

# LOCAL STREETS AND ROADS WORKING GROUP OF THE BAY AREA TRANSPORTATION PARTNERSHIP

February 28, 2008

Bruce Wolfe, Executive Officer  
S.F. Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, California 94612

Subject: MRP Tentative Order Comments

Dear Mr. Wolfe:

The Local Streets and Roads Working Group of the Bay Area Transportation Partnership would like to provide comments on the Regional Water Quality Control Board's draft Municipal Regional Permit (MRP). The Working Group is comprised of public works officials from the cities and counties in the Bay Area. It was established in 2002 to provide input on funding policies and priorities for transportation in the Bay Area and to encourage best practices for the maintenance of our local streets and roads network. The following are comments from our Working Group on the proposed MRP.

Rural Roads – Section C2h (page 12) The MRP requires certain construction and maintenance practices on rural roads. Rural roads provide essential transportation links throughout the Bay Area. They link communities, provide alternative routes for improved overall circulation, are important emergency routes and provide rural access to agricultural operations and the routes to get agricultural goods to market. These roads often follow the course of creeks through a valley and are cut into steep hillsides. The MRP requires road repair work to prevent and control road related erosion and associated sediment transport and prohibits replacement or modification of cross culverts that impede migratory fish passage or degrade the natural stream geomorphology. Many roads were vertically cut into steep hillsides when they were constructed many decades ago. It will be nearly impossible to control erosion and mudslides from these steep road cuts. Maintenance activities often include repairs to cross culverts. Adding a requirement to provide fish passage, erosion reduction and restoration of natural stream geomorphology will result in a much larger capital project with potentially significant environmental impacts and costs rather than a simple maintenance project. This section also requires regrading of roads to slope outward at stream crossings and cross culverts. This would only be safe if the road curved across the drainage resulting in a super-elevated road section, otherwise regrading the road to slope outward would result in an unsafe traffic condition. The MRP requirements should make a distinction between maintenance operations and capital investment. Maintenance of the road and road culverts should not bear requirements commensurate with a large scale capital project. Maintenance projects should not be burdened with

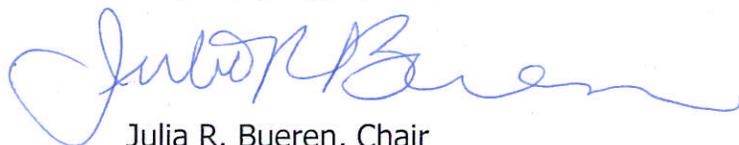
reconstructing the road cross slope and enhancing and providing fish passage and natural stream geomorphology as part of the maintenance project.

Road Maintenance - Section C3b.i5 (page 18) Existing pavement is often ground with a pavement grinding machine or removed with a backhoe and replaced with new paving as part of routine maintenance. This grinding or removal often goes down to the gravel base or in many older roads, to the select fill or native soil. The MRP requires stormwater treatment for road projects that are rehabilitated down to the gravel base. This should not be included as a C3 requirement. In most cases it is not possible to comply with this requirement due to right of way limitations, and even if that obstacle could be overcome it adds very significant extra costs to already underfunded city and county road maintenance budgets. The result would be even more local roads left to crumble due to lack of funding to meet such proposed requirements. Cities and Counties have a finite amount of funding to maintain our facilities. If we have to spend more to address the MRP requirements without additional funding, the end result will be more roads will not get proper maintenance. Road deterioration will increase causing more erosion and sediment to enter streams and other water bodies. Road maintenance and road reconstruction projects should be exempt from the MRP.

Bike Lanes and Sidewalks – Section C3b.i4 (page 18) The MRP eliminates a current exemption for bike lanes and sidewalks. Widening an existing road to allow for bike lanes or adding sidewalks to an existing road should continue to be exempt. As a society we are trying to increase bicycle and pedestrian accessibility to improve population health, reduce road congestion and energy use and to improve air quality. The Regional Board needs to look at the overall net benefit to the public and the environment. If "C3" requirements are triggered by adding a bike lane or sidewalk, a city will likely not be able to afford adding the bike lane/sidewalk and you lose that potential benefit to the environment. Only new roads, where right of way, utilities and other key factors can be coordinated, should be subject to such requirements.

Thank you for the opportunity to comment on the proposed Municipal Regional Permit and we look forward to further discussions on the permit requirements.

Very Truly Yours,



Julia R. Bueren, Chair

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c: City Engineers/Public Works Directors  
County Public Works Directors  
Dale Bowyer, RWQCB