

Why Oakland sued Caltrans

Editor — For more than 10 years, the abysmal condition of Caltrans' vacant lots, yards, highway ramps and overpasses in Oakland have been a source of misery, diminishing our quality of life, reducing property values, inviting dumping and creating dangerous conditions.

In October and November 2004, the Oakland City Attorney's Office sent abatement notices to Caltrans along with photos of blighted sites and issued a public records request for documentation of its maintenance schedule.

Copies of these notices, along with numerous phone calls, were sent to state leaders in the hope that they might use their political clout to help clean up the problem.

In January and March of this year, we received data in response to our public-records request that was indecipherable, and correspondence explaining our evidence of the problem was "stale."

In April, a television station aired an investigative report on Caltrans' blight in Oakland and following the report, Caltrans officials contacted us to talk about establishing a maintenance agreement.

In July of this year, Caltrans made it clear it would not sign any legally binding maintenance agreement. The Oakland City Attorney's office filed a public nuisance lawsuit against Caltrans in Alameda County Superior Court. Three days after our complaint was filed, Caltrans Director Will Kempton finally took action. Caltrans showed up in Oakland and made a good effort to begin cleaning up its mess.

All of us who live in Oakland should be grateful and encouraged by this start. But we need much more. Overgrown weeds aren't litter; they are a fire hazard. Caltrans' dereliction of its duties as a property owner is further evidenced by its failure to discover a skateboard park that existed on a Caltrans right-of-way for more than a year.

Oakland doesn't like having to file this lawsuit, but we can't shrink from our responsibilities to our people. We hope to resolve this issue with Caltrans quickly. A simple, legally binding maintenance agreement to be a good neighbor will solve the problem and establish a fair standard.

JOHN RUSSO
Oakland City Attorney

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