VIA EMAIL AND HAND DELIVERY

January 29, 2010

MARIN COUNTY BOARD OF SUPERVISORS

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SUBJECT: MILL VALLEY TO CORTE MADERA BICYCLE AND PEDESTRIAN CORRIDOR STUDY

Dear Marin County Board of Supervisors:

Thank you for the time and effort you and your staff have devoted to the Mill Valley to Corte Madera Bicycle and Pedestrian Corridor Study (the Study). Our Homeowner’s Association Board has read the Study and offers the following comments.

In general, we find the Study to be balanced, thorough as to its mission, and filled with useful information. We have sponsored a petition, presented under separate cover, which briefly discusses some of the points covered in the Study, and which goes on to ask the Board to fund the improvement of Camino Alto and the Horse Hill route, and to permanently discard the Alto Tunnel (the Tunnel) option.

Our primary concern is the safety of the citizens of Mill Valley and Marin County, pedestrians, bicyclists, automobile drivers and passengers alike, who all use these routes. That is why we see the improvement of Camino Alto as the top priority for transportation spending in this corridor. Secondarily, we believe that improving the existing multi-use path over Horse Hill, when combined with improving Camino Alto, offers the easiest and most cost-effective solution for promoting bicycle use and thereby reducing vehicle miles travelled by automobiles; we therefore urge that the next pot of available transportation dollars allocable to this corridor be dedicated to this project.
I. In support of those recommendations, we would like to begin our in-depth comments on the Study by focusing on a few points which the Study did not fully address, specifically:

1) The issues surrounding the seven private parcels for which the County would have to acquire access rights in order for the Tunnel to be a feasible option at all;

2) The extent to which reconstruction of the Tunnel, if funded, would siphon off funds which would otherwise be available for other worthy bicycle and pedestrian projects;

3) Recreation versus transportation uses of the three routes;

4) The economic context of the three proposals, namely, the financial condition of city, county, state, and federal governments which would have to fund construction and maintenance of any of the options.

We realize that exploring these issues in depth is beyond the scope of the current study, but we feel that it is important to highlight them in order to place the three options in a broader context.

1. Before any further studies of the Tunnel are conducted, the issue of the County's need to acquire the proper rights to access it must be examined in depth. This should be the first order of business if the Tunnel option is to be given any further consideration, because if the County cannot acquire these rights, or chooses not to because of the complexities and costs involved, any further study of this route would be a waste of time and money. In fact, we believe that the County will not be able to acquire these rights without condemnation or purchase of at least two of the seven private homes/parcels that sit above the tunnel route.

One of our officers, an experienced commercial property owner and manager, has done an in-depth analysis of the easements, deeds, and access issues on just two of these parcels, the ones directly above the Tunnel's two portals, and has made a narrative and copies of all relevant deeds available to you. The deeds show that at one time, the railroad owned the parcel over the south portal of the Tunnel, which is one of two parcels now comprising the property known as 34 Underhill Road; however, when the adjacent parcel was sold to private owners after the home on it was rebuilt and expanded by the railroad following its condemnation and the collapse of the entrance to the Tunnel in 1981, the two parcels were combined, and any and all railroad easement rights for both parcels were included in the transfer. Today, no former or current easement for the benefit of either the County or the railroad is recorded against the property, or referenced as an exception in its title policy.
Simply put, 34 Underhill is now privately owned with no easement rights whatever for anyone to access the portion of the tunnel which lies just a few feet below it. Some of the structural elements stabilizing that property, which were put in place in 1982 to protect the home from further damage, would have to be removed in order to access and rebuild the southern portal. These are the facts.

