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Supervisor Otto Lee
Santa Clara County Board of Supervisors

Feb. 20, 2024

Subject: Ordinances prohibiting bicyclists, pedestrians, transit patrons need repeal (full letter)

Hon. Supervisor Lee,

The BOS has consistently supported bicyclists and pedestrians on County Expressways starting in 1988. All “Bicycles prohibited” signs were removed from expressways by 1991, but three cities still prohibit bicyclists. Use of sidewalks, pedestrian paths, shoulders and bus stops are prohibited by city ordinances of seven cities, despite BOS actions supporting pedestrians — many being also transit patrons — along expressways.

Today, “Pedestrians prohibited” signs only remain on Foothill Expressway, the center portion of San Tomas Expressways, and along the San Jose portion of Lawrence Expressway — where they prohibit use of the sidewalk. Removing prohibitory signs stops police from ticketing bicyclists, pedestrians and transit patrons for not using automobiles. (Typical fine: \$150.) However, the impact of prohibitory ordinances has been far greater than just ticketing people for not using automobiles. City prohibitory ordinances have been repeatedly used by County Roads Department to justify its **destruction of bicycle, pedestrian and transit patrons facilities**, with many examples described in this letter. County Roads has also repeatedly used city prohibitory ordinances as a ruse to **violate BOS’ requirements** for pedestrian facilities along expressways.

Seven cities containing County expressways have prohibitory ordinances, enacted circa 1960, which indicates the County requested such enactment. **I ask the BOS to take action by requesting all cities having these prohibitory ordinances to completely repeal them.** [See Appendix B for cities and ordinance/code numbers.]

Background

If an expressway is prohibited, the pedestrian is forced to walk one extra mile (typically) because of the hierarchical street patterns used since the 1950s: winding and sometimes “no outlet” streets, except for straight arterial roads that are spaced about every half mile. An expressway is an arterial road on this half-mile spacing. If one is prohibited, the next arterial needs to be used, which forces a detour of a half mile walk to get there and a half mile to get back. Expressways are primarily pre-existing roads, where “Avenue” or “Road” was changed to “Expressway” in the 1960s. Traffic lanes were added, and also shoulders — now considered “bike lanes” that were 8 to 10 feet wide. [Comparison: a standard bike lane is 5 feet wide.]

Most cities had enacted ordinances prohibiting walking or bicycling on these roads, within their jurisdictions, circa 1960. This caused great hardship to pedestrians and bicyclists. In my personal case, I became the victim of police harassment. I was repeatedly stopped, yelled at, and ticketed for bicycling in what was later recognized to be bike lanes. I bicycled to most jobs on expressways, and to two jobs I biked on 3 expressways. I saw others being ticketed. I talked to transit patrons who, after getting off a bus, walked along the expressway for one block to the next intersection, near where they worked. One lady was afraid to have her picture taken as she walked passed the “Pedestrians Prohibited” signs. People were scared of the police.

List of BOS’ actions for bicyclists and pedestrians along expressways

All votes were 5-0 except the 1988 vote was 4-1. [Quotes of BOS actions are in Appendix E.]

1988: The BOS voted to **support bicycles** on expressways.

1989: The BOS required bicycles to be accommodated, and a **minimum of a standard bike lane width**.

1991: The BOS approved and funded a project to **create pedestrian paths “along the entire expressway system.”** County Roads staff refused to comply, stating that would “encourage pedestrians to violate the city ordinance.” Staff also refused to “allow” use of existing paths [see photo].

The BOS also required **sidewalks** on all crossings of freeways, rivers and railroads.



Pedestrian paths were “prohibited” by posting of illegal prohibitory signs, despite the fact the BOS required paths in 1991 and pedestrians were allowed under State law. All pedestrian paths (example shown) were created by pedestrian foot traffic. The signs violated BOS policy and State law, but County Roads fought against sign removal for years. It used the city ordinance as a ruse to violate BOS policy and State law. County Roads was forced to remove the signs here by VTA BPAC in 1997. The path was later paved over for a sidewalk, yet the city ordinance prohibits use of sidewalks, paths and bus stops along Capitol and other “Expressway” roads to this day. [Location: Capitol Expy. at entrance to Crossroads Shopping Center. Year: circa 1995.]

2003: In the “2003 County Expressway Plan”:

- The BOS recognized that all expressways are, in fact, **arterial roads**.
- The BOS approved use of **guide signs**, also called “directional signage”. This is important because if there is a nearby pedestrian route, guide signs should be used, not “Pedestrians Prohibited” signs, for safety reasons described below. The guide signs were never implemented due to city ordinances prohibiting pedestrians and posting of prohibitory signs.
- The BOS required **bike lane intersection design features** to be applied on all expressways.

