

## **County Roads Dept. opposed BOS policy, opposed sidewalks, and faked “accident statistics”**

### **Urgent need to repeal the pedestrian prohibition by City of Santa Clara (page 5)**

Akos Szoboszlay, 08/26/2024

The below letter from County Roads and Airports Department (on page 3 and 4) is an example of County Roads opposing the County Board of Supervisors’ (BOS) 1991 policies and the BOS-approved 2003 County Expressway Plan. In 2006, I had asked the City Council of Santa Clara to repeal the prohibition of pedestrians. This County Roads letter was presented to the City Council, opposing repeal. It is addressed to City staff (the Public Works Director) who placed it in the Council’s agenda packet. The Director of County Roads and Airports Dept., Michael Murdter, had signed the letter, and then came to the City Council meeting to verbally oppose repeal by re-iterating, and expanding, points of his letter.

This County Roads letter has many false statements that I have rebutted in color, on the letter. Most notably, County Roads faked the “accident statistics”, both in the letter and verbally. Verbally, County Roads claimed that a “study” showed that “60%” of pedestrian fatalities on expressways were caused by “roadway departure,” which is a motor vehicle that runs off the road and kills a pedestrian walking on the sidewalk — who just happens to be at exactly the same spot. In fact, County Roads claimed fatalities were not of pedestrians, but of motorists on freeways and national highways. [See Epilog, last page.] County Roads faked their “accident statistics,” and then *prevented rebuttal* by not providing their data, or their source, in the agenda packet.

The goal of County Roads was to mislead Council members into believing that sidewalks are dangerous, so that they would continue prohibiting use of existing sidewalks on Lawrence Expy. (Applying their logic, bike lanes would be even more dangerous, being closer to traffic.) Why oppose sidewalks? Subsequently, a 2014 County Roads document reveals that they want to use the right-of-way of both sidewalks and bike lanes for their proposed plan for a new 8-lane freeway, where Lawrence Expressway is today. Apparently, faking “accident statistics” gets more Council member votes to eliminate pedestrians than revealing their proposed new freeway — which was only revealed years later.

The City Council postponed action until after the 2008 County Expressway Plan, but this de-facto resulted in continuing prohibiting pedestrian use of sidewalks and paths, to this day. The 2008 Plan contains sidewalks along expressways, and paths have been required since 1991 by the BOS, and shoulder/bike lane use has been approved by the BOS in 2003. However, City staff never brought this agenda item back to the City Council to allow using these facilities. So, pedestrians are prohibited from using sidewalks and paths and bike lanes to this day.

Note that Bike Lane use by pedestrians is legal under the Vehicle Code (CVC 21966) where there is no “adjacent” sidewalk or path. However, no pedestrian would use the Bike Lane if the required paths or sidewalks were created. Paths have not been implemented because County Roads has refused to comply with the BOS’ 1991 path creation order — which was fully funded — by using the City’s prohibitory ordinance as a ruse to avoid complying.

County Roads did not provide, in the agenda packet or anywhere else, their “accident statistics” data; and did not even cite the source of their data! This was to prevent me and other advocates from rebutting them. (Such claims must be in the agenda packet, available to both City Council members and the public.) The County Roads letter (below) states that they “provided” this “information,” but this also was a lie. The City Manager, Ms. Sparacino, did not even have access to it, and it took weeks for her to obtain it from County Roads. County Roads then only provided a link to a promotion of “rumble strips” on freeways and highways from the FHWA website. This is proven in the Epilog — Ms. Sparacino’s email. [See last page.]

### **Related predecessor event in 2006:**

County Roads had secretly eliminated the right of bicyclists and pedestrians to use public roads and streets in the State of California, by placing legal text to an unrelated bill, SB1233 — without informing the County. This became law on 1/1/2005. At my request, the County BOS voted to seek repeal of that, by a 5-0 vote, on 1/10/2006. The BOS vote was to oppose and undo what County Roads did behind their back — and behind the backs of BPACs and the public. Yet, just 5 months later, County Roads cites using that law change in their letter (below). County staff never complied with seeking repeal, merely writing one letter. [SB 1233 details are at this link: [ModernTransit.org/Restore/contents.htm](http://ModernTransit.org/Restore/contents.htm) ]

I had used this State law, prior to this secret change, to force removal of “Pedestrians Prohibited” signs on Lawrence Expressway (and elsewhere). Now, County Roads can put the signs back, immediately and without notice, because the City ordinance prohibiting pedestrians is already “on the books”. Their actions show that is exactly what they intend to do for their proposed new freeway.

