

THE ORR STREET BRIDGE - TWELVE YEARS OF DELAY

July 16, 2021

SUMMARY

In 2008, Waugh Lane and Orr Street Bridges were on the Ukiah City Council docket for refurbishment. Waugh Lane was renovated in 2010, however, the Orr Street Bridge has been closed since 2009 and remains unrepaired and in a hazardous condition.

If the City realized there was disagreement between the Public Works Department (PW) and the Wagenseller Neighborhood Association (WNA) and had researched guidance from CA Public Resource Code they could have solved this problem years earlier at a much lower cost.

The result of City inaction has resulted in a blighted bridge, inoperable for any use. Conflict in determining the use of this bridge between the WNA and the PW has resulted in no action despite the funding allocation for repair. Work may be delayed further because its condition was included in a grant application for Community Development Block Grant (CDBG) funds. This grant will cover the cost of a community needs survey.

BACKGROUND

The Grand Jury (GJ) received a complaint about the condition of the Orr Street Bridge and the 12-year absence of City action after it had been closed to traffic in 2008. After a site visit, the current condition of the bridge prompted the GJ to investigate.

METHODOLOGY

The GJ visited and photographed the bridge and surrounding neighborhood. Interviews were conducted with City Administration, Staff, members of the WNA, neighbors to the north and south of the bridge, and C&S Waste Solutions staff. Documents included in the citizen complaint have been verified.

DISCUSSION

The Wagenseller neighborhood, located in the northeast section of Ukiah, is one of the City's oldest neighborhoods and is home to many working-class households. It has long streets and no parks. In addition to many rental properties and Public Housing, there also remain homes designed in early 19th Century architectural styles.

In the early 2000's, the WNA successfully organized to take on a number of neighborhood problems including, drug use, parking and traffic issues. The WNA cooperated with the Ukiah Police Department to address drug problems in the neighborhood. The Association then focused on the single-lane Orr Street bridge as it did not safely serve the amount of cut-through traffic to Brush Street.

In August 2008, the WNA attended a City Council meeting to address the Orr Street Bridge and

began their appeal to the City to change the use of the bridge to pedestrian and bicycle use only.

In 2009, a bridge constructed for the Orchard Street extension to Brush Street was opened allowing through traffic to Brush Street. The City closed the Orr Street bridge for repairs, and the WNA petitioned the city at that time to refurbish the bridge to make it safe for pedestrian and bicycle traffic. At the same meeting, the Senior Civil Engineer presented a strong case for keeping the bridge open to through traffic. Also mentioned at that meeting were the Rural Community Housing and Development Corporation (RCHDC) intentions to build affordable housing units on the County side of the bridge.

On October 6, 2010, the City Council allocated \$125,000 and directed the PW to study the Orr Street Bridge proposal for repairs. At the same time, \$130,000 was allocated to conduct repairs on the similarly constructed Waugh Lane bridge which was completed in 2010. Further consideration of the neighborhood concerns for Orr Street Bridge resulted in no action taken by the City at that time. Even after the 2014 Ukiah City Council budgeted \$254,000 for refurbishment, the bridge remains in a state of disrepair in 2021.

While waiting for action from the City, and in the years closed to traffic, the WNA began using the bridge as a pop-up park. They added a bench and plywood decking and flowers. Eventually community interest waned, with no evidence of maintenance by the City, and the condition of the bridge continued to decay. In the interim, the city staff reviewed the possibilities given the input from the WNA on bridge design but inaction followed without explanation from the City. The bridge has become an unsafe blight on the neighborhood.

Although the bridge has been deemed to have structurally sound footings and steel beams, there is currently a dangerous open hole in the decking. The asphalt surface is littered with uneven aging plywood and a rotted wood safety railing. The cost to repair the bridge is significantly less than it would be if the footings and beams were unsound.

In September 2020, the GJ reviewed a detailed packet of documentation starting in 2008 showing the history between the WNA, past City Councils and PW. Documentation included communications between the WNA and the City Council requesting that PW move forward on the WNA recommendations to close the Orr Street Bridge to vehicle access.

