

Rebuttal to draft Active Transportation Plan (ATP) The County Roads replacement for County Expressway Plans

Akos Szoboszlay. Updated 11/13/2024

This is the full rebuttal submitted to “Public Comment” of County Roads. Due to only 4 weeks allowed for public comment on the 501-page draft ATP (with appendices), between release and close of the comment period, I did not have time to analyze the crash data before the deadline. I did that subsequently, finishing in March 2025; it is at this link:

ModernTransit.org/2025/shared.pdf

This rebuttal (uploaded to ModernTransit.org/2024/ATPRebuttal.pdf) was presented to the VTA BPAC for their vote on 11/13/2024. County Roads prevented a vote by placing “information item” on the agenda. One member and the Chair wanted to have an action item at a subsequent meeting on the draft ATP. Eight people (half from the public, half BPAC members) voiced the danger that “shared-use path” poses to fast bicyclists, several pointing to the one on San Tomas. The HLUET Committee sent this back to VTA BPAC and they are scheduled to vote on April 9, 2025.

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Updates to this rebuttal, prior to the final version on 11/13/2024:

11/06/2024: Added *Propaganda against bicyclists*, page 3.

11/06/2024: Added *Propaganda against pedestrians and transit patrons*, page 5.

11/07/2024: Added *False claim of high “traffic stress” against bike lanes along expressways*, page 4

11/09/2024: Added *Respect the time of bicyclists, pedestrians, and transit patrons*, page 5

After reflecting on the process, and comparing it with prior ones, I wrote three more sections:

11/11/2024: Added: *Minimal comment and process contradicts that of prior County Expressway Plans*.

11/12/2024: Added: *County Roads is not qualified to write the ATP due to their repeated attempts to eliminate bicyclists, pedestrians, transit patrons, and their facilities, along expressways*, page 14

11/13/2024: **Final version** for the VTA BPAC. See what occurred at the meeting on this day (above).

Summary:

The draft ATP (Active Transportation Plan) eliminates all bike lanes and sidewalks along all County expressways, and replaces these with a “shared-use path” on one side of the road only. This would force 20 mph bicyclists (the e-bike legal limit) going in both directions to share a path with pedestrians also going in both directions.

The real reason for eliminating these is not stated in this draft ATP, but County Roads has a history of destroying bike lanes and sidewalks to create more traffic lanes, and forcing people to bicycle or walk in 45 and 50 mph traffic lanes, by completely ignore safety. Furthermore, a 2014 document shows County Roads wants to construct an 8-lane freeway where Lawrence Expressway is today, by destroying the bike lanes and sidewalks.

Background of 2024 events:

Early in 2024, as a result of my request to three County Supervisors for compliance with the 2003 and 2008 County Expressway Plans in their districts, County Roads censored these documents by removing them from the County website, to prevent Supervisors and Aides from reading these. The 2003 County Expressway Plan has detailed bike lane requirements, and the 2008 County Expressway Plan (also called “2008 Update”) has Sidewalk Maps for each expressway. These Sidewalk Maps show the BOS-approved sidewalks. At some locations, nearby parallel routes are shown. After I informed the County Board of Supervisors (BOS) of this censoring, County Roads was forced to restore the 2003 and 2008 Plans with the bike lane requirements and Sidewalk Maps.

In August 2024, at the VTA BPAC meeting, County Roads announced that these Plans will be eliminated and replaced by County Roads Director Freitas’ new plan, and that it will go to a BOS vote in “early 2025.” This was released on October 28 as the draft ATP. Comment period ends Nov. 24.

The draft ATP is the replacement for the 2003 and 2008 County Expressway Plans regarding bicycle and pedestrian portions, and combined that with the ATP for all other County roads. As I predicted, County Roads eliminated bike lanes, unpaved pedestrian paths, and sidewalks along expressways. County Roads replaced these with a single shared path on one side of the road to be used by mixing pedestrians and bicyclists, both traveling in both directions. Here is the link to the draft ATP:

<https://activesantaclaracounty.org/>

The draft ATP also ignores BOS requirements for pedestrians from 1991: bridge and underpass use, posting of guide signs, safety at intersection corners, unpaved paths as precursor to sidewalks, and the prohibition against destruction of pedestrian facilities.

My rebuttal to general points of the draft ATP:**Bicycles:**

Fast bicyclists ride at 20 mph, including myself, and e-bikes go 20 mph also, the legal limit. I do not want to bike in a path with pedestrians because (1) pedestrians on paths meander, not going in a straight line, and (2) pedestrians, and dogs of dog walkers, often make sudden movements right or left. This contrasts with pedestrians using bike lanes where they always walk straight, next to the curb, because

they feel safest there. Most bicyclists in bike lanes, in contrast, ride near the shoulder line for greater visibility and less crash risk.

Forcing sharing of the path would slow down bicyclists, and inevitably result in bicycle-pedestrian crashes.

A documented common crash for “parallel side paths,” which is now named “shared-use path,” is documented by John Forester’s book, “Effective Cycling”: With the green signal, a car makes a right turn just as the fast bicyclist, also having the green signal, emerges from the path into the intersection, resulting in a collision. The bicyclist was not visible to the car driver, but would be if using the bike lane.

County Roads wants to construct these shared paths on 61 miles out of 62 miles of expressways. County Roads also listed 38 miles of non-expressway County roads for “shared-use path.”

County Roads did not specifically state that they will eliminate bike lanes but they already have at various locations, when creating right-turn-only lanes and acceleration lanes. They also want to eliminate bike lanes and sidewalks along Lawrence Expressway in order to construct a freeway. With elimination of bike lane requirements, County Roads can eliminate bike lanes with impunity.

Pedestrians:

By far, the greatest crash risk for pedestrians is crossing the expressways. By only providing a facility for them on one side of the road, it often forces a double crossing of the expressway.

Furthermore, County Roads does not respect the time of pedestrians and transit patrons by forcing the crossing of the expressway two times. This takes time because the “green” signal is preferentially given to expressway car traffic.

For both safety and time respect reasons, needless double crossings of the expressway must be avoided.

The draft ATP expressly eliminates the bike lane requirements of 1989 and 2003, so that County Roads can use the right-of-way of the bike lanes and sidewalks to create more car traffic by adding lanes. For Lawrence Expressway, County Roads proposed (in its 2014 document) constructing an 8-lane trenched freeway. Bicycling or walking on the shared-use path along a freeway would be awful. That is why I never saw anyone use the shared-use path along Freeway 87 (which is 6 lanes and not trenched). Placing bicyclists and pedestrians into a trench with their proposed 8-lane freeway traffic would be far worse, because the sound echos back and forth between the walls, and the exhaust fumes do not dissipate well.

Propaganda against bicyclists:

Without providing any evidence, County Roads makes the innuendo that bike lanes along expressways are unsafe by stating “highly advanced bicyclists can use” the bike lane. [pages 18, first photo caption; page 33, 2nd paragraph.] This implies that most bicyclists *can not* use the bike lane. This is false. Bike lanes along expressways are the safest bike lanes, compared with other arterial roads (with or without bike lanes), due to 1/5 as many intersections (where most crashes occur), few driveways (another crash

source), no parked cars (no “doored” crashes), and a bike lane to use, rather than sharing the car traffic lane.

These photo captions use the term “wide shoulder” rather than “bike lane” when in fact bike lane specifications are required by the BOS-approved 2003 County Expressway Plan. County Roads does not recognize this fact because it wants to eliminate these BOS-approved bike lane requirements — which is expressly stated in the draft ACR — by pretending they are obsolete, without replacing them by any new bike lane specifications.

The reason the “bike lane” signs are not posted is the direct result of this propaganda by County Roads, which unfortunately was successful: It is politically much easier to destroy bike lanes, as County Roads already has at various locations, by not recognizing these “shoulders” to be “bike lanes.” The “Bike lane” signs were actually removed from the entire Capitol Expressway. The “delineate not designate” propaganda was approved by VTA BPAC without considering that the *real* purpose of this County Roads request was to enable destruction of bike lanes, including County Roads attempts currently to eliminate all bike lanes from expressways.

