

THE GOLDEN GATE BRIDGE: A LEGAL HISTORY

By John S. Caragozian

San Francisco teems with icons: Alcatraz, cable cars, the Transamerica Pyramid. The greatest is the Golden Gate Bridge, an engineering and aesthetic marvel.

A railroad bridge across the Golden Gate was first suggested in 1872 by Charles Crocker, one of the “Big Four” founders of the company that had built the western portion of the transcontinental railroad. The railroad ended up with a different route to San Francisco, and the bridge idea faded.

Over 40 years later, a University of California engineering graduate-turned-journalist proposed a bridge in several San Francisco Bulletin editorials, but World War I diverted public interest.

The editorials, though, caught the attention of San Francisco City Engineer Michael O’Shaughnessy. In 1917, he asked a bridge engineer visiting from Chicago, Joseph Strauss, to evaluate the Golden Gate proposal. *See generally*, Stephen Cassady, *Spanning the Gate* (1986), at 13-16.

Strauss understood that a bridge posed a political challenge as well as an engineering one. Was a bridge needed? On the one hand, few people lived north of the Golden Gate; for example, Marin County had barely 27,000 people per the 1920 census. On the other hand, growing automobile traffic was straining the ferries that were the only link across the Golden Gate. Moreover, a bridge would enhance San Francisco’s commercial prominence with a direct link north.

In 1920, Strauss completed a Golden Gate Bridge proposal, including a design, budget, and revenue projections. With then-current technology, no suspension bridge could span the entire Golden Gate. Accordingly, Strauss’ initial design was an ugly hybrid, with cantilevered ends and a suspended middle.

Strauss held off publicizing his proposal until he could build political support, including from the northern counties. Strauss met with civic leaders, who eventually formed a Bridging the Gate Association and retained counsel. In 1923, the association successfully lobbied the California legislature to enact a Bridge and Highway District Act. Districts would have eminent domain and taxation powers, so that, for the first time, California counties could join together for infrastructure.

At the Golden Gate, a threshold issue was whether the U. S. War Department would allow a bridge that could impede maritime navigation. In 1924, the Department held hearings. Later that same year, the Department approved Strauss’ hybrid bridge, subject to such conditions as the federal government controlling the bridge during wartime, no tolls for government traffic, and wires and pipelines across the bridge dedicated for government use. *See id.* at 20-23.

After this approval, Strauss presented his design and a \$30 million budget to ten counties and asked them to join a Golden Gate Bridge and Highway District. Under the 1923 act, a petition signed by 10% of the number of a county's last gubernatorial election voters could require the county board of supervisors to vote on whether to join a district. Eventually, five northern counties — Marin, Mendocino, Napa, Sonoma, and non-contiguous Del Norte — joined the Golden Gate District.

However, two legal hurdles surfaced. First, San Francisco, the most important county, balked at the district's governance. Per the 1923 Act, San Francisco would have over 80% of the district's tax liability, but less than 40% of the district's board members. The state legislature amended the Act to give San Francisco half of the board. With this compromise, San Francisco supervisors voted to join the district.

The second hurdle was that Mendocino County tried to withdraw from the district. Mendocino claimed that (a) enough voters who had signed the original petition later signed a counter-petition, thereby bringing the signature total below 10%, and (b) the board of supervisors voted to repeal the ordinance joining the district. The California Supreme Court unanimously rejected Mendocino's claims, holding that neither voters nor the board of supervisors could effect a withdrawal. *Doyle v. Jordan*, 200 Cal. 170, 182, 186-87 (1926).

In 1928, the district received formal authority to build the bridge. Strauss was named chief engineer, and detailed planning commenced.

District engineers then learned that metallurgy advances would allow a pure suspension bridge without cantilevering. A suspension bridge, in turn, would flex better in high winds, and the district revised the design accordingly. However, the War Department posited that its 1924 approval would need to be revisited for the new design. Fortunately, after more hearings, the Department approved the new design in 1930.

A far more serious problem then emerged in the form of the 1929 stock market crash and Depression. Could the bridge still be financed? Would the toll revenue projections be met?

As an interim step in 1929, the Golden Gate District imposed a small property tax of 3 cents per \$100, but, even after being increased to 5 cents the following year, it raised only \$465,000 for administrative expenses.

In 1930, voters in the district's counties were asked whether to approve \$35 million in bonds to finance bridge construction. Civic leaders and labor unions foreseeing jobs urged a yes vote. Opponents included local shipping lines, ferries, and railways, all of which feared losing business, and anti-tax groups. Even city engineer O'Shaughnessy questioned the wisdom of such spending during the Depression. See Stephen Cassady, *supra* at 32.

Voters approved the bond measure by a 3:1 margin, but then no one bought the bonds. Buyers would materialize if the bonds were guaranteed by the real property in the district's counties; in other words, homes and other real estate would have to become collateral for the bonds.

The district agreed to this guarantee, but prospective bond buyers wanted assurance that it was within the district's legal authority. The California Supreme Court heard what it acknowledged was a "friendly" mandamus proceeding between the district and its secretary. *Golden Gate Bridge and Highway District v. Felt*, 214 Cal. 308, 316 (1931). Given that an actual controversy existed — via amicus parties opposing the guarantee — and given the need for a prompt resolution, the Court indicated that it could rule and held the guarantee to be lawful. *See id.* at 326-30.

Immediately upon this decision, two district taxpayers, backed by a Southern Pacific Railroad-affiliated ferry company, sued the district in federal court, again delaying bond sales. The taxpayers alleged due process violations, including (1) the district was non-contiguous and (2) the counties' respective tax burdens and benefits were mismatched. The court ruled in the district's favor. Del Norte County, even though not contiguous with the other counties, did not delegitimize the district, and the State Board of Equalization could address any tax inequalities. *Garland Co. v. Filmer*, 1 F.Supp. 8, 14-15 (N. D. Cal. 1932). With Southern Pacific and its ferry company facing adverse publicity, they did not appeal.

Still, the district was approaching bankruptcy, having been squeezed between ongoing administrative expenses and no bond sale income. In 1932, at the eleventh hour, Bank of America, at the behest of its legendary chair A. P. Gianinni, bought the first \$6 million tranche in bonds.

Bridge construction began in January 1933 and continued until completion in May, 1937, all during the depths of the Depression and without any federal money. Today, despite 84 years of salt air, strong tides and gale winds funneling through the Golden Gate, and billions of vehicle trips, the bridge's structure and beauty endure.

The Golden Gate Bridge is a tribute to the vision of Strauss, his colleagues, and the contractors who invented much engineering for what was then the world's longest suspension bridge.

It is equally a tribute to the laborers who worked below sea level to excavate for and pour the piers, inside the towers to pound hot rivets in darkness and toxic fumes, and at great heights where winds and fog-borne moisture made footing treacherous.

Credit, too, the government leaders and lawyers who created and defended the district that provided the bridge's critical political support and financing.

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