

Date of Hearing: March 23, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Jim Frazier, Chair  
AB 157 (Levine) – As Introduced January 20, 2015

**SUBJECT:** Richmond-San Rafael Bridge

**SUMMARY:** Requires environmental review to be completed concurrent with design work for a project to open a third lane in each direction on the Richmond-San Rafael Bridge, under certain conditions. Specifically, **this bill:**

- 1) Makes legislative findings and declarations regarding the history of the Richmond-San Rafael Bridge and of a planned project to improve traffic flow on the bridge by re-opening a third lane to vehicle traffic in the eastbound direction and to bicycle traffic in the westbound direction.
- 2) Requires, to the extent possible, environmental work and design work be done concurrently on the project if the Metropolitan Transportation Commission (MTC) and the California Department of Transportation (Caltrans) develop such a project.
- 3) Includes urgency provisions.

**EXISTING LAW:**

- 1) Created MTC as a local area planning agency to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma.
- 2) Created the Bay Area Toll Authority (BATA) as a public instrumentality governed by the same board as that governing the MTC. The authority is, however, a separate entity from the MTC.
- 3) Vests with the BATA the responsibility to administer all toll revenues from state-owned toll bridges within the geographic jurisdiction of the MTC.
- 4) Requires state and local agencies, pursuant to the California Environmental Quality Act (CEQA), to identify significant environmental impacts of discretionary projects and to avoid or mitigate those impacts, if feasible; requires lead agencies to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for the project.

**FISCAL EFFECT:** Unknown

**COMMENTS:** The Richmond-San Rafael Bridge originally opened in 1956 with three lanes of vehicular traffic in each direction. In the 1970s, one lane of the bridge was temporarily closed to allow for an aqueduct to transport water to a drought-stricken Marin. Even though the aqueduct was later removed, the bridge continues to operate with two traffic lanes in each direction.

The author introduced this bill to address growing concerns about congestion delays in the Richmond-San Rafael Bridge corridor. According to BATA, regional population growth and local business developments in Marin County have resulted in significant traffic increases on eastbound Interstate 580 (I-580) and the bridge approach during evening peak commute periods. BATA also reports that the congestion in the bridge corridor backs up traffic on northbound US 101 in Marin County.

In addition to traffic congestion, the current configuration on the bridge (two-lanes in each direction) does not allow for bicycle and pedestrian facilities. As a result, there is a significant gap in the 270-mile Bay Trail, reportedly one of the most heavily used recreation and non-motorized transportation assets in the region.

Last month, BATA voted to proceed with the I-580 Access Improvement Project. The project includes improvements for motorists, bicyclists, and pedestrians in the Richmond-San Rafael Bridge corridor. Proposed improvements include opening a third lane of vehicular traffic in the eastbound direction of I-580 from Marin County to Contra Costa County (across the bridge) and converting an existing shoulder in the westbound direction of the bridge to a barrier-separated path for bicyclists and pedestrians.

BATA's February action authorized its staff to proceed with a "design-at-risk" strategy (i.e., begin design in advance of environmental clearance) to shorten the timeframe for opening all improvements. BATA's stated goal is to complete the final design and be able to advertise for construction at the completion of the environmental review.

According to the author, the design-at-risk strategy will expedite completion of the project by as much as 18 months.

*Committee concerns:*

- 1) The author's stated intent with the bill is to speed completion of the project by proceeding with the design-at-risk strategy. However, since BATA is already pursuing this approach, it is not clear why the bill is necessary to expedite the project.
- 2) Typically, the goal of an EIR process is to evaluate project alternatives with the aim of avoiding or minimizing impacts to the environment. Most lead agencies are careful to complete this process before beginning design work. One advantage for doing so is to avoid inviting a legal challenge that the EIR is inadequate because the outcome was pre-determined and therefore biased.

Agencies do, however, occasionally proceed with design prior to completion of the EIR, just as BATA has with the I-580 Access Improvement Project. Arguably, it may make sound business sense for an agency to proceed with a design-at-risk strategy when, for example, the number of alternatives is limited and the project schedule needs to be accelerated.

The author indicates that his intent in introducing this bill is to specifically ensure that BATA has clear authority to proceed with the design-at-risk strategy. However, this bill goes beyond *authorizing* a design-risk strategy by, instead, *mandating* that BATA use this strategy if it pursues this project. In so doing, this bill could effectively absolve BATA of legal risks

related to pre-determining the outcome of its EIR, a consequence that goes beyond the author's stated intent and one for which there is no justification presented as to why BATA should uniquely enjoy this protection.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

American Federation of State, County and Municipal Employees, AFL-CIO  
Bay Area Council  
Marin County Board of Supervisors  
State Building & Construction Trades Council

**Opposition**

None on file

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