

BICYCLE & PEDESTRIAN ADVISORY COMMITTEE

Wednesday, June 13, 2007

MINUTES

1. CALL TO ORDER

The Regular Meeting of the Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:03 p.m. by Chairperson Wadler, Auditorium, Building A, VTA, 3331 North First Street, San Jose, California.

ROLL CALL

Members Present

Anna Brunzell
John Carpenter
Bruce Entin
Carl Hagenmaier
Thomas Muniz
David Simons
Jim Stallman
Richard Swent, Vice Chairperson
Bart Thielges
Herman Wadler, Chairperson
Joe Walton

Representative Cities

City of Los Altos Hills
City of Mountain View
Town of Los Gatos
City of Los Altos
City of Gilroy
City of Sunnyvale
City of Saratoga
City of Palo Alto
City of San Jose
City of Campbell
City of Cupertino

Members Absent

William Manry
Norma Rome
John Sullivan
Vacant
Vacant

Representative Cities

City of Monte Sereno
City of Morgan Hill
City of Santa Clara
City of Milpitas
County of Santa Clara

A quorum was present.

2. **ORDERS OF THE DAY**

Michelle DeRobertis, Senior Transportation Planner, requested **Agenda Item #9.**, Review the Bicycle Plan Update-Bicycle Expenditure Plan Projects be heard before **Agenda Item #7.**, Discuss the 2007 Bicycle Technical Guidelines Update: Onroad Bikeways on Major Roads and Bike Parking.

3. **PUBLIC PRESENTATIONS**

Akos Szoboszlay, Modern Transit Society, provided a written rebuttal to correspondence received from Santa Clara County Deputy County Executive Jane Decker to Chairperson Wadler on behalf of the Committee. Mr. Szoboszlay referenced his document titled, "County Staff Squashed VTA/County BPAC Request to Restore Non-Motorists' Rights to Use Roadways (Undo SB 1233)."

He expressed concern with several statements within the County's letter highlighting: 1) The opinion regarding pedestrians and bicyclists use of road shoulders; 2) County Expressway segments designated as freeways; and 3) Sidewalk construction cost versus pedestrian trail costs.

4. **Committee Staff Report**

Michelle DeRobertis, Senior Transportation Planner, announced that a VTA staff photographer would be photographing the BPAC meeting. Ms. DeRobertis gave a brief report highlighting: 1) VTA Board of Directors approval for appointment of an ex-officio member from the Silicon Valley Bicycle Coalition to the BPAC Committee; 2) Status of discussions with the County regarding the formation of a County BPAC committee. She stated that the current proposal indicates that the VTA BPAC would also serve as the Santa Clara County BPAC. The proposal will be heard at the County Housing, Land-Use, Environment and Transportation (HLUET) committee meeting on June 21, 2007; and 3) Updates on legislative bills AB 60 and AB1358.

The Committee requested an update on the proposed grade crossing at the Santa Clara Caltrain Station. Ms. DeRobertis commented that approximately \$6.5 million has been appropriated for the project through the Measure A program.

Member Stallman commented that at the June 7, 2007 VTA Board of Directors Regular Meeting the Board took action on Agenda Item #17., Authorize the General Manager to negotiate and execute a contract with Mark Thomas & Company to provide Preliminary Engineering, Environmental Planning and Final Design Services for the I-880 Improvements (State Route 237 to US 101) project for a total contract value not to exceed \$7,500,000 and an initial contract term through August 31, 2011. Member Stallman commented that in the Measure B Program, this project location did not contain allocations for bicycle lanes along Brokaw Road and also removed bicycle access to O'Toole Avenue. Member Stallman suggested project design staff visit the

Committee to discuss BPAC concerns. Ms. DeRobertis commented that she would contact staff to facilitate the visit.

5. Chairperson's Report

Chairperson Wadler encouraged Committee members to submit their bicycle and pedestrian concerns to be considered as possible items for future BPAC Agendas.

Chairperson Wadler suggested that Committee members invite interested members of the community to attend BPAC meetings.

