Okay.

23 COMMISSIONER DESSER: -- and that is the price we  
24 pay.

25 MS. TATMAN: We are also talking about a very long

1 MS. TATMAN: I am sorry, I don't have the  
2 availability of the technical studies.

3 My understanding, through downtown, from talking to  
4 our traffic folks, is that if we delay, if we drop down to  
5 one-lane traffic control, between the hours of 6:00 a.m. and  
6 9:00 p.m. traffic will back up all the way through town,  
7 which is a couple of miles.

8 CHAIR WAN: Just a quick question, as a follow up  
9 on what Commissioner Desser said.

10 You have two -- the two outside structures?

11 MS. TATMAN: Yes, here and here.

12 CHAIR WAN: Are each of those two lanes?

13 MS. TATMAN: No, each of those --

14 CHAIR WAN: Each of those is --

15 MS. TATMAN: -- is carrying one --

16 CHAIR WAN: -- one lane?

17 MS. TATMAN: -- lane. They will carry a -- from the  
18 inside edge of this k-rail, there is a 12-foot lane, a 4-foot  
19 narrow shoulder, which we consider 4-foot shoulder to be  
20 acceptable during construction, and then we also construct  
21 the sidewalk.

22 On one of the bridges, the westerly structure, we  
23 actually don't build the sidewalk in the first stage, and the  
24 reason is that a crane, in order to dismantle the existing  
25 structure -- which we start to do in stage 2 -- only during

crane

*traffic  
delay*

1 term situation here. We are not talking about a day, or a  
2 week's worth. We are talking about two years worth of  
3 construction. The locals of Fort Bragg have told us that  
4 they don't want to see one lane of construction.

5 In fact, when we shut down one lane to do some  
6 paving through town, Rick Knapp could probably tell you how  
7 many phone calls he got about people upset being delayed  
8 going through town.

9 What we have developed here is a plan that doesn't  
10 delay traffic at all, and if we can accomplish that, and meet  
11 the needs, and do these enhancements of shoulders, sidewalks,  
12 and match the roadway on either side, that is the plan we  
13 were looking for, and a plan that doesn't impact the adjacent  
14 businesses. That is what we have strived for, and that is  
15 what we have achieved.

16 COMMISSIONER DESSER: Did you consider traffic  
17 delays in the EIR that you did? was that anything? what kind  
18 of delays are you talking about?

19 MS. TATMAN: Did we quantify the traffic delays?

20 UNIDENTIFIED SPEAKER: (Member of the audience off  
21 the microphone.)

22 MS. TATMAN: Yes, we did. It is considered in the  
23 negative declaration.

24 COMMISSIONER DESSER: What kind of numbers did you  
25 -- how long? what was the traffic delay?

PRISCILLA PIKE

Court Reporting Services

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1 the day. We end up having to put, for a short period of  
2 time, 2 lanes of traffic on this westerly structure, because  
3 the crane needs to sit on the easterly structure. That is a  
4 very limited period of time, in which that happens.

5 And, I believe Vince Taylor, in his information to  
6 you, says he has talked to some crane operators, and there  
7 are actually some cranes that can dismantle this bridge and  
8 don't need to sit up there at all, so therefore we can build  
9 less width.

10 But, I would point out to you that we are concerned  
11 also about pedestrian access and bicycle access during  
12 construction, not just the final configuration, but also  
13 during construction, and that is why we are providing a  
14 12-foot lane, and a 4-foot shoulder, and building one of the  
15 sidewalks during the first stage of construction.

16 COMMISSIONER DESSER: And, how long do you  
17 anticipate construction taking under these various scenarios?

18 MS. TATMAN: Altogether, about two years. I think  
19 about a year to get these, this first stage done, then  
20 probably a month or two to dismantle the existing structure,  
21 and then another like 10 to 12 months to get this --

22 CHAIR WAN: All right, If you don't mind --

23 MS. TATMAN: -- center piece built.

24 CHAIR WAN: -- I am going to move on to the next  
25 question.

1 Commissioner Dettloff.

2 COMMISSIONER DETTLOFF: This is a question of  
3 staff, and I just really want some clarification, in my own  
4 mind.

5 You, then, the staff, I am going to assume, came to  
6 the conclusion that although you have made suggestions this  
7 morning on the design of the railings, that because I don't  
8 see a condition that directly addresses that, you came to the  
9 conclusion that the design of this particular system that  
10 Caltrans is proposing, with some views, would be acceptable.