2004, May 4: The **BOS gave a direct order to Michael Murdter**, Director of County Roads, to remove "pedestrians prohibited" signs to comply with the repeal by Sunnyvale, after he refused to comply. Mr. Murdter then initiated a secret change in State law (SB 1233), where his legal text was added to an unrelated bill, without informing the County. This change in law (effective 1/1/2005) eliminated the right to use bicycles or to walk on public roads in the State of California. While the term used was "expressway", the technical/legal definition of expressway is extremely easy for any street to meet — by a declaration and limiting access to one property parcel. This is unlike the County Roads' prior claims that "Expressways are freeways," which advocates repeatedly had to prove false by going thru a fight with County Roads to achieve compliance. [Detailed info about SB 1233 is at: moderntransit.org/restore/contents.htm]

2006, January 10: The BOS voted to **seek legislation** in Sacramento **to repeal** all changes in State law that resulted from Michael Murdter's actions (above). Staff, however, did nothing more than write one letter (to my knowledge), then dropped the matter.

Related BOS action: At its 1988 action (above), the BOS rejected County Roads request to seek legislation in Sacramento to re-impose bicycle prohibitions that many cities had repealed.

2008-2009: In the "2008 County Expressway Plan" that BOS approved in 2009:

- **BOS approved sidewalks** along all expressways, usually on both sides, unless a nearby route exists. The Plan overview **map of pedestrian facilities** [Appendix A] shows these.
- Where there is a nearby route, the BOS stated "A key to the success of the pedestrian route plans is directional signage" (**guide signs**). This was never implemented, probably due to city ordinances prohibiting pedestrians.

Prohibitory ordinances of cities enabled County to violate State law

State law, which only authorized prohibiting from freeways, was violated by County Roads staff falsely claiming "Expressways are freeways," the city ordinances prohibiting bicyclists and/or pedestrians from the claimed "freeway", and the posting of illegal prohibitory signs.

Six examples where County Roads destroyed sidewalks, bike lanes

With a prohibitory ordinance "on the books", County Roads can post new prohibitory signs at any time, without informing the city council, BOS, BPAC, or the public, and then destroy those facilities. In fact, County Roads staff has never notified any of these entities in advance of destroying such facilities, to my knowledge. Here are 6 examples:

1. The destruction of the **pedestrian underpass used by Lawrence Station Caltrain patrons** to walk to industry north of the Station: This underpass (going under Central Expy, at Lawrence Expy.; see at right) was provided by County engineers in the 1960s when first widening Lawrence Station Road, and they did not post prohibitory signs there (despite the city ordinance prohibiting its use). About 1990, County Roads newly posted "pedestrians



prohibited” signs at the underpass and its approaches, which never existed before. After that, about half the Caltrain patrons that had used the underpass jay-walked across Central Expressway, a risky action. The other half (including my brother Gabor) risked ticketing by police for using the underpass. At a Santa Clara City Council meeting (1991) advocates requested allowing use of the underpass and won. The City Traffic Engineer had opposed that, which amazed me. Only after County Roads destroyed it about a year later for more car lanes, did I understand why.

2. In the same lane-addition project, County Roads **eliminated the bike lanes along Lawrence Expy.** in Santa Clara (1992), despite the city allowing bicyclists (1991) and the BOS requirement for bike lanes (1989).
 - **Epilogue:** At my effort, and thanks to Rep. Norman Mineta who provided the federal funding, the underpass was rebuilt, new sidewalks were built on Lawrence Expy. from Hwy. 101 to Stevens Creek Blvd. — completing sidewalks in Sunnyvale and Santa Clara — and the bike lanes were restored (1993-1997). Sunnyvale repealed the prohibition. Santa Clara ordinance allows using the underpass and sidewalks north of the Lawrence Caltrain Station, but prohibits using the sidewalks south of Lawrence Caltrain Station, to this day.
 - This episode also proves that County Roads staff’s repeated claim that “There is no room for bicycles” after adding traffic lanes, stated to the BOS and city councils, was completely false. When we fought for pedestrians, they falsely claimed “There is no room for sidewalks.” I met with County Roads staff, examined their blueprints, and proved to them there is room, using arithmetic. The truth is, County Roads simply did not want to use any of their lane-addition, road widening budget to relocate bicycle, pedestrian and transit patron facilities. It is far cheaper for them to post illegal “Pedestrians bicycles and equestrians prohibited” signs, which they did, and I forced their removal.
3. The **sidewalk on the Montague bridge crossing Guadalupe River** was destroyed (circa 2005). Most pedestrians on the sidewalk were actually transit patrons walking to the Orchard LRT Station on First Street. The San Jose ordinance prohibits these transit patrons.
4. While bicycling to work in 1991, I saw County Roads preparing to jackhammer the sidewalk on the **Montague Expy. bridge crossing Coyote Creek**. Alarmed, I immediately informed Supervisor Ron Gonzales. The County Roads project manager then lied to Supervisor Gonzales, by stating that they are not destroying the sidewalk, merely relocating it as part of adding lanes. This prevented me from being able to oppose its destruction. After 32 years, I am still waiting for reconstruction of the sidewalk. Even if re-constructed, the city ordinance prohibits using the sidewalk, justifying the destruction in the minds of County Roads staff.
5. County Roads built this “Berlin Wall” [shown] to block people from using the sidewalk/path along Capitol Avenue. (This side of the wall was re-named “Expressway” in 1970.) As for the Berlin Wall in Germany, built over streetcar tracks, sidewalks, etc., this wall was built