Posting “Bike Lane” signs, removing “Pedestrians Prohibited” signs, and (optionally) changing the street name signs from “Expressway” back to “Avenue” or “Road,” would stop misleading drivers to expect bicyclists and pedestrians *not* to be on the roadway, as if they were freeways. (In many other states, “Expressway” means “Freeway.”) By far the greatest fatality risk to pedestrians is for crossing the roadway. The BOS recognized that all expressways are, in fact, arterial roads. [2003 Plan.] This contradicted County Roads’ false prior claims that, “Expressways are freeways.”

Encourage high school students to bicycle on expressways, the safest arterial roads.

I bicycled on expressways since 1968, attending Mitty High School adjacent to Lawrence Expressway. I also bicycled on Capitol Avenue and Almaden Road on weekend and summer bike rides, when County Roads posted “Bicycles Prohibited” signs on them, after creating bike lanes (8 to 10 feet wide), and without increasing the 45 mph speed limit. (Only this century, was it increased to 50.). I knew that the “Bicycles Prohibited” signs were only for discriminatory purposes, having learned about discrimination at school. I also knew about bike lanes, having previously lived in Europe where they existed, when County Roads either never heard of them or ignored them.

High school students should be encouraged to ride a bicycle rather than drive a car, for their safety and everyone else’s. Encourage them to bicycle on expressways which are:

- 1) the safest arterial roads to bicycle, and
- 2) the most time efficient roads to bicycle due to fewer intersections and stop lights, and longer “green” signals.

Children do not bicycle on expressways.

I have never seen grade-school or pre-school children bicycle on expressways, in my 56 years of expressway bicycling. (I have not seen children on other major arterial roads, either, unless escorted.) Yet, County Roads has repeatedly used “children” and “of all ages” as propaganda in County Roads

decades-long fight to prevent or eliminate *adult* bicyclists from using bike lanes along expressways — the safest arterial roads.

False claim of high “traffic stress” against bike lanes along expressways

The only “metric” (criterion) the draft ACR stated for giving the “high stress” category to all bike lanes along expressways — shown by red lines on maps (pages 125-130) — is stated on page 123:

“width of existing sidewalks and bicycle facilities,
number of vehicle lanes, and
presence of parked vehicles.”

The following points shreds each of the arguments used by County Roads to classify bike lanes along expressways as high “traffic stress”:

The width of a bike lane on expressways (6 to 10 feet) is greater than the standard 5 feet.

The number of vehicle lanes makes little or no difference for bicyclists going along the road.

There are no parked cars on expressways.

In fact, bicyclists experience the lowest stress riding on expressways, and bike lanes along expressways provide the lowest “traffic stress” of all arterial roads, for reasons completely ignored by County Roads: Bicyclists encounter 1/5 as many intersections, few driveways (about 1/100 as many), and no parked cars, when compared with other arterial roads. Every one of these features reduces stress for bicyclists because all reduce conflicts with vehicles, and therefore, also reduce crashes.

County Roads completely ignores the stress (and danger) of the proposed “shared-use path” that they want to replace the bike lanes with. Shared-use paths force 20 mph bicyclists (the e-bike legal limit) going in both directions to share with pedestrians also going in both directions. Los Gatos Creek Trail is a good example of these conflicts, especially during the evening commute, with 20-mph bicyclists and dog walkers sharing the same path. County Roads also ignores the well-documented danger [described above] at intersections for shared-use paths.

The photo (at right) shows another source of stress for both bicyclists and pedestrians: Police harassment caused by County Roads fighting against repeal of city ordinances that prohibit use of bike lanes, sidewalks and paths. I was bicycling in the bike lane in 2006 and stopped to take a photo of the pleasant street view, while remaining in the bike lane. (People do similarly when getting a cell phone call.) A motorcycle police stopped. A while later, a police squad car stopped (behind me). I told the police, which was the California Highway Patrol contracted by the County, that it is legal to

bicycle on the expressway. He stated that my foot is on the ground and that I am a pedestrian. The ticket was \$149. At court, the police did not show up, so it was dismissed. However, going to court actually cost me much more than \$149 in lost wages, and wasted hours of my time in the courtroom. This wasting of my time, and the lost wages, was blatant harassment. It served no purpose other than



punishing me for using the bicycle, rather than using a motor vehicle. Stop this harassment by repealing all prohibitory ordinances!

