



Agenda Item No. 10.A.

Special Order of Business

To: Board of Directors
Meeting of June 27, 2014

From: John R. Eberle, Deputy District Engineer
Ewa Z. Bauer, District Engineer
Joseph M. Wire, Auditor-Controller
Denis J. Mulligan, General Manager

Subject: **APPROVE A FUNDING PLAN FOR THE CONSTRUCTION OF THE GOLDEN GATE BRIDGE PHYSICAL SUICIDE DETERRENT SYSTEM PROJECT**

Recommendation

It is recommended that the Board of Directors amend the Bridge Division Capital Budget to include the Construction of the Golden Gate Bridge Physical Suicide Deterrent System Project (Project) in the amount of \$76,000,000, with the understanding that the Project will be funded with \$22,000,000 of federal Local Highway Bridge Program (HBP) funds programmed by Caltrans, \$27,000,000 of federal Surface Transportation Program (STP) funds programmed by the Metropolitan Transportation Commission (MTC), \$7,000,000 of California Mental Health Service Act Funds (Proposition 63), and \$20,000,000 from District Reserves.

Background

On February 12, 2010 the Board of Directors certified the Final Environmental Impact Report/Environmental Assessment for the Golden Gate Bridge Physical Suicide Deterrent System Project with Alternative 3, the Net System, as the Preferred Alternative. In June 2011 the Board awarded a professional services agreement for the final design of the Project. In February 2014 the consultant delivered to the District the 95 percent complete plans and specifications. Staff is reviewing these documents and is developing, with the assistance of the consultant and District attorneys, construction bid documents. During this time period the Board of Directors and staff have been working closely with regional, state and federal officials to pursue a variety of different funding options.

Typically the District's construction contracts are principally funded with federal transportation dollars along with a local match. Two years ago, the construction of the Project was not eligible for federal transportation funding. This changed when MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141), was signed into law by President Obama on July 6, 2012.

MAP-21 provides broad eligibility for projects on the Bridge for federal highway funds. Specifically, **SEC. 1111. NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS. (e) BRIDGES WITHOUT TAXING POWERS. – (1) IN GENERAL** provides:

“Notwithstanding any other provision of law, any bridge that is owned and operated by an agency that does not have taxing powers and whose functions include operating a federally assisted public transit system subsidized by toll revenues shall be eligible for assistance under this title...”

MAP-21 also expressly states that nets on bridges are eligible for federal funding. **SEC. 1108 SURFACE TRANSPORTATION PROGRAM** provides that:

“(a) ELIGIBLE PROJECTS.-Section 133(b) of title 23, United States Code, is amended... (4)... (7) Highway and transit safety barriers and nets on bridges...”

These changes provided an opportunity to pursue federal highway funding for the Project.

The District has worked closely with MTC staff in developing a funding plan for the construction of the Project. It is anticipated that next month MTC will consider \$27 million of federal STP funds for the Project.

The District also has worked closely with Caltrans and the Federal Highway Administration (FHWA) to obtain federal HBP funds for the Project. Caltrans is slated to program \$22 million of these monies to the Project.

The federal funding participation in the project requires that the District comply with Caltrans and FHWA project review and contracting rules. Staff has been meeting with Caltrans and FHWA to determine the requisite process to comply with these requirements. The three agencies will enter into a Project Oversight Agreement that describes each agency’s role in the project implementation, including conditions that the District must satisfy prior to Caltrans and FHWA authorizing the advertisement of the construction contract.

The District has also pursued other nontraditional funding sources. On June 15, 2014, the state legislature passed the Budget Bill (Senate Bill 852) that provides for \$7 million from the Mental Health Services Fund (Proposition 63) for the construction of the Project. The Mental Health Services Oversight and Accountability Commission’s next meeting is on July 24th, and the approval of the \$7 million will be on the agenda.

Considering the external funding outlined above, approximately 75 percent of the total cost of the Project will be funded by external sources. However, as a condition of receipt of these funds, a local contribution will be required.

