

April 21, 2005
(For Board: May 13, 2005)

**REPORT OF THE BUILDING AND OPERATING COMMITTEE/
COMMITTEE OF THE WHOLE**

Honorable Board of Directors
Golden Gate Bridge, Highway
and Transportation District

Honorable Members:

A meeting of the Building and Operating Committee/Committee of the Whole was held in the Board Room, Administration Building, Toll Plaza, San Francisco, California, on Thursday, April 21, 2005, at 10:10 a.m., Chair Eddie presiding.

Committee Members Present (7): Chair Eddie; Vice Chair Reilly; Directors Boro, Hernández, Smith and Stroeh; President Middlebrook (Ex Officio)

Committee Members Absent (2): Directors Ammiano and Martini

Other Directors Present (3): Directors Harrison, Murray and Shahum

Committee of the Whole Members Present (10): Directors Eddie, Hernández, Murray, Reilly, Shahum, Smith and Stroeh; Second Vice President Boro; First Vice President Harrison; President Middlebrook

Committee of the Whole Members Absent (9): Directors Ammiano, Brown, Cochran, Dufty, Kerns, Martini, McGoldrick, Pahre and Sandoval

Staff Present: General Manager Celia G. Kupersmith; District Engineer Denis J. Mulligan; Auditor-Controller Joseph M. Wire; Secretary of the District Janet S. Tarantino; Attorney David J. Miller; Deputy General Manager/Bridge Division Kary H. Witt; Deputy General Manager/Bus Division Susan C. Chiaroni; Deputy General Manager/Ferry Division James P. Swindler; Deputy General Manager/Administration & Development Teri W. Mantony; Public Information Director Mary C. Currie; Assistant to the General Manager Amorette Ko; Assistant Clerk of the Board Patsy Whala

Visitors Present: Paul Muller, Psychiatric Foundation of Northern California; Eve Meyer, San Francisco Suicide Prevention, Inc.

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1. Approve Adoption of New Policy-Level Criteria for Use in Evaluating Potential Suicide Deterrent Systems

In a memorandum to Committee, District Engineer Denis Mulligan and General Manager Celia Kupersmith reported on staff recommendation to approve adoption of new policy-level criteria for use in evaluating potential physical suicide deterrent systems.

The report stated that over the years, the Bridge District Board of Directors has investigated and made decisions relative to suicide deterrent systems at the Golden Gate Bridge. At the Committee meeting on February 24, 2005, public discussion regarding this matter culminated in the Board of Directors adopting Resolution No. 2005-015 at its meeting of March 11, 2005, to authorize proceeding with the environmental studies and preliminary design work necessary for such a project. At that time, the Board directed staff to bring back revised policy-level criteria (criteria) for Board consideration to be used to provide policy-level direction throughout the project.

The report also stated that many years ago, the District Board of Directors adopted a list of criteria for use in evaluating physical suicide deterrent systems. At that time, the Board determined that any deterrent system must satisfy all of the following criteria:

- Cannot cause safety or nuisance hazards to pedestrians or Bridge personnel
- Must be totally effective as a barrier
- Cannot bar pedestrian traffic
- Weight cannot be beyond established allowable limits
- Cannot cause excessive maintenance problems
- Aerodynamics (Wind Stability) cannot be beyond established allowable limits
- Historical and architectural considerations
- Visual and aesthetic impacts
- Cost effectiveness

The report further stated that the current Board discussed these criteria as part of their deliberations earlier this year. Many Directors expressed the sentiment that the second criteria, "*Must be totally effective as a barrier*" was too restrictive and would ultimately preclude the implementation of any physical suicide deterrent system on the Golden Gate Bridge. Staff also reviewed the pre-existing list of criteria to bring them more up to date and to address any new issues that may have become important to the District such as Bridge security. Staff is proposing that the Board adopt new criteria to replace the previously adopted criteria with the understanding that any deterrent system must satisfy all of them. There is no fiscal impact associated with approving policy-level evaluation criteria for physical suicide deterrent systems on the Golden Gate Bridge.

At the meeting, Celia Kupersmith summarized the staff report and stated that the new criteria will assist staff and the Board of Directors in making decisions regarding the potential suicide deterrent system. She stated that the new criteria take into account new security measures and reflect staff concerns for maintenance and security, public comments, and comments from the Board members. Ms. Kupersmith also stated that as the District moves into the formal process of evaluating physical suicide deterrent systems, staff will continue to refine and develop specific criteria as mandated under the California Environmental Quality Act and the National Environmental Policy Act.

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The original staff recommendation was as follows:

“The Building and Operating Committee recommends that the Board of Directors approve adoption of new criteria for use in evaluating potential physical suicide deterrent systems, as follows:

- Must impede the ability of an individual to jump off the Golden Gate Bridge;
- Must not cause safety or nuisance hazards to sidewalk users including pedestrians, bicyclists, District staff and District contractors/security partner;
- Must be able to be maintained as a routine part of the District’s on-going Bridge maintenance program;
- Must not diminish ability to provide adequate security of the Golden Gate Bridge;
- Must continue to allow access to the underside of the Bridge for emergency response and maintenance activities;
- Must not have a negative impact on the wind stability of the Golden Gate Bridge;
- Must satisfy requirements of state and federal historic preservation laws;
- Must have minimal visual and aesthetic impacts on the Golden Gate Bridge;
- Must be cost effective to construct and maintain; and,
- Must not in and of itself create undue risk of injury to anyone who comes in contact with the suicide deterrent system.

Discussion ensued, including the following points:

- Director Shahum inquired as whether the proposed criteria were developed by the Bridge Barrier Projects Advisory Committee or by District staff. In response, Ms. Kupersmith stated that the proposed criteria were developed by staff and clarified that the Advisory Committee’s purpose is to only investigate possible funding sources for a physical suicide deterrent system.
- Director Smith inquired regarding one of the criteria that states, “Must impede the ability of an individual to jump off the Golden Gate Bridge,” requesting a legal definition of the word, “impede.” In response, Attorney David Miller advised that regardless of whether the criteria ultimately adopted calls for the deterrent system to meet the previous standard of being “totally effective” or the proposed new standard of “impeding the ability of an individual to jump,” from a strictly legal standpoint, the District should not be held liable in a lawsuit resulting from an individual who is able to scale a suicide deterrent system. That is because in cases previously litigated on this subject, courts have ruled that in order to establish a dangerous condition of public property under the California Tort Claims Act, the plaintiff must be using the public property with reasonable care in a manner for which the property is intended to be used. Definitionally, the courts have determined that an individual is not using the Bridge sidewalks with reasonable care if the purpose is to commit suicide. At the same time, Mr. Miller advised that apart from the applicable legal standard, the perception of the public of a standard requiring a suicide deterrent to be “totally effective” will be that all suicide efforts will be thwarted. Under circumstances in which a suicide was to take place, that more rigorous standard would be apt to encourage the filing of litigation. For these reasons, Mr. Miller advised that the proposed new more general standard that a suicide deterrent system should serve as an impediment, rather than an absolute standard, is preferable in his opinion.

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- Director Boro suggested that staff's recommendation be amended by adding an additional item to the proposed list of criteria, as follows: "Must not prevent the construction of a moveable median barrier on the Golden Gate Bridge." He stated that such verbiage would be consistent with Board Resolution No. 2005-015.
- Director Shahum inquired, in terms of "cost effectiveness," as to whether the proposed criteria should include verbiage stating that funding for the project must not divert District resources intended for core transportation projects. In response, Ms. Kupersmith stated that as the suicide deterrent project moves forward through the design phase, the Board would then make a determination of the final preferred design, taking into account cost effectiveness. At that time, staff would then identify whether or not the costs of construction and future maintenance of a suicide deterrent system would somehow diminish other District transportation programs. In addition, as part of the process, a funding plan would be developed that would clearly address how the District would fund the project, whether by: (1) raising additional revenue; (2) making reductions to other District programs or services; or, (3) absorbing the project costs in the District budget.
- Director Murray stated that the proposed criteria should address public safety, consistent with the District's mission statement.
- Director Middlebrook made the following comments and inquiries:
 - She stated that the Board of Directors is very cognizant of the District's mission regarding safety, and that construction of a physical suicide deterrent system is not part of the District's mission and therefore, should not be included in the proposed criteria.
 - She suggested that the phrase, "at reasonable cost," be added to the criterion regarding cost-effectiveness, due to the potential for significant annual maintenance costs for a physical suicide deterrent system. In response, Ms. Kupersmith stated that while it would be difficult to precisely determine the level of "reasonable costs," the District's intent to control maintenance costs is captured in the criterion, "Must be cost-effective to construct and maintain."
- Director Harrison stated that, once funding is secured for construction of a physical suicide deterrent system, maintenance and operation costs would be absorbed in future fiscal year budgets. She further stated that if the District were to construct a moveable median barrier, it would also be necessary to include maintenance and operation costs for that project in future budgets.
- Director Reilly complimented staff on the proposed criteria, which provides a solid framework and flexibility for the Board of Directors to move forward on this project.

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- Director Hernández suggested that staff's recommendation be amended by adding additional verbiage, "and without undue risk of injury to District employees," to the proposed criterion, "Must be able to be maintained as a routine part of the District's on-going Bridge maintenance program," to read as follows: "Must be able to be maintained as a routine part of the District's on-going Bridge maintenance program and without undue risk of injury to District employees"

Public Comment

Paul Muller expressed his support of the proposed criteria and stated that the District should proceed with speed and urgency.

Eve Meyer expressed her support of the proposed criteria and offered praise for the level of dialogue between the District and the public on this issue.