11 And, then the width of the bridge was not something  
12 that became a point of study with the Commission. And, I am  
13 wondering if you had access to the statements, or the  
14 proposals made by Mr. Taylor, when you were going over?

15 EXECUTIVE DIRECTOR DOUGLAS: Well, first of all,  
16 relative to the design of the rail, we did discuss with  
17 Caltrans the possibility of a redesign, and they went through  
18 what it would take to meet the safety standards, the crash  
19 tests, and all of that, and that that delay, and the costs,  
20 would make it prohibitive.

21 So, we pretty much felt that there wasn't a  
22 feasible alternative to the rail design, even though we  
23 thought that technically there probably could be a more see-  
24 through kind of rail, and that is why we focused on the  
25 mitigation of the visual --



1 COMMISSIONER DETTLOFF: Exactly.

2 EXECUTIVE DIRECTOR DOUGLAS: -- impacts, and that  
3 is how we came up with Condition 6.

4 COMMISSIONER DETTLOFF: So, we really have come  
5 down to what the Coastal Act demands of both the staff and  
6 the Commission, and that is visual resources, and thus  
7 Condition No. 6.

8 EXECUTIVE DIRECTOR DOUGLAS: That's right.

9 COMMISSIONER DETTLOFF: So, we have taken it down  
10 to, we have narrowed our focus as to what our requirements to  
11 meet the Coastal Act are.

12 EXECUTIVE DIRECTOR DOUGLAS: That was our view of  
13 it, because we felt that we weren't expert to redesign and  
14 exactly what you were presented was presented to us, and we  
15 pretty much had to take what they represented.

16 COMMISSIONER DETTLOFF: So, we have had several  
17 examples, by public comment, on various railings that are  
18 being used around the state, but I think the comment made  
19 during their presentation by Caltrans that many of those  
20 railings no longer meet state or federal safety requirements.  
21 Is that a true statement?

22 EXECUTIVE DIRECTOR DOUGLAS: That is what we were  
23 told, yes, and we have no reason to question that.

24 COMMISSIONER DETTLOFF: Thank you.

25 CHAIR WAN: Commissioner Nava.

Railings

EXHIBIT NO.	8
APPLICATION NO.	R-1-98-100 CALTRANS
Noyo River Bridge Replacement Frequently Asked Questions, Caltrans 2/99	

(Page 1 of 5)

**1. Why is the bridge being replaced?**

- It is vulnerable to major seismic damage in its existing condition.
- It needs to be sandblasted and painted.
- It needs to be structurally repaired.
- It needs to be widened to allow access for disabled individuals.
- Maintenance costs on this 50-year old bridge continue to rise.
- If the existing bridge were to be widened, it would need to be structurally improved, increasing the bridge weight and reducing its ability to carry "permit" loads such as large trucks and equipment.
- The remaining service life is estimated at 20 years maximum.
- An analysis of the costs to seismically retrofit, paint, widen, and maintain the existing bridge shows that construction of a new bridge is more cost effective.

**2. How will the new bridge be constructed?**

The first stage of construction would build the outer sections of the new bridge to accommodate one lane of traffic in each direction. This is necessary so that existing traffic isn't delayed by one way traffic control or stopped altogether.

Following completion of the first stage, traffic would be moved off of the existing bridge and onto the new partially completed bridge structures.

The second stage of construction would remove the existing bridge and connect the two outer bridge sections to create the final configuration.

The existing structure cannot be removed or even partially removed to create more space. There are no detours available and the existing bridge cannot be partially dismantled to reduce the existing width or create more room.

**3. Can it be replaced with a narrower structure?**

No. Not without accepting major impacts to motorized and/or non-motorized traffic during construction.

The existing bridge is 34' wide and carries 2 lanes of traffic. The edges of the existing deck are each 17' from the roadway centerline. Caltrans owns 100' of right of way or 50' west and east of centerline.

Space is needed between the edge of the existing structure and the edge of the new bridge sections in Stage 1. We would normally allow up to 5' of space between bridge decks due to safety, construction, and seismic needs. On this project, we are allowing 1' of space between the edge of the existing bridge and any new construction. This leaves 32' of space available on each side of the existing bridge for construction of the new bridge sections.