Here is our point of view on these facts. It is inconceivable to us that the family occupying this home would be able to remain in residence during a reconstruction of the Tunnel for a host of reasons, not least of which concerns the liability the City and County would assume for the welfare of the family, their possessions, and the home itself. Based on our knowledge of the family and their position on the issue, we conclude that the County would have to attempt to take the home from this family and to relocate them in order to gain the scope of access to the Tunnel necessary to reconstruct it. To accomplish this, the County would have to work with the City of Mill Valley, which would be drawn in either directly or indirectly, to condemn and purchase the home, which is in excellent condition and probably worth at least $2,000,000. Any attempt at such a taking would meet with strong opposition from our Association and from residents in the other surrounding neighborhoods. Since such a taking would involve the Mill Valley City Council, which holds jurisdiction over this neighborhood, the County would have to secure such participation in advance; it’s safe to say that our Association would actively oppose any such participation by the City.

The issue on the northern portal is even more complicated, in that there is an easement recorded against the property which has been abandoned for decades and has long since expired according to its terms. We provided a copy of this easement, which states “provided also that the lands so conveyed shall be used for the purpose of a right of way for said Railroad and for no other purpose, and if not so used and the Railroad maintained, then this agreement shall be null and void”, to your staff in the earlier packet of deeds referenced above.

In order to reinstate this easement, the County would have to go to court to modify its terms, which is not only not a sure thing, but which would again draw in the local jurisdiction, the Town of Corte Madera. Any such attempt to force a reinstatement of this easement would no doubt spark strong opposition from the Chapman Meadows Homeowners Association, which has been vocal in opposing the reconstruction of the Alto Tunnel.

It is also difficult to imagine that the Town of Corte Madera and the County would want to assume the liability involved in trying to remove the existing structural supports of the northern portal, and to shore up the underpinnings of the multi-million dollar property directly above that entrance, with occupants in residence. We can’t imagine that the occupants would want to live in the home through the construction process in any case.
We disagree with the Study’s conclusion that no homes would have to be taken in order to secure access rights and that “Tunnel excavation and support can be carried out without having to condemn or acquire properties adjacent to the Tunnel and portal” (Appendix B, Sec. 5.1.1, page 15). This conclusion, which comes from Appendix B, a section of the Study prepared by Jacobs Associates, rests on faulty assumptions and an overly optimistic interpretation of the facts it so carefully lays out. Furthermore, it is somewhat in conflict with the Study’s Appendix G, a section prepared by Alta/Land People, which identifies the seven private parcels from whose owners access rights would have to be acquired. This section opines, with admirable understatement, that “if property owners prove difficult, the negotiation process may be lengthy”.

In addition to these two homes, the Study has identified five other privately-owned properties which are sited farther away from the portals, and therefore not as sensitive to construction issues, from which the County would have to acquire access rights in order to control all the land needed to reconstruct the tunnel. Given the complexity of the issues involved, and the certainty of organized opposition to any possible taking of any of the aforementioned rights, we believe that the figure of $500,000 to $1,500,000 cited in the Study (Appendix G, page 2) is far too low. A more realistic figure would at the least exceed the value of the two homes which sit directly over the tunnel’s portals, plus legal/litigation costs, plus an estimate of the cost of securing the rights to the other five privately held parcels on the route. We venture to say that $5,000,000 is the lowest realistic figure to acquire all these rights, and it could be higher.

On Tuesday, January 26, the Marin County Bicycle Coalition (MCBC) presented a 64-page letter to the Marin County Board of Supervisors, criticizing the methodology used to prepare the Study and requesting detailed further examination of several matters covered in the Study. This letter is currently posted at the MCBC website: www.marinbike.org.

Among other inaccuracies in that letter is one germane to this issue. On page 14 of the MCBC letter we find a claim that access rights to the seven (7) privately-held parcels could be obtained for as little as 1% of the fair-market value of those properties. The MCBC letter goes on to cite a document entitled “A Practical Guide to the Condemnation of Aerial Guideway Easements and Tunnel Easements”, prepared by the law firm Graham & Dunn of Seattle, Washington as the authority for this claim. The entire report can be found on the Graham & Dunn website, and the link is cited in the MCBC letter as Appendix F.

The MCBC claim is based on an incorrect reading of the Graham & Dunn report, which clearly distinguishes between shallow tunnels and deep tunnels on pages 19 and 20.