directly over the sidewalk. However, this did not stop pedestrians. Instead, this forced them into an unsafe situation, to walk in the 45 mph traffic lane because County Roads then destroyed the bike lane circa 1995. My repeated requests to County Roads, to place an opening in their wall, were ignored for 20 years. This is near the **Alum Rock LRT station**.

- **Epilogue: VTA tore down that wall!** VTA made an opening in the wall to walk thru, circa 2015, just as I requested County Roads for 20 years. The bike lane was restored. The pedestrians here (in the photo) continue to be prohibited by city ordinance.
6. The southern portion of **San Tomas Expy.** was formerly named Camden Ave., and has an important **crossing of a river (Los Gatos Creek)**. The County engineers that originally added lanes with the re-naming of the road in the 1960s included shoulders, as they did on all the Expressways. What these earlier engineers **did not include** is the important point here: Prohibitory signs. Earlier County engineers recognized this bridge was crucial and County Roads considered shoulders to be safe for bicyclists and pedestrians. I bicycled on this bridge, often weekly. In 1982 (preceding the BOS actions, above), County Roads eliminated the shoulder for more traffic lanes, forcing pedestrians to walk in the 45 mph traffic lane. I wrote County roads that this is unsafe and that they must restore the bicycle/pedestrian facility. They never replied except in action: They posted new prohibitory signs that never existed before. I removed the signs. State law requires that, before a road is closed to the public, the public has the right to be heard at a public hearing. Apparently, bicyclists and pedestrians are not considered to have this right by County Roads.
- **Epilogue:** After 12 years of fighting County Roads to get them to restore bicycle/pedestrian facilities on this bridge, in mid 1990s, County Roads relocated the traffic lanes toward the center of the bridge — which was unused and empty! — and put in bike lanes and sidewalks on both sides of the road. The BOS requirement for bike lanes (1989) and sidewalks on bridges (1991) contributed to changing their mind. However, the city ordinance continues to prohibit use of these sidewalks and bike lanes to this day.



Ordinances prohibit transit use, or make transit impractical:

- Use of expressway **bus stops** is prohibited by all cities having a prohibitory ordinance.
- I already mentioned (above) the destruction of transit patrons' access to **two LRT stations and one Caltrain station**, resulting in impractical walking detours to transit, one mile or longer.
- Prohibitions and detours have similarly effected **bus patrons**.

The **prohibited sidewalk** shown was constructed by businesses. Access to the **Capitol LRT Station**, further down the road, is also prohibited. County Roads was forced to remove signs on Capitol Expy. in 1997, but the ordinance still prohibits pedestrians. [Capitol at Snell Ave., circa 1995.]

- Another LRT station, **Capitol LRT Station**, is prohibited to transit patrons, unless they drive a car into the park-and-ride lot. One of our Modern Transit Society members lived two blocks from this Station. Because he did not own a car, he was prohibited from using LRT.
- **Epilogue:** County Roads fought against removing their illegal prohibitory signs, for years. VTA BPAC forced the signs to be removed from Capitol Expy. by obtaining a legal opinion from County Counsel. Country Roads complied with the law a half year later, in 1997. The city ordinance prohibiting access to the Capitol LRT Station is still “on the books”.

City prohibitory ordinances increase crash risk in multiple ways

- The prohibitory signs themselves increase crash (accident) risk by sending a message to drivers: There are no pedestrians, so don't bother watching out for them. People who walk on the expressway, in the vehicular traffic lanes, are actually there legally, crossing the expressway at intersections. Safety needs to be improved by eliminating the misconception of some motorists, caused by the “Pedestrians Prohibited” signs and re-enforced by the name of the road “Expressway”, that the road is pedestrian-free. In many other states, an “expressway” is a “freeway” that usually has tolls. I know of this misconception because I was harassed, as a bicyclist, by drivers who mistakenly thought that the prohibitory signs also meant no bicycles.
- People who actually bicycle or walk along expressways (including myself) have stated for decades that the expressways are the safest roads in the County because they have 1/5 as many intersections (the main source of crashes) per mile, few driveways, and no parked cars, compared with alternate routes. The prohibitions force detours that result in using routes with much higher crash risk. Detours also increase trip length, typically one mile, which multiplies this increased crash risk by the percent increase in trip length.
- Clarification: Expressways are among the least safe roads to cross. The wider the road, the greater the crash risk, in an exponential manner, and some expressways have 9 lanes (including left-turn lane). In the past, some traffic engineers have convoluted these two cases, and pointed to crossing/intersection crashes to try to ban bicyclists and pedestrians from using expressways — except at intersections which were the actual source of the crashes. This is *not logical*.
- Safety point: To minimize crossings of the expressway, pedestrians need to use both sides of the road. Otherwise, in many cases, they would need to cross the expressway twice.



Prohibitory signs apply to the entire right-of-way, including the sidewalk (shown), and are posted along Lawrence Expy. in San Jose to this day. The word “Bicycles” was taped over after SJ DOT lost 11-0 in the vote to allow bicycles by the San Jose City Council, in 1989.

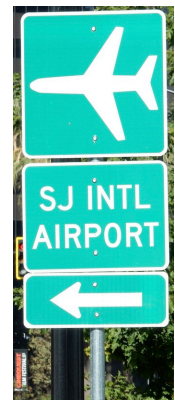
Last point: Pedestrians and transit patrons have common sense

On any arterial road, a traffic engineer does not need to post “pedestrians prohibited” signs because he/she wants pedestrians to walk on the sidewalk rather than in the vehicular traffic lane. Pedestrians do that on their own. **Pedestrians will walk where they consider to be safest, unless a detour is too great.** If there is a path instead, they will use that. In the photo on page 2, pedestrians created the path despite being able to use shoulders — see the distant bicyclist near the shoulder line. If it rained and is muddy, they may use the bike lane, but walk along the edge of pavement, furthest from traffic, where they feel safest. [see photo, last page.] If there is a bicyclist coming, the bicyclist will pass the pedestrian in the bike lane even easier than passing another bicyclist — and this occurs more often than passing a pedestrian.

If there is a quiet nearby parallel route, pedestrians actually prefer that, and would walk there if they see it. If there is a soundwall and/or fence that hides this more pleasant route, post guide signs [approved in 2003 and 2008 Expressway Plans] and remove the “pedestrians prohibited” signs. This describes San Jose’s portion of Lawrence Expy., which has pedestrian facilities, usually on both sides, but also has “Pedestrians prohibited” signs posted prohibiting their use. This scenario also occurs on Foothill Expy. and some other expressway portions.



Left: Examples of guide signs. These should be used where needed, not “Pedestrians prohibited” signs. Right: Actual guide signs for drivers. [Almaden Blvd. in San Jose]



Here are related facts:

- **Vehicle Code 21966** allows pedestrians to use bike lanes if there is no “adjacent” sidewalk or path.
- While pedestrians in a bike lane or shoulder **walk at edge of pavement** [photo, last page], **most bicyclists ride near the shoulder line** to be better seen by drivers, to decrease puncture risk, and to avoid striking the pedal against the curb. Also, to avoid being “doored,” when a parked car door pops open just in front of the bicyclist, but expressways do not have car parking.
- Caltrans has no problem with pedestrians using (non-freeway) shoulders [photo, below]. In fact, **Caltrans usually places shoulders rather than sidewalks in suburban areas** of California towns along its State highways. All are open to both pedestrians and bicyclists.

Pedestrian walking on the shoulder of Monterey Highway. Notice the 55 mph speed limit, which is greater than that of any County Expressway. [Location: Hwy. 82 just south of Blossom Hill Road and Blossom Hill Caltrain Station in San Jose.]



The repeal effort

It would be helpful for the repeal efforts before city councils to attach this letter to the BOS repeal request (if BOS approves). New city staff would probably not be familiar with this topic, and may just start defending the city's status quo. If they only see this letter after repeal is agendized, it would be difficult to change their position and the staff report.

Conclusion

Because the secret State law (described above) was not repealed, as the BOS directed in 2006:

- County Roads can, at any time and without giving notice, re-post prohibitory signs on Almaden, Capitol, San Tomas, Lawrence, and Central Expressways — where they were previously forced to remove them. County Roads can also post “Pedestrians Bicycles ... Prohibited” signs on Montague Expressway which never had these signs.
- County Roads can use city prohibitory ordinances as a ruse to destroy pedestrians facilities as they already had, without giving notice. (See many examples, above, and the County Roads’ 2006 action against sidewalk use, in Appendix F.)
- Police harassment of bicyclists, pedestrians and transit patrons using these arterial roads can again prevail.

I ask the BOS to take action by requesting all cities having these prohibitory ordinances to completely repeal them.

Sincerely Yours,



Akos Szoboszlay

cc: former County Supervisor Rod Diridon, Sr.



Bicyclist (me) being ticketed \$149 for using the bike lane along San Tomas.

Links and Appendices:

Link to **Timeline** of historical events:

ModernTransit.org/expy/#timeline

Link to this letter: ModernTransit.org/2024/repeal.pdf

Appendix A: BOS-approved 2008 Expressway Plan **Map** of pedestrians facilities (overview)

Appendix B: **List of cities** with prohibitory ordinances

Appendix C: Bridge proves prohibiting pedestrians is **dangerous**

Appendix D: County Roads violates BOS’ path policies, **destroyed paths**

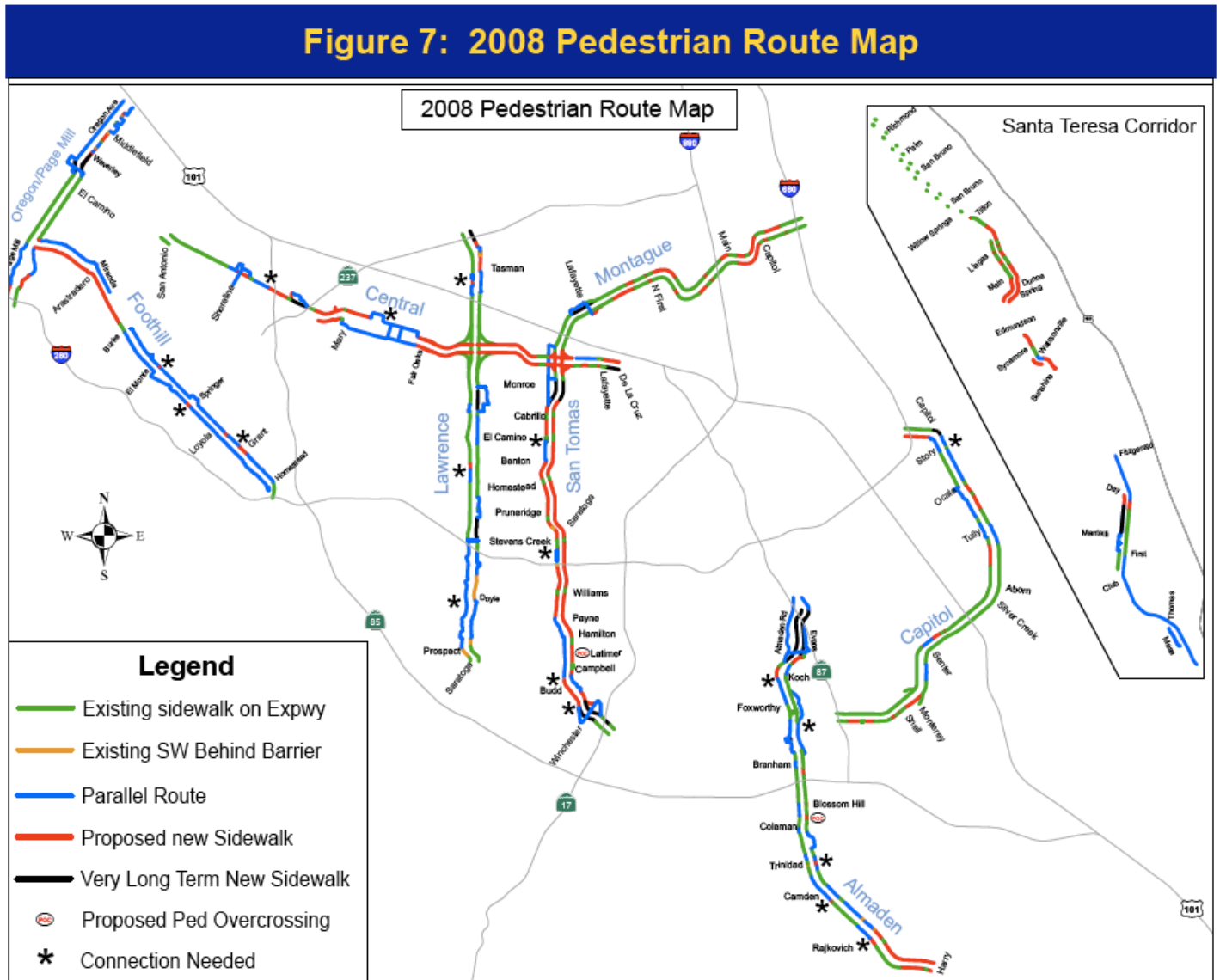
Appendix E: **Quotes of cited BOS actions**

Appendix F: **County Roads staff contradicted, opposed the BOS** before the City Council of Santa Clara

Appendix G: Inexpensive action needed on Capitol

Appendix A: BOS-approved 2008 Expressway Plan map of pedestrians facilities (overview)

More sidewalks were constructed in the interim 15 years than shown on this map. Detailed maps, one for each expressway, are available as pdf files. These were copied to the Modern Transit Society website at: moderntransit.org/expy with links near the top.