## Noyo River Bridge Replacement Project Frequently Asked Questions

The easterly bridge section needs to carry one lane of traffic and accommodate non-motorized traffic. It also needs bridge rail and sidewalk to the outside plus a temporary rail on the inside and some additional width inside for construction workers to stand on during the next construction stage. The easterly bridge section will be 25.3' wide; 1.6' rail, 5' sidewalk, 4' shoulder, 12' lane, 2' temporary k-rail, and 0.7' bridge overhang. This width is necessary for construction safety of traffic, non-motorized traffic, and construction workers.

The westerly bridge section will match the easterly bridge section and carry one lane of traffic also, but with one exception. It will not have a sidewalk built initially. The additional width will be used to accommodate two lanes of traffic during a limited period of time when a large piece of equipment will need to sit on the easterly bridge section to begin dismantling the existing bridge. During this time, the easterly bridge will not be available to traffic during the day. The westerly bridge section will be 25.3' wide; 1.6' rail, 5' outside shoulder, 12' lane, 4' inside shoulder, 2' temporary k-rail, and 0.7' bridge overhang.

To provide less than these temporary construction widths would mean that either some or all of the pedestrian, disabled, bicycle, and motorized traffic would be subject to major delays or would be unable to get across the bridge altogether during construction.

Other construction staging scenarios that allow narrower structures impact the adjacent businesses by going outside of existing state right of way. These are discussed in the final environmental document.

#### 4. Why is there a median?

After striping the bridge for 8' shoulders, and four 12' lanes, there is enough room in the center to create a median. On this bridge, a median will:

- Provide space between opposing lanes of traffic that helps reduce the potential for head on accidents.
- Match up with the median on either side of the bridge that provides either left turn channelization at intersections or a two way left turn lane between intersections.

#### 5. Why 8' shoulders?

In general, shoulders are placed to accommodate stopped vehicles and for emergency use. Eight-foot shoulders are standard for both two lane and four lane new structures. At this location, within a city and on the Pacific Coast Bike Route, the need to accommodate bicycle traffic is further justification for adhering to these standards. Exceptions to standard 8' shoulders may be made in instances where they cannot reasonably be constructed or the cost is exorbitant.

#### 6. Is the proposed bridge out of scale or too massive?

The proposed new bridge will match the roadway cross section at each end upon completion of the Route 1 Main Street operational improvements project scheduled to start in the summer of 1999. To provide anything less would be out of scale. The Main

## **Noyo River Bridge Replacement Project Frequently Asked Questions**

Street project, approved by the City of Fort Bragg, will widen, repave and re-stripe the roadway from the Route 20/1 intersection to Oak Street to include four 12' traffic lanes, a 12' median, two 8' shoulders with sidewalks in the downtown. The four traffic lanes, median, shoulders, and sidewalks on the proposed replacement Noyo River Bridge are all important elements in providing a safe design which will serve vehicles (both trucks and autos), bicycles, pedestrians, and the disabled and provide emergency access in times of need. The new bridge replacement project will meet the seismic safety needs of the traveling public and solve many of the long-term maintenance problems that now plague the deteriorating existing steel structure.

### **7. Does a four-lane bridge meet the community's existing and future needs?**

A new bridge provides an opportunity to meet community needs. The bridge as designed meets existing and future needs of motorized and non-motorized traffic.

In response to local concerns regarding congestion across Noyo River Bridge, Mendocino Council of Governments (MCOG) had hired Wtrans, a transportation consultant, to study the cost and feasibility of possible connections between Route 20 and Fort Bragg with a recommendation to be presented to the Fort Bragg City Council. Local citizens expressed concern about the impacts to residential areas of the proposed alternative routes. The final report, dated July 25, 1997 recommended replacement of the Noyo River Bridge with a four lane structure. If the existing bridge were to be retrofitted or replaced with a two-lane bridge, local concerns regarding congestion across the existing bridge would remain unaddressed.

DIAL, Disabled In Action League, has expressed a need for wheelchair access to the bridge. The existing bridge has narrow walkways not designed for pedestrians or bicycles, although it is used by both. As far back as December 1991, the mayor of Fort Bragg had requested that Caltrans provide improved facilities for non-motorized traffic on the bridge. The proposed structure would provide 8 foot shoulders for bicycles and 5.5 foot sidewalks for wheelchairs and pedestrians, thus improving safety and access for non-motorized traffic across the bridge. The sidewalk width was increase from 5' to 5.5' in late January 1999 to assure that two wheelchairs can pass eachother on the 900' long bridge.