### **Related subsequent event in 2006:**

The 2008 County Expressway Plan had a two-year (or so) public input process. County Roads staff went to all the cities that have expressways and opposed sidewalks along expressways. They lost all the votes, and the subsequent BOS vote. The BOS *did not* enact prohibitions as stated in County Road’s letter to the City Council (below). Instead, the BOS required sidewalks along all expressways (per the Sidewalk Maps for each expressway).

Despite losing their fight against sidewalks along expressways in this Master Plan, County Roads subsequently censored the documentation for the sidewalks, which are the Sidewalk Maps for each expressway. These were gone by 2023 from the County website, probably deleted years earlier. They censored the Bicycle Accommodation document in early 2024. I informed the BOS this year, and County Roads was forced to restore these.

## **Letter from County Roads & Airports Department to the City of Santa Clara**

**(See next two pages):**

# County of Santa Clara

Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2400

**RECEIVED**

JUN 13 2006

ENGINEERING DEPT.  
CITY OF SANTA CLARA



June 9, 2006

Date of comments: 8/20/2024

Mr. Steve Yoshino  
Director of Public Works  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, California 95050

County Roads opposed BOS policy, opposed sidewalk use, and faked "accident statistics" as shown by this letter presented to the City Council of Santa Clara in 2006 (via City staff). Comments ( color ) are by Akos Szoboszlay, who asked the City to repeal the pedestrian prohibition.

Re: **Pedestrian Prohibitions on Lawrence and San Tomas Expressways**

Dear Mr. Yoshino: *Steve*

The upper-case scare tactic (below) was inserted by County Roads into the 1991 policy but was superseded by the 2003 BOS's statement, "Shoulders can serve for occasional pedestrian use." [2003 Plan, page 93]. County Roads quotes obsolete policy. Also, bicyclists are much closer to traffic.

This is to follow up on our June 2, 2006 meeting in your office where we discussed your response to the City Council regarding recommendations related to pedestrian access to Lawrence and San Tomas Expressways and removal of existing areas of pedestrian prohibitions. San Tomas speed is exactly the same as N. First St., San Jose, at 45 mph. Lawrence speed is less than 55 mph Monterey Highway. All have bike lanes.

As you know, pedestrian access to the expressways was a topic during development of the Comprehensive County Expressway Planning Study, and a section of the final Implementation Plan was dedicated to pedestrians. Section 6, Pedestrian Element, stated in part: "In 1991, the Santa Clara County Board of Supervisors adopted a 'Policy for Bicycle and Pedestrian Usage of the Expressways' ...The County's 1991 policy is still in effect today and is supported in the Pedestrian Element's recommendations." A copy of the 1991 policy is attached. Note the policy states in part: "The Board of Supervisors is committed to accommodating pedestrians...wherever possible, subject to safety considerations and fiscal constraints." Further, "ENCOURAGING PEDESTRIANS TO WALK ALONG THE SHOULDER AREAS IS NOT A SAFE PRACTICE...THE CLOSE

PROXIMITY OF HIGH SPEED TRAFFIC ON THE EXPRESSWAYS TO PEDESTRIANS OF ALL AGES...COULD LEAD TO SERIOUS ACCIDENTS". As indicated in the information previously provided, accident statistics show that accidents resulting from vehicles straying off the travel lanes comprise a significant portion of reported accidents. We have also provided photos of typical conditions where the area back of curb is limited or obstructed in a way that forces pedestrians onto the expressway pavement.

Their "accident statistics" were for motorist fatalities on national highways. See Epilogue.

Regarding prohibitions, the 2003 Board-approved Planning Study Implementation Plan included the following: "Pedestrians are currently prohibited along some sections of the expressways. Pedestrian prohibitions along expressways are a function of and enforceable through city police powers and, therefore, are established by city ordinances.

This "information" was not provided to City Council and the public until after the Council vote, to prevent rebuttal.