Member Simons commented that the community might attend public forums if they have a vested interest in the topic of discussion.

Member Muniz commented that the Gilroy BPAC discusses upcoming work plans and items of interest that are considered for future agendas.

Member Stallman requested a status report on railroad-crossing safety in the County. He requested clarification as to whether the Julian Avenue Railroad Under Crossing is in compliance with the Americans with Disabilities Act (ADA) standards. Further he suggested the construction of bicycle lanes along Julian Avenue. Jerry Mikolajczyk, Acting Chief Financial Officer, commented that the request would be forwarded to staff.

Mr. Mikolajczyk suggested contacting and inviting local bicycling clubs and organizations to future BPAC meetings.

CONSENT AGENDA

6. (Removed from the Consent Agenda and placed on the Regular Agenda.)

Approve the Minutes of May 9, 2007.

REGULAR AGENDA

6. Minutes of May 9, 2007

Chairperson Wadler highlighted, Page 9 of 12 "Complete Street Spill" should be "Complete Streets Bill."

Member Carpenter noted that Agenda Item #11., Discuss Bicycle Related Legislation was not deferred as reflected in the Minutes.

Member Carpenter highlighted, Page 9 of 12, Agenda Item #12., Capitol Expressway Light Rail Project, Paragraph 3, should state the outside lane is 16 feet to accommodate both auto and bicycle traffic.

M/S/C (Thielges/Hagenmaier) to approve the minutes of May 9, 2007 as amended.

The Agenda was taken out of order.

9. Bicycle Plan Update-Bicycle Expenditure Plan Projects

Michelle DeRobertis, Senior Transportation Planner, provided an update on the projects in the Bicycle Expenditure Plan (BEP) as part of the update of the Countywide Bicycle Plan.

Ms. DeRobertis highlighted that the completed projects in the Bicycle Expenditure Plan include: 1) Campbell-Camden Avenue Pedestrian and Bicycle bridge replacement; 2) Cupertino-San Tomas Aquino/Saratoga Creek Trail-on-road; 3) DeAnza Trail Union Pacific Rail Road (UPRR) Right of Way Feasibility Study; 4) Gilroy-Uvas Creek Class 1 Trail-bridge Trail; 5) Milpitas-Berryessa Creek Trail Reach 3; 6) Coyote Creek Trail, Reach 1; 7) UPRR Bicycle/Pedestrian Overcrossing Feasibility Study 8) Palo Alto-Homer Avenue Undercrossing; and 9) Santa Clara-River Oaks Pedestrian and Bicycle Bridge.

The Committee requested clarification from staff regarding the BEP allocation process.

Member Simons requested staff provide an updated status of bicycle and pedestrian tiered projects that were indicated in the Valley Transportation Plan (VTP) 2020.

Ms. De Robertis commented that for unprogrammed BEP projects, the project sponsors might update their project cost estimates to account for inflation during the Triennial Review. She stated that unprogrammed BEP projects that are requesting additional allocations will be reviewed based on the program Evaluation Criteria.

On order of Chairperson Wadler, there being no objection, the Bicycle Plan Update-Bicycle Expenditure Plan Projects was discussed.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.

8. California Vehicle Code § 21960 Bicycle Access to Expressways

Akos Szoboszlay, Modern Transit Society, expressed concern with several statements included in the letter received from Jane Decker, Deputy County Executive. He expressed his support of reversing the California Vehicle Code (CVC) 21960 to prohibit bicycles from expressways.

Member Simons requested clarification regarding the size of designated segments that would constitute “expressways.”

Chairperson Wadler expressed concern with the size of the median on Almadén Expressway and requested clarification from staff of the size of the bicycle lanes on Almadén Expressway.

The Committee expressed concern with the statement in the County letter that “all expressways are freeways.”

Member Carpenter suggested that VTA General Counsel prepare a letter of response to Ms. Decker on behalf of the BPAC.

Corinne Winter, Silicon Valley Bicycle Coalition, suggested a meeting with Ms. Decker and the BPAC Taskforce outlining the concerns of the BPAC prior to sending a letter to the County Board of Supervisors.