The structure as proposed will match the roadway cross section on either end of the bridge and therefor provides continuity to the highway.

### **8. Can you build an arch structure?**

A concrete arch proposal was briefly studied, but was eliminated due to high cost (\$40-45 million compared to \$24 million for the proposed project). At this time it is not known for sure if an arch bridge is feasible at this location. Further foundation borings would be required to determine if the bedrock can carry the thrust exerted upon it by the arch footings. The seismic design of an arch would provide a unique challenge and an extensive design study would be required to determine if a concrete arch would be an appropriate structure for a high seismic zone.

## **Noyo River Bridge Replacement Project Frequently Asked Questions**

To design a concrete arch bridge would require us to start our process over, with another \$4 million in design and environmental study costs and a two year schedule delay as well as a major construction cost increase. The increased costs and the increased risk to the traveling public while we perform foundation studies, redesign the bridge, and redo our environmental document cannot be justified since aesthetics are the only potential benefit. In addition, among those who believe a more aesthetic bridge design is warranted, there is no consensus that an arch bridge would be best.

### **9. Why can't you build a two-lane bridge?**

A two-lane bridge cannot be constructed within existing state right of way without major impacts to traffic.

In order to stay within the existing right of way, the existing bridge would need to be removed or relocated and a new bridge constructed in the same location. The new two-lane structure would be a minimum of 53' wide, including two 12' traffic lanes, two 8' shoulders, two 5' sidewalks, and bridge rail. It would need to be wider at the ends to match the four-lane roadway cross section on either side and to accommodate future left turn channelization at North Harbor Drive. This would provide an inconsistent appearance.

A two-lane bridge can be constructed alongside the existing bridge if the state acquires an additional 22' of new right of way and accepts impacts to the existing pier footings. New right of way would mean permanent impacts not only to the businesses adjacent to the bridge, but also a distance north and south as the roadway centerline is shifted 44'.

A two-lane bridge built in 2 stages still requires new right of way. Because a two lane bridge would be supported by single columns due to economics and because the loading needs to be symmetric or very close, almost all of the bridge width would have to be constructed in the first stage. It is possible to add up to a 6-foot wide overhang in stage 2, leaving a minimum of 47' width to be constructed in the first stage. This would require a minimum 16' of additional right of way and a centerline shift of 38'.

### **10. What is the current construction schedule?**

Ready to List	5/1/99
(no standard 6 week listing period)	
Advertise	5/11/99
(six week advertisement period, instead of standard 8 week advertisement period)	
Open Bids	6/22/99
Award	6/30/99
Start Work	7/1/99
Begin river work	8/1/99

With the contractor working seven days per week, it is possible that all of the water work (trestle construction, falsework piles driven in the river, and cofferdams placed) could be completed by October 15, 1999 within the requirements of construction permits. This would allow the contractor to work all winter constructing the new footings and the new abutments.

**11. Could Caltrans decide to retrofit the bridge instead of replace it?**

Yes. This project's main purpose and need is to provide a structure that is resistant to earthquake loads and will not collapse during the maximum credible earthquake. If the issues surrounding replacement of the bridge cannot be resolved, Caltrans must make a decision to retrofit the existing bridge or close it in response to the risks to the traveling public. As the department responsible for the integrity of the State Highway System, we have a duty to respond to the overall needs of the community and the traveling public. The Governor and Legislature of California mandated that all structures on the State Highway System would be seismically safe by December 31, 1997. Under the existing schedule, this mandate will be met by June 1, 2000. This bridge is one of 28 remaining bridges statewide not yet retrofitted.

Karen Tutman 2/99

### 3. Modified Design Meets Traffic Objectives, Improves Safety, Preserves Coastal Resources, and Reduces Construction Costs

A straightforward modification of the Caltrans design meets all of the important traffic and safety concerns of Caltrans, while maintaining coastal views and greatly reducing the negative impact of the bridge on the spaciousness, balance, and appearance of the area in which it is placed. Further, the modified design will significantly improve the safety of pedestrians and bicyclists. Because the modified bridge will be smaller than the proposed bridge, it would cost less to build.

