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California State Senate

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SEVENTH SENATE DISTRICT



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February 28, 2012

March 14, 2012
Agenda Item 13

Mr. John Laird, Secretary
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Secretary Laird:

As promised, I am writing to follow up on our phone conversation last week. As we discussed, this a matter of utmost importance to visitors of Mt. Diablo State Park and the existence of an unsafe condition on a one mile stretch of Mt. Diablo Scenic Blvd. which services the southern entrance of park.

By way of background, Mt. Diablo Scenic Blvd. is a private road jointly owned by individual landowners in the community of Diablo which is located at the base of the Mt. Diablo State Park. The State has a long standing road easement with the property owners for access to the Park, with significant visitor and bicycle use of the road.

The last one mile stretch of Mt. Diablo Scenic Blvd., leading directly into the State Park is in serious disrepair and poses an extreme hazard to bicyclists and motorists alike. For many years, maintenance and repairs to the road have been the shared by private property owners on one side of the road and the Diablo Community Services District (DCSD) on the opposite side. DCSD is an independent special district which provides for a wide variety of services to Diablo residents including road improvement and maintenance services. The District is funded primarily through property taxes, special tax/assessments, and other fees for service. In July 2011, the Contra Costa County Local Area Formation Committee (LAFCO) voted to annex the entirety of Mt. Diablo Scenic Road into the DCSD.

It is our understanding that the road has significant drainage problems contributing to the deterioration of the pavement and will require a substantial financial investment to repair. Over the past several years, there have been numerous discussions amongst a wide group of stakeholders including the property owners, DCSD, Contra Costa County, Mt. Diablo State Park officials, Save Mount Diablo, the cycling community and other interested parties regarding options for improving the road.

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Given that most of the traffic on this stretch of roadway is by park visitors, the stakeholders have looked to the State for participation in an agreement to cover their share of the maintenance and repair costs. The State's position however, has consistently been that it bears no responsibility because the road is privately owned and operated. Unfortunately, this position has caused a protracted stalemate and further deterioration of the road.

The issue surrounding the dire state of the road is now more urgent with the recent announcement by the Amgen Tour of California that it will conduct Stage 3 of its nationally renowned bicycle race through Mt. Diablo State Park on May 15, 2012. Approximately 128 bicycle riders and nearly 100 support vehicles will need to travel along Mt Diablo Scenic Road, to reach South Gate Rd. leading into the Park. Suffice it to say, that both the road's history and current state of disrepair raise significant issues of liability for the State if participants in the race are injured or worse.

I therefore respectfully request your immediate attention to this matter and request that your agency work with DCSD to develop a shared maintenance and repair agreement so that visitors to Mt. Diablo State Park can safely access the park. Should you so desire, I am happy to facilitate a meeting in my office between all the stakeholders and your staff so that this issue can be resolved to the satisfaction of all parties involved. If you wish to discuss this matter further, please do not hesitate to contact me directly at (916) 651-4007.

Sincerely,



MARK DESAULNIER

MD: sm

cc: Janelle Beland, Undersecretary, California Natural Resources Agency
Ruth Coleman, Director, California Department of Parks and Recreation
Bill Herms, Deputy Director, California Department of Parks and Recreation
Roland Gaebert, Superintendent, Mt. Diablo State Park
Lou Ann Texeira, Executive Officer, Contra Costa LAFCO
Ron Brown, Executive Director, Save Mt. Diablo
Julie Bueren, Director, Contra Costa County Department of Public Works
Board of Directors, Diablo Community Services District