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City formally requests state help with law enforcement on freeway overpass

By Pippa Fisher

City leaders took the next step in their attempt to deal with what they see as the ongoing distractions to traffic by protesters on the overpass in Lafayette by formally requesting help from state agencies.

The council voted unanimously at its March 8 meeting to escalate the situation with a resolution urgently requesting law enforcement on the bridge, to be sent to the California Department of Transportation, and the California Highway Patrol.

There was no discussion from the council or members of the public at this meeting, however the topic has been before the council earlier in the year, including at a February meeting, which was also attended by CHP Officer Captain Ben Moser and by Caltrans Region Manager Will Hauke.

Pro-Trump protesters have used the El Curtola Boulevard overpass as a frequent and regular location for demonstrations since August 2020, attracting the attention of the heavy traffic passing underneath on Highway 24 with flags and signs attached to the chain link fence.

In her letter to Caltrans and the CHP, Mayor Susan Candell notes, "We were informed by your representatives that this is in violation of Streets and Highways Code 720-734, yet no action has been taken to correct it and the signs continue to be a distraction to the motorists."

The demonstration has attracted counter-protesters on occasions, and the Lafayette Police Department has received numerous calls for service. Recently a flag was thrown from the bridge onto the freeway below by a counter-protester.

The challenge enforcing the law in this case is complicated by its being a bridge located in Lafayette but not owned by the city; a bridge owned by Caltrans which is not an enforcement agency, and over a freeway patrolled and under the jurisdiction of the CHP, which says it is not responsible for encroachment issues unless requested from Caltrans.

Complicating the issue still further is the city's sensitivity to protesters' rights to free speech. "While the city of Lafayette recognizes and respects the First Amendment rights of all protesters, we are increasingly concerned about the safety of the motorists on the highway," said Candell in the letter.

In an email to the city dated March 8 Beth Colombini wrote that her daughters were "violently rear ended under the El Curtola overpass on Highway 24 on Friday, March 5 at 5 p.m. as Trump supporters were protesting." She said that she arrived on scene only to find out there were two accidents in the span of 15 minutes, and while they were talking to the CHP a third accident happened right in front of them.

In another letter to council Carl Kalauokalani, however, urged caution in addressing the protests. "I ask that you reject the notion that expressing an idea atop a pedestrian walkway be considered anything other than a group of Americans giving voice to their concerns, and that you continue to preserve the right of all to express themselves in similar fashion."

The city has received multiple emails from people both concerned with traffic safety issues and impacts on residents in the neighborhood, as well as from people concerned that the city is trying to silence the protesters' message.

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