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December 20, 2010

Executive Director
Fresno County Transportation Authority
2220 Tulare Street, Suite 411
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Re: Interpretation of the Measure "C" Expenditure Plan Earmark for Bicycle Facilities

The Measure "C" Extension Expenditure Plan Earmarks for Bicycle Facilities requires that "these funds may be used only for retrofitting bicycle lanes within the circulation system that existed as of January 2007 or the date of adoption of the Master Plan" (page A-6). It was the intent of the Measure C Extension Steering Committee that wrote the Expenditure Plan that these funds be used to install new bicycle lanes on already developed streets, hence the use of the word "retrofit".

In early December I was informed that the Authority had interpreted the definition of "retrofit" to include "update". The Authority then asserted that this interpretation then allows for the "update or maintenance" of existing bicycle lanes with Measure C Extension Bicycle Facilities Program funds.

I assert that this interpretation is incorrect on two grounds. First it violates the intention of the Steering Committee as stated above. Second this interpretation is not consistent with the definition of the word "retrofit". The Random House Dictionary, second edition, unabridged, 1987, provides four definitions of the verb "retrofit":

1. To modify equipment that is already in service using parts developed or made available after the time of original manufacture
2. To install, fit, or adapt (a device or system) for use with something older
3. (of new or modified parts, equipment, etc.) to fit into or onto existing equipment
4. To replace existing parts, equipment, etc., with updated parts or systems.

All four of these definitions are consistent with the act of "updating" because the modified device or system is improved after the "retrofit". However, none of these definitions encompasses the act of "maintenance" which does not enhance or improve the original device or system. Maintenance only keeps the device or system at the level of the initial construction or installation. The intent of the Steering Committee most nearly matches the second or third definitions.

Bicycle lanes, once installed, are part of the roadway. Maintenance of bicycle lanes should be part of the roadway maintenance program and paid for out of maintenance funds.

In early December I was also informed that any appeal of the Authority's interpretation

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of "retrofit" should begin with the Measure C Extension Steering Committee. I also disagree with this appeal process. The Steering Committee was created to write the Extension Expenditure Plan. The Committee completed its work and was disbanded in early 2006, more than four years ago. It is both unrealistic and unnecessary to attempt to reconvene that Committee to resolve this issue. Implementation and interpretation of the Extension Expenditure Plan is now the purview of the Fresno County Transportation Authority's Board of Directors.

I would be pleased to discuss these matters with you. My phone number is 432-8830, and my email address is ndpaladino@sbcglobal.net.

Sincerely

A handwritten signature in black ink, appearing to read "Nicholas Don Paladino". The signature is fluid and cursive, with the first name "Nicholas" being the most prominent.

Nicholas Don Paladino
Advocacy Director, Fresno Cycling Club
Member, Measure C Citizens Oversight Committee

cc: Executive Director, Fresno Council of Governments