The two most prominent homes we have referenced, the ones directly above the Alto Tunnel’s two entrances, clearly qualify under the “shallow tunnels” classification in the Graham & Dunn report because they are very closely sited only a few feet above the Tunnel’s entrances. The 1% valuation for the taking of an easement pertains only to tunnels sited “well below the surface” (page 22).
For shallow tunnel easements, page 19 of this report states, “Shallow tunnel easements have the potential to create a variety of physical impacts on the burdened property”, and “Shallow tunnel easements may also bring with them significant construction impacts, particularly where the tunnel is constructed from the surface of the burdened property. In such a case, the condemning authority should consider a full take of the subject property during the period of the construction, with a full right of first offer (or first refusal) granted to the property owner upon completion of the project.”

The report goes on to say that the condemning authority can re-sell the property after construction, either back to the owners from whom it was taken or to new prospects.

This Graham & Dunn report actually confirms what we have been saying all along – that the two most affected properties will most likely have to be taken before any proposed construction can begin.

In light of the foregoing, before any further studies are done or consideration given to the option of reconstructing the Alto Tunnel, we request that the access issues raised here should be examined in depth by the County’s legal and real estate staff and/or expert outside consultants, and that their findings, recommendations, and estimates be published for all to see. This process shouldn’t be lengthy or expensive, but all such information is critical to the task of deciding whether or not to proceed any further with this option.

2. Even if the estimated $52,000,000+ needed to reconstruct the Tunnel (which does not include the costs involved in securing access rights) could be found and allocated for this purpose, Camino Alto, a vital transportation corridor for local residents, commuters, and recreational bicyclists, would still be unsafe. At both public meetings focusing on this Study, many cyclists expressed their preference for continuing to use the Camino Alto route regardless of whether the Tunnel were to be reconstructed, and the Study confirms this finding based on many such comments received (page 2-73).

If the $52,000,000+ were to be allocated to reconstructing the Tunnel, there would be no benefit to Safe Routes to Schools, a vital bicycle/pedestrian program which not only protects our children, but also has the potential to alleviate automobile congestion at several choke points in Mill Valley and the rest of the County. (The improvement of the Horse Hill route, on the other hand, would greatly benefit bicycle and pedestrian access to Edna Maguire School.) We believe that such an allocation for the sole purpose of reconstructing the Tunnel without any consideration to assist this program would be a misuse of transportation funds.
There is a backlog of many other worthy projects in various City and County plans to safely promote bicycle and pedestrian use, the completion of which would surely be relegated to the distant future should such a massive amount of capital be allocated to a single route of less than ½ mile.

3. Another point not considered in the Study is the difference between transportation and recreational uses, and the extent to which each of the three options actually would stimulate alternative transportation uses versus encouraging new recreational uses. While we recognize the many benefits derived from recreational cycling, we also note that improvement of both Camino Alto and the Horse Hill route would primarily encourage alternative transportation uses, which is in alignment with the goals of the Transportation Authority of Marin, and that the Alto Tunnel option benefits recreational users at least as much as it encourages alternative transportation uses, if not more.

Both the San Francisco Chronicle and the Marin Independent Journal have noted the dramatic increase of commercial ventures profiting by renting bicycles to recreational users, primarily tourists from San Francisco on weekends, with Southern Marin County as a prime destination. Those of us who live in the eastern end of Mill Valley frequently encounter vans full of tourists from several of these for-profit companies, parked in local parking lots, and discharging their customers into the neighborhoods with rental bikes and maps to various destinations. The City of Sausalito has found the massive influx of bicycles into town to be a mixed blessing at best (S.F. Chronicle 3/22/09, Marin Independent Journal (I.J.) 3/13/09), with cyclists leaving bikes all over the parks, blocking doorways of commercial enterprises, riding on sidewalks, etc. We are certain that a reconstructed Tunnel would draw even more of these commercial users through Mill Valley’s and Corte Madera’s quiet residential neighborhoods.

Allocating massive amounts of money to a use which would dramatically benefit for-profit firms, while neglecting the safety of local residents (Camino Alto) and our school-age children (Safe Routes) is clearly a misuse of public transportation funds.

