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**Sent:** Tuesday, January 17, 2023 9:31 AM

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**Subject:** Re: Continued OBJECTION TO OBAG-3 GRANT: SCHOOL STREET CLASS 1 MULTI-USE FACILITY PROJECT FOR TOPPER LANE

**\*External Email\***

Dear Ms. Romell, Mr. Arndt, MTC Programming & Allocations Committee, and MTC Commissioners:

Re: OBJECTION TO OBAG-3 GRANT: SCHOOL STREET CLASS 1 MULTI-USE FACILITY PROJECT FOR TOPPER LANE

We are writing again to strenuously object to MTC's staff recommendation to fund the City of Lafayette OBAG-3 grant application for the School Street Project. We recently received MTC Staff's response to our previous objections on the inclusion of Topper Lane in this project. MTC's response fundamentally failed to address our main concerns as summarized below:

1. **This Grant application did not contain the necessary information required to accurately evaluate Topper Lane**, as the Grant application relied solely on the benefits of School Street to represent this project. The grant application described numerous benefits to represent this project for both School Street and Topper Lane, but in reality, only applied to School Street (e.g., School Street is used by ~700 pedestrians/bikers as a key route to school while Topper Lane is used by only 6-8 students; School Street is within a high risk area for collisions while Topper Lane is not; School Street serves as a key connector from the downtown PDA area to the Lafayette Moraga Trail and other primary destinations while Topper Lane does not). Given the major differences between the School Street and Topper Lane components, it is improper to award funding for Topper Lane when none of the benefits promoted in the grant application actually apply to Topper Lane. By not properly disclosing the specific details of Topper Lane, this grant application was not (and could not have been) scored accurately by MTC or CCTA during their evaluation processes. In addition, we have learned that the City of Lafayette recently secured \$3.1M in additional federal funds for the School Street component, **and intends to use the OBAG \$3.45M funding for Topper Lane**. It is extremely inappropriate that these OBAG-3 funds will now be allocated to Topper Lane, when Topper Lane attributes were not specifically assessed or scored during the application evaluation processes.

2. **The Topper Lane project is requesting significant funding for a pathway that will benefit only 6-8 students**, yet falsely claimed in its application that *“...pedestrian and bicycle use is heavy during the school commute periods.”* Despite our effort to correct the false information describing Topper Lane’s “heavy” utilization (which was one of the few details that was specific to Topper Lane in this application), MTC and City Staff responded to this concern claiming *“existing use on a street with no facilities may not reflect future demand”*. We want to point out the irrelevance of this speculative response, as MTC and City Staff offer no additional data or evidence as to the source of this “future demand.” Conversely, we assert that Topper Lane is not used by pedestrians/bikers as it dead-ends onto St. Mary’s Road, where there is no path to surrounding areas that would facilitate future additional usage. Topper Lane is not even included in the City of Lafayette Master Bike Plan, Master Walkway Plan, nor the Countywide Bike and Pedestrian Plan - further substantiating our assertion that **there is no evidence this pathway would serve as a key corridor for pedestrians or bikers**. We find it difficult to fathom how any effective evaluation process would approve funding millions of dollars for the benefit of only 6-8 students, when there are so many other efforts that did not get prioritized for funding, but are in greater need and demand by the broader public based on existing and real utilization.

While MTC and City Staff did not address our key concerns above, they provided us with a variety of other points to justify the work on Topper Lane, primarily relying on claims that this effort is a City priority based on public input and safety benefits in accordance with Regional Safety / Vision Zero Policy. We find these responses to be based on vague generalizations and partial information that do not convey complete and accurate context of the situation (e.g., public input based on biased and anecdotal data, perceived public “support” from community groups that were generated from templated form letters; claims this is an agreed upon City priority as evidenced by a previously submitted grant application when City Council and the public are not even aware of Topper Lane’s inclusion in grant application scope; and potential safety benefits when there is no historical collision tracked in the UCB SafeTREC TIMS tool). **We assert that none of the MTC and City Staff examples offer any clear and valid explanation as to why Topper Lane should be prioritized for funding over other projects.**

In contrast to the ad hoc and flawed evidence cited in MTC’s response, we point to a comprehensive Local Road Safety Plan (LRSP) process currently underway in the City of Lafayette, which is based on quantitative safety data analysis, priority location analysis and field visits, and broad public engagement. Based on these multiple inputs, a recently published LRSP report identified ten (10) priority locations in the City of Lafayette - none of which include Topper Lane (but does include School Street). **We disagree with City Staff’s assertion that Topper Lane is a key City priority and meets Regional Safety/Vision Zero Policy goals, when its own LRSP indicates otherwise and directly counter City Staff claims.**

Furthermore, concerned citizens have attempted to engage the City of Lafayette regarding these numerous concerns. While City Staff apologized that the timing of the OBAG grant did not permit them sufficient time to properly engage the community, and City officials apologized for their lack of public engagement, they ultimately did not want to risk funding for the entire project by requesting a scope modification as they felt School

Street was too important. **While we do not object to funding for School Street, we strenuously object to a process that grants funding for Topper Lane by relying solely on the merits of School Street (and especially now that School Street has secured its own federal funding).**

We raise these concerns to MTC as we feel it is important that **MTC and your sponsors are held accountable for promoting a fair evaluation process based on full and accurate information.** If MTC does not address our concerns outlined above, we request that MTC provide transparency in its evaluation process by releasing detailed notes related to the scoring of this application and Topper Lane to the public.

Respectfully,

Michelle Baumer on behalf of SESS, Safe and Equitable Street Solutions