

Bicycle & Pedestrian Advisory Committee

Wednesday, June 10, 2009

MINUTES

CALL TO ORDER

The Regular Meeting of the Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:02 p.m. by Vice Chairperson Stallman in Auditorium, Building A, VTA, 3331 North First Street, San Jose, California.

1. ROLL CALL

Attendee Name	Title	Status
Cheryl Bunnell	City of Milpitas	Absent
Bruce Entin	Town of Los Gatos	Absent
Chris Fernandez	County of Santa Clara	Present
Carl Hagenmaier	City of Los Altos	Present
Nancy Ginzton	Town of Los Altos Hills	Present
Jerri-Ann Meyer	City of Mountain View	Present
Thomas Muniz	City of Gilroy	Present
Richard Ruh	City of Monte Sereno	Present
Marian Sacco	City of Morgan Hill	Absent
David Simons	City of Sunnyvale	Present
Jim Stallman	City of Saratoga	Present
John Sullivan	City of Santa Clara	Present
Richard Swent	City of Palo Alto	Absent
Herman Wadler	City of Campbell	Present
Joseph Walton	City of Cupertino	Absent
Jana Zavala	City of San Jose	Absent
Corinne Winter	SVBC	Present
Paul Goldstein	Alt Ex-Officio, SVBC	Present

A quorum was not present and a Committee of the Whole was declared.

2. ORDERS OF THE DAY

Vice Chairperson Stallman noted Michael T. Burns, General Manager, may be late as he is also attending the 5:30 p.m. Citizens Advisory Committee (CAC) meeting at the County Government Center.

Vice Chairperson Stallman recommended Agenda Item #10, Draft County Ordinance Relating to Special Events on County Roads be heard before Agenda Item # 9, County Ordinance Relating to Bicycles and Skateboards.

3. PUBLIC PRESENTATIONS

There was no Public Presentation.

4. Committee Staff Report

- County Report

Paul Pascoal, Santa Clara County Roads and Airports Department, reported the following: 1) Montague Project (an Economic Stimulus Bill project) was recently advertised and bid opening is scheduled for June 24, 2009; 2) Highland Avenue and Lindell Pedestrian Improvements will have its final walk through tomorrow; 3) Foothill Expressway at Loyola Corners Safety Improvement Project had its pre-construction meeting today; 4) Oregon Expressway/Page Mill Road construction started today; and 5) Capitol Expressway from Highway 87 to Seven Trees Boulevard Pavement and Pedestrian Improvement Project started construction this week.

Mr. Pascoal noted there were three teams from their group who participated in Bike to Work Challenge. The following teams earned places in national standing: Huffing and Puffing - 31st place, Magnificos - 26th place, and Road Warriors - 12th place.

- VTA Staff Report

Michelle DeRobertis, Senior Transportation Planner, reported the following: 1) Ying Smith's group came in first place in 3 categories in the VTA CMA Green Commute Challenge: the most multi-modal group, most green group, and best bike to work day effort awards; 2) The Local Streets and Government Commission is having a Complete Streets Workshop on July 10, 2009; 3) E-locker promotion is on-going and VTA is subsidizing the smart cards during the promotion period; 4) Bike Share Study is on-going and an update is scheduled for the BPAC August 2009 meeting.

Members Sullivan, Ginzton, Meyer and Alternate Ex-Officio Member Goldstein took their seats at 6:07 p.m. and a quorum was declared.

- City of San Jose Bike Collision Study

John Brazil, Bicyclist and Pedestrian Program Coordinator for the City of San Jose, provided a handout and briefly discussed the City's 2007 Year End Collision Analysis report.

Mr. Brazil noted the report data were collected from transportation and public safety personnel (i.e. police officers) and public health records. Software tools were used to analyze this data. The goal of the report is to make roads safer by creating facilities or physical barriers and change behaviors of motorists, pedestrians, and bicyclists.

Member Hagenmaier took his seat at 6:15 p.m.

Mr. Brazil reviewed the statistics of who is at fault for bicycle collisions, noting 43 percent of the collisions were bicyclists' fault while 36 percent were drivers' fault. The remaining 21 percent is unknown. He also reviewed the following for both bicyclists and pedestrians collisions: collisions types, collision descriptions, who is at fault; map of intersections where most accidents occur in the City of San Jose; and age of at-fault pedestrian/bicyclist.

Ex-Officio Member Goldstein inquired if there were trends during the three years the report was prepared. Mr. Brazil noted there were fewer collisions last year.

Ex-officio Member Goldstein noted Stanford University categorizes the severity of bicycle accidents from Level 1 to 4, with Level 4 as fatal. He noted there were many Level 3 (brain injuries, etc.) accidents. He noted the importance of obtaining those types of data.

Member Wadler noted the report suggests the most common cause of accidents caused by bicyclists is riding on the wrong side of the roadway and inquired if the data in San Jose is different from the national average. Mr. Brazil noted wrong way riding is part of the built-in environment in San Jose because of the wide intersections.

Member Simons noted the need to encourage bicyclists and pedestrians to wear reflective materials considering the speed of bikes and vehicles on roadways. Mr. Brazil noted speed is a major issue and there should be policy decisions that enforce safe driving and adherence to posted speed limits.

Member Sullivan noted based on studies from 1991- 2002, bicyclists and motorists have the same amount of responsibility in bike collisions.

Vice Chairperson Stallman thanked Mr. Brazil for providing the report.

Mr. Brazil invited Members to the League of American Bicyclists Smart Cycling Conference which be held in San Jose on June 18-19, 2009.

- **Quarterly Report from the General Manager**

Michael T. Burns, General Manager reported the Board of Directors approved the Bicycle Expenditure Plan (BEP), which contains 81 projects on June 6, 2009. He thanked the BPAC for their contribution to the BEP and their efforts for the Bike to Work Day. He noted VTA is setting a great example in the region for delivering projects and noted the dedication of the following bicycle/pedestrian projects: Sunnyvale Borregas Bicycle and Pedestrian Bridge in April 2009; Cupertino Mary Avenue Bicycle and Pedestrian Bridge in April 2009; Morgan Hill Little Llagas Creek Trail in June 2009; Mountain View Stevens Creek Trail dedication in June 2009.

Mr. Burns also reported the Board of Directors approved the FY 10-11 budget at their June 2009 meeting. The approved budget includes close to a \$70 million shortfall, fare increases, use of reserves, and labor savings, retention of paratransit premium services, and development of paratransit premium rate. Mr. Burns noted four out of five labor groups in VTA have agreed to wage freezes and up to 12 furlough days per year. Mr. Burns noted VTA is still working with the Amalgamated Transit Union (ATU) to identify further labor savings. Mr. Burns cautioned the budget is based on assumptions and VTA's financial situation may worsen due to the decline of sales tax receipts and the current problem of the California State Budget.

Mr. Burns noted VTA will implement a "pay as you go" for the Measure A program. He provided a status on Measure A projects including: 1) The BART project will continue to move forward and get back to into the Federal Program by 2010; 2) Caltrain was allocated \$20 million for safety projects; 3) South County Double Tracking project will proceed; 4) Light Rail to Eastridge will be phased; 5) Vasona to Los Gatos is currently under federal environmental review; and 6) VTA will procure diesel hybrid electric buses using the Stimulus Package funds.

Mr. Burns stated the transportation industry in California lost dollars due to transferring transportation dollars to the general fund. He stated the California Transportation Commission (CTC) filed a lawsuit against the State of California for improper diversion of transit funds. The CTC is also preparing a ballot measure that will protect transportation funding in California.

Mr. Burns noted the VTA is involved in the High Speed Rail (HSR) project through Caltrain. Caltrain entered a Memorandum of Understanding with the HSR Commission and will be the lead organization to bring HSR to the peninsula. Mr. Burns noted the HSR is in the Environmental Impact Review (EIR) process until Year 2011-2012 and thus, by law need to keep all right-of-way alternatives open. VTA, its partners, and stakeholders will request for Stimulus Funding for the HSR, mainly for the Diridon Station in San Jose.

Lastly, Mr. Burns reported VTA saw the first ridership decline in two years in April 2009.

Vice Chairperson Stallman stated transportation is a component of "green building." He noted "green building" status should include EcoPass component as it will not only help the environment but may help VTA's revenue as well.

Ex-Officio Member Winter took her seat at 7:02 p.m. and Alternate Ex-Officio Goldstein will represent himself as Interested Citizen.

- **Share the Road Presentation**

Erin McDaniel, Silicon Valley Bicycle Coalition (SVBC), reviewed SVBC's goals, programs, and responsibilities. She provided a presentation entitled, "Share

the Road – Generating Goodwill Between Motorists and Cyclists.” The information about Share the Road is available at <http://wesharetheroad.org>.

Ms. McDaniel noted Share the Road is a program that aims to educate both cyclists and motorists, encourage safe roadway behaviors, and promote safety. She reviewed the issues affecting safety in roadways, bicycle crashes causations, and 2007 Bicycle Collisions Statistics. She highlighted the State of California had the second highest number of fatalities and 15 percent of the deceased were under the age of 16.

Ms. McDaniel explained the message of the program is “Everyone Fares Best When All Road Users Act Responsibly.” Everyone must follow the same rules, share the same roads, and have same rights. She briefly discussed the safety tips for both cyclists and motorists, common crashes and avoidance tips, Share the Road immediate goals and long-term goals. She encouraged members to become involved in the Program by contacting SVBC.

Member Simons referred to company bicycle-friendly certifications and inquired if this program has been implemented. Ex-Officio Member Winter responded yes and noted the Program was patterned after the Leadership in Energy & Environmental Design (LEED) program and has the same categories: platinum, gold, and silver. Member Simons suggested communicating the bicycle-friendly standards or point systems for corporation certification to the BPAC. He noted this information can be used and incorporated into the bicycle design guidelines in the future as appropriate.

Member Simons further suggested the presentation should note that SVBC provides letters of support for bicycle friendly projects to cities/county.

Member Ruh noted the intersection sensors should also be improved to recognize bicycles.

On order of Vice Chairperson Stallman, the County Report, VTA Staff Report, City of San Jose Bike Collision Study, General Manager Report, and Share the Road Presentation were received.

5. Chairperson’s Report

Vice Chairperson Stallman reported the following: 1) an appeal was received for the Regional Measure 2 (RM2), project applications; 2) the bus specification is on the VTA website; 3) the O’Toole/Brokaw/I-880 interchange and bicycle/pedestrian access issue should be in the Caltrans District 4 Bicycle Pedestrian Advisory Committee Agenda next month; 4) requested information about the next step for the missing sidewalk from the Airport to Coleman Avenue in San Jose; and 5) requested information on the status of VTA applications for the American Recovery and Reinvestment Act of 2009 (ARRA) funds.

CONSENT AGENDA

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

Approve the Minutes of May 13, 2009.

REGULAR AGENDA

6. **Minutes of May 13, 2009**

Ying Smith, Transportation Planning Manager and Staff Liaison noted the following corrections: 1) Page 3 of 6, Item #10, second paragraph, replace the paragraph with “Ying Smith, Transportation Planning Manager, explained the BEP is a long-term planning document. When funds come in for programming, such as the TDA3 funds, that is when the money is available for construction of projects;” 2) On Page 5 of 6, Item 13 and 14, fourth paragraph, strike out the word “collisions;” 3) On Page 5 of 6, Item 17, first paragraph, replace the word “city” with “county.”

Vice Chairperson Stallman noted on Page 1 of 6, Member Wadler should be reflected as City of Campbell’s representative and on Page 4 of 6, Item 12, fourth paragraph, “Wadler” should be replaced with “Walton.”

M/S/C (Simons/Wadler) to approve the minutes as amended.

7. **Advisory Committee Enhancement Update: June**

Jennie Loft, Public Information Officer, reported the ACE met on May 27, 2009 and discussed Advisory Committees roles and responsibilities, duplications and redundancies among the Advisory Committees, and how to improve communication to the Board of Directors. Board Vice Chairperson Sam Liccardo was also present and led the discussion about efficiencies and how VTA could cope with the current economic conditions. The next ACE meeting is scheduled on June 24, 2009. Staff will present a report on the status of the ACE recommendations to the Administration and Finance Committee on August 2009.

Ms. Loft thanked the three BPAC members who actively serve and contribute to the ACE.

On order of Vice Chairperson Stallman and there being no objection, the ACE Update for June 2009 was received.

8. **Advisory Committee Enhancement (ACE) Subcommittee Report**

Vice Chairperson Stallman expressed concern on the suggestion to combine Advisory Committees to have fewer Advisory Committees.

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

On order of Vice Chairperson Stallman and there being no objection, the ACE Update for June 2009 was received.

The Agenda was taken out of Order.

10. Draft Ordinance - Special Events (County)

Mr. Pascoal introduced Elizabeth Pianca, Santa Clara County Deputy County Counsel, Captain Chris Forrester and Captain Robert Schiller.

Ms. Pianca reviewed the background and Overview of the Draft Special Events on County Roads Ordinance (Division B3, Chapter VII) and stated the current ordinance does not have a coordinated and effective process to manage special events on county roads. The proposed ordinance seeks a balance between the duty of the county to keep safe operational county roads and the rights of individuals or groups to use roads to express ideas and beliefs. The County Roads and Airports will be the responsible department to oversee the ordinance when implemented. The fee structure will be developed later on in the process. Ms. Pianca noted she is requesting feedback from BPAC.

She provided Section B3-146 definitions for block party, expressive activity, road, special event, minor special event. She noted the conditions that would require a special event permit proposed under Section B3-147 and the exemptions to Section B3-148. She also reviewed the permit application, timeline and review process, denial/revocation process, appeals process, insurance and indemnity, and other provisions.

Carl Hagenmeier suggested there be a minimum number before notification is necessary. As currently written, the ordinance states events with under 200 participants is exempt from requiring a permit but must still notify the department.

Member Wadler expressed opposition to the proposed ordinance but expressed appreciation to the County for bringing the proposal for review to the BPAC. He noted there should be more detail on which special events are exempted from permits. He inquired if there is data supporting the premise that the number of special events has increased over the years and further inquired if the ordinance will increase the County's revenue. Ms. Pianca responded the County wishes to obtain feedback from the BPAC in order to make necessary revisions as appropriate. She added there is no data that show increased special events but this information can be monitored. She clarified this ordinance is not revenue producing but rather cost-recovery for issuing permits.

Ms. Smith noted Member Swent's written comments on the issue and noted a copy of his e-mail is provided for each member. Member Swent commented the Draft Special Event Permit Ordinance should have a clear definition of event and the scope of the section need to be narrowed down.

Paul Goldstein, Interested Citizen, recognized the need to keep the county roads safe. He referred to the written comments by Alan Wachtel, which was e-mailed to BPAC Members. He commented the permit exemptions should be revised and should only be required if the special event will require road closure or special sheriff presence.

Member Hagenmaier suggested including “public plaza” in the ordinance to address the allowed short-notice public forum at the County Government Center. He recommended clarity on the language used on Section B3-148 and suggested evaluation of the ordinance impacts, if implemented, to County Roads and Airports’ staff and budget. He further suggested implementing an online permit application option in the future.

Member Simons commented the language specifying 200 participants does not state in one place or throughout the whole day and noted that the maximum congregation size at a particular time is more important than the total participants involved. He added for insurance purposes, there should be clear differentiation between for-profit, non-profit, government-sponsored, or private events.

Ex-Officio Member Winter noted the enforcement challenges of the ordinance if it is implemented as currently written. She suggested including memorial rides as an exemption for permits given since it cannot be scheduled in advance.

Ms. Pianca suggested coming back to the BPAC in July 2009 with a revised draft ordinance, taking into consideration the comments Members made.

Upon inquiry of Vice Chairperson Stallman, Member Wadler volunteered to be a member of the subcommittee who will be the direct contact and resource to Ms. Pianca. Vice Chairperson Stallman noted Member Swent and Mr. Goldstein be nominated and invited to be part of the subcommittee.

Captain Forrester noted this draft ordinance is a living document that aims to provide safety for bicyclists, pedestrians, neighborhoods and motorists.

9. Regulation of Bicycle Operation: SC County Code Vs. the CVC

Ms. Pianca noted Member Swent brought to their attention there were outdated provisions in the County Code relating to bicycles and skateboards. The County is currently conducting a comprehensive review of the County’s ordinance codes and there are some codes that need to be revised.

In Member Swent’s prior e-mail he noted the following comments:1) proposed requirement to lock bicycles should not be mandated; and 2) sidewalk bike riding should be eliminated; and 4) proposed bike registration is ineffective.

Captain Forrester noted the Sheriffs’ Department does not issue bicycle licenses and does not have any interest in doing so therefore, this provision need to be removed.

Vice Chairperson Stallman requested the subcommittee for the Draft County Ordinance – Special Events make recommendations on this item as well. He further suggested the County Sheriff provide input to the draft.

OTHER

11. County Roads Capital Projects Update

Mr. Pascoal noted the update was provided at the County Staff report at the beginning of the agenda.

On order of Vice Chairperson Stallman and there being no objection, the County Roads Capital Projects Update was received.

12. BPAC Work Plan

Ms. Smith noted the new member orientation will be held in July 2009. All members are invited to participate.

Vice Chairperson Stallman suggested addition of the following for the July 2009 or future agenda: RM2 request for project submittals and staff presentation from San Francisco Bay Trail.

On order of Vice Chairperson Stallman and there being no objection, the BPAC Work Plan was reviewed.

13. ANNOUNCEMENTS

Ex-Officio Member Winter announced there was a 54 percent increase in participants for Bike to Work Day in Santa Clara County. She noted Safe Routes to Transit Grant Applications are available to agencies and offers up to \$750,000 for infrastructure and \$200,000 for planning grants.

Member Muniz reported the next Gilroy BPAC meeting is scheduled for June 23, 2009 and now reports directly to the Gilroy City Council.

Member Ruh announced his team came in 9th place at the Bike Challenge.

Member Meyer noted the City of Mountain View will have two dedications for two new aspects of Stevens Creek Trail this coming Saturday: 1) New Moffett Bridge and 2) El Camino to Sleeper Avenue. She announced SVBC will have an event at Sports Basement in Sunnyvale on June 16, 2009, from 6:00-8:00 p.m. She thanked all the volunteers for the Over and Under Tour held last May 17, 2009.

Member Wadler announced he trained a new cyclist. He also noted Mr. Brazil, Member Meyer and himself will be hosting one of the break-out sessions for the Smart Cycling Conference.

Paul Goldstein, Interested Citizen, noted the California State legislature passed a law a couple of years ago which mandates all new signal detection devices be sensitive to bicycles and motorcycles. However, this law will not be implemented until Caltrans issue the guidelines. He noted the discussion on the guidelines is on-going at the State level and is expected to be ratified within the next couple of months. Mr. Goldstein noted

the California Environmental Quality Act (CEQA) is currently being reviewed and expressed support for replacement of Level of Service (LOS) to Vehicle Miles Traveled (VMT) as part of the environmental review. He encouraged VTA to monitor the CEQA changes and express support for the removal of LOS from the CEQA guidelines. Lastly, Caltrans is revising Deputy Directive (DD64) to make sure all non-motorized travel is present on all Caltrans activities.

Vice Chairperson Stallman noted the City of Saratoga is applying for the remaining Measure B bicycle racks.

15. ADJOURN

On order of Vice Chairperson Stallman and there being no objection, the meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Elaine F. Baltao, Board Assistant
VTA Board of Directors