The PW Director expressed concern that the bridge should be able to be opened for evacuations, emergency service and public service vehicles. There are communication records from PW staff indicating that there is no turn around for garbage trucks to service the properties on Orr Street and that having the bridge closed to vehicle traffic requires the drivers of garbage trucks to back out of Orr Street into a busy roadway. The GJ asked a representative of the solid waste services provider, C&S Waste Solutions, how serious is this problem. The representative stated that their staff was capable of dealing with all of Ukiah's streets but indicated that it is never desirable to have a garbage truck back out of a dead-end street.

The Police Chief in 2018 did not see any concerns with denying vehicle access to the bridge but did have concern that the unused bridge area would attract illegal camping and other illegal activities. He also stated anything that can increase regular use will reduce illegal activity. The current condition of the bridge, its seclusion and lack of traffic, has resulted in an area of

illegal activity and loitering now in the middle of a growing neighborhood.

Recently the Regional Redwood Trail project constructed a walking bridge one block west of Orr Street. This trail through the City provides a walking bridge over Orr Creek to Brush Street, through the Wagenseller neighborhood.

A RCHDC housing project north of the bridge proposed in 2008 is soon to be opened. The 70-unit Orr Creek Commons housing project, which is a multi-use residential apartment complex for low and moderate-income individuals, families and seniors now increases the pedestrian and vehicle traffic demands on the Orr Street Bridge. This new construction from Brush Street south to the bridge includes a newly paved two-lane Orr Street with sidewalks. Construction ends abruptly at the bridge.

In mid-June of 2020, a State of California Grant Application from the City included a request for \$150,000 to study traffic and infrastructure improvements for the Wagonseller neighborhood. The City received informal acknowledgement of acceptance of this grant in November 2020. The formal approval of the Grant was received in March 2021.

Grant conditions indicate that construction could not take place until formal notification of the grant was received from the State Department of Housing and Community Development (HCD). This resulted in additional delays before the Request for Proposal (RFP) for a study could be opened.

As of the date of this report, the City continues to consider additional applications for grants to help pay for the work needed in the entire neighborhood. There is \$254,000 for repair of the bridge in the City budget allocated since 2018. The GJ was told this was being used as leverage for more grant funding. Inclusion of the bridge in this year's grant application makes excellent sense from a planning perspective but it also means additional delays of two to four years are possible before the bridge will finally be made usable. The GJ understands the city is prohibited to use CDBG funds to rehabilitate the bridge due to designated City funding for the project.¹

This long period of inaction was avoidable with available California Environmental Quality Act (CEQA) guidance in the Public Resource Code (PRC) to officially designate a Lead Agency and one or more Responsible Agencies to this project for managing an Initial Study as well as public input.²

The GJ could find no evidence that past City Councils acting in the capacity of a Lead Agency had regular follow up on their direction to staff when working with the WNA.

¹ CFR § 570.207 (2) *General government expenses*. Except as otherwise specifically authorized in this subpart or under 2 CFR part 200, subpart E, expenses required to carry out the regular responsibilities of the unit of general local government are not eligible for assistance under this part.

² CA Public Resource Code § 15051(b)(1): The Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project. CA PRC § 21067: "Lead agency" means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment. CA PRC § 21069: "Responsible agency" means a public agency, other than the lead agency, which has responsibility for carrying out or approving a project.

The City Council directed the City Engineer to lead the bridge project. This placed coordination, responsibility, and public outreach for this project on a single department when that department's staff and the WNA disagreed on the outcome. Plans were drafted but never completed for following the WNA's recommendations. Work never began and only partial explanations from PW were communicated to the WNA.

By accepting input from the public and directing staff to work with the WNA stakeholders in 2010, the City Council had changed the scope of the project to require the inclusion of more than one Agency.

