

Rockridge Ad Hoc Sound Wall Committee
c/o 5626 Ocean View Drive
Oakland, CA 94618

Delivery via e-mail

March 24, 2014

Ms. Brooke Levin, Interim Public Works Director
Mr. Mike Neary, Assistant Public Works Director
Oakland Public Works Agency
250 Frank Ogawa Plaza, Suite 4314
Oakland, CA 94618

Dear Director Levin and Assistant Director Neary,

This is an appeal of the decision by Wladimir Wlassowsky, Principal Civil Engineer, rejecting the petitions submitted in support of Oakland using a portion of the proceeds from the City of Oakland's settlement over the Caldecott Improvement project to conduct a sound wall study for the area along State Highway 24 in Rockridge between Telegraph Avenue on the west and Broadway on the east.

We are appealing the decision based on several factors. The primary factor is that the petition effort was intended to indicate whether there was substantial support among those who would potentially benefit most from the construction of sound walls for their eventual construction. We feel that the petition effort, which generated over 300 signatures in support of the sound wall study out of approximately 490 properties in the area, showed sufficient support to move forward with funding the study.

It should be noted that there are no legal requirements under either state law or the County Transportation Commission's regulations requiring such a show of support, nor was a similar show of support required for any other project being funded with settlement funds. The process and its specific criteria were decided upon unilaterally and entirely by Oakland Transportation Services staff.

Even the 300 signatures out of 490 properties underestimates the support among residents of the affected area. The process Transportation Services staff devised, unlike that for permit parking or speed bumps, required signatures of property owners only. Residents who were not owners could not sign. Nor was any provision made to show support from faculty, staff, or the families of students at Claremont Middle School or users of FROG Park, both of which are squarely in the area that would benefit from the proposed sound walls. Further, over 110 of the properties involved (more than one-fifth) are owned by nonresident owners. Again, unlike permit parking or speed bump petitions, the residents, who would be those actually benefited by sound walls, could not sign. Only the nonresident owners could sign. It should also be noted that while the requirement that 67% of owners sign is far higher than the 51% required for permit parking, over 70% of eligible resident property owners signed the petition. By any reasonable standard, this should have been more than enough. Yet the petition was rejected.

In addition, even beyond the stringent requirements Transportation Services staff placed on the petition process, the process itself was flawed. While for RPP or speed bump petitions the petitioners identify the addresses and collect signatures from those addresses

on a single block, the sound wall study petitions covered a wide area, with no subdivision allowed, and came with pre-designated addresses and owner names whose signatures had to be collected. In addition, neither the addresses nor ownership information on the petitions was accurate. Some addresses on the petitions did not exist, while other actual addresses were not shown on the petition. This created confusion and led to some addresses not being solicited because they were not shown on the petition. With only one day left in the petition period, Transportation Services staff finally announced that unshown addresses could be written in. This was literally too little too late.

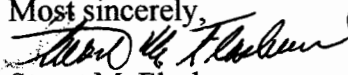
Further, the listing of property owners' names was also less than fully accurate. This may have been due in some cases to properties having been sold between the time information was recorded on the assessor's mailing list (which is where the names were gathered from) and the time petitions were circulated, or from inaccurate information having been placed on the mailing list. (More than ten envelopes from a mailing addressed to supposed property owners, based on the names and addresses on the assessor's mailing list, came back marked as undeliverable.)

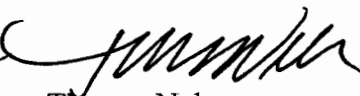
Finally, the petition process – the only one required for a project funded by the Caldecott settlement – created a perception that the City considered sound walls to be of questionable value, compared to the roadway and intersection improvements funded by many of the other projects. Yet the noise impacts from Highway 24 have been a long-standing concern for those living close to the Freeway, were raised often as the Caldecott Improvement Project moved forward, and had been identified by the community process that resulted in the list of funded projects as being one of the higher priority projects for the Rockridge area. Fairly or not, there is a perception that Transportation Services staff preferred roadway improvement projects over the sound wall studies because they were familiar.


In sum, the process devised by Transportation Services staff for the petition process was unnecessary, unfair and poorly implemented. Even so, the level of support demonstrated by the over 300 signatures shows the community support the petition process claimed to be aimed at. It would be enormously unfair to the many residents along Highway 24 who participated in the process by circulating or signing petitions to allow that flawed process to slam the door shut on Rockridge residents' only chance to potentially, some forty years late, get relief from Highway 24 freeway noise.

We ask that the Public Works Department overrule the decision of Transportation Services staff and either let the sound wall study move forward or, at the very least, allow an additional two weeks to collect the small remaining number of signatures needed to reach the arbitrary goal set by Transportation Services.

Most sincerely,


Stuart M. Flashman
(510) 652-5373


Theresa Nelson
(510) 652-6672


Chris Jackson
(510) 816-0627