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# TOLLROAD

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Ferguson said he still believes the toll is bogus. "I'm not convinced that what has transpired here is legal by state law. Even if it were legal, though, I am convinced that the public didn't know about it."

Corona del Mar residents have expressed fury over the planned toll booth, which they say officials tried several years to hide from them.

"I have attended what seems to be dozens and dozens of meetings — about EIRs, Coastal Commission meetings in Santa Monica — and never once did I

hear a toll was going to be implied," said Lucrea Hayton, president of the Corona del Mar Chamber of Commerce.

People living in Corona del Mar fear Laguna Beach motorists will avoid the \$1 round-trip toll and stop using Newport Coast Drive to get to Irvine, John Wayne Airport and other central county destinations.

They believe they will instead take MacArthur Boulevard or Marguerite Avenue to Coast Highway, bottle necking traffic in their seaside village.

Smith said the public had at least 10 opportunities during the past few years with Newport Coast Drive.

He said the tollbooth was mentioned

in several environmental impact reports, some of which were the size of big-city telephone books.

Ferguson said that's irrelevant. "If I showed you the chronology of how I was going to rob a bank, and then showed you the environmental impact report for how it's going to be done nicely, that still doesn't make it legal," he said.

The legislation permitting tollroads specifies a "parallel" free route must be available to motorists when a tollroad is built. Ferguson said the agency doesn't seem to be fulfilling that requirement.

Thornton said the agency interprets "parallel" to mean existing parallel highways, such as the San Diego, Santa Ana and Costa Mesa Freeways, must be avail-

able. The agency is thinking about building a route around the tollbooth anyway, but their plan doesn't satisfy Newport Beach City Councilman Phil Sansone or Corona del Mar residents.

Yvonne Houseels, who represented the Harbor View and Laguna North neighborhood associations, as well as the Corona del Mar Residents Association and Irvine Conservancy, said the proposed bypass is too convoluted and out of the way.

"It is not acceptable and the toll must be removed," she said.

Sansone, who represents the city on the tollroad agency's operations commit-

tee, said the agency acted illegally when it failed to tell its bondholders about Corona del Mar's protest of the proposed tollbooth.

"None of that got into the prospectus" an angry Sansone said. "We been through that prospectus with a fine-toothed comb."

Ferguson agreed. "They hid it from the public and they hid it from the bond buyers, and that's a federal offense," he said.

Sansone replaced Councilman John Cox on the committee after a majority of the City Council voted to oust Cox, saying he wasn't fighting hard enough to get the toll removed.

# Ferguson urges tollroad investigation

### Assemblyman will talk with attorney general on validity of turning public road into tollway.

DAVID HEITZ, Staff Writer

NEWPORT BEACH — Unconvinced that a tollbooth can legally be placed on Newport Coast Drive, Assemblyman Gil Ferguson will ask Attorney General Dan Ingren for an investigation of the tollroad agency's plan to build a tollbooth on Newport Coast Drive.

Ferguson called the meeting, held at Newport's ornate Pacific Club, after several city officials and hundreds of residents flooded his office with protests about the 50-cent toll planned for Newport Coast Drive.

He opened the meeting, which was closed to the general public, with a pointed question: "I have had literally hundreds of communications ... all with the same kind of concern. How did this occur that the tollroad author-

ity is going to place tolls on this public road?" he asked.

"Excuse me assemblyman, but it's completely above board," said Rob Thornton, the agency's attorney.

"Well, the citizens don't believe it's above board, and that's why we're having a hearing here," Ferguson countered.

Thornton said state legislation passed in 1987, which was co-authored by Ferguson, explicitly gives the agency the right to build tollroads.

But Ferguson said the legislation says nothing about incorporating previously free roads, such as Newport Coast Drive, into tollroads.

A 1.6-mile portion of Newport Coast Drive, which was built in 1991 to handle traffic generated by housing development, will become part of the San Joaquin Hills Corridor when it's completed in 1997.

"How did this land ever get away from you?" Ferguson asked county transportation director Ken Smith.

Thornton answered for Smith, saying the portion of Newport Coast Drive that will become part of the tollway was transferred to the agency under a joint powers agreement between the county, several cities and the TCA.

"The TCA is the alter ego, if you will, of the county of Orange," Thornton said.

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