



Published August 3rd, 2022

Orinda bemoans responsibility for Bear Creek Road, uses Measure R funds for road project

By Sora O'Doherty

The Orinda City Council authorized paying for the 2022 annual pavement rehabilitation project partly with Measure R funds when it accepted the low bid from Bay Cities Paving & Grading, Inc. However, the council declined to approve an option to repave Bear Creek Road at this time. While the city council acknowledged its responsibility for the road, city council members wished that the road had not been made a part of the city. There are no residences on Bear Creek Road, and the road is primarily used by the East Bay Municipal Utility District and Pacific Gas & Electric Co.

In addition, the two transportation engineers on the council, Mayor Dennis Fay and Council Member Darlene Gee, opined that the road was not in such bad shape as to require the proposed level of repair. Following their inspections, they suggested that the repairs could be delayed and limited to shorter stretches of the road, thereby avoiding some costly work that might be triggered by new legislation that has been enacted but is not effective until next year.

The council considered whether or not Bear Creek Road could be considered an evacuation route in the event of wildfire, but Fay suggested it is probably not a suitable route as wildfires are expected to come from the north, which is the direction Bear Creek runs. While it was pointed out that the road is heavily used by bicyclists, Fay and Gee noted that the portion of the road used by bicycles, that is, the outer edges, are not in fact the portions that are most in need of repair. The council instructed city staff to rebid the work on Bear Creek as a smaller project, including only areas in need of repair.

Although the council rejected the Bear Creek Road option, they did approve two other options for Ivy Drive and Valley View Drive to complete striping and microsurfacing and to perform storm drain improvements and minor concrete work. The 2022 road project will also include work on El Toyonal, Oak Flat Road and La Espiral that had been delayed due to pipeline replacement by EBMUD and the Contra Costa County Sanitation District. The Moraga Way pedestrian pathway project is also included. It will widen the shoulder on the west side of Moraga Way from El Camino Moraga to Altamont Drive to a minimum of five feet with a dike along the edge of the traffic lane to provide a separated pedestrian pathway.

Bids for this year's road project came in higher than expected. The bid of \$4.8 million, with an added 15% contingency totals about \$5.6 million. With \$2.2 million allocated in the Capital Improvements Plan, Orinda faced a shortfall of about \$3 million, which the city will meet using funds from the Measure R supplemental sales tax. The shortfall will be less, however, since the council rejected the almost \$1 million alternative for Bear Creek Road.

The council recognized that there are some in the community who regard Measure R funds as being only for use to minimize fire danger, but Vice Mayor Inga Miller explained that Measure R is a general tax and the city "cannot earmark the money for just one thing when we've already had a vote of the people." In 2020, when the measure was passed, the city council indicated that the funding would be used for a wide range of work, including fire prevention, emergency planning, public drainage improvements to prevent erosion or flooding, and maintenance of the public road system. Jud Hammon, the chair of the Supplemental Sales Tax Oversight Commission, in public comments, said that he wanted to note for the record that the text of Measure R at the time it was on the ballot stated that the funds were to be used to help maintain essential city services, including street maintenance and storm drains. Using Measure R funds now, he said, would save the city considerable amounts of money in the future.

Melanie Light, who is the president of the Firewise Council, said that the cost benefit of repairing Bear Creek Road seems pretty clear, but she wondered if EBMUD and PG&E could be required to contribute to the road maintenance, since they are the principal users of the road. City Manager David Biggs replied that generally cities cannot charge people for the use of the roads, although occasionally, with new construction, there may be a traffic impact fee possible. He suggested that the solar farm being built off Bear Creek might trigger that development impact fee, but even so, there are not many trips, so it would not generate much money.

Reach the reporter at: sora@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA