

Bicycle & Pedestrian Advisory Committee

Wednesday, August 12, 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 6:07 p.m. by Chairperson Walton in Auditorium, Building A, VTA, 3331 North First Street, San Jose, California.

The Agenda was taken out of order.

3. PUBLIC PRESENTATIONS

Jack Lueder, Interested Citizen, thanked the Santa Clara County Roads and Airports Department for being responsive. He announced the City of Santa Clara released the Draft Environmental Impact Report (DEIR) for the 49ers Stadium Project. The deadline for comments submission is September 14, 2009. He encouraged Members to review the document to ensure there are no negative impacts to bicyclists.

1. ROLL CALL

Attendee Name	Title	Status
Bruce Entin	Town of Los Gatos	Present
Chris Fernandez	County of Santa Clara	Absent
Carl Hagenmaier	City of Los Altos	Absent
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	Absent
Marian Sacco	City of Morgan Hill	Absent
David Simons	City of Sunnyvale	Present
Jim Stallman, Vice Chairperson	City of Saratoga	Present
John Sullivan	City of Santa Clara	Absent
Richard Swent	City of Palo Alto	Present
Herman Wadler	City of Campbell	Present
Joseph Walton, Chairperson	City of Cupertino	Present
Jana Zavala	City of San Jose	Absent
Corinne Winter	SVBC	N/A
Paul Goldstein	Alt Ex-Officio, SVBC	Present

A quorum was present.

2. **ORDERS OF THE DAY**

Dan Collen, Santa Clara County Roads and Airports Department, noted there is urgency to take an immediate action on Agenda Item #15. Draft Ordinance – Special Events, thus, the Committee need to convert the item from an Information Item to an Action Item. He explained since the BPAC meeting in September 2009 will likely be cancelled, the BPAC must make an action on the item today because the Santa Clara County Housing, Land Use, Environment and Transportation (HLUET) Committee will meet in late September 2009 to discuss this issue.

M/S/C (Swent/Wadler) to Invoke Article V, Section 5.8 of the BPAC Bylaws and convert Agenda Item #15. Draft Ordinance – Special Events from Information Item to Action Item.

5. **Advisory Committee Enhancement (ACE) Update: August**

Jennie Loft, Public Information Officer, provided a brief staff report on the ACE Process highlighting the strategies for improving the advisory committee process, increasing efficiency, and communication. Ms. Loft noted the report will be forwarded to the Administration & Finance Committee to obtain direction on how to proceed. Ms. Loft thanked Members Simons, Stallman, and Wadler for their work and effort for the ACE Process.

Chairperson Walton encouraged Members to send via e-mail to Ms. Loft any bicycle-pedestrian related pictures that VTA could use to decorate the Auditorium.

On order of Chairperson Walton and there being no objection, the ACE Update for August 2009 was received.

4. **ACE Subcommittee Report**

Vice Chairperson Stallman encouraged Members to forward suggestions to the Subcommittee or VTA staff on how advisory committees can be improved. He suggested reformatting the work plan similar to a Microsoft Project data type.

Member Simons inquired about the timeline for discussing the ACE recommendations within each Advisory Committees and gather feedback from Advisory Committee Members. Ms. Loft noted staff will wait the Administration and Finance Committee's recommended action before moving forward. The Chairpersons and Vice Chairpersons of each Advisory Committee will work on the work plans.

Member Wadler added Advisory Committee Chairpersons can meet and review the yearly work plan and determine if it makes sense to do joint meetings.

On order of Chairperson Walton and there being no objection, the ACE Subcommittee Report was received.

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

6. Committee Staff Report

Ying Smith, Transportation Planning Manager and Staff Liaison, reported staff added the following as standard items to the BPAC Agenda: 1) Report from BPAC Subcommittees; and 2) Local Jurisdiction Project Review Report. Ms. Smith reported the Valley Transportation Plan (VTP) 2035 document is now available in the VTA website. Members can request for a hard copy if needed.

