

Reasons for each of the 6 points in the Request

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Summary

This [Request](#) would be a major safety correction, if approved. Instead of using limited pedestrian funding to pave existing, well-worn pedestrian paths — which adds negligibly to safety — County Roads needs to comply with the BOS path-creation order, starting with truly unsafe situations that are listed in this *Request*, and which conform with existing BOS policy. There is also a huge cost difference. Paths cost less than concrete sidewalks, probably by about a factor of 100. This would enable creating about 100 times more miles of paths for the same dollar amount.

Every point is important because it either contradicts statements by County Roads, or contains important information that County Roads omitted, in County Roads' efforts to prohibit pedestrians from most expressway miles (as of 2007).

Color of text: **Green** are links to sources. **Red** is the reason for each point — there are six points.

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1) [create paths]:

Link: [BOS' approved 1991 agenda item, page 1.](#)

County Roads has all omitted mention of this BOS order to BPACs, in its memo to the BOS (see quote in item #6), and letter to the Santa Clara City Council, while advocating that pedestrians be prohibited from shoulders and also prohibited from existing pedestrian paths, unless they are paved.

Links: [[Memo to BOS.](#)] [[Letter to the City Council.](#)] [[verbal statements to City Council](#)]

Note: Statements to BPACs were verbal.

2) [priority]:

(a) [unsafe intersection corners]

Links: [County Expressway Master Plan](#), see paragraph from page 93 or download the Plan.

County Roads has all omitted mention of this BOS policy to BPACs, its memo to the BOS as quoted above, while eliminating pedestrian facilities in 2005, 2002 and earlier, in direct contradiction of this policy, by forcing people to walk in the traffic lane.

Links: Statements to BPACs were verbal. [[Memo to BOS.](#)] [2005] [2002] [[earlier](#)]

(b) [walk in traffic lane]

This point 3b clarifies “travel lane” of point 3a to explicitly include “traffic lane.” All the shoulders that were eliminated were previously bicycle/pedestrian facilities because all expressways had wide shoulders everywhere for most of the approximately 40 years of their existence as “expressways.” County Roads showed slides to BPACs last year of some of these locations with eliminate shoulders and stated their desire to prohibit pedestrians (e.g., Montague crossing Freeway 880 shown to San Jose and VTA/ County BPACs).

Link: [Montague crossing Freeway 880](#)

(c) [where prohibited]

Links: [BOS' approved 1991 agenda item](#). [Example detour maps](#).

County Roads – specifically, Michael Murdter and Dan Collen – has opposed repeal of the pedestrian prohibition before Santa Clara City Council, in June of 2006, including prohibiting use of existing pedestrian paths, in complete contradiction to this BOS policy that encourages repeal of the pedestrian prohibition. Furthermore, County Roads has *never* recognized that prohibiting bicyclists or pedestrians from using expressway arterial roads actually increases accident risk by forcing the crossing of many additional intersections, the main source of accidents.

Links: [[Letter to the City Council.](#)] [[verbal statements to City Council](#)] [[photos of prohibited paths in Santa Clara which were opposed by Murdter and Collen](#)]

3) [funding]

Link: BOS' approved [1991 agenda item, page 1](#).

County Roads has never complied with this BOS order. These paths were supposed to have been completed in “several years” from 1991. Instead, County Roads has misspent the money, mostly using funds to pave existing paths. Sometimes it used these funds to relocate pedestrian facilities during a lane-addition project — rather than use the lane addition budget itself.

Links: The many photos along expressways, showing no path, prove lack of compliance, such as along [Montague](#). The “several years” from 1991 is in the approved staff report.

See quote #2 on the [list of BOS policies and orders](#):

4) [wide shoulder use]

Links: [County Expressway Master Plan](#), see paragraph from page 93 or download the Plan. [[Vehicle Code 21966](#).]

County Roads has falsely stated that BOS policy opposes shoulder use by quoting obsolete policy that was, at the same time, quoted out-of-context due to the path creation order. County Roads' claim was rejected by VTA/County BPAC in 2005. County Roads has not recognized that the Vehicle Code allows use of bike lanes by pedestrians where there is no adjacent walking facilities, and that the Vehicle Code does not prohibit shoulder use. Furthermore, new paths that are created do not have to be ADA compliant where there is a shoulder that accommodates wheelchairs (and well as bicycle trailers and bicycles). This is consistent with Caltrans' practice, where shoulders for pedestrians are the norm in suburban areas.

Links: [[Letter to the City Council](#).] [[verbal statements to City Council](#)] [[BPAC votes](#)] [[Caltrans' practice: see photos and description](#); click then scroll down to *Caltrans roadway design practice*]

5) CVC 21949

Links: [[Vehicle Code 21949](#)]

County Roads has never mentioned this very relevant Vehicle Code section, and County Roads' elimination of bicycle/pedestrian facilities and recent statements advocating the banning of pedestrians show that it strives to continue to violate it.

Links: Statements to BPACs were verbal. [[Memo to BOS](#).] [[Letter to the City Council](#).] [[verbal statements to City Council](#)]

6) [unpaved paths are legal]

Links: See the [FHWA web page for this document](#), or just [Chapter 5](#) from our website, or just this quote on [page 83](#).

Contradicts County Roads memo to BOS that states, "... dirt pathways [are] not consistent with requirements of ADA, ... that pathway surfaces should be ... asphalt or concrete." [dated 6/19/07.]

Links: [County Roads' false and misleading statements \(underlined in red\) in memo to Board of Supervisors \(see underline #11\)](#). See the [rebuttal by MTS](#).

For further information, see the Expressway Topics, Links page at moderntransit.org/expy