This whole police harassment episode, and many others, were stressful. I repeatedly got ticketed for bicycling in bike lanes, and knew others who got ticketed. Consider this absurdity: As soon Lawrence Expressway's name changed to Caribbean Drive, the bike lanes disappeared, and I had to bicycle in the 45 mph vehicular traffic lane to continue to my job at Lockheed, but I was "allowed." Claiming high "Bicycle level of traffic stress" for bike lanes on expressways is absurd, except in the context of propaganda to eliminate bike lanes to provide space for more car traffic lanes or a new freeway.



Left photo: County Roads destroyed the bike lane and built the "Berlin Wall" to block pedestrians on Capitol Avenue, at the name change to "Expressway," and then stonewalled for 20 years on correcting the danger they caused. This forced transit patrons to walk in the traffic lane to access the Alum Rock Light Rail Station. Right photo: After 20 years, VTA, not County Roads, placed a gap in the wall. The bike lane was also restored.

This propaganda is not an idle threat. County Roads actually destroyed 4 miles of bike lanes and pedestrian facilities on Lawrence Expressway in 1993, without giving any notice, when adding even more car traffic (6 to 8 lanes). This was despite the fact that all prohibitory signs were previously removed, and the road was legally used by bicyclists, pedestrians and transit patrons using the Lawrence Caltrain Station. Bicyclists, pedestrians and transit patrons were forced to use the 50 mph vehicular traffic lane. I forced County Roads to restore the bike lanes and construct or re-construct sidewalks for the entire 4-mile lane-addition project. Now, County Roads Director Freitas denies that County Roads ever destroyed these and the 2.1 miles of pedestrian paths along San Tomas in 2007. [See link below to my rebuttal to Mr. Freitas letter.]

Propaganda against pedestrians and transit patrons:

Without providing any evidence, County Roads claims that sidewalk use along expressways have a high "Pedestrian level of traffic stress." They show this by drawing a red line on expressways, meaning "high stress," on pedestrian stress maps (pages 131-136). Stress is caused by having to cross intersections and driveways; but expressways have 1/5 as many intersections, and about 1/100 the driveways, compared with other arterial roads, so walking along an expressway on the sidewalk has very low stress. County Roads claims sidewalks are high-stress in order to destroy these, along with bike lanes, to create even more car traffic lanes.

Let's talk about real stress:

A new stress that County Roads' ATP places upon pedestrians, but ignores recognizing in the ATP, is to force pedestrians to cross the expressway twice, in many cases, by eliminating one sidewalk — either existing or BOS-approved on Sidewalk Maps of the 2003 Plan — on one side of the road.

The draft ATP also ignores that its proposed shared-use paths would have 20 mph e-bikes wizzing past people walking, at close quarters. Many pedestrians would be stressed by that.

Last general point: Respect the time of bicyclists, pedestrians, and transit patrons

Historically, highway and traffic engineers have disregarded the time of bicyclists, pedestrians and transit patrons (“non-motorists”). For expressways, highway/traffic staff tried to force non-motorists into detours, which typically added 1 mile to the trip, and which wastes their time. A one-mile detour with a car takes 1 minute on the freeway, maybe 2 minutes on local roads, but takes 20 minutes to walk. This was never considered in dozens of staff reports opposing expressway use by non-motorists, in 37 years of my advocacy, despite my repeated requests to have the staff reports state the extra time it takes non-motorists to comply with detours that the highway/traffic engineers demanded. The draft ATP, written by County Roads with the Department head being a former traffic engineer in the City of San Jose, continues the practice of ignoring, and wasting, the time of non-motorists, as described next.

For bicyclists: The most time-efficient roads are the expressways for reasons described above. County Roads wants to eliminate bike lanes and put bicyclists in shared-use paths with pedestrians and dog walkers, which will slow them down. Today, right-turning drivers wait for the bicyclist in the bike lane, and allow them to pass first. The “shared-use path” will also slow down fast bicyclists at intersections (where they also would be at great crash risk, as explained on page 3).

For pedestrians, County Roads wants to eliminate the BOS-approved sidewalks on one side of the road, forcing a double crossing of the expressway in many cases. Such wasting of the pedestrian's time is much worse on expressways because (1) expressways can be twice (or more) as wide, and (2) the “green” signal is longer for expressway traffic, resulting in long wait times to cross (and its done twice).