**Safety barrier key element in modified design.** The modified design provides four twelve-foot vehicle lanes and two eight-foot pedestrian/cyclist lanes. The vehicle lanes are separated from the pedestrian/cyclist lane on each side by a one-foot wide safety barrier. Placing the safety barrier adjacent to the traffic lanes has extremely important benefits:

- Pedestrians and cyclists are protected from vehicle accidents. With the Caltrans design, any vehicle that loses control to the extent that it crashes into the railing will cross both the cyclist and pedestrian lanes, sometimes killing those unfortunate enough to be in these lanes. Thus, **the modified design would save lives lost with the proposed Caltrans design.**
- A relatively lightweight iron railing could be used on the outside of the pedestrian bicycle lane, because it would not need to withstand vehicle impacts. The type of railing used on the Golden Gate Bridge and many other older bridges could be used.
  - **An iron railing would provide almost unobstructed views,** because the vertical rods in such railings are not visible to moving drivers.
  - **An iron railing would give the bridge a traditional look, helping to preserve the "earlier-era" appearance of Noyo Harbor.**
- The pedestrian/cyclist lane could be at the same level as the vehicle lanes, one foot lower than in the proposed design. This puts the edge of the bridge one-foot lower relative to drivers' eyes, increasing their downward angle of vision. They would have the same downward view on the proposed bridge with an eight-foot pedestrian/cyclist lane as on the present bridge with its four-foot pedestrian walkway. In contrast, because of the shoulders and the raised sidewalks, the proposed Caltrans design wouldn't allow drivers any views of the harbor waters, even were it not for the additional view blockage caused by its concrete railing.

EXHIBIT NO.	9
APPLICATION NO.	R-1-98-100 CALTRANS
Vince Taylor, Testimony 3/12/99 re CDP 1-98-100, excerpt	

**Modified design preserves harbor views.** Figures 1 and 2, appended, contrast drivers' views of the harbor from the modified-design bridge and the proposed Caltrans bridge. (Vertical elements of the railings have been omitted because they would not be perceived by drivers moving across the bridge.) These Figures show how the modified design preserves the important harbor views, whereas the Caltrans design badly degrades these views.

**Modified bridge would better contribute to spaciousness and balance.** In contrast to the Caltrans design, the modified design would not crowd up against the buildings around it. The North Cliff Motel and Cliff House Restaurant would be less than 10 feet from the Caltrans bridge. The modified design nearly doubles the space between the bridge and these buildings. As required by the Fort Bragg LCP, the modified design better "contributes to the character and image of the city as a place of beauty, **spaciousness and balance.**" (Emphasis added.)

**Modified bridge would be cheaper to construct.** The modified bridge would be 70 feet wide, compared to 86.6 feet for the Caltrans design. This is a reduction of 20 percent in width. A significant proportion of the costs of the bridge will be proportional to its width, because not only the road would be scaled down but also the supporting piers. The bridge is estimated to cost \$24 million; thus a 20 percent reduction in costs would represent a savings of almost \$5 million. Because not all costs are proportional to width, actual savings would be somewhat less.





**Dharma Cloud Foundation**

P.O. Box 37

Caspar, CA 95420

Tel 707 964-6456 Fax 707 964-7520

June 23, 1999

Peter Douglas, Executive Director  
California Coastal Commission  
45 Fremont Avenue, Suite 2000  
San Francisco, CA 94105-2219

Dear Peter,

Attached is a list of questions that I request be submitted to Caltrans. Answers to these questions would greatly assist the Commission to reach a well-founded decision on my request for revocation pertaining to Permit Application No. 1-98-100.

Sincerely,

Vince Taylor

A handwritten signature in cursive script that reads "Vince Taylor".