County Roads used the same "children" argument to fight against allowing adult bicyclists use of bike lanes along expressways, and also ignore BOS' path requirement (1991).

Mr. Steve Yoshino  
June 9, 2006  
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County Roads opposed sidewalk use by not mentioning existing sidewalks, and opposing repeal of the ordinance. Why? County Roads wants to destroy the sidewalks (and bike lanes) on Lawrence per their 2014 document. They proposed an 8-lane freeway (starter segment).

When the County Board of Supervisors adopted the 1991 Bicycle and Pedestrian Policy, one of the policy statements was to encourage cities to repeal pedestrian prohibition ordinances, except where safe access is impeded by obstacles that create an unsafe environment. Upon approval..., County staff will assist the cities with reviewing existing ordinances and revising them as appropriate to be legally enforceable, to reflect existing conditions, and to meet city objectives." BOS ordered obstacles (shrubs) removed for paths.

The BOS voted 5-0 to seek repeal of this law change 5 months earlier, on 1/10/2006.

We understand Santa Clara's preference that the County, consistent with the provisions of California Vehicle Code (CVC) Section 21960, take the lead role and develop pedestrian prohibition ordinances for those portions of Lawrence Expressway and San Tomas

Expressway where appropriate and where no sidewalk or walkway exists back of curb. Once the County Board of Supervisors adopts an ordinance, the City would need to take appropriate action(s) with regard to City ordinances to ensure consistency and to support posted signage for areas of pedestrian prohibition. As we discussed, the County will identify those areas along Lawrence and San Tomas that are appropriate for prohibitions as part of an update to the 2003 Planning Study, which will get underway later this year after completion of other ongoing studies whose results are needed to inform the update. The update should be complete in approximately one year.

The BOS enacted no "prohibition ordinances!" Instead, BOS approved sidewalks. (2008)

We appreciate Santa Clara's understanding of the County's role as expressway operator and willingness to give us the lead role in developing recommendations that are consistent with the expressway system as a whole, but responsive to the needs of each separate facility as a unique resource to the communities through which the expressways pass. We will need to continue to work together to ensure mutually satisfactory outcomes in the same collaborative spirit that made the 2003 Planning Study such a success.

County Roads tried to eliminate pedestrians in drafts of 2003 Plan, 2008 Plan, and T2010.

One potential area for continued coordination is the construction of new sidewalks along San Tomas. An estimate of planned sidewalk costs will be developed as part of the Planning Study update. The County is highly dependent on grant funds for capital improvements but our annual allocation of TDA-3 funds is in the neighborhood of only \$70,000 and no other viable grant sources have been identified. The Planning Study

identified about \$7,000,000 in expressway sidewalk needs not including San Tomas. Clearly, additional funding sources will be necessary. The City can support any planned sidewalks through use of development conditions or allocation of impact mitigation funds or TDA-3 funds.

Sincerely,



Michael Murdter  
Director

The BOS approved \$75,000 annually for unpaved pedestrian paths along expressways, in 1991, and the staff report estimated completion to be in 1995 but County Roads never even created one path. County Roads had only to remove "obstacles" (basically, shrubs that they planted). They refused.

Verbally stated to the City Council that "60%" of pedestrian fatalities on expressways are caused by "roadway departure".

## **Urgent need to repeal City of Santa Clara's pedestrian prohibition**

### **Events in 2024:**

County Roads and Airports Dept. censored the 2003 and 2008 County Expressway Plans from the County website in early 2024. I had requested the BOS to direct staff to comply with the Plans. County Roads tried not to comply by preventing Supervisors and their Aides from reading these. The 2003 Plan includes the "Bicycle Accommodation" document with detailed bike lane requirements. The 2008 Plan has Sidewalk Maps for each expressway, showing block-by-block, the required sidewalks. Both were eliminated. This would have enabled County Roads to do anything they want, including destroying bike lanes and sidewalks for more car traffic lanes (as they have done repeatedly).

I informed the BOS of this censoring, and County Roads was forced to re-instate these documents.