4. The City of Mill Valley, Town of Corte Madera, County of Marin, State of California, and the U.S. Government are all grappling with massive losses of revenue, with no end in sight.

The City of Mill Valley currently furloughs its employees for one day every two weeks. The town of Corte Madera recently announced a $2,000,000+ deficit in a $14.8 million budget (Marin I.J., 12/27/09) and is thinking of instituting a program of furloughing its employees. The County’s deficit is projected to be at least $15,000,000 per year for the next five years (Marin I.J., 1/12/10). In the January, 2010 issue of Marin Magazine, Judy Arnold, Marin County Supervisor for District 5, was asked "What Is Marin's most pressing issue?", and replied “...our budget shortfall. It could be as much as $20 million”. Former Supervisor Gary Giacomini answered the same question by saying “the virtual bankruptcy of local school districts, cities, and the County of Marin itself. ... It will be a financial Armageddon for local schools and governments that will virtually devastate their budgets and cripple their services”. The State of California’s financial...
woes are well-documented, with $20+ billion deficits looming for years to come, and the U.S. Government is so deep in debt that no one knows whether its obligations can ever be repaid.

Neither the County, nor Mill Valley, nor Corte Madera are in any kind of financial condition to assume the ongoing costs of maintaining, insuring, and policing the Tunnel.

The Tunnel is far from a “shovel ready” project, with complex and expensive access issues threatening its very viability. The Study notes (Appendix F, page 24) that in order to proceed with the Tunnel option, ten different new studies are needed, mostly to deal with environmental and construction issues, in addition to which an EIR and other work to satisfy Federal requirements would most likely be required. The cost of these additional ten studies is pegged in the Study at $165-270,000, but a thorough EIR, for which the local neighborhood associations would lobby aggressively, and a study to satisfy Federal environmental requirements, would add considerably to that total.

Factoring a few years of inflation into the already outrageous current estimated cost to reconstruct the Tunnel, it becomes apparent to us that this option remains a distant and tenuous proposition, which, if pursued, would leave Camino Alto still unsafe for all users, and Mill Valley and Corte Madera with no improved connection for cyclists and pedestrians.

II. There are many issues discussed in the Study and its Appendices which we would like to highlight and for which we have comments. We do not claim to be experts in the methodologies used to arrive at the various projections, use statistics, and cost estimates which appear throughout the Study. However, a couple of the statistics nearly leaped off the page at us.

1. **Cost Benefit Analysis.** First, the combined estimated cost of improving Camino Alto and the Horse Hill route would be less than 1/5 the cost of reconstructing the Alto Tunnel (Table 4.1, page 4.2), yet would produce nearly the same result in terms of reducing Vehicle Miles Travelled (VMTs) (Table 1-2, page 1-14), with a reduction 75% as large as the Tunnel option.

Reducing VMTs is a primary goal of the Study and of the Transportation Authority of Marin, and is clearly a transportation benefit. In raw terms, using the statistics in the Study, improving the existing routes would have a cost/benefit advantage over the Tunnel option of 375% (75% of the benefit for 1/5 the cost or 500% cost benefit x 75% of the VMT savings). Table 3-1 on page 3-6 through 3-9 graphically supports our positions on each of the three routes with regard to a cost/benefit analysis.
2. **Connectivity.** Section 2.2 on page 2.1 states “Improving bicycle and pedestrian connectivity is the primary objective of the study”. In this regard, the Alto Tunnel is clearly the frontrunner. However, the next sentence states, the “Avoiding or minimizing impact on adjacent land uses is a parallel objective”. In this regard, the Tunnel option fails for the Mill Valley side, where the Tunnel route cuts across a quiet cul-de-sac and flanks the back yards of a couple of dozen homes, and fails even more dramatically in Corte Madera, where it cuts through a quiet box canyon full of homes and flanks the front yards of many others. Additionally, on the Mill Valley side, it crosses sensitive wetlands and wildlife habitat, where deer, foxes, possums, owls, coyotes, wild turkeys, and raccoons are frequently seen.