Appendix B: List of cities with prohibitory ordinances

Some ordinances use the word "freeway" rather than "expressway" because State Law only authorized prohibiting from freeways. County Roads then claimed, falsely, that, "Expressways are freeways." There is no reason to keep any portion of any of these ordinances because:

- 1) All real freeways are in Caltrans jurisdiction, and remain so despite going thru a city. A city does not have jurisdiction to prohibit from real freeways, which some ordinances attempt to do.
- 2) Most ordinances prohibit this action: ... "drive livestock" onto the freeway or expressway. There are no more livestock and "Equestrians" [as stated on signs] near any County expressway.

Here are the city ordinances (from south to north):

San Jose: 11.32.070

Campbell has two ordinances: 10.20.030 b and 10.16.050. Prohibits bicycles and pedestrians.

Santa Clara: Resolution No. 5603

Milpitas: Municipal Code V-100-8.06 Prohibits bicycles and pedestrians.

Mountain View: SEC. 19.19; Ord. 175.587, 1/25/1960. Prohibits bicycles and pedestrians.

Los Altos: Resolution 80-32

Palo Alto: 10.32.050

Appendix C: Bridge proves prohibiting pedestrians is dangerous



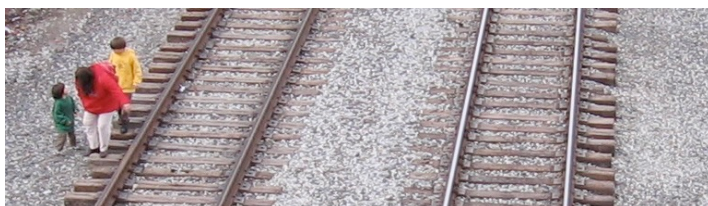
This family is using the Capitol Expy. bridge crossing over both Monterey Highway and the railroad, in mid 1990s. They are subject to ticketing by police for walking past prohibitory signs on the path approach, with stroller on the shoulder. The nearest legal crossing of the highway and the railroad would require two-miles of extra walking, each way.

A grade separation is the safest form of crossing. Prohibiting the bridge to pedestrians forced many to cross Monterey

Highway at grade. This resulted in multiple pedestrian fatalities over the years. **These killed pedestrians were trying to avoid being ticketed by police for using the bridge, and to avoid the two-mile detour (each way).**

The bridge also highlights the second point of this appendix: County Roads **used the city ordinance as a ruse to avoid complying with the 1991 BOS requirement** to construct a sidewalk on this bridge, and to create paths along Capitol. County Roads was forced to remove all their prohibitory signs on Capitol Expy., in 1997. **This had an immediate effect:** County Roads constructed a sidewalk on this bridge and made other pedestrian facility improvements along Capitol Expy. Unfortunately, the same ruse and violations continue *elsewhere* today. (See Appendix D).

Right: View from bridge: Monterey Hwy., railroad.
Below: Adult and two children crossing the tracks.



Appendix D: County Roads violated BOS' path policies, destroyed paths



Before-and-after photos (above, and on next page) show County Roads destroyed the existing paths along San Tomas Expy. in San Jose and Campbell in 2007 after I requested them to remove the “pedestrians prohibited” signs.

San Tomas Expy. in San Jose and in Campbell had pedestrian paths created by the pedestrians just walking or jogging there, from decades ago. As a result of my efforts to allow people to use the paths by removing “Pedestrian Prohibited” signs, County Roads plowed the paths, creating large dirt clods, to make the paths un-walkable, in 2007. Destroying the path was a violation of the 1991 BOS policy “... to not eliminate existing sidewalks/pathways/informal paths”.

The San Jose and Campbell ordinances prohibit pedestrians without any exception for paths, sidewalks or bus stops. But the BOS 1991 order for path creation made no exception for pedestrian prohibitions. Paths must be created regardless of whether or not pedestrians would be prohibited. Furthermore, the city ordinances do not prohibit paths, they just prohibit pedestrians from using the paths (to this day).

Similarly, the BOS policy against path destruction is applicable regardless of any city’s prohibitory ordinance. Destroying paths is a political attempt by County Roads to retain the prohibition of pedestrians, by making repeal more difficult because of their false claims that

shoulder/bike lanes — which pedestrians would then use — are unsafe for pedestrians. (They formerly also falsely claimed these bike lanes are unsafe for bicyclists, but lost all votes.)

For sixteen photos of destroyed paths with their locations. Go to:

moderntransit.org/st/destroyed-paths/destroyed-paths.html (Click a photo to enlarge.)

Let pedestrians' and joggers' footsteps, once again, build these paths. Remove the prohibitory signs to greatly increase their numbers and quickly restore the paths.