Unfortunately, County Roads did not give up. **They announced at the VTA BPAC meeting (8/7/2024) that they intend to eliminate these Plans, with their bike lane and sidewalk requirements**, and come up with a new Plan to the BOS for a vote, in early 2025. This puts bicyclists, pedestrians and transit patrons, once again, in danger of being eliminated from expressways, which County Roads repeatedly attempted in the past, as follows:

- The drafts of the prior transportation Plans (2008 Expressway Plan, 2003 Expressway Plan and T2010 in 1991) eliminated pedestrians and transit patrons from expressways.
- Bicyclists were eliminated from the T2010 draft.
- County Roads requested the BOS (in 1988) to seek legislation in Sacramento to re-impose bicycle prohibitions that some cities had repealed (and to prevent further repeals).

County Roads lost *all* of these votes at the BOS, thanks to advocates of bicycling, walking and public transit. If advocates don't fight back this time also, they will lose their facilities. None of the current County Supervisors are not informed as to why we need to use expressways. Term limits prevent knowledge of prior Boards actions. Supervisors have not heard our prior arguments. They will accept County Roads' propaganda unless we, once again, inform them. The above letter shows that County Roads is expert at producing propaganda.

### **Information for the City Council of Santa Clara, and its BPAC:**

The City's prohibition of pedestrians enables County Roads to destroy sidewalks without even informing the City. In 1993, County Roads actually destroyed bike lanes along Lawrence and the pedestrian underpass used by Lawrence Caltrain patrons — where Lawrence goes under Central — without informing the City. Furthermore, County Roads has cited the City's prohibitory ordinance as the reason for their refusal to create paths on San Tomas Expy., as the BOS required and fully funded, in 1991. This involves removing shrubs that they planted, and is very inexpensive.

The message that the City of Santa Clara *currently* sends, as its input to the upcoming Plan, is stated in the City's prohibitory ordinance: **The City does not want pedestrians, transit patrons, sidewalks and paths along expressways. This needs to change, urgently.** The

City Council, in 2006, voted to postpone action (on repealing the prohibition) until after the 2008 Expressway Plan was approved. This occurred in early 2009. The time for action is overdue.

## **Accomplishments of Akos Szoboszlay for the City of Santa Clara**

I previously lived in Santa Clara, for 24 years (until 2016). Before the BPAC existed, I accomplished these for the City:

- Led the repeal of the bicycle prohibition (from 1987 until winning in 1991),
- Above vote also allowed using the pedestrian underpass (used by Caltrain patrons walking to industry) and walking on the expressway shoulders/bike lanes to access the underpass.
- Obtained sidewalks along Lawrence Expressway at no cost to the City (completed in 1997). [See *How sidewalks were obtained along Lawrence Expressway*, below],
- Forced County Roads to restore the pedestrian underpass (at Lawrence crossing under Central) that is used by Lawrence Caltrain patrons (circa 1995),
- Restoration of bike lanes along Lawrence that County Roads destroyed in 1993 for more car traffic lanes,
- Forced removal of “Pedestrians Prohibited” signs from Lawrence Expressway (1992) by using State law that only authorized (enabled) prohibiting them from freeways.
- Forced removal of “Pedestrians Prohibited” signs from Central Expy. (1990): The City repealed the prohibition on that road in 1982, but County Roads repeatedly refused to remove these signs until I told the Director that I would get the City Police Dept. to enforce the City ordinance, and I would also send out a Press Release. (“No No,” he said.)

## **Actions needed by Santa Clara BPAC member(s), as individuals:**

I was able to place items on the City Council agenda as a City resident, but now I live in San Jose. Would one or more City residents please place this item on the agenda?:

“Request to completely repeal Resolution No. 5603 (Prohibition of pedestrians along expressways)”

I would even write the letter. Please contact me or see me on the bike tour (below).

Please forward this handout, either as a link [See Links, below.] or on paper, to City Council member(s) you know, or all of them, to get their support. And, to place it on the agenda.

## **Invitation: bike tour San Tomas Expy. (in the City)**

I will be giving a tour of San Tomas Expy., showing how easy it is to create the required paths. I will show the most dangerous spot for pedestrians on San Tomas Expy. (Hint: It’s for crossing the expressway, and it’s easily corrected.)

Date: Labor Day, 8/2/2024. Time: 10:30 AM. (If you are away, contact me for another tour.)

Meet location: Souza Park, at Creek Trail and Monroe, at the benches.

Ride description: About one hour. From the Park, we will ride on San Tomas north to Scott Blvd., then south to Stevens Creek Blvd., then north to just across El Camino intersection.