Vince Taylor

**RECEIVED**

**JUN 23 1999**

**CALIFORNIA  
COASTAL COMMISSION**

EXHIBIT NO.	10
APPLICATION NO. R-1-98-100 CALTRANS	
Vince Taylor: Questions for further investigation per Section 13108(c)	

(Page 1 of 3)

## **Questions for Caltrans re the Noyo Bridge**

### **A. Questions related to alternative railings**

- 1. How do California bridge railing standards differ from federal standards?**
  - a. Please provide sections of Caltrans written manuals specifying safety standards that apply to bridge railings.
  - b. Please identify specific differences between Caltrans standards and the NCHRP Report 350 standards for bridge safety used by the Federal Highway Administration to accept railing designs for use on the Federal Highway System.
- 2. Basis for claiming that it would take 2 to 4 years to develop and gain approval of an alternative see-through railing.**
  - a. Who was responsible for the estimate that it would take 2 to 4 years to obtain approval for a "see-through" railing other than the one proposed by Caltrans? What was the factual information that he or she used in making this estimate?
- 3. Caltrans knowledge of the Wyoming railing.**
  - a. When did Caltrans first learn of the existence of the Wyoming railing and that it was federally approved?
  - b. How did Caltrans come to learn about it?
  - c. Was the existence of the Wyoming railing brought to the attention of the Noyo Bridge design team prior to the Coastal Commission permit hearing on the Noyo Bridge?
- 4. Caltrans knowledge of other approved railings.**
  - a. What is the earliest date any members of the Engineering Service Center, Structures Division, knew of the existence of "see-through" railings approved by the FHWA, other than the one proposed by Caltrans for the Noyo Bridge?
  - b. At what date was knowledge of the existence of other federally approved "see-through" railings communicated to the Noyo Bridge design team?
  - c. If the knowledge of other railings was given to the Noyo Bridge design team in written form, please provide a copy to the Commission.
- 5. Relation between the Structures Division and the design team.**
  - a. Please explain the working relationship between the Structures Division of the Engineering Service Center and the Noyo Bridge design team?
  - b. What was the role of the Structures Division in the design process for the bridge and, especially, the bridge railings.
- 6. Noyo Bridge design team's knowledge of the Redwood Creek Bridge.**
  - a. Were any members of the Noyo Bridge design team aware of the railing system used on the Redwood Creek Bridge in Humboldt County prior to the Coastal Commission permit hearing on the Noyo Bridge?
- 7. Noyo Bridge design team's knowledge of railings systems using traffic railings and pedestrian railings.**
  - a. Were any members of the design team aware that AASHTO guidelines accept bridge railing systems that consist of a traffic railing on the inward side of the sidewalk and a pedestrian railing on the outside of the sidewalk?

- b. Were any members of the design team aware Caltrans has made extensive use bridge railing systems that consist of a traffic railing on the inward side of the sidewalk and a pedestrian railing on the outside of the sidewalk?
- c. If the design team was aware that this type of railing system meets federal and state standards, why did Caltrans not offer this type of railing system as an alternative in its testimony to the Coastal Commission?
- d. If the design team was aware that this type of railing system meets federal and state standards, why did Caltrans not acknowledge in their testimony to the Coastal Commission that the type of railing system proposed by Mr. Taylor in his testimony could (with the use of an approved traffic railing) provide an acceptable alternative to its "see-through" railing?

**B. Questions related to bridge width .**

- 1. Basis for claiming that bridge dismantling will require a crane on a new bridge section.**
  - a. Please provide copies of any internal Caltrans on the subject of the dismantling of the existing Noyo bridge and/or the justification for designing the new bridge to hold a crane on one of the new bridge sections.
  - b. At any time in the design process, did the design team consider building the new bridge sections without allowing for placement of a crane on one of the sections?
  - c. If so, at what date did the design team change the bridge design to allow for a crane on one new section?
- 2. Changes in width of the bridge during the design process.**
  - a. At any time in the design process, did the design team consider bridge widths for the preferred-alternative construction scenario other than the one currently proposed?
  - b. If so, please provide copies of the alternative designs and evaluations that led to choosing the current design over the alternatives.
- 3. Changes in bridge construction scenarios.**
  - a. At any time in the design process, did the design team narrow the separation space (now 1') between the new bridge sections and the existing bridge in Stage 1?
  - b. If so, did the width of the bridge change when the separation distance decreased?

## STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY

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EXHIBIT NO. 11

APPLICATION NO.  
R-1-98-100 CALTRANSLetter of Tony  
Anziano, CaltransDeputy Attorney,  
June 22, 1999

GRAY DAVIS, Governor



(Page 1 of 3)

RECEIVED  
JUN 23 1999

June 22, 1999

CALIFORNIA  
COASTAL COMMISSIONSteven F. Scholl  
Deputy Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105RE: Coastal Development Permit Application No. 1-98-100  
Replacement of Highway One Noyo River Bridge, Fort Bragg

Dear Mr. Scholl:

This letter is the Department's initial response to the revocation request submitted to your office by Mr. Vincent Taylor with respect to the Noyo River Bridge Replacement Project coastal development permit. I will address the issues in the order presented in Mr. Taylor's revocation request.

The Department does need to move forward expeditiously with this project. This was true at the hearing on the coastal development permit and it remains true today. The existing bridge is vulnerable to significant damage and/or collapse in the event of a major earthquake in the area, and it provides the only north-south connection over the Noyo River in the region. The Department's schedule for construction of the project has been delayed. This delay was the result of an event that occurred after the Coastal Commission action on the coastal development permit. When the Department requested that the Regional Water Quality Control Board (RWQCB) act on the Clean Water Act 401 certification for the project, the Department was advised that the RWQCB did not have the necessary number of members to act as the terms of many members had expired and Governor Davis had not appointed replacement members. The Department has now received its 401 certification. The Department intends to advertise the project this August.

With respect to bridge railings, the Department testified before the Commission that the only sidewalk-mounted see-through bridge railing approved for use in the State of California was the railing included in the design for the project. This was and is

Mr. Steven F. Scholl  
Page 2  
June 22, 1999

a true statement. Mr. Taylor has provided misleading information to support his claim that the Department's testimony was false. Mr. Taylor is claiming that there were several "federally-approved" see-through rails available that could have been used by the Department in various design combinations. This claim is misleading for the following reasons.

First and foremost, the Federal Highway Administration (FHWA) only "accepts" bridge railings for use on the National Highway System. FHWA acceptance is not equivalent to approval by the Department for use on the State Highway System. The Department must approve all bridge rails used on the State Highway System.

All of the bridge rails discussed by Mr. Taylor are steel bridge rails. Of the six bridge rails discussed by Mr. Taylor, only 4 were in fact accepted by FHWA as of the date of the hearing on the coastal development permit for the project (the letter attached to Mr. Taylor's revocation request and represented by Mr. Taylor to be an "approval letter" for the two Massachusetts S3 bridge rails is NOT an FHWA approval or acceptance letter - the Department has confirmed this in communications with FHWA). Two of the four accepted bridge rails (the NETC 2-bar and the NETC 4-bar) were accepted by FHWA one day before the hearing. Of the four bridge rails accepted by FHWA as of the date of the hearing, only the NETC 4-bar (accepted by FHWA the day before the hearing) is a sidewalk mounted bridge rail consistent with the design of the Noyo River Bridge (which involves a sidewalk mounted bridge rail). None of the bridge rails discussed by Mr. Taylor have been approved by the Department for use on the State Highway System.

For the Department to approve any of these bridge rails, the Department would have to take the following actions. First, the Department would have to revise its policy of using concrete bridge rails in areas where maintenance workers are exposed to moving vehicular traffic. All of the bridge rails represented by Mr. Taylor to be "approved" by the FHWA involve the use of steel rails in areas exposed to moving traffic (even the sidewalk mounted rails are exposed to moving traffic as a vehicle can mount the curb). The use of concrete in these areas is favored by the Department as much less maintenance is required for concrete (steel must be painted on a regular basis) and the reduction in required maintenance significantly reduces the exposure of maintenance workers to moving traffic. Next, existing test crash test results would have to be reviewed by the Department to insure that the Department believes that the crash-testing requirements set forth in National Cooperative Highway Research Program Report 350 have been met (the Department must determine this independently - FHWA acceptance does not establish this for purposes of Departmental approval). All of this would consume a great deal of time.

Mr. Steven F. Scholl  
Page 3  
June 22, 1999

Finally, with respect to construction staging and bridge width, Mr. Taylor claims that the Department presented misleading testimony in that demolition of the existing bridge can be accomplished without the use of a crane from the newly-constructed bridge deck. Mr. Taylor already argued this point at the hearing on the coastal development permit, and this argument was rejected by the Commission (see page 4 of "Testimony on the Proposed Noyo River Bridge to the California Coastal Commission by Vince Taylor - March 9, 1999").

Very truly yours,

  
TONY ANZIANO  
Deputy Attorney

TA:me