

## BICYCLE & PEDESTRIAN ADVISORY COMMITTEE

Wednesday, June 9, 2010

### MINUTES

#### CALL TO ORDER

The Regular Meeting of the Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:04 p.m. by Chairperson Simons in the Conference Room B104, VTA, 3331 North First Street, San Jose, California.

#### 1. ROLL CALL

Attendee Name	Title	Status
Jim Bell	City of San Jose	Present
Ray Cosyn	City of Saratoga	Present
Aaron Faupell	City of Milpitas	Present
Chris Fernandez	County of Santa Clara	Present
Nancy Gintzon	Town of Los Altos Hills	Present
Carl Hagenmaier	City of Los Altos	Absent
Breene Kerr	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
John Sullivan	City of Santa Clara	Present
Richard Swent	City of Palo Alto	Absent
Herman Wadler	City of Campbell	Present
James Wiant	City of Cupertino	Absent
Erik Wilhelmsen	Town of Los Gatos	Absent
Corinne Winter	SVBC	Absent
Paul Goldstein	Alt Ex-Officio, SVBC	Present

A quorum was present.

#### 2. ORDERS OF THE DAY

Chairperson Simons noted County staff request to consider **Agenda Item #10.**, Special Events on County Roads Ordinance at the beginning of the Regular Agenda.

**On order of Chairperson Simons** and there being no objection, the Committee accepted the Orders of the Day.

#### 3. PUBLIC PRESENTATIONS:

There were no Public Presentations.

#### 4. **Committee Staff Report**

There was no Committee Staff Report.

- **Capital Program Update**

There was no Capital Program Update.

- **County Report**

Ananth Prasad, County Senior Civil Engineer, reported that the County has applied for a grant to fund a portion of the construction of 16 additional bicycle lockers to increase bicycle parking for public and employee use at County Facilities.

Mr. Prasad reported the County will conduct a needs assessment and assess the feasibility of the bicycle fleet program.

**On order of Chairperson Simons** and there being no objection, the Committee received the Committee Staff Reports.

#### 5. **Chairperson's Report**

Chairperson Simons reminded the Committee Members of their responsibility and the requirement as a Member of VTA's Bicycle and Pedestrian Advisory Committee (BPAC) to complete the Ethics Training Session.

Chairperson Simons stressed the importance for Committee Members to communicate and advocate for their beliefs while conducting Committee business, noting the importance to explain their vote so it is included in the public record.

Chairperson Simons noted the importance of Members' attendance and participation in Subcommittees, noting if Members are unable to fulfill the requirements then they should allow other Members the opportunity to serve in the Subcommittees to address issues and conduct Subcommittee business.

Member Kerr arrived at the meeting at 6:14 p.m.,  
Member Ginzton relinquished her seat as the member representing  
the Town of Los Altos Hills.

Member Fernandez announced that this was his last meeting as a BPAC Member representing the County of Santa Clara.

Chairperson Simons expressed his appreciation and thanked Member Fernandez for his dedicated work and service on the Committee.

Chairperson Simons welcomed and introduced Breene Kerr, new BPAC Member representing the Town of Los Altos Hills, to the Committee.

#### **Introduction of Committee Members**

Paul Goldstein (Alternate Ex-Officio Member) representing the Silicon Valley Bicycle Coalition; Chris Fernandez representing the County of Santa Clara; Aaron Faupell representing the City of Milpitas; Ray Cosyn representing the City of Saratoga; Richard Ruh representing the City of Monte Sereno; Jim Bell representing the City of San Jose; John Sullivan representing the City of Santa Clara; Thomas Muniz representing the City of Gilroy; Nancy Ginzton representing the Town of Los Altos Hills; Mayor Breen Kerr representing the Town of Los Altos Hills; Vice Chairperson Jerri-Ann Meyer representing the City of Mountain View; Ananth Prasad, County Senior Civil Engineer, representing Dan Collen, County of Santa Clara Roads and Airports Department

Infrastructure Development Deputy Director; Ying Smith, Transportation Planner and Staff Liaison, representing VTA; Michelle DeRobertis, Senior Transportation Planner, representing VTA; and Chairperson David Simons representing the City of Sunnyvale.

Chairperson Simons noted the importance to clarify the process when Committee Members and/or public requests information distributed to the Committee through email.

Chairperson Simons recommended the Subcommittees appoint a member as lead contact to communicate with Ying Smith, BPAC Staff Liaison, noting the Chairperson and Vice Chairperson work collaboratively with Ms. Smith on items pertaining to the Committee Agenda.

Ex-Officio Member Goldstein noted that several individuals sent their comments to the Subcommittee with the request to forward to the Committee.

Ms. Smith stated the established protocol is for Committee Members to send information to the Committee Staff Liaison to forward to VTA's Board Secretary for distribution to the Committee.

Ms. Smith noted the importance to adhere to VTA's established procedure and protocol regarding information distribution to VTA's Advisory Committees.

Ms. Smith noted the public should send their comments to the Board Secretary; however, Committee and Subcommittee Members should send information to the Committee Staff Liaison to forward to VTA's Board Secretary.

Michelle Garza, Board Assistant, clarified that the intent of VTA's established procedure and protocol relating to information distribution to VTA's Advisory Committees is to prevent the appearance of a "Serial Meeting", which is a violation of the Ralph M. Brown Act.

Ms. Garza stated the public did not receive the comments distributed to the Committee and noted the importance to adhere to conduct committee business openly.

## **6. BPAC Subcommittee Reports**

Chairperson Simons referenced the Bylaws Subcommittee, noting Members Bell, Wadler, and Chairperson Simons are working to schedule a meeting date.

Chairperson Simons announced the next Advisory Committee Enhancement (ACE) Subcommittee meeting is scheduled towards the end of the year.

Member Wadler arrived at the meeting and took his seat at 6:34 p.m.

**On order of Chairperson Simons** and there being no objection, the Committee received the BPAC Subcommittee Reports.

## **CONSENT AGENDA**

### **7. Regular Meeting Minutes of May 12, 2010**

Ex-Officio Member Goldstein referenced Page 3 of 7, Paragraph 1, Sentences 3 and 5, and queried about the Special Events Ordinance comments made by Sylvia Gallegos, Deputy County Executive/Acting Director, Santa Clara Valley Health and Hospital System (SCVHHS).

Chairperson Simons request staff review the Special Events Ordinance Section of the May 12, 2010 BPAC meeting recording for clarification.

Member Bell noted a correction under Adjournment, noting Chairperson Simons was absent and Vice Chairperson Meyer adjourned the May 12, 2010 BPAC Meeting.

**M/S/C (Bell/Muniz)** on a vote of 9 Ayes to 2 Abstentions to approve the Regular Meeting Minutes of May 12, 2010, as amended. Chairperson Simons and Member Fernandez abstained.

**The Agenda was taken out of order.**

**REGULAR AGENDA**

**10. Special Events on County Roads Ordinance**

Sylvia Gallegos, Deputy County Executive / Acting Director, Santa Clara Valley Health and Hospital System (SCVHHS) introduced Elizabeth Pianca, Santa Clara County Counsel. Ms. Gallegos expressed appreciation and thanked the former and current BPAC Subcommittee Members for their diligent work and contributions to assist with the crafting of the Special Events Ordinance.

Ms. Gallegos referenced the June 1, 2010 Special Events Ordinance Subcommittee meeting, where the Subcommittee had a productive dialogue and was able to negotiate a workable document. The latest version of the Special Events Ordinance deals with events on County roads and includes all types of events and sizes as well as a section on events that qualify as minor, major, block parties, and expressive activities.

Ms. Gallegos stated a one year sunset provision was included in the ordinance to attain experience and get a better sense to determine what works.

Chairperson Simons suggested the Committee make a motion then work together to modify the motion as needed.

Ex-Officio Member Goldstein reported on the June 1, 2010 Subcommittee meeting, noting the following changes from the previous Special Events Ordinance draft:

- Included examples of events in Section B3-145 Purpose and Intent;
- Clarified the size of a Minor Special Event in Section B3-146 Definitions;
- Eliminated several standards in Section B3-150 San Antonio Valley “Good Neighbor” Standards;
- Included a Sunset Clause in Section B3-163 Sunset, which expires July 1, 2011; and
- Clarified the Notice of the event will be posted at The Junction Bar & Grill prior to the event by the County in Section B3-150 San Antonio Valley “Good Neighbor” Standards.

Ex-Officio Member Goldstein referenced the June 1, 2010 Subcommittee meeting where Michael Murdter, Director of Santa Clara County Roads and Airports Department, commented on the proposed fees, noting the Subcommittees concern regarding the amount of the proposed fees.

Ms. Gallegos stated she will meet with Mr. Murdter regarding the proposed fees with the intent to reduce the fees relating to Minor Special Events. Ms. Gallegos stated staff is unable to commit to a specific fee level since the fees are tied to recover the labor costs to support the events.

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

Ms. Pianca noted the County Board of Supervisors have not adopted the proposed fees at this time.

Upon query from Chairperson Simons, Ms. Gallegos responded there are insurance policies to purchase per event for coverage, noting there may be opportunities for smaller events to obtain insurance coverage through the County. Ms. Gallegos stated staff will provide additional information on the events that would qualify for insurance coverage through the County.

Chairperson Simons asked the Committee if they would like to consider accepting and endorsing the ordinance as is; accept and endorse the ordinance with modifications, or oppose the ordinance with a list of modifications.

Member Wadler read Ex-Officio Member Goldstein's statement into the record: "We don't support the current draft ordinance and find it confusing and potentially in conflict with the California Vehicle Code (CVC). We recommend that the County draft a similar ordinance to meet its stated needs; furthermore, any such ordinance, such as bicycling events, which should not require road closures and where participants are expected to conform to the CVC, should be exclusively exempt from all permitting requirements.

Vice Chairperson Meyer stated the Subcommittee worked hard to address serious issues in the original ordinance, noting the ordinance needs additional modifications to clarify some areas related to events.

Vice Chairperson Meyer recommended opposing the ordinance and focusing on additional modifications to improve the ordinance.

Chairperson Simons stressed the importance for the Committee to go through the ordinance section by section to address the areas of concern.

Member Wadler stated the ordinance will eventually be forwarded to the County Board of Supervisors for consideration with or without the BPAC.

The Committee expressed concern regarding the following:

- Page 1, Section B3-145 Purpose and Intent – requests clarification and removal of the last portion of the sentence of the modification, "which may require provision of public services in response thereto;"
- Page 2, Section B3-146 Definitions – requests clarification regarding the definition of an event;
- Page 3, Section B3-147 Permits Required – requests removing the entire Subsection (a) (2) related to the requirement to obtain a special event permit;
- Page 4, Section B3-147 Permits Required, Subsection (e) – requests clarification on traverses a portion of any other jurisdiction;
- Page 5, 6, and 7, Section B3-150 San Antonio Valley "Good Neighbor" Standards – requests removing the entire Section;
- Page 10, Section B3-153 Permit Conditions – requests clarification on the last sentence, ", but need not be limited, to the following:"; and
- Page 14, Section B3-161 Fees for Permits – requests the BPAC submit a proposal related to the proposed fees to the County.

Ex-Officio Member Goldstein stated the Subcommittee worked hard to address the areas of concern in the ordinance; however, noted concern that the ordinance is still very confusing. Ex-Officio Member Goldstein stated the ordinance does not address the noticing of events or provides a clear definition of an event.

Ex-Officio Member Goldstein expressed concern that the ordinance is very confusing and difficult to determine if a permit is required.

Chairperson Simons suggested a matrix with the size of group, type of event, if permit is required, and pertinent information be added to the beginning of the ordinance for clarification.

Ex-Officio Member Goldstein suggested the following statement be added as a footnote to the matrix with the understanding that: "The California Vehicle Code (CVC) explicitly reserves the right to localities only to regulate processions and assemblies on the road."

Ms. Pianca stated the event categories could be defined in a matrix.

Member Ginzton expressed appreciation for the opportunity to serve and participate as a Member of the BPAC Committee. Member Ginzton congratulated and extended well wishes to newly appointed Member Kerr representing the Town of Los Altos Hills.

Member Ginzton left the meeting at 7:44 p.m.

Chairperson Simons stated it appears that the consensus is to move towards opposing the ordinance and attaching a list with modifications.

Member Muniz stated the CVC would supersede the County Special Events Ordinance, noting the importance to keep in mind that it is a general ordinance that would encompass many types of events on the County road ways not only bicycle and pedestrian events.

Ex-Officio Member Goldstein noted his concern is the ordinance is confusing and the way it was written appears to create a conflict with the CVC.

Ms. Pianca stated the intent of the ordinance is to regulate events on County roads, noting the intent is not to be in conflict or inconsistent with the provisions of the CVC.

Chairperson Simons commented on the email received from Bob Mack, Publisher of *Cycle California!* Magazine, dated June 3, 2010 pertaining to Agenda Item #10. County Special Events Ordinance.

Member Kerr queried if a provision for public agencies having their own event could be considered exempt to avoid paying excess expenses. Ms. Gallegos responded that the request could be evaluated.

Member Kerr requested that the specific exempt provision be included in the ordinance before it is forwarded for consideration to the County Board of Supervisors.

Chairperson Simons and Member Wadler noted the importance for the BPAC to make a recommendation related to the permit fees, noting the suggested fees are excessive and need to be reviewed.

Member Muniz suggested a review of what other counties are charging and base County fees on similar permit fees. Ms. Gallegos responded the County would conduct a survey to ensure the County permit fees are in-line with other jurisdictions.

Member Wadler suggested that Section B3-150 San Antonio Valley "Good Neighbor" Standards is unnecessary and covered by the CVC and the Committee recommends that the section be removed from the ordinance.

Committee Members stated that Section B3-150 San Antonio Valley “Good Neighbor” Standards is unnecessary and has nothing to do with the ordinance. The Section adds additional complexity to an already confusing ordinance and the activities mention in the Section are already regulated under current law.

Member Wadler recommended the Committee adopt the ordinance with the following changes:

- Section B3-145 Purpose and Intent - remove the last portion of the modified sentence, “which may require provision of public services in response thereto;”
- Include a matrix that relates the size of group, type of event, event category, if permit required, and the permit requirements;
- Section B3-147 Permits Required – remove “partially traverses” in Subsection (e);
- Section B3-150 San Antonio Valley “Good Neighbor” Standards – remove the entire Section since it is unnecessary and is regulated under current law; and
- Section B3-161 Fees for Permits – recommend a survey be conducted to ensure the permit fees are in-line with other jurisdictions for events with similar impact.

Ex-Officio Member Goldstein expressed his concern, noting his opposition to support an ordinance that is confusing and does not clarify what events are regulated or require permits.

Vice Chairperson Meyer stated the Subcommittee and BPAC Members worked very hard to modify the ordinance to make improvements. Vice Chairperson Meyer concurred with Ex-Officio Member Goldstein’s comments, noting her opposition to support the ordinance at this time.

Vice Chairperson Meyer stressed the importance to make additional recommendations for continued improvements to the ordinance and requested the ordinance be brought back to the Committee for review and approval.

Member Wadler agreed with the comments made by his colleagues, noting the ordinance requires additional time to address the issues and concerns. Member Wadler stated if the motion failed then the Committee should continue to work on the ordinance to address the issues and concerns.

Member Muniz referenced Section B3-163 Sunset Clause, noting the opportunity in the future for the Committee to further review and modify the ordinance.

**M/S/F (Wadler/Muniz)** on a vote of 7 Ayes to 3 Noes to adopt the ordinance with the following changes:

- Section B3-145 Purpose and Intent - remove the last portion of the modified sentence, “which may require provision of public services in response thereto;”
- Include a matrix that relates the size of group, type of event, event category, if permit required, and the permit requirements;
- Section B3-147 Permits Required – remove “partially traverses” in Subsection (e);
- Section B3-150 San Antonio Valley “Good Neighbor” Standards – remove the entire Section since it is unnecessary and is regulated under current law; and
- Section B3-161 Fees for Permits – recommend a survey be conducted to ensure the permit fees are in-line with other jurisdictions for events with similar impact.

**NOTE: M/S/F MEANS MOTION SECONDED AND FAILED.**

**M/S/C (Wadler/Muniz)** to recommend the County work with the Subcommittee to bring back a full working draft of the Special Events Ordinance item with the changes to a BPAC meeting at the Counties earliest convenience.

Chairperson Simons expressed appreciation and thanked Ms. Gallegos and Ms. Pianca for their attendance and participation.

**8. Pedestrian Adaptive Signal Timing (County Item)**

Ananth Prasad, County Senior Civil Engineer, commented on the Pedestrian Adaptive Signal Timing demonstration project, which was conducted last year and sponsored by the State of California Office of Traffic Safety (OTS).

Mr. Prasad provided a brief overview on the Pedestrian Adaptive Signal Timing presentation, highlighting: 1) Background, 2) Pilot Project Goals, 3) Project Location, 4) Project Site, 5) Pedestrian Sensor, 6) Why Adaptive Timing for Pedestrians, 7) Project Findings before Project, 8) Project Video, 9) Conclusion, and 10) Next Steps.

Mr. Prasad stated the intent of the Pedestrian Adaptive Signal Timing Project is to provide pedestrians with the necessary time extension in order for them to safely cross the intersections. The Signal Timing Sensors can be adjusted to extend the pedestrian crossing time only when necessary.