**Contact info** (or just show up): Akos Szoboszlay

email: expressway [“at” symbol] [akos.us](mailto:akos.us)

call or text: 408-221-0694

## Links

**This handout** is at:

[ModernTransit.org/2024/SCrepeal.pdf](https://ModernTransit.org/2024/SCrepeal.pdf)

**Page of clickable links:** Lawrence Expressway proposals, Repeal of prohibitory ordinances, historical Timeline of expressway events, the main *Expressway Topics, Links* page, and more:

[ModernTransit.org/2024/Links.pdf](https://ModernTransit.org/2024/Links.pdf)

## How sidewalks were obtained along Lawrence Expressway

Santa Clara City staff was so opposed to bicyclist use of bike lanes — which they lost after a 4-year fight by a narrow 3-4 vote in 1991 — that I doubted I could win for pedestrians by going to City Council. Staff continued opposing bicyclists even after the BOS votes to support bicycles (1988) and to require bike lanes (1989) on expressways. The BOS, at my request, ordered pedestrian paths along all expressways in 1991. In 1992, I forced County Roads to remove their illegal “Pedestrians Prohibited” signs on Lawrence Expy., which violated State law that over-ruled the City’s prohibitory ordinance and only authorized prohibiting from freeways. [CVC 21960 was since changed in secret to eliminate that right to use public roads.]

Despite bicyclists and pedestrians being allowed, County Roads destroyed the bike lane along Lawrence in 1993 — without informing the City — and forced bicyclists, pedestrians and transit patrons to walk or ride in the 50 mph vehicular traffic lane. They also destroyed the pedestrian underpass (along Lawrence, under Central Expy.) used by Caltrain patrons walking to jobs in industry. **County Roads actions were truly dangerous!** Furthermore, County Roads violated both the BOS bike lane (1989) and path (1991) requirements.

County Roads did not want me to take this danger to the BOS. This was a **roadway design failure** of County Roads that, furthermore, **violated BOS requirements**. County Roads had already lost 3 out of 3 votes at the BOS. (Eventually, County Roads lost 7 out of 7 votes at the BOS. See Timeline in Links page.) And, County Roads lost at the City Council that allowed not only bicycles, but also use of the pedestrian underpass and walking on the expressway shoulders/bike lanes to access the underpass (1991). This indicated a full repeal in the future was likely.

I met with Scotty Bruce, a manager at County Roads, who agreed to restore the bike lanes, restore the pedestrian underpass, and construct sidewalks the entire way for the scope of the lane addition project — from the bridge over Fwy. 101 to Stevens Creek Blvd. These were completed by 1997.

## Epilog

The email below is from Santa Clara City Manager, Ms. Sparacino, answering our question for the source of the 60% figure in staff's "accident statistics," and requesting their data. Both County and City staff told City Council on 6/20/2006 that "roadway departure" of motor vehicles caused 60% of pedestrian fatalities on Santa Clara County expressways. In fact, these were of *motorist fatalities* on national freeways and highways, from the FHWA website. (By far the most pedestrians fatalities on County expressways are for crossing the expressway.)

===== email from City Manager, Ms. Sparacino =====

August 1, 2006

To: Akos Szoboszlay, President, Modern Transit Society

Dear Mr. Szoboszlay:

I am writing with reference to your correspondence dated: (1) July 6, 2006, (2) July 19, 2006 and (3) July 24, 2006.

You stated that at the City Council meeting of June 20, 2006, Mr. Yoshino gave a figure of 60% for fatalities that result from roadway departures, and you requested a copy of the data. Attached are copies printed from Federal Highway Administration (FHWA) websites, indicating that approximately 60% of all fatal crashes in study year 2003 are roadway departure fatalities. The websites are as follows:

[http://safety.fhwa.dot.gov/facts/road\\_factsheet.htm](http://safety.fhwa.dot.gov/facts/road_factsheet.htm)

<http://www.fhwa.dot.gov/crt/marketready/rumblestrips.pdf>

Sincerely,

Jennifer Sparacino

City Manager

cc: Mayor Mahan

Director of Public Works

Traffic Engineer

M. Murdter, Director of Roads and Airports, County of Santa Clara