For transit patrons: Expressway bus stops placed after the intersection preclude the possibility that at exactly the same time, a bus can stop for transit patrons and for “red” signal lights. This would save travel time for the bus, and that of transit patrons. The after-intersection bus stop design was designed by highway/traffic engineers who want the bus out of the way of right-turn-on-red vehicles when other lanes are filled with stopped traffic at a “red” signal light. This location forces the bus to wait for its “green” signal while doing nothing but exhausting fumes, then accelerate and decelerate and stop again, this time at the bus stop that the highway/traffic engineers located after the intersection, to save time of motorists and waste time of transit patrons.

Proposal (Formatted for a vote by VTA BPAC, but that was prevented by County Roads):

Add items 1 thru 5 to the ATP. [These are identical to what was previously given to the VTA BPAC]:

1. The County Board of Supervisors (BOS) requests cities to *completely* repeal *all* remaining ordinances that prohibit bicyclists and/or pedestrians (including transit patrons) from using expressways.
2. County Roads and Airports Department (County Roads) shall restore the 2.1 miles of destroyed paths on San Tomas Expressway that were plowed up by County Roads in 2007.
3. Where sidewalks are shown on the Sidewalk Maps of the BOS-approved 2008 County Expressway Plan — formally named "Comprehensive County Expressway Planning Study Implementation Plan, 2008 Update" — but where these sidewalks are not yet constructed, County Roads shall create paths by removing shrubs, which is the first phase of sidewalk construction.
4. The highest priority of item 3 is where transit patrons are forced to needlessly cross the expressway, sometimes twice, to access transit stations, where only one side of the expressway has a path or sidewalk.
5. County Roads shall stop using prohibitory ordinances as an excuse to refuse to comply with County policy approved by the County Board of Supervisors (BOS), including the 1991 BOS order to create paths along expressways — which the BOS fully funded — and the 2003 and 2008 County Expressway Plans. County Roads shall not destroy these BOS-approved facilities, which is already BOS policy from 1991. [Approved 8/13/1991.]

Make the following changes to the ATP:

- A. Remove "County Roads will sunset" the "Bicycle Accommodation" document [Page 187], and any other language to "sunset" or rescind bike lane requirements in the ATP. [There is no replacement as the ATP misleadingly implies.]
- B. State that the 2003 County Expressway Plan (including bike lane requirements) continues to be valid.
- C. State that the 2008 County Expressway Plan (including Sidewalk Maps showing BOS-approved sidewalks, block by block, usually on both sides of the road) continues to be valid. However, a sidewalk can be replaced by a "shared-use path."
- D. Reiterate the BOS-approved statement, "Shoulder or path facilities can serve for occasional pedestrian use." [2008 2003 County Expressway Plan, page 93.]
- E. Reiterate the BOS Policy of 8/13/1991: "It is the Policy to not eliminate existing sidewalks or pathways or informal paths." [Enacted at the request of Akos Szoboszlay, before BPACs or VTA existed, after County Roads destroyed sidewalks for more car traffic lanes.]
- F. State that all expressways must have (single-direction) bike lanes on both sides of the road regardless of whether or not an adjacent "shared-use path" or parallel route exists.
- G. Change "wide shoulder" to "bike lane (unmarked)" to recognize the fact that the bike lane requirements of the 2003 Plan must still apply even if the bike lane is unmarked. This applies to draft ATP page 18 (first caption), page 33 (2nd paragraph) and possibly elsewhere.

My rebuttal to specific points in the draft ATP:

Page 9: “Expressways ... carry ... a high volume of traffic at **high speeds.**”

Rebuttal: Expressway speed limits are no higher than many other arterial roads. For example North First Street in San Jose is 45 mph and has bike lanes, same as most expressways. Monterey Road is 55 mph (south of Blossom Hill Road), a higher speed than all expressways, yet also has bike lanes. The fact is that, for decades, County Roads fought to eliminate bicyclists and pedestrians from expressways by the false claim and scare tactic of “high speed,” and actually stated “Expressways are freeways.” In contrast, the BOS recognized that all expressways are, in fact, arterial roads (2003 Plan), and required bike lanes (1989 and 2003), pedestrian paths (1991) and sidewalks (2008 Plan) along all expressways.