Although it has been the Board's longstanding expectation that funding for the project would be derived exclusively from external sources, and to date that expectation has been realized fully, it is now staff's recommendation that the Board approve the allocation of \$20 million from District Reserves to assure that the requisite local funding match will be in place. By virtue of this action, the Project will be fully funded, which will allow it to proceed to construction. It is staff's considered judgment there are ample policy justifications to support an allocation of District funds at this time, including the following:

- Various District personnel, including District patrol officers, ironworkers, painters, laborers and others, undertake suicide prevention activities that pose safety risks when they are called upon or volunteer to intercede by undertaking efforts to prevent individuals from jumping from the Bridge. There is a public purpose to be served by construction of a physical suicide deterrent system to mitigate these safety risks to District personnel;
- Suicide incidents also impose risks to users of the Bridge sidewalks, as well as to motorists who may be distracted while driving across the Golden Gate Bridge. Thus, there is a public purpose to be served by construction of a physical suicide deterrent system to mitigate safety risks to these users of the Golden Gate Bridge;
- A unique opportunity exists to leverage a comparatively small amount of District derived dollars in order to receive the preponderance of the projected construction costs from federal and state funding sources; and
- From a longer term perspective it is expected that the construction of the Project will provide the District with the opportunity to re-evaluate staffing levels, as suicide prevention will no longer be a significant part of our security staff's duties. This is anticipated to result in fewer staff and associated ongoing annual savings.

Finally, after considerable thought, reflection and soul searching, and attentive consideration to the range of views expressed by members of the public, many of whom have testified as to the impact and consequences of suicide on their lives, and in consideration of the fact that 46 people died in 2013 by jumping off of the Bridge, it is staff's opinion that construction of the suicide deterrent simply is the right thing to do at this time.

Until recently the construction cost estimate for the Project was \$66 million. This estimate was based on the 60 percent design plans and specifications. An updated cost estimate has been prepared based on the 95 percent plans and specifications, reflecting current market prices as well as the more refined design. That estimates projects a \$76 million cost.

The construction of the Project will necessitate the complete replacement of the rolling scaffolds beneath the Bridge that are used by District maintenance forces and engineers to maintain and inspect the Bridge, because the Project will block the existing scaffolding system from moving along the Bridge. Between the 60 percent and 95 percent design completion it was determined that additional structural modifications to the existing bridge elements were required for compliance with current design codes and to provide supports for the charging stations associated with the electric battery powered scaffold propulsion system. This explains the higher cost associated with the 95 percent plans and specification.

Additionally, the construction of the Project will be combined with a separate related project, the Wind Retrofit Project. By way of background, wind tunnel testing and analysis determined that the Project cannot be added to the Bridge until after the Bridge has been retrofit for wind. The Wind Retrofit Project has been scheduled as part of the final phase of the Golden Gate Bridge Seismic and Wind Retrofit Project. To avoid delaying the construction of the Project, the Wind Retrofit Project will be added to the construction contract for the Project. The Wind Retrofit Project has been separately environmentally cleared, designed and funded. This \$8 million separate project will be combined with the \$76 million Project into one construction contract. The contract quantities and pay items will be segregated to clearly identify whether they are associated with the Wind Retrofit Project or the Project, and the respective projects' funding will not be comingled.

Fiscal Impact

The proposed inclusion of the Construction of the Golden Gate Bridge Physical Suicide Deterrent System Project in the FY 14/15 Bridge Division Capital Budget at a cost of \$76,000,000 will require \$20,000,000 from District Reserves. The total project funding, including construction, is detailed in the table below.

Phase		%	Agency	Fund Type
<u>Preliminary Invest/ Environmental</u>	\$1,850,000	93%	MTC	STP Exchange
	\$100,000	5%	City & County of SF	
	\$25,000	1%	Marin County	
	<u>\$18,000</u>	<u>1%</u>	Psychiatric Foundation/Other	
<i>PI/ENV Subtotal</i>	<i>\$1,993,000</i>	100%		
<u>Design</u>	\$5,000,000	100%	MTC	STP (PM)-District Swap
<u>Construction</u>	\$22,000,000	29%	Caltrans	Federal HBP Funds
	\$27,000,000	36%	MTC	Federal STP Funds
	\$7,000,000	9%	CA MHSOA Commission	State Prop 63 Funds
	<u>\$20,000,000</u>	<u>26%</u>	GGBHTD	District Reserves
<i>CON Subtotal</i>	<i>\$76,000,000</i>	100%		
Project Total	\$82,993,000			

Attached Resolution

GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT

RESOLUTION 2014-_____

**APPROVE FUNDING PLAN FOR CONSTRUCTION OF GOLDEN GATE BRIDGE
PHYSICAL SUICIDE DETERRENT SYSTEM PROJECT**

June 27, 2014

**THIS RESOLUTION IS ADOPTED WITH REFERENCE TO THE FOLLOWING
FACTS AND CIRCUMSTANCES, WHICH ARE FOUND AND DETERMINED BY THE
BOARD OF DIRECTORS:**

