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City seeks to maintain traffic safety during overpass protests

By Pippa Fisher



Protestors on the El Curtola Pass on Feb. 10.
Photo Pippa Fisher

The discussion about dangers posed to freeway traffic versus first amendment rights on a Lafayette overpass broadened as the council heard from various agencies and looked for possible ways to mitigate threats to traffic safety and neighborhood nuisance, such as installing shade cloth or slats to reduce visibility from the road, and by requesting protesters park their cars on the north side of the bridge to reduce the impact on neighborhood residents.

The El Curtola overpass has been the regular scene of pro-Trump rallies since August 2020, periodically attracting counter protests. Protesters affix signs to the fence to attract the attention of drivers below and have used bullhorns and amplified music. City manager Niroop Srivatsa reported that the LPD has received numerous calls for service during this time, including recently when a sign was thrown over the bridge onto the freeway by someone not associated with the protest, and on another occasion in response to an accident thought to be the result of distracted driving.

Lafayette Chief of Police Ben Alldritt, California Highway Patrol Captain Ben Moser, and California Department of Transportation Maintenance Manager Will Hauke joined the city council Feb. 8 for the discussion. The bridge is owned by CalTrans, freeway safety issues caused on the bridge are the responsibility of the CHP, and the bridge is maintained by the city of Lafayette.

Hauke explained that CalTrans follows law that does not permit commercial signs or flags to be affixed and noted that the agency does not allow permits for demonstrations on overpasses, although he pointed out they are not responsible for enforcement. Alldritt said that organizers have been willing to engage with the PD.

Moser explained the CHP is currently monitoring traffic in the area and looking at data, prompting Vice Mayor Teresa Gerringer to ask, "What's the point at which it becomes such a safety issue that you can then step in and do something else to manage it?"

Council Member Carl Anduri said that no matter what group is protesting, commercial advertising is prohibited because it is a distraction and that political speech is no different and asked Moser, "It only takes one distracted driver to cause an incident that we're all going to regret. How do you make that judgment?"

Anduri said that he could not understand why, when it was their intent to break the law and affix signs, it can't be stopped. "If it's not allowed, why isn't there interaction with the people . to encourage them not to violate the law?" Moser said the CHP would be willing to engage with the organizers.

Members of the public weighed in on both sides, with residents who live in the area complaining about the noise nuisance, feeling threatened, and the protesters not wearing masks, and from protest organizer Lisa Disbrow who explained they try to work with the community. She said she monitors the noise level and has no problem with keeping it down. Disbrow said that following a request two weeks ago from the council they now stick to one side of the sidewalk, and have not used bullhorns since Nov. 4.

The group meets every Monday and Friday afternoon and currently plans to continue through the end of February.

Calling for the CHP to increase its monitoring, Mayor Susan Candell said that especially after the two recent incidents on the freeway, "I find it concerning that we know that they (incidents) happen and somehow that's not a threshold," adding that she expects clarity on where the CHP's threshold is on freeway safety.

Candell confirmed with Hauke that he would look into fencing or slats for the bridge in place of the current chain-link, to reduce visibility to drivers and to make it hard to attach signs and flags illegally. She thanked protesters for staying on the one side of the bridge and asked them to park in the future on the other side of the highway, to lessen the impact on neighbors.

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