M/S/C (Stallman/Walton) on a vote of 10 ayes to 1 noe to 0 abstentions to include the letter written by Akos Szoboszlay, Modern Transit Society entered into the minutes. Member Hagenmaier opposed.

“Modern Transit Society
moderntransit.org
PO Box 5582
San Jose CA 95150,
408-221-0694

County staff squashed VTA/County BPAC request to restore non-motorists’ rights to use roadways (undo SB 1233)

Akos Szoboszlay, President, Modern Transit Society (MTS)

May 9, 2007

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A letter from the VTA/County BPAC to the County Board of Supervisors (BOS)dated February 16, 2007 requested restoration of State law which

the County caused to be passed without public input and by using deceptive tactics. [For background, go to the short article at [link](#) or full article at [link](#)].

The reply [[link](#), dated April 13, 2007] by Jane Decker, Deputy County Executive who handles the Roads & Airports Department and also the BOS' Legislative Committee, has six statements, which are not based on fact, as described below under each quote. The rebuttal by the Modern Transit Society (MTS) follows each quote.

County's legislative process; BOS votes re: SB 1233

Every year, the BOS creates a list of changes to State law that staff is supposed to lobby for. This list is called, "[year] *Legislative Policies and Priorities*." Staff rejected the request from BPAC to add repeal of SB 1233** to the list for 2007, and it never came to a BOS vote.

BOS' 2006 vote:

However, the BOS (on January 10, 2006), placed repeal of SB 1233 on the *2006 Legislative Policies and Priorities* [details in item #6 at [link](#)]. The fact that the BOS voted to repeal SB 1233 is important because Michael Murdter (Director of County Roads) falsely stated to the City Council of Santa Clara (June 2006) that the BOS wants to impose more pedestrian prohibitions by citing SB 1233, when in fact, the last BOS action, just five months earlier, was to vote to seek repeal of SB 1233. [See quotes, audio clips, and Murdter's letter at [link](#)]

BOS' 2004 vote:

The *2004 Legislative Policies and Priorities* initiated SB 1233: It had an item to "install" and "post" traffic signs on expressways, without informing the BPAC. It had no mention of prohibiting or expanding authority to prohibit, which is what actually occurred in the legal text that was drafted by County staff — but never disclosed to County citizens — and then passed by SB 1233 using more false statements and deceptions. [Deceptions at the County level are detailed at [link](#). State level deceptions and false statements are at [link](#) and [link](#). The full article is at [link](#)].

Quotes of Jane Decker (Deputy County Executive) and rebuttals by MTS

1. Decker: "Virtually all expressway segments had long ago been designated as freeways by resolution of the Board of Supervisors" [BOS].

Rebuttal: This claim was withdrawn by staff in their revised staff report to the BOS, in 2004, after MTS informed County Counsel that it has no validity. Yet, it is used once again, as it was before, as justification to prohibit non-motorists.

The 1960s BOS had the intention of turning expressways into freeways, and the 1960s Santa Clara City Council had the intention of building a

nuclear power plant where Mission College is today. Neither occurred. Freeway declarations are just one step in a process of converting an existing road into a freeway, including the acquiring of all rights of access. That process for converting to freeway was never completed for expressways. The 1960s freeway declarations have no validity for prohibiting non-motorists from expressways, even without the 2003 BOS policy that recognized that expressways are arterial roads, not freeways: "The expressway vision statements all classify the expressways as arterials." [page 88 of County Expressway Master Plan, [link](#)].

Claim withdrawn: For at least 20 years, County staff has used this declaration irrelevant today — to enact or keep prohibitions of both bicyclists (until 1991) and pedestrians from what are, in reality, arterial roads. The previous occurrence of this claim deserves special mention because it is well-documented. In 2003, MTS informed the BOS that the County Roads management refused to comply with Sunnyvale's repeal of the pedestrian prohibition, and that staff had also violated BOS policy that supports wide shoulder use by pedestrians. County Roads staff merely had to remove *pedestrians prohibited* signs from Sunnyvale expressways to comply. The BOS referred the matter to staff.