Michelle DeRobertis, Senior Transportation Planner, announced she will be attending a Fellowship in Turin, Italy for the Comparative Domestic Policy through the German Marshall Fund in the Category of Regional Cooperation: Land-Use Transportation. She will be returning on December 2009.

Upon inquiry of Member Stallman regarding the Brokaw/O'Toole issue, Ms. DeRobertis noted it was discussed at the Caltans District 4 BPAC and it was decided there were no violations done since the bridge wasn't cut, detours were implemented, and Routine Accommodation was not yet a policy at the time when the project was constructed.

- Capital Program Update

There was no Capital Program Update

- County Report

Mr. Collen apologized for not attending the August 2009 BPAC meeting. He provided updates and visuals for the following projects: 1) Hyland/Lyndale Neighborhood; 2) Oregon Expressway and Page Mill Road Between Hwy 280 and Hwy 101; 3) Capitol Expressway between Hwy 87 and Seven Trees Boulevard; and 4) Foothill Express way at Loyola Corners. Mr. Collen also reported the San Tomas/Hamilton Intersection Improvements Project is completed, 32 trees were planted in the median of San Tomas, and Montague Expressway Project is under construction.

On order of Chairperson Walton and there being no objection, the Committee Staff Report was received.

7. Chairperson's Report

Chairperson Walton noted receipt of the following: 1) e-mail regarding hazardous pedestrian crosswalk on on-ramp from Mathilda to westbound U.S. 101; 2) e-mail from Member Hagenmaier regarding County Special Events Ordinance; and 3) e-mail from Bob Mack regarding County Special Events Ordinance. Hard copies of the e-mails are available on the table.

Upon inquiry of Chairperson Walton, Ms. Smith reported VTA staff talked to Golden Gate transit regarding their three-bike rack purchase. These three-bike racks are not compatible with the new buses VTA is going to purchase. VTA staff is working with its vendor and hopes something can be worked out before the delivery of the new buses in 18 months. Staff will come back to the BPAC as soon as more information is available about the three-bike rack.

Chairperson Walton noted the September 2009 BPAC may likely be cancelled. Chairperson Walton presented a Bicycle Safety Movie regarding safe riding from this website: <http://bicycling.511.org/traffic.htm>.

8. BPAC Subcommittee Reports

Member Swent reported the Education Subcommittee had discussions about target audience and had difficulty in figuring out what VTA can do given its limitations in jurisdiction and funding. The Subcommittee recommends the following: 1) post VTA-made signs about bicycle and pedestrian safety; and 2) participate in health, safety, and community events to reach out to people and provide valuable information about bicyclists and pedestrians.

Alternate Member Goldstein reported the Bike Ordinance Subcommittee was not able to engage County Staff regarding the issue.

On order of Chairperson Walton and there being no objection, the BPAC Subcommittee Reports were received.

CONSENT AGENDA

9. Minutes of July 8, 2009

Alternate Member Goldstein noted correction on Page 8, third paragraph to replace Ina Garhart with Ina Gerhard.

M/S/C (Stallman/Wadler) to approve the Minutes of July 8, 2009, as amended.

REGULAR AGENDA

10. January 2010 Service Changes

Jim Unites, Operations Deputy Director, provided a PowerPoint Presentation entitled, "Transit Service Reduction Plan". Mr. Unites reviewed the financial overview, public outreach, schedule, planned service reductions for both bus and light rail, environmental review, and impacts to different communities. The service changes are slated to go to the Board for consideration in October 2009 for the January 2010 implementation.

Vice Chairperson Stallman stated the Campbell community meeting was well attended and staff explained very well the need for service reductions. Vice Chairperson Stallman commented lower service levels affect bike mobility. He encouraged VTA Government Affairs staff to lobby for the following: 1) restoration of State Transportation Assistance (STA) funds; 2) High Occupancy Toll (HOT) Lanes revenues should be shared with the transit operator where monies are collected; and 3) prospective legislation to assess fees on carbon dioxide emissions from vehicles, if implemented, should be shared to transit operators as well.

On order of Chairperson Walton and there being no objection, the Committee received the January 2010 Service Changes information.