Turning these quiet neighborhoods and habitat into a “Bicycle Freeway”, as the Marin County Bicycle Coalition labeled this route, would certainly violate the referenced parallel objective.

On the other hand, Camino Alto and the Horse Hill route, which lies alongside Marin’s main north-south artery, Highway 101, are already transportation corridors. Improving connectivity on these two routes would be far less disruptive, since they both are already used for exactly that purpose.

The City of Mill Valley has a wish list, developed to help alleviate potential automobile choke-points and traffic jams in anticipation of the opening of the new Whole Foods store on Lomita Drive, of sidewalk and street improvements for that corridor, which is directly contiguous to the multi-use path which provides the access to the Horse Hill route. The City would like to encourage bicycling and walking all around that area, and all the neighboring homeowners’ associations have supported these improvements in recent public meetings. Several of these wished-for improvements could be undertaken in conjunction with the improvements cited in the Study for the Blithedale/Lomita intersection, which, by the way, are “shovel ready” in that local groups already support them and there are no access issues to overcome.

Additionally, as noted previously, improving the Horse Hill route could greatly benefit Safe Routes to Schools, and would also improve connectivity between Mill Valley and the shopping districts of Corte Madera, which are also sited along the freeway.

The Tunnel, on the other hand, empties out well above the main commercial districts of Corte Madera, with better connectivity to Larkspur and points away from Marin’s primary transportation and shopping corridor.

3. **Steepness.** On page 2-5, the Study points out that the steepest section of Horse Hill is only a 10% grade, which is nowhere near as steep as Camino Alto; however, this section is very short. On page 3-1, the Study notes that the Tunnel route has a 5% grade, and that the approaches to the Cal Park Tunnel are considerably steeper than the Alto Tunnel route. In fact, the graphic 3-2 on page 3-2 of the Study shows that the Cal Park Tunnel’s approaches are almost as steep as the steepest sections of the Horse Hill route, although shorter. It strikes us that local bicycle activists, recreational riders and
commuters alike, are justifiably proud of their success in the reconstruction of the Cal Park Tunnel yet claim that the Horse Hill route, at an almost identical degree of steepness, is too steep for the same purposes.

4. **SAFETY AND STABILITY.** On page 2-48, the Study states that “the Tunnel is not wide enough to accommodate conventional emergency response vehicles, such as an ambulance or fire truck”. Since the Study does not include costs for widening the Tunnel, the condition would presumably remain if the Tunnel were to be reconstructed. Any accident or medical emergency, such as a jogger suffering a heart attack, for example, would therefore require emergency responders to enter on foot, perhaps by bicycle, but in any case, evacuation would be difficult, as this is a fairly long tunnel at nearly ½ mile.

Since emergency vehicles require a wide area in which to turn around, the Study notes on page 1 of Appendix E that turnarounds are not feasible near the portals, and would have to be located elsewhere. There are no areas close to the portals on either side which are suitable for this task, so the turnarounds would have to be located well away from the portals, which would make any evacuation even more difficult. In a real emergency, smaller responding vehicles could drive on the multi-use paths and then back out in reverse, but we would like to know “Do the responders have such vehicles, and have they been consulted on the logistics of such evacuations?” (Question 1.)

In Appendix A, on page 3 in Section 2.1, the Study notes that the San Andreas fault is 10 kilometers away, but does not mention the Rogers Creek fault, which actually runs through Marin County on the bay side. An article in Scientific American in the 12/16/04 issue posits a “hidden fault” under Mt. Tam based on seismic activity recorded in the area. Whether the existence of such a fault is ever proven, one point remains clear: the Bay Area is known for seismic activity, and the Tunnel, if reconstructed, must be designed to withstand a major earthquake in order to be viable. There is no mention in the Study of the structural capabilities of the Tunnel as budgeted at $48-52 million; in other words, for that cost, we ask “What Richter level would the Tunnel be able to withstand before failing?” (Question 2.)