In the resultant staff report, Murdter stated to the BOS' HLUET Committee (on February 2, 2004) that "*Board has designated nearly all expressway mileage as a freeway.*" — basically the same as Decker's claim (above) — and used that as the rationale for refusing to comply with Sunnyvale's repeal of the pedestrian prohibition. MTS then informed County Counsel that the claim was false. This claim was removed from Murdter's staff report to the full BOS (on 5/4/04, agenda #63), which was effectively a retraction. [For more staff's statements in 2004 which were withdrawn, links to staff reports, etc., see the MTS web page at [link](#).]

The BOS vote was to order removal of *pedestrians prohibited* signs in Sunnyvale (on 5/4/04) and staff removed the signs, one year after the repeal.

The 1960s freeway declaration simply has no legal or policy value today, and Decker's claim to the contrary needs to be retracted, just as the same claim by Murdter was withdrawn in 2004.

2. Decker: SB 1233 "did not expand County's authority."

Rebuttal: The only purpose of SB 1233 was to greatly expand authority, and it did that in several ways:

- 1) It greatly expanded authority statewide for all jurisdictions to prohibit non-motorists.
- 2) In this County, expressways are in City jurisdiction, and it greatly expanded the authority of cities to prohibit non-motorists from expressways.

- 3) It added a new definition of “expressway” to the Vehicle Code, such that almost any road – especially arterial roads since most already have limited driveway access, – can be declared an “expressway” for the purpose of prohibiting non-motorists. The new definition of “expressway” is “a highway having partial or complete control of access.” [CVC 314 referencing SHC 941.4 of which section h is excerpted]
- 4) The County can prohibit non-motorists from roads which meet the new definition if located in unincorporated areas.
- 5) The Silicon Valley Bicycle Coalition and the Modern Transit Society used the right of access, which was eliminated by SB 1233, to force removal of many *'Pedestrians bicycles ... prohibited'* signs on expressways, including all signs on:

Lawrence in Santa Clara circa 1992 — which as a result, today has sidewalks and bike-lane standards the entire way, and Capitol in San Jose in 1997. By then, all 'bicycles prohibited' signs on Capitol were changed to "bike lane" signs, and the shoulders, formerly claimed to be too dangerous to allow bicycles, had the "bike lane" symbol painted on them.

Due to SB 1233, the 'bicycles prohibited' and/or “pedestrians prohibited” signs can now be put back by County Roads by a simple vote of the respective city council on these and all other expressways by re-imposing bicycle and/or pedestrian prohibitions. Authority was certainly expanded, contrary to Decker’s claim.

3. Decker: “Primary reason [for SB 1233] was ... safety.”

Rebuttal 1: SB 1233 adds nothing to safety. Safety will be achieved by complying with existing BOS policies and orders. The likely reason for SB 1233 is to eliminate pedestrian facilities, including shoulders, and eliminate non-motorists from these arterial roads so that the entire right of way would be given over to motor vehicles.

Furthermore, prohibiting pedestrians and posting “pedestrians prohibited” signs has never stopped pedestrians because there is no practical alternative route in most cases. VTA has recognized that the hierarchical street pattern “forces” pedestrians to use arterial roads, including expressways. Posting “pedestrians prohibited” signs decreases safety because a) County Roads does not implement BOS policies and orders and b) for pedestrians who take detours, it forces needless crossings of intersections (typically, five times as many), compared with taking the shortest and most direct route along the expressway. SB 1233, if used to expand prohibitions, would actually increase the risk of a fatality for these reasons.

The BOS policy, since 1991, has been to create pedestrian paths regardless of whether or not there are pedestrian prohibitions, and then obtain repeal of those prohibitions.

Rebuttal 2: In a presentation to VTA/County BPAC on June 8, 2005, County staff stated the repeal of the pedestrian prohibition by Sunnyvale, in 2003, as the first listed (main) reason for SB 1233. [See their handout at [link](#)]. It seems that County staff attempted to thwart Sunnyvale's repeal with SB 1233, but didn't quite achieve that.