11. Development Review Program Enhancements & Proactive CMP Report April – June 2009

Robert Swierk, Senior Transportation Planner, distributed a handout entitled, “Summary of Typical Bicycle and Pedestrian-Related Comments in Development Review Comment Letters.” The objective is to obtain BPAC’s input if questions raised for the development review program are effective. The comment categories are: 1) bike parking; 2) sidewalks and bicycle lanes; 3) site design and pedestrian connections; 4) Roadway modifications – avoiding adverse impacts; and 5) Transportation Demand Management (TDM).

Member Meyer noted bike parking facilities should be placed appropriately to eliminate access issues and ensure it can be utilized.

Member Simons recommends comment categories mentioned above should be in a format that can be taken as conditions of approval. These should also be inserted into either the appropriate administrative hearing or for the final public hearing in the City Planning Committee meetings. He added VTA could encourage cities to have TDMs in the future.

Mr. Swierk noted staff is working diligently to tailor and target comments where it could be part of conditions of approval for a project. Also, staff is doing outreach with city staff to find out how to effectively include the comments as recommended conditions of approval.

Vice Chairperson Stallman suggested VTA should conduct workshops regarding Complete Streets and Routine Accommodations.

On order of Chairperson Walton and there being no objection, the Development Review Program Enhancements & Proactive CMP Report April – June 2009 was received.

12. VTA Comments on California Environmental Quality Act (CEQA) Guidelines Amendment

Ms. DeRobertis reviewed the formal comments on the CEQA guidelines specifically on the transportation checklist, highlighting VTA is very committed to multimodal planning.

M/S/C (Stallman/Swent) to recommend the Board direct the General Manager to submit a comment letter on the proposed CEQA Guidelines Amendments to the Resources Agency as presented in Attachment C of the memorandum with the addition of words referring to safety on item 3H of Attachment C.

13. Bike Sharing Pilot Program – Project Update

Aiko Cuenco, Transportation Planner, provided an update on Bike Sharing Pilot Program noting the major components of the program are market research, technology review, and develop business and financial plan. Currently, staff is working on the market research and is working on survey questions. Ms. Cuenco showed pictures of the BIXI bike sharing demonstration VTA hosted on August 4, 2009.

On order of Chairperson Walton and there being no objection, the Bike Sharing Pilot Program Project Update was received.

14. Regulation of Bicycle Operation: Santa Clara County Code (County Item)

Member Meyer noted Kevin Jackson recommends the following: 1) use bicycles on sidewalks and paths for people of any age whenever they deem it necessary for their safety; and 2) exercise due care and safety of others while bicycling on sidewalks.

Alternate Member Goldstein expressed concern about a countywide ordinance prohibiting cycling on sidewalks but allowing minors to use bikes on sidewalks. He noted the City of Palo Alto prohibits cycling on sidewalks only on business districts. The language should be changed to reflect that persons exercising due care for the rights and safety of others may use the sidewalk except in other places. He added the County can reserve the right to post bicycle specific signs where bicycles are not permitted. Members Swent and Wadler supported Alternate Member Goldstein's comments.

Elizabeth Pianca, Santa Clara County Deputy Counsel, noted the County Roads and Airports Department will be the one to decide regarding bicycling on sidewalks.

M/S/C (Meyer/Wadler) to recommend the County of Board of Supervisors revise Chapters I and II of Division B5 of the Ordinance Code regarding bicycles on County Roads with the following amendments: 1) remove Chapter I Section B5-2 Minors riding on sidewalks; and 2) Reword Section B5-1 Riding on sidewalks on pedestrian paths to reflect "Any person riding, using or operating a bicycle on any sidewalk of pedestrian path within the unincorporated territory of the County of Santa Clara shall exercise due care for the rights and safety of others using any sidewalk or pedestrian path. No person shall ride, use or operate a bicycle on any sidewalk or pedestrian path fronting any business or commercial establishment."