1. By Resolution 2005-015, adopted on March 11, 2005, the Board of Directors approved proceeding with environmental studies and preliminary design work for the development of a physical suicide deterrent system on the Golden Gate Bridge ("Project"). This action was taken after the Board reviewed the long history of the District's consideration of this highly challenging and controversial issue associated with suicides at the Golden Gate Bridge, considered extensive public testimony, and engaged in thoughtful deliberation. In taking this action, the Board considered the necessary steps and conditions for project development, including the development of design criteria, aerodynamic studies, alternative analyses, environmental analyses, and regulatory reviews. The Board took into account the difficulty, if not impossibility, of devising a suicide deterrent system that would make it physically impossible in all circumstances for suicides to occur. The Board authorized the President to constitute an advisory committee to work with staff to investigate and develop financial support from external public and private sources to finance the project. The estimated cost for the development of environmental studies and preliminary design work ("Studies") for a physical suicide deterrent system on the Golden Gate Bridge contemplated by Resolution 2005-015 was \$2 million.

2. By Resolution 2005-033, adopted on April 22, 2005, the Board of Directors approved adoption of new policy level criteria for use in the evaluation of alternatives for physical suicide deterrent systems ("Policy Criteria"). The new criteria specified eleven different elements, briefly summarized as follows: a potential physical suicide deterrent system must impede the ability of an individual to jump off the bridge; not cause safety or nuisance hazards to sidewalk users; be able to be maintained as part of routine bridge maintenance without undue risk of injury to District employees, not diminish the ability for adequate security of the Bridge; allow access to the underside of the Bridge for emergency response and maintenance activities; not have a negative impact on wind stability of the Bridge; satisfy state and federal historic preservation laws; have minimal visual and aesthetic impacts on the Bridge; be cost effective to construct and maintain; not create undue risk of injury to anyone who comes in contact with the suicide deterrent system; and not prevent construction of a moveable median barrier on the Bridge.

3. In order to fund the Studies, the Board advisory committee and District staff sought funding from external sources, regional and local governmental entities, as well as private sources. As of March 2006, the Metropolitan Transportation Commission allocated \$1.6 million of federal funds for the Studies, to be matched by \$400,000 from local funding sources. Local funding in the amount of \$100,000 from the City and County of San Francisco, \$25,000 from the County of Marin, and \$18,600 from the Psychiatric Foundation of Northern California and other donors was raised. Based thereon, the Board of Directors adopted Resolution 2006-020 on March 10, 2006 to authorize proceeding with Phase One of the Studies, consisting of conceptual designs, and initial wind stability testing and analysis, with the understanding that no further work would be authorized until full funding from sources other than District funds were secured. District staff proceeded to prepare a Request for Proposals for the Studies. Full funding was secured as of June 2006 when the Metropolitan Transportation Commission approved a total of \$1,850,000 for the Studies.

4. As soon as full funding was secured, the District immediately issued a Request for Proposals to engineering, planning and architectural firms for this work. By Resolution 2006-077, adopted on September 22, 2006, the Board authorized the hiring of DMJM Harris, Inc. to prepare preliminary design, wind tunnel testing and environmental studies for a physical suicide deterrent system on the Golden Gate Bridge.

5. In July 2008, the District issued the draft Environmental Impact Report/Environmental Assessment and Section 4(f) evaluation for public comment in compliance with applicable California Environmental Quality Act ("CEQA") requirements. The Draft EIR/EA identified five "build" alternatives under the District's Policy Criteria for a physical suicide deterrent system. The District held numerous public meetings and received over 5,000 comments on the Draft EIR/EA. By Resolution 2008-090, adopted on October 10, 2008, the Board approved the selection of Alternative 3, a net system extending horizontally twenty feet below the sidewalk, as the Locally Preferred Alternative for the physical suicide deterrent system project ("Net System").

6. The California Department of Transportation issued a Finding of No Significant Impact for the project under the National Environmental Policy Act on January 19, 2010. A Final Environmental Impact Report and Environmental Assessment and Section 4(f) Evaluation with Finding of No Significant Impact was issued on January 22, 2010. By Resolution 2010-015, adopted on February 12, 2010, the Board of Directors certified the Final EIR/EA as compliant with the California Environmental Quality Act and State CEQA Guidelines, adopted Findings of Fact, and a Statement of Overriding Considerations to support its certification. The Board adopted Alternative 3, the Net System, along with certain mitigation measures identified in the Final EIR/EA to be incorporated as part of the approved alternative.