4. Decker: "Does not expand the County's statutory ability to restrict or prohibit bicycles"

Rebuttal: Everything stated in rebuttal #2 (above) is equally applicable to both bicyclists and pedestrians in the law. Not only the County, but all counties, cities and Caltrans can now prohibit bicycles from any road in their jurisdiction that has a "partial ... control of access," which includes most arterial roads. Prior to SB 1233, non-motorists could only be prohibited from freeways.

5. Decker: "SB 681 (Simitian) was not successful"

Rebuttal: This bill was due to the efforts of advocates who met with Senator Simitian, not County staff. Unfortunately, staff appears to have taken no lobbying action in Sacramento with regard to repeal of SB 1233 despite the BOS vote to do so.

SB 681 came to a vote in the Senate Transportation Committee in Sacramento, where it passed but then the Bill was dropped by Senator Simitian due to limited time and staff resources. This occurred even before the BOS vote to seek repeal. Staff should have drafted their own bill and lobbied for it, as they were directed by the BOS vote. Staff uses their claim that SB 681 "was not successful" as justification not to comply with the BOS directive, and why staff "did not include further action ... in ... [the] 2007 legislative priorities."

Staff, in fact, opposed repeal and placement on the *2006 Legislative Policies* list at the BOS' Legislative Committee, but lost the vote. They are achieving their desire despite losing the vote, by non-compliance with the BOS directive. And, that is likely the reason why staff "did not include further action," not that SB 681 was "unsuccessful" as staff claims.

Both Murdter and Dan Collen spoke to the City Council of Santa Clara last year, and cited SB 1233 to show that the BOS wants more pedestrian prohibitory ordinances — despite the last BOS vote for repeal. [See quotes, audio clips, and Murdter's letter at [link](#).] They also falsely stated that the BOS opposes shoulder use by pedestrians when in fact the 2003 Board policy states:

"[Wide] shoulder or path facilities can serve for occasional pedestrian use." [page 93, [link](#)].

Murdter and Collen were apparently believed by 4 of the 7 council members who voted to oppose allowing pedestrians to use pedestrian paths and wide shoulders along San Tomas.

All these facts indicate that County staff is working against repeal of SB 1233. Staff is putting effort into obtaining more pedestrian prohibitions, rather than: (1) restoring pedestrians' rights by opposing repeal of SB 1233, and (2) complying with the BOS policy to "encourage cities to repeal prohibition ordinances ... " [quote #3, [link](#)] by fighting against repeal.

6. Decker: "Focus efforts on ... additional funding ... as the ultimate solution to this issue."

Rebuttal: The ultimate and prompt solution is compliance with existing Board policies and orders. It costs very little to create unpaved pedestrian paths along the entire expressway system, which was the Board order in 1991, but never complied with. Funding, in fact, has already been approved by the Board at \$75,000 per year [quote #1 and #2, [link](#)], but no additional unpaved paths were created except by pedestrians' shoes.

** The term *SB 1233* used here refers only to portions of SB 1233 that were "sponsored" by Santa Clara County, since the vast majority of the bill was unrelated, and more-over, was used to hide the legal text drafted by County staff.

For more information, see
[Expressway topics, links page](#)
[SB 1233 contents, links page](#)
[SB 1233 short article](#).

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M/S/C (Stallman/Walton) to propose that a BPAC Taskforce meet with the County Executive and discuss concerns of the Santa Clara County sponsored revisions to CVC 21960 that were included in SB 1233.

Chairperson Wadler asked for volunteers to form a BPAC Taskforce to discuss strategies to present to the County regarding CVC 21960. Members Stallman, Wadler, Entin and Swent volunteered.

On order of Chairperson Wadler, there being no objection, the California Vehicle Code § 21960: Bicycle Access to Expressways was discussed.