15. Draft Ordinance – Special Events (County Item)

Ms. Pianca apologized for not being present at the last BPAC meeting. She noted she put together all comments from the June 2009 BPAC meeting and several e-mails sent to her regarding the Draft Special Events Ordinance. These were reviewed with County Roads and Airport Department and the County. She noted the intent of the ordinance is to regulate special events on County roads and advised the Members to disregard any reference to "Other Specified Locations" as it will be removed from the Ordinance. Ms. Pianca reviewed the proposed changes to the ordinance and noted the County wants to be aware of special events to ensure services will be available when needed.

Members Swent, Simons, and Wadler expressed concern on Section B3-146 H-1 (a), Definition of Special Event, and noted the revised definition of special event is more ambiguous and confusing. They noted the definition should be "which is to assemble and travel in unison" and not "assemble or travel in unison." Alternate Member Goldstein noted H-1 (a) should be removed. Member Meyer noted the Committee's concern is the unintended consequence of the ordinance, as currently written.

Member Wadler commented the definition of a minor event is vague. He added the definition in Section B3-146 (i) is not consistent with Section B3-148 (b). Ms Pianca noted the County can specify greater than 50 and fewer than 500 to be clearer.

Upon inquiry of Chairperson Walton, Ms. Pianca responded bike club rides do not need a permit if it does not fall under special event definition.

Member Wadler and Simons suggested the County work out the issues with the Special Events Ordinance Subcommittee. Mr. Collen noted he will take the Committee's recommendation to the County.

Alternate Member Goldstein expressed concern about the communication between the Special Events Ordinance Subcommittee and the County Staff, noting both parties were not able to meet after the June 2009 BPAC meeting and prior to tonight's meeting.

M/S/C (Wadler/Simons) to reject the Special Events Draft Ordinance as currently written and authorize the Special Events Subcommittee to meet with the County to resolve the issues and develop a recommended language for the ordinance.

OTHER

16. Local Jurisdiction Project Review Report

Ms. DeRobertis noted this item was put into the agenda to provide Members the opportunity to share upcoming projects that affect bicycle and pedestrian issues within their cities.

Member Muniz expressed concern about the planning and implementation of the VTA bus stop location changes. He cited location, ADA compliance, and map issues associated with the new bus stops. He also expressed concern about maintenance issues for State Route (SR) 152. Ms. Smith requested Member Muniz to forward to her the locations of problematic bus stops so that VTA staff can evaluate the issue. Ms. Smith added SR 152 is maintained by Caltrans.

17. BPAC Work Plan

Ms. Smith noted the ACE item is cancelled in September 2009 and will attentively come back to the BPAC by October 2009. She advised the Complete Streets may not be ready for BPAC review by September 2009.

Vice Chairperson Stallman requested the following items to be added to the work plan in September 2009: 1) path along SR 237 and the possible action to take advantage of the expiring funds this year and match funds; 2) Highway Administration Staff Presentation regarding SR 237 path; 3) Bay Trail Project List; 3) O'Toole/Brokaw Road connection and its relationship to the I-880 High Occupancy Vehicle (HOV) project and its Environmental Impact Report process.

Ms. Smith referred to issues relating to SR 237 project and stated this is a City of San Jose project, thus, VTA cannot take an action on the project. She added it can come back

to the BPAC as an information item as soon as details are received from the City of San Jose.

Ms. DeRobertis referred to the O'Toole/Brokaw Road connection and reiterated Caltrans District 4 BPAC determined there were no violations since there was no Routine Accommodation policy at the time the project was constructed, the bridge over Coyote Creek was not widened, and the new project does not touch the quadrant of the project that was constructed in 2003.

Chairperson Walton asked for input from the Committee and announced the BPAC meeting will be cancelled due to lack of items for the agenda.

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

18. ANNOUNCEMENTS

Stephen Flynn, Senior Management Analyst, announced the Pedestrian and Bicyclists positions in the Citizens Advisory Committee are currently vacant. He noted the application is available in the VTA website, if anyone is interested.

19. ADJOURNMENT

On order of Chairperson Walton and there being no objection, the meeting was adjourned at 9:48 p.m.

Respectfully submitted,

Elaine F. Baltao, Board Assistant
Office of the Board Secretary