The Study mentions the potential instability of the center section of the Tunnel in its current condition, but does not discuss earthquake safety after reconstruction. Since the Tunnel was originally constructed (in 1884), there has been no major settling above the route except for the collapse of the southern portal in 1981. In fact, one of Jacobs Associates’ engineers told the author of this letter that he walked nearly the entire length of the Tunnel to determine whether there was any actual physical evidence of settling above the Tunnel route other than over the southern portal, and found none – no dips in the land, no sinkholes, etc. The theories expressed by Tunnel advocates to the effect that not reconstructing the Tunnel would lead to damage to homes above it are conjecture and are not supported by any physical evidence.
Section 3.2.2 of Appendix B of the Study, a section prepared by Jacobs Associates states “The Tunnel section between the backfilled plugs is supported by 125-year-old timber supports that have outlived their design life. Further instability and collapses in the Tunnel are likely if no action is taken, possibly leading to unacceptable ground settlement or even sinkholes to the ground surface, similar to what was experienced at the Cal Park Tunnel”. This statement seems to be at least somewhat in conflict with Section 3.2 of Appendix A, also prepared by Jacobs Associates, stating that after inspecting the MMWD Water pipeline tunnel, which is parallel to the Alto Tunnel, and which can be observed (and was for the study) by lowering video cameras into it, “Where observations were possible, it can be surmised that the (MMWD) tunnel is stable at the shafts and adjacent tunnel sections”.

While we do not doubt that an earthquake could damage homes along the route, we would like any further engineering studies, which again should not be undertaken until all access issues have been resolved, to study the matter of stability in much greater detail. We do not believe that it is necessary to spend $11,000,000 as envisioned in Appendix B, Section 5.7 and 6.2 to stabilize the center section of the Tunnel, which, according to Jacobs Associates, has the best rock in the area, considering that about 1/3 of the Tunnel, the sections that actually are under homes (in some cases, very far under) is already filled in.

5. Environmental Issues Appendix F discusses the environmental issues on all three routes. Since Camino Alto and the Horse Hill route are already widely used transportation corridors, discussions of the environmental issues involved in improving these two routes were fairly straightforward, with budgets of $56-87,000 for seven additional studies needed for the Horse Hill route (page 21), and $96-151,000 for similar studies needed for the Camino Alto route (page 28). This section of the Study, which was prepared by LSA Associates, seems to view these additional studies as routine and does not anticipate serious adverse conclusions from them, as evidenced by its conclusion that neither of these routes would require an EIR; it also goes on to say that both would qualify for both a Mitigated Negative Declaration and for an “Exclusion for compliance from NEPA” (the National Environmental Policy Act). As to the Tunnel, however, this Appendix lists more than two full pages (page 22, 23, 24) of “Potentially Significant Environmental Impacts” which would require detailed further study, and goes on to state that “an Environmental Impact Report (EIR) would be the appropriate level of environmental review for compliance under CEQA’. It further states that “It is possible, though unlikely, that the project could be addressed by a Categorical Exclusion... to satisfy the requirements of NEPA (both quotations on page 24).

Our Homeowners Association strongly supports an EIR requirement and the kind of detailed study LSA envisions for compliance under NEPA.
In addition to these two reports, the Study recommends that ten other surveys or studies on the Tunnel be completed, and estimates the cost of these ten studies at $165-270,000, a figure which does not include the EIR and NEPA reviews which it also recommends (page 25). It is therefore clear that the environmental hurdles required to clear the Tunnel option are significantly higher than those of the other two options, and that the studies required would be far more expensive and time-consuming.

Of paramount importance to our Association are bullet points #1 and #2 on page 22 of this Appendix, which constitute just a fraction of the “Potentially Significant Environmental Impacts” of the Tunnel option.

#1. **Compatibility with Local Plans.** We will discuss this in Section 6 below.

#2. **Community Impacts.** The Study says it well: “Implementation of the project could result in a substantial increase in bicyclists and pedestrians using the proposed corridor. Increased use of the proposed corridor may alter the character of adjacent residential neighborhoods and downtown Corte Madera through which the corridor passes. This impact may be significant and unavoidable”.

That last sentence defines the concerns of hundreds of homeowners who live adjacent to or near the proposed routes. What Tunnel advocates seem to forget or choose to ignore is that the last time this route was a transportation corridor, there were no homes along, above, or in the canyons around it. Literally hundreds of homes have been built very near this route since the trains stopped running over four decades ago. There are quiet residential neighborhoods which would be changed forever by having a Bicycle Freeway built through them. Why not improve the two existing transportation corridors, already in use for exactly this purpose, which, combined, would cost 1/5 as much and deliver 3/4 of the benefit, representing an enormously greater cost/benefit ratio for whatever precious transportation dollars are available here? Why dramatically change or destroy two entire neighborhoods when much cheaper, nearly as efficient options, which are infinitely less complicated to improve, exist in close proximity to the outrageously expensive, disruptive option?

In addition to the previously-referenced safety and emergency issues involving the Tunnel itself, we are concerned about the safety issues which would arise from a dramatic increase in recreational, commercial, and commuter bicycling through the affected neighborhoods in Corte Madera and Mill Valley. The routes which access the Alto Tunnel would cut across city streets and through cul-de-sacs in these quiet neighborhoods, directly in front of a number of homes and directly behind the back yards of many others, alongside schools, and alongside and through parks which have heavy cross traffic (Bayfront Park, Alto Field, Edna Maguire baseball fields, etc.), and through downtown Corte Madera. A dramatic increase in bicycle traffic on these routes would not only have profound impacts, but would also raise accompanying safety issues, which would need to be studied fully (see #6 of Resolution 00-36, attached below).
Of course, we are concerned about many of the other impacts listed on pages 22-24 of Appendix F as well, but we don’t believe it is necessary to comment about all of them in depth here.

6. **Compatibility with Local Plans** This is bullet point #1 referenced above, which we feel does bear an in-depth examination here.

Pages 3-4 of the Study quotes extensively from the 2008 Marin County Unincorporated Bicycle and Pedestrian Master Plan, and in particular states “based on criteria specific to Marin County, the feasibility of any of the tunnels is based on several factors, including:

1. The willingness of local jurisdiction(s) to become project sponsor(s) and take on the cost and responsibility of building and operating the facility
2. The political acceptability to local neighborhoods of these renewed corridors provided by reopened tunnels
3. The lack of reasonable, less costly alternatives
4. The expectation that they will significantly increase bicycling and walking
5. Geological, drainage, or other physical factors posed by the reopening of tunnels
6. Ability of project sponsoring agencies to resolve legal issues with affected property owners
7. Cost of reconstruction and available funding
8. The ability to address safety and security issues”

It’s clear to us that the Alto Tunnel fails utterly on nearly all of these, except for #4, where it clearly succeeds, #1, where we believe it will fail due to costs, and #8, where the jury is still out, so to speak.

The City of Mill Valley’s Resolution 00-36 (copy attached), which our Association has supported in numerous public meetings, lists eleven specific issues which the City Council wanted addressed, with the understanding that its support for or opposition to reconstructing the Tunnel would depend on whether or not these issues could be satisfactorily resolved. The Study did not address all the issues in Resolution 00-36, but we believe that the Tunnel fails on most of the criteria which were addressed, particularly the most important ones (#1-cost/benefit analysis, #2-neighborhood impacts, #5-impact on other planned bicycle/pedestrian improvements, and #9-evaluation of alternatives). We note that the study did not address one of the areas of requested information (#6-effects on Bayfront Park), and note the incomplete nature of other issues it did touch upon (#3-seismic analysis, #11-access, easement and other property issues).
The Study’s own Evaluation Matrix on pages 3-6 through 3-9 bears out our position, as discussed earlier in this letter, namely that the cheaper alternatives to the Tunnel are also far less intrusive to the surrounding communities, and that improving those alternative routes could be accomplished more quickly, given the complications associated with the Tunnel option, and without the complicated access issues which will inevitably, perhaps indefinitely, delay the development of that route.