Appendix E: Quotes of cited BOS actions

In the 1991 Board action:

BOS ordered staff to create pedestrian paths on all expressways [8/13/1991]:

“Approve the proposed new program to provide pedestrian pathway facilities along the expressway system at the annual level of \$75,000.” The \$75,000 figure was for “Path Development”. With the estimated 4-year completion, this would total \$300,000. County Roads never created a single path, anywhere. Instead, they fought against paths and destroyed paths. [Appendices D and F]

BOS required that: “Expressway crossings of barriers (freeways, rivers, and railroads): A sidewalk/path on at least one side of the expressway will be provided to the adjacent public street intersection in both directions from the barrier.” [This was repeatedly violated, including by destroying sidewalks on bridges. See main letter (above) and Appendix C for examples.]

BOS prohibited this: “It is the policy ... to not eliminate existing sidewalks/pathways/informal paths.” [This was repeatedly violated. See letter for examples, and Appendix D.]

In the 2003 County Expressway Plan, formally titled Comprehensive County Expressway Planning Study Implementation Plan:

BOS states that: “... shoulder or path facilities can serve ... for occasional pedestrian use.” County Roads has contradicted, and violated, this statement so often that I made an image copy of the paragraph. This page (2003 Plan, page 93) also contains a photo:

Wide Shoulder or Path within Expressway Right-of-Way – In locations where there are no sidewalks or parallel facilities and there is no major demand for pedestrian travel, → these shoulder/path facilities can serve as emergency walkways and for occasional pedestrian use. No projects are recommended for these locations; however, landscaping needs to be kept trimmed back at intersection areas and along the travel way so pedestrians do not have to enter the travel lane. Landscaping maintenance costs are included in the Maintenance and Operations Element.



BOS required that: “Landscaping needs to be kept trimmed back at intersection areas ... [for] pedestrians.”

BOS approved: “Recommendations also include improved connections and directional signage to parallel pedestrian facilities, such as trails.”

“The expressway vision statements all classify the expressways as arterials.” [page 88]

In the 2008 County Expressway Plan (which includes maps described in Appendix A):

BOS approved: “A key to the success of the pedestrian route plans is directional signage to help guide pedestrians to and from the designated parallel routes.” Not one was posted. The “pedestrians prohibited” signs, which are a discouragement, remain at some locations.



Use of this and all other expressway **bus stops** are prohibited by all cities having a prohibitory ordinance. Ordinances also prohibit many transit patrons from accessing **three LRT stations, the Milpitas BART Station** (located directly on Montague Expy.), and the **Lawrence Caltrain Station** for Caltrain patrons walking *south* of the Station using the new sidewalks (built at my effort, at no cost to the City nor the County). Here, I forced County Roads to remove their illegal prohibitory signs due to City staff’s vigorous opposition. These signs can now be posted again. Caltrain patrons walking *north* of the Station (thru the underpass, rebuilt at my effort) cannot be banned by posting signs because two city councils allowed them.

Appendix F: County Roads staff contradicted and opposed the BOS before the City Council of Santa Clara

I requested the City to repeal the pedestrian prohibition in 2006. The City Traffic Engineer had previously fought against allowing bicyclists to use bike lanes (1988-1991) and fought against allowing Caltrain patrons to use the pedestrian underpass (1991), but lost both votes. In 2006, he fought against any repeal of the city ordinance in order to (1) continue prohibiting use of the new sidewalks along Lawrence Expy. (completed nine years earlier, in 1997) and (2) for San Tomas Expy., enable County Roads to use the city ordinance as a ruse for refusing to comply with the BOS path creation order of 1991.

The City Traffic Engineer invited Michael Murdter, Director of County Roads, to help him oppose pedestrians. Unlike members of the public, Mr. Murdter spoke for an unlimited time, making rebuttal difficult. Before the City Council, Mr Murdter:

- Contradicted the BOS by stating the BOS opposes shoulder use of pedestrians. [See Appendix E, first quote]
- Pretended the BOS path creation order of 1991 did not exist. In fact, if Mr. Murdter would have complied with that, which was supposed to be completed by 1995, the entire question of pedestrians using shoulders, that he raised, would have become moot: Pedestrians would have used the path along San Tomas and the existing sidewalks along Lawrence.
- Used his non-compliance with the BOS path creation order (1991) to fight against pedestrians. As long as County Roads does not comply, they think they can keep cities from repealing pedestrians prohibitions, which is what they wanted all along.

Mr. Murdters' statements explain other County Roads' actions described in this letter:

- County Roads refused to "allow" use of existing paths on Capitol Expy. by refusing to remove illegal prohibitory signs, until forced to do so in 1997. [Photo on page 2]
- County Roads destroyed existing paths along San Tomas [See Appendix D].

Pedestrian paths and pedestrians walking on the paths would have nullified Mr. Murdter's and County Roads' argument that expressway shoulders/bike lanes are dangerous for pedestrians, by using the same false arguments that County Roads used to fight against repeal of bicycle prohibitions (even after the BOS required bike lanes). Mr. Murdter also ignored the fact that bicyclists are already allowed on expressway shoulders/bike lanes and are much closer to vehicular traffic: Pedestrians cannot be unsafe on shoulders/bike lanes if bicyclists are safe.