FINDINGS

- F1. The extension of Orchard Avenue to Brush Street relieved the traffic and made it possible to close the Orr St bridge for repairs which provided an opportunity for the WNA to seek a change in the use of the bridge.
- F2. City Council decisions on October 6, 2010 and again on February 21, 2018 supported the WNA goals for bridge use but did not include formal assignments of Lead and Responsible Agencies which has resulted in long-term delays and increases in project scope and costs.
- F3. Since the closure of the bridge in 2009, development of housing and a new roadway on County land to the north ending abruptly at the bridge. This has accelerated the need for repairing the bridge for traffic and introduced new potential stakeholders to the project.
- F4. Project delays caused by the change in project scope have resulted in increased costs for either repairs or alterations to the Orr Street Bridge. Bridge repair estimates in 2009 were \$125,000, and in 2017 were between \$300,000-\$400,000. It is unknown what the costs for 2022 will be.
- F5. The Regional Redwood trail crossing, one block West of Orr Street, with a pedestrian bridge over Orr Creek limits the justification for a pedestrian/bike only bridge on Orr Street.
- F6. The bridge repairs have been included in the 2019 grant application for the entire Wagenseller Neighborhood which may cause delays in construction for two to four more years.
- F7. Refurbishment of the Orr Street Bridge for vehicle, pedestrian and bicycle traffic would have met all the needs of the neighborhood residents and qualified for project exemptions under CEQA in 2009.
- F8. The root cause for inaction on the bridge is that the focused outcome pursued by the WNA requires more planning and a CEQA review which can take years to complete under normal circumstances.

- F9. Project delays have led to the current blighted condition of the Orr Street Bridge.
- F10. The City Council could have formally assigned this project to the Planning Department and not Public Works after accepting recommendations from a community group.
- F11. The Planning Department was not informed of the line-item fund available for bridge repair/refurbishment in the City budget while managing the application for CDBG funds.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. the City utilize public surveys funded by the Community Development Block Grant and in the final decision on the alterations to the bridge. (F2, F3)
- R2. in future disagreements between Staff and Community Groups, the city investigate alternatives, document a decision and make quarterly progress reports. (F2, F3, F6, F10)
- R3. if plans for projects change based on need or finance, the City shall inform interested parties of delays or fundamental changes. (F4)
- R4. in areas like the Wagenseller/Brush neighborhood which straddle the City and County jurisdiction, it is essential for agencies to coordinate plans for the area. (F8, F9)
- R5. the city prevent any use of the bridge until reconstruction or refurbishment is complete and the bridge deemed safe for access from either side. (F6)
- R6. the Planning Department should be the agency that does research and seeks public input on projects that have ramifications beyond engineering and construction. (F4, F10, F11)

REQUIRED RESPONSES

Pursuant to Penal Code § 933 and 933.05, the grand jury requires responses as follows:

From the following governing bodies within 90 days:

Ukiah City Council - (All Findings, All Recommendations)

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Pursuant to Penal Code § 933 and 933.05, the grand jury requests responses as follows:

From the following respondents within 90 days:

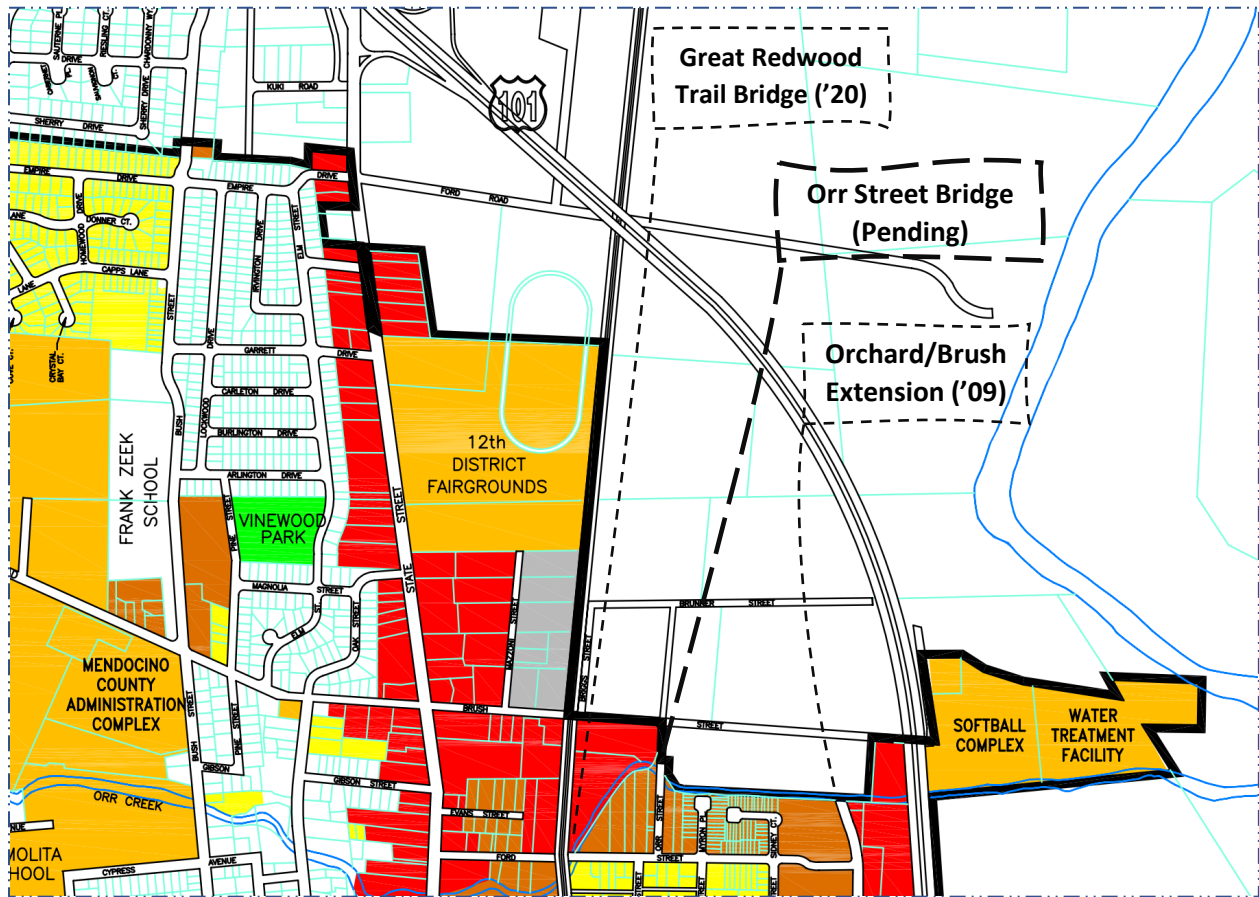
Ukiah City Manager - (All Findings) (All Recommendations)

Director, Ukiah Public Works, City Engineer - (F6-F10) (R2-R4, R6)

Community Development Director - (F2-F4, F6, F8-F11) (R1, R4-R6)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

SITE PHOTOS



Northeast Ukiah bridge projects around Wagenseller neighborhood with identified completion dates. Image from City of Ukiah GIS server.

North side of Orr Street Bridge looking south into Wagenseller neighborhood. (November 2020)



South side of Orr Street Bridge looking north toward new housing development in County jurisdiction. (November 2020)



North side of Orr Street Bridge looking south into Wagenseller neighborhood with restrictive signage. (December 2020)

Orr Street development looking south toward Orr Street Bridge from the Orr Street/Brush Street intersection. (May 2020)



North side of Orr Street Bridge looking south into Wagenseller neighborhood with fence to prevent foot traffic entry into road construction from bridge. (May 2020)



North side of Orr Street Bridge looking east along Orr Creek walking trail with fence to prevent foot traffic entry from trail to road construction. (May 2020)



North side of Orr
Street Bridge looking
south into Wagenseller
neighborhood with
deck still accessible
for foot traffic.
(May 2020)