7. With the completion of the Studies and successful conclusion of the federally and state mandated environmental processes, the Project was ready to proceed to the final design phase. In July 2010, the Metropolitan Transportation Commission approved \$5 million in Federal Surface Transportation Program/Congestion Mitigation and Air Quality Improvement Program funds for the final design of the project. By Resolution 2010-068, adopted on August 13, 2010, the Board of Directors authorized acceptance of these funds and issuance of a Request for Proposals for the final design of the physical suicide deterrent system. By Resolution 2011-059,

adopted on June 24, 2011, the Board awarded a professional services agreement to HNTB Corporation for the final design work in the amount of \$3,990,000. Subsequent amendments to the scope of work has increased the design contract to \$ 4,190,000. The consultant has completed the final design, and development of detailed construction contract documents for advertising the project is currently underway.

8. Subsequent to the certification of the Final EIR/EA, the Board of Directors and staff have engaged in extensive efforts to obtain construction funding for the Project. Advocacy for construction funding has taken place at the federal, state and regional levels of government. As a result of these efforts, specific legislation was obtained in MAP-21, the 2012 federal surface transportation funding authorization bill, to deem suicide deterrent systems on bridges eligible for federal funding. Based thereon, the District now anticipates receiving \$22 million in federal Highway Bridge Program funds programmed by the California State Department of Transportation. Additionally, the District anticipates receipt of \$27 million in federal Surface Transportation Program funds programmed by the Metropolitan Transportation Commission and \$7 million from California Mental Health Service Act (Proposition 63) funds, leaving a projected shortfall of approximately \$20 million required to fully fund the project construction cost of the Project.

9. The assiduous efforts of members of the Board and District staff have resulted in the commitment of approximately 75% of total Project costs, inclusive of technical studies, environmental compliance efforts, preliminary and final design and projected construction costs, from external sources. However, as a condition to the receipt of these funds, a local funding contribution will be required.

10. The Board has carefully weighed all public input on the use of District revenues for the construction of the physical suicide deterrent system on the Bridge, and the competing priorities for the District's limited resources. It is mindful of the serious fiduciary responsibility it bears for ensuring that the District's fundamental mission is carried out. That mission consists of providing safe and reliable operation, maintenance and enhancement of the Golden Gate Bridge, and to provide transportation services, as resources allow, for customers within the U.S. Highway 101 Golden Gate Corridor. In the considered opinion of the Board, the implementation of safety measures, such as the imminent installation of a movable barrier on the Golden Gate Bridge, as well as a project intended to mitigate the risk of suicides off the Golden Gate Bridge, are in keeping with that mission.

11. Based upon the foregoing, the Board of Directors hereby finds and determines, that as a matter of policy the construction of a suicide deterrent on the Golden Gate Bridge is eminently appropriate and justified for several reasons, including:

a. Various District personnel, including District patrol officers, ironworkers, painters, laborers and others, undertake suicide prevention activities that pose safety risks to each of them when they are called upon or volunteer to intercede by undertaking efforts to prevent individuals from jumping. There is a public purpose to be served by construction of a physical suicide deterrent system to mitigate these safety risks to District personnel;

b. Suicide incidents also impose risks to users of the Bridge sidewalks, as well as to motorists who may be distracted while driving across the Golden Gate Bridge. Thus, there is a public purpose to be served by construction of a physical suicide deterrent system to mitigate safety risks to these users of the Golden Gate Bridge;

c. A unique opportunity exists to leverage a comparatively small amount of District derived dollars in order to receive the preponderance of the projected construction costs from federal and state funding sources;

d. From a longer term perspective it is expected that the construction of the Project will provide the District with the opportunity to re-evaluate staffing levels, as suicide prevention will no longer be a significant part of our security staff's duties. This is anticipated to result in fewer staff and associated ongoing annual savings; and

e. After considerable thought, reflection and soul searching, and attentive consideration to the range of views expressed by members of the public, many of whom have testified as to the impact and consequences of suicide on their lives, the Board has concluded that construction of the suicide deterrent simply is the right thing to do at this time.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Golden Gate Bridge, Highway and Transportation District that the Bridge Division Fiscal Year 2014-15 Capital Budget be amended to include \$76 million for the construction of the Golden Gate Bridge Physical Suicide Deterrent System (Net System) Project, with the understanding that the project will be funded with \$22 million of federal Highway Bridge Program funds programmed by Caltrans, \$27 million of federal Surface Transportation Program funds programmed by the Metropolitan Transportation Commission, \$7 million of California Mental Health Service Act funds (Proposition 63) and \$20 million from District reserves.

ADOPTED this 27th day of June, 2014, by the following vote of the Board:

AYES ():

NOES ():

ABSENT ():

President of the Board of Directors

ATTEST: _____
Secretary