Mr. Prasad stated the next steps are to seek funding to implement the project at other county expressways and intersections, noting the signal timing sensors are an improvement and add to the operating and maintenance costs. Therefore, not all traffic controllers support the Pedestrian Adaptive Signal Timing feature.

**On order of Chairperson Simons** and there being no objection, the Committee received the Pedestrian Adaptive Signal Timing (County Item).

**9. Bike Share Pilot Program Update and BPAC Participation**

Michelle DeRobertis, Senior Transportation Planner, distributed copies to the Committee regarding the Bike Share Pilot Program.

Ms. DeRobertis reported the following: 1) At the May 12<sup>th</sup> BPAC meeting the Committee voted 8 to 2 (motion failed) to accept the final report of the Bike Sharing Pilot Study; 2) The Bike Sharing Pilot Study was presented and accepted at the May 13<sup>th</sup> Technical Advisory Committee (TAC) and May 21<sup>st</sup> Congestion Management Program and Planning (CMPP) meetings. The Board approved the item at its June 3, 2010 Board of Directors Regular Meeting; and 3) At the May BPAC meeting there was extensive discussion on the meaning to “accept the report”; therefore, VTA Legal Counsel advises that the action to “accept the report” simply means to “receive the report.”

Ms. DeRobertis stated staff recognizes that the BPAC may benefit from being directly involved in the development of the pilot program; therefore, staff would like to offer several options to the BPAC for additional involvement:

- Invite BPAC to appoint a Committee Member to the Bike Share Project Working Group to provide direct input to VTA staff and serve as the liaison between the two groups;
- Place Bike Share Project as a recurring item under Committee Staff Report so the Committee has the opportunity to provide input on a regular basis on the project development efforts; and
- Meet with Committee Members individually to answer specific questions.

Ying Smith, Transportation Planning Manager and Staff Liaison, suggested the Committee consider the additional involvement options or provide other suggestions to work with the development of the pilot program.

Ms. Smith stated the working group is comprised of staff members from the cities of San Jose, Mountain View, Palo Alto, as well as staff from San Jose State University and Stanford University, and Silicon Valley Bicycle Coalition (SVBC) and Caltrans.

Member Bell tentatively volunteered to serve on the working group. Ms. DeRobertis noted the working group generally meets the first Tuesday of the month from 3:30 p.m. to 5:00 p.m. The next scheduled meeting is Tuesday, June 22, 2010 at 3:30 p.m.

**On order of Chairperson Simons** and there being no objection, the Committee received the Bike Share Pilot Program Update and BPAC Participation Report.

## **OTHER**

### **11. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Report**

Member Wadler reported on the ACE Subcommittee's recommendation to schedule a joint meeting with VTA's Advisory Committees.

**On order of Chairperson Simons** and there being no objection, the Committee received the CAC and CWC Reports.

### **12. Local Jurisdiction Project Review Section**

**On order of Chairperson Simons** and there being no objection, the Committee deferred the Local Jurisdiction Project Review Section to the July 7, 2010 BPAC meeting.

### **13. BPAC Work Plan**

**On order of Chairperson Simons** and there being no objection, the Committee reviewed the BPAC Work plan.

### **14. ANNOUNCEMENTS**

Ms. DeRobertis announced the Stanford University Medical Center Environmental Impact Report (EIR) is out for public review and comment.

Chairperson Simons stressed the importance for BPAC Members to set a goal to have bicycle and pedestrian issues reviewed by their city council and to bring the information back to the BPAC Members.

Member Ruh advised the Members to be careful if cycling in the City of Saratoga near Big Basin Way and the Villages during the month of June.

Member Muniz noted an application submitted in the City of Gilroy for construction of a large industrial commercial retail project.

Member Kerr commented on a project identified at Page Mill Road, noting funding has been approved for pedestrian and bicycle improvements; however, noted concern related to a choke point near Page Mill Road west of Interstate 280, which is a safety issue for bicyclist in the area.

Upon query from Vice Chairperson Meyer, Member Kerr responded the Town of Los Altos Hills has set up bicycle related traffic signs on public roads to address safety issues and concerns, noting the traffic signs are part of a new safety program.

Member Wadler commented on construction work in the downtown area in Campbell.

Chairperson Simons expressed appreciation for the aesthetic design work on the pavers constructed in downtown Sunnyvale.

**15. ADJOURNMENT**

**On order of Chairperson Simons** and there being no objection, the Committee meeting was adjourned at 9:23 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant  
VTA Office of the Board Secretary