OTHERS

7. **2007 Bicycle Technical Guidelines Update: Onroad Bikeways on Major Roads and Bike Parking**

Michelle DeRobertis, Senior Transportation Planner, provided a PowerPoint presentation regarding the 2007 Bicycle Technical Guidelines Update: Onroad Bikeways on Major Roads and Bike Parking highlighting: 1) Bike Lanes; 2) Striping with and without a parking lane; 3) Bike lanes approaching intersections, exclusive turn lanes and signalized intersections; 4) Pavement markings, signage in bike lanes; 5) Bike lanes at bus stops, steep grades, wide curb lanes; 6) Shared roadways; 7) Shoulders; and 8) Bike parking.

Ms. DeRobertis commented on definitions of bike parking highlighting: 1) Definitions; 2) Class I Secure Options; 3) Placement Dimensions and Criteria; 4) Bike Parking Quantity; and 5) Bike Parking Guidance by Land Use Type.

Vice Chairperson Swent commented that on Highway 84 near La Honda, California the shoulder striping is textured to provide audibles if an automobile ventures into the bicycle lanes. He commented the concept is a valuable safety factor for bicyclists if it is used on County high-speed roadways.

Member Thielges suggested adding in Section 7.3 signage indicating bicyclists have full use of lane.

Member Hagenmaier suggested lateral placement: centerline of symbol should be 12 feet minimum from edge of curb where there is on-street parking.

Member Simons suggested that 3B Smart-Card Bike Room Parking must be permanently designated with appropriate signage directing bicyclists to the location of the bike room.

On order of Chairperson Wadler, there being no objection, the 2007 Bicycle Technical Guidelines Update: Onroad Bikeways on Major Roads and Bike Parking was discussed.

10. **Committee Work Plan**

On order of Chairperson Wadler, there being no objection, the Committee Work Plan was reviewed.

11. **Announcements**

Vice Chairperson Swent commented that the Palo Alto weekly newspaper featured a story on bicycle commuters.

Member Carpenter commented that the Mountain View Bicycle Transportation Plan is in review and will go before the City Council for approval in 2008; and extension to the Stevens Creek Trail tunnel under El Camino Real is ongoing with plans to open in 2008; design of Stevens Creek Trail Overcrossing at Martha is ongoing; and the Permanete Creek Trail Overcrossing at Highway 101 is in progress.

Member Carpenter commented that in the City of Mountain View Bike to Work Day was a success with a record number of bicyclists participating in the event.

Member Thielges commented that the San Jose BPAC had not reviewed the San Jose Deficiency Plan. Member Thielges commented that due to term limits he would no longer be a member of the San Jose BPAC as well as the VTA BPAC.

Member Walton commented that a recent magazine article featured bicycle friendly communities and mentioned the Cities of Sunnyvale, Mountain View and Palo Alto.

Member Hagenmaier commented that the Los Altos Feasibility Study for the Stevens Creek Trail has held its first public outreach meeting to the community.

Member Simons commented that the City of Sunnyvale's bicycle staff person is leaving the position. Member Simons noted that a Sunnyvale bicycle/pedestrian neighborhood organization is studying concerns regarding the question, "Why are regional monies spent on a neighborhood project that would be damaging to North and South Mary Avenues bicycle routes."

Member Muniz commented that the City of Gilroy BPAC plans to meet June 26, 2007.

Member Brunzell commented that the Town of Los Altos Hills has initiated discussions to create a new bicycle and pedestrian route, which will provide a connection between Magdalena and El Monte Roads. Member Brunzell commented that the acquisitions of easements along the route are complete.

Member Brunzell recognized Member Hagenmaier as quoted in an article in the Los Altos Hills Town Crier newspaper article dated June 13, 2007, "New Bike Racks on Order in Los Altos."

Chairperson Wadler commented that the Campbell Avenue project under Highway 880 is attempting to identify and implement bicycle lanes. He noted Caltrans has indicated an interest to construct tunnels for bicyclists at the site.

12. ADJOURNMENT

On order of Chairperson Wadler, there being no objection, the meeting was adjourned at 8:46 p.m.

Respectfully submitted,

Jacqueline F. Golzio, Board Assistant
VTA Board of Directors