Following public comment, the following discussion ensued:

- In response to an inquiry by Director Murray as to the next steps for the physical suicide deterrent project, Ms. Kupersmith stated that the Board of Directors would take action on the Committee's recommendation at its meeting of April 22, 2005, after which staff will meet with some of the organizations that have expressed an interest in helping raise the remaining \$400,000 in matching funds. She further stated that staff has already begun preliminary work on the project Request for Proposals, so that the District would be in a position to release it as soon as the project is fully funded.
- In response to an inquiry by Director Stroeh as to when the \$1.6 million in funding would be released by MTC to the District, Ms. Kupersmith stated that MTC is expected to take final action on disbursement of the funds on April 26, 2005. However, since the \$1.6 million is federal grant funds, it cannot be released to the District until after the local match of \$400,000 is secured.

Following the discussion, the Committee concurred by motion made and seconded by **Directors MURRAY/BORO** to forward the following amended recommendation to the Board of Directors for its consideration:

RECOMMENDATION

The Building and Operating Committee recommends that the Board of Directors approve adoption of new policy-level criteria for use in evaluating potential physical suicide deterrent systems, as outlined below:

- Must impede the ability of an individual to jump off the Golden Gate Bridge.
- Must not cause safety or nuisance hazards to sidewalk users including pedestrians, bicyclists, District staff, and District contractors/security partners.
- Must be able to be maintained as a routine part of the District's on-going Bridge maintenance program and without undue risk of injury to District employees.

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- Must not diminish ability to provide adequate security of the Golden Gate Bridge.
- Must continue to allow access to the underside of the Bridge for emergency response and maintenance activities.
- Must not have a negative impact on the wind stability of the Golden Gate Bridge.
- Must satisfy requirements of state and federal historic preservation laws.
- Must have minimal visual and aesthetic impacts on the Golden Gate Bridge.
- Must be cost effective to construct and maintain.
- Must not in and of itself create undue risk of injury to anyone who comes in contact with the suicide deterrent system.
- Must not prevent construction of a moveable median barrier on the Golden Gate Bridge.

Action by the Board - Resolution

AYES (10): Directors Eddie, Hernández, Murray, Reilly, Shahum, Smith and Stroeh; Second Vice President Boro; First Vice President Harrison; President Middlebrook

NOES (0): None

[Note: This matter will be presented to the Board of Directors at its April 22, 2005, meeting for appropriate action.]

2. Status Report from District Appointees on Sonoma-Marin Area Rail Transit (SMART) Board

The Committee was provided with copies of the Agenda and the Minutes of the March 16, 2005, and the April 20, 2005 meetings of the Sonoma-Marin Area Rail Transit (SMART). Copies of these items are available in the Office of the District Secretary.

At the meeting, Chair Eddie requested that Director Boro, the City of San Rafael's representative on SMART, provide a report to the Committee on recent activities by SMART. Director Boro reported on the following items of interest to the District:

- He stated that at SMART's April 20, 2005 meeting, representatives of MTC were present to discuss potential transit-oriented development along the SMART-owned railroad right-of-way in Marin County. He stated that MTC might make available to SMART grant funding for such development in the future.
- He also stated that relative to the reopening of the Cal Park Hill Tunnel between San Rafael and Larkspur, the County of Marin has secured grant funds in the amount of \$11 million to begin a project to reopen the tunnel for bicycles and pedestrians. He noted that the SMART Board will be working with the County to ensure that the tunnel reopening will be constructed to meet the needs of future rail transportation at the same time it is prepared for bicycle and pedestrian use, so as to avoid the need to reconstruct the tunnel when SMART rail service begins operations. He further noted that SMART has applied to MTC for \$7 million in Regional Measure 2 (RM2) funding that has been allocated for developing rail service to Larkspur, which funding will be added to the County's \$11 million for the Cal Park Hill Tunnel project.

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- He stated that the SMART Board also discussed SMART's fiduciary role as property owner of the railroad right-of-way; in particular, how SMART can best maximize the economic potential of the right-of-way and sustain the value of the property to the agency. As an example, he described SMART's cooperative relationship with City of Santa Rosa staff regarding the City's major redevelopment project at Railroad Square, the site of the former Northwestern Pacific rail station in downtown Santa Rosa. He stated that the two agencies have developed joint development goals, policies and procedures, as well as a checklist of responsibilities to be undertaken by each agency.

Action by the Board – None Required

3. Status Report on Engineering Projects

In a memorandum to Committee, Deputy District Engineer Ewa Z. Bauer, District Engineer Denis Mulligan and General Manager Celia Kupersmith reported on current engineering projects. This report will be presented to the Board of Directors at its meeting of April 22, 2005. A copy of the report is available in the Office of the District Secretary.

Action by the Board – None Required

4. Public Comment

Public comment was received relative to Agenda Item No. 1, *Approve Adoption of New Policy-Level Criteria for Use in Evaluating Potential Suicide Deterrent Systems*, as noted above.

5. Adjournment

All business having been concluded, the meeting was adjourned at 10:40 a.m.

Respectfully submitted,

James C. Eddie, Chair

JCE:JST:KBE:PLW:plw