Thank you.

**SCOTT VALLEY HOMEOWNERS' ASSOCIATION**

John Palmer  
Vice President

Francine Millman  
President

Joan G. Boessenecker  
Director

Stephen Shepard  
Secretary

Ken Campbell  
Treasurer

T. Rae Greenlee  
Director

Matt Harrell  
Director

**Attachment: Resolution No. 00-36.pdf**

cc:  
Mill Valley City Council  
Corte Madera Town Council  
Randy Anderson, LandPeople
RESOLUTION NO. 00-36

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY
ENDORSING A FEASIBILITY STUDY TO DETERMINE WHETHER
REESTABLISHING THE ALTO TUNNEL FOR PEDESTRIAN AND BICYCLE USE
REPRESENTS A PRUDENT PROJECT IN FURTHERANCE OF THE MARIN
COUNTY BICYCLE AND PEDESTRIAN MASTER PLAN

WHEREAS, it is the intention of the County of Marin to establish a "North-South Bikeway" for the use of bicycles and pedestrians, one possible aspect of which is to re-establish use of the Alto Tunnel ("the Tunnel"); and

WHEREAS, a portion of the Tunnel and the multi-use path leading to/from the Tunnel are located in the City of Mill Valley ("the City") and would substantially impact the City and its residents; and

WHEREAS, recognizing the many benefits to Marin County and its various communities and residents, including Mill Valley, which might result from the use of the Tunnel for bicycle and pedestrian travel, the City considers that a feasibility study should be undertaken to analyze the various factors involved in reestablishing the Tunnel,

NOW, THEREFORE, BE IT RESOLVED that the City endorses the proposal of the County of Marin to conduct a feasibility study to analyze the various effects that re-establishing the Tunnel would have on Marin County in general and the City in particular. In endorsing the feasibility study, the City is not assuming any financial responsibility for the cost thereof and does not commit to conform to any conclusions reached by the study. The City recommends that the study carefully consider specific issues, including but not limited to:

1. The manner in which the Tunnel construction, operations and maintenance costs will be financed, along with identification of possible funding, and a cost/benefit analysis be prepared utilizing these cost figures;

2. The extent to which the Tunnel and the approaches thereto can be constructed and maintained so as to be non-invasive to the privacy and safety of the neighboring residents during both construction and operation;

3. Analysis of the Tunnel Structure including seismic safety of the Tunnel and adjoining properties;

4. Analysis of the likely ongoing costs of maintenance, lighting and security and the impact of these costs on the City;

Reso. 00-36
5. The extent to which construction of the Tunnel is likely to delay or diminish completion of the specific local and regional projects benefiting the City and surrounding areas, as listed in the Marin County Bicycle and Pedestrian Master Plan;

6. Evaluation of the adequacy of the current multi-use path in Bayfront Park for the expected increased volume of bike riders, and users of the Park.

7. Evaluation of the effect of the Tunnel on the existing and anticipated traffic congestion problems in Marin County in general and the City in particular;

8. Whether reestablishment of the Alto Tunnel might result in its use in connection with train service in Southern Marin County (which would be counter-productive to bicycle and pedestrian use); and

9. Evaluation of whether alternatives to the Tunnel, including the improvement of the existing route on Camino Alto, the path adjacent to U.S. Highway 101, and other possible north/south routes, may contribute sufficient improvement to bicycle/pedestrian travel and traffic flow without the addition of the Tunnel.

10. Proposed schedule for design, funding, construction and opening.

11. Identification of the environmental impacts of the proposed tunnel on the surrounding areas, including the need for any possible easement or property acquisition.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Mill Valley on the 4th day of December, 2000, by the following vote:

AYES: Councilmembers Raker, Solem Swanson, Waldeck, Mayor Fisco.
NOES: None.
ABSENT: None.

Dennis P. Fisco, Mayor

ATTEST:

Mary H. Herr, City Clerk