

March 17, 2005

Chair Anne Halsted and BCDC Commissioners  
101 8<sup>th</sup> Street: Metro Center  
Oakland, CA 94607

RE: BCDC Permit app. #3-05

Dear Commissioners:

I am writing on behalf of Waterfront Action, a non-profit organization whose mission is to improve public access along the Oakland-Alameda Estuary and its watershed. We believe that the Caltrans retrofit of the 5<sup>th</sup> Avenue Over-crossing is an opportunity to reconnect communities on the north side of the highway and railroad tracks to the waterfront on the south side.

We ask the BCDC Commission to require Caltrans pay at least \$200,000 per year of construction (up to 6 years) as a reasonable amount that will help to mitigate the construction impacts and create safe pedestrian and bicycle access to the waterfront. This is a very reasonable request in light of the detours, noise, air quality degradation that will occur during construction. The \$500,000 that Caltrans is offering would not begin to deal with safe access to the waterfront. The diminished access during the 5 to 6 years around the Lake Merritt Channel will have a definite impact on the local community and the students at Laney College.

As part of the \$200,000 per year, we ask that Caltrans provide in-kind services up to \$25,000 per year in the following form:

1. assess railroad impacts to include traffic studies at 5<sup>th</sup> Avenue and Oak Street to determine the most effective mechanisms for reasonable, safe access to the waterfront. Take into account Union Pacific's 5 year capital improvement program that includes the addition of a third rail line in this corridor.
2. investigate and convey any required entitlements from Caltrans and Union Pacific associated with obtaining air rights to construct a pedestrian/bicycle bridge at the Lake Merritt Channel, and consideration of grade separation at 5<sup>th</sup> Avenue.

We ask that the monies be set up in an escrow account with the California Coastal Conservancy while a plan can be developed for this corridor. The mitigation funds banked in this way could be used as matching funds to increase the scope of the access.

Thank you for your consideration on this issue,

Sincerely,

Sandra Threlfall  
Executive Director