There was a new argument at this City Council meeting: Mr. Murdter claimed that there was a "Study" that showed that 60% of fatalities are caused by "roadway departures", and stated or strongly implied that these fatalities were pedestrians along Santa Clara County expressways. He never submitted the "Study" in advance so we could not rebut it. In his letter to the City Council in the agenda packet (6/20/2006), Mr. Murdter states, "As indicated in the information previously provided [**which was not provided to the City Council or the public**], accident statistics show that accidents resulting from vehicles straying off the travel lanes comprise a

significant portion of reported accidents.” It was impossible to rebut because County Roads did not provide the source, which they called a “Study”, in the agenda packet.

Weeks later, we finally were able to read the “Study” when the City Manager, at my request, provided the source: It was a web link. **The fatalities were of motorists on national highways, not pedestrians walking along Santa Clara County expressways.** The “Study” was actually a promotion of “rumble strips”, intended for drivers who fall asleep at the wheel. If it were true, County Roads’ “roadway departure” claim would also work well as an argument to prohibit use of sidewalks, and bicyclists’ use of bike lanes. It was a lie. [The City video tapes Council meetings, available at the City’s Main library. The link to the “Study” no longer works.]

Why did Mr. Murdter, Director of County Roads, oppose use of the new sidewalks that his department constructed on Lawrence Expy. — albeit this project was already in-progress and half complete when he was hired by the County? I submit this arithmetic calculation:
Bike lane (6 feet wide on Lawrence) + sidewalk (5 feet) = another new car traffic lane (11 feet)

The City Council voted to table the matter until after the Expressway Plan update (three years later). The matter was then dropped by city staff because they and County Roads got what they wanted, to keep city prohibitory ordinances from being repealed. And one day, with the ordinance in place, they can once again destroy the (rebuilt) pedestrian underpass and (rebuilt) bike lanes, without giving any notice, as they have in 1992, and also destroy the new sidewalks that were constructed the entire length of the Lawrence Expy. in the City.

Epilogue:

At the public meetings (held in 2006) for the 2008 County Expressway Plan, Mr. Murdter’s staff not only opposed pedestrians along expressways, they also opposed sidewalks on expressways. These were held at the BPACs of cities — I attended all of them to rebut County Roads.

I wrote Mr. Burns, VTA General Manager, in 2007, that, “County Roads is waging a propaganda war to eliminate pedestrians from most expressway miles.” Mr Burns told me he often walks on the expressway to go to lunch at a shopping mall, located on Montague Expressway. I think that VTA did some arm twisting behind the scenes because sidewalks and paths were retained and more added in the 2008 proposed/draft Plan, which the BOS then approved in 2009.

At locations where a BOS-approved sidewalk (per the 2008 Plan) has not yet been constructed, the 1991 BOS path creation order needs to be complied with. Later, it would be paved over for a sidewalk. Excepting the city block shown in Appendix G, simply allowing pedestrians’ and joggers’ footsteps to create the paths, by repeal of city prohibitory ordinances and removal of “pedestrians prohibited” signs, would create (or restore) the majority of these needed paths. Paths encourage walking, jogging and transit use because pedestrians feel more comfortable using them than shoulders/bike lanes.

Appendix G: Inexpensive action needed on Capitol



County Roads *refused to comply* with the 1991 BOS path creation order because, “that would encourage pedestrians to violate the city ordinance.” However, the BOS made no such exception. Furthermore, County Roads knew that State law allowed pedestrians. As a result, these **pedestrians are subject to ticketing by police** for walking passed (illegal) prohibitory signs **when County Roads is the one violating the law.** Yet, even after County Roads was forced to remove these signs in 1997, it has not complied with the BOS, to this day. [Capitol Expy. just south of Quimby Rd.; mid 1990s]



County Roads built a sidewalk on the other side of the road. However, it is *not* the side leading to **Eastridge Transit Center** and **Eastridge Shopping Mall** — in the next block. **Pedestrians need to use this side of the road** to safely access these two well-used destinations. There was a **pedestrian fatality here:** The pedestrian tried to reach the sidewalk on the other side of the road and was killed while crossing 8 lanes of car traffic.

As soon as they can, the pedestrians shift from using the bike lane to using the path, created by foot traffic. [See above.] This path needs to be extended the entire way, which the BOS *required, and funded,* in 1991. [Appendix E] County Roads *never complied,* and instead *fought against* removing illegal signs (including the above sign). Furthermore, the BOS *approved sidewalks* on this side of the road (above) in the 2008 Plan [Appendix A]. **County Roads needs to immediately** get the County Roads’ maintenance crew to **trim the shrubs** so pedestrians can walk on the path. Unlike most locations, the shrubs here, planted by County Roads, are tall and cannot be trampled by people’s footsteps to create a path. The sidewalk can be built later when funding becomes available.