Page 9: Furthermore, it stated “**high volume** of traffic”

Rebuttal: Except for the outer lane, the other lanes are too far away to make a difference for people walking along the road. More lanes greatly effects people crossing the expressway, increasing the crash risk exponentially with distance to cross.

Page 16: “This Plan was developed to improve public safety”

Rebuttal: Safety is reduced compared with what the BOS already approved. The purpose of the Plan is to add more traffic lanes by reducing right-of-way of bicyclists and pedestrians, and to change Lawrence Expressway into a freeway as shown in the 2014 County Roads document.

Page 16: This Plan is “deeply tied into other plans” and it gives a list.

Rebuttal: Omitted from the list is the 2003 and 2008 County Expressway Plans, which detailed bike lane requirements (2003) and the approved sidewalks that are shown, block by block, on the Sidewalk Maps for each expressway (2008).

Page 16: States “there are current programs and policies ... that relate to this plan.”

Rebuttal: The draft ATP list omits the 1991 path creation order that the BOS fully funded.

Page 17 regarding “Documents Reviewed,”

Rebuttal: The “documents reviewed” omits prior requirements of the BOS, as follows:

- Only the funding section of the 2008 Expressway Plan is mentioned. The Sidewalk Maps in this Plan were completely ignored.
- The bicycle portion of the 2003 Expressway Plan is mentioned, which contains detailed bike lane requirements. It may have been reviewed, but it was completely ignored.
- Ignores the 2003 Plan, page 93, that states:
- “shoulder or path facilities can serve ... for occasional pedestrian use.”
- The ATP completely ignores the 1991 BOS Policy [Approved 8/13/1991] regarding expressways, including:
 - the order to create paths: “provide pedestrian pathway facilities along the expressway system,”
 - requirement that pedestrians use bridges/underpasses, and
 - the prohibition against facility destructions: “It is the policy ... to not eliminate existing sidewalks/pathways/informal paths.” [1991]

Page 18: Photo caption: “highly advanced bicyclists can use” the bike lane, which it calls “wide shoulder.”

Rebuttal 1: This is part of anti-bicycle propaganda by County Roads: County Roads staff used their “children” argument to fight against allowing adult bicyclists to use bike lanes along arterial roads with a name change to “Expressway.” Children are actually much safer bicycling on the expressways than El Camino or Stevens Creek Blvd., which have 5 times more intersections (per mile), driveways which cars accelerate out of, parked cars that pop doors open, and no bike lane (until recently, but only in some portions). From a practical standpoint: I have bicycled on expressways since 1968 going to Mitty High School adjacent to Lawrence Expressway, and to most jobs for decades, and I have never seen unaccompanied children bicycle or walk along expressways. Note: high schools students, many old enough to drive a car, are old enough to bicycle on expressways.

Rebuttal 2: By calling this a “shoulder” rather than a “bike lane”, it makes future destruction of the bike lane politically easier.

Page 32: Ignores bike lane except on Foothill Expy.

Rebuttal: Recognize that all expressways have bike lanes, which are required by the BOS (1989 and 2003), instead of calling them “wide shoulders.” Bike lanes signs need to be posted.

See my article regarding bike lane signs: ModernTransit.org/2024/BikeLaneSigns.pdf

Page 33, right column in blue: County Roads “is retiring the guidelines and taking a fresh look at existing state and federal level guidelines.”

Rebuttal: County Roads is not replacing the bike lane guidelines (actually, detailed engineering specifications) with State and/or federal ones. Instead, County Roads is eliminating them altogether, and not replacing them with anything. This is in order to destroy them at their will, as County Roads already has on Lawrence Expressway in 1993 (since rebuilt at my effort), and portions of Montague Expressway (mostly rebuilt.)

Page 34: “identify parallel and alternate pedestrian paths.”

Comment: This has already occurred in the 2008 Sidewalk Maps that show these, block by block. Simply comply with that, and with sidewalk creation.

Rebuttal: The section completely ignores unpaved paths that the BOS approved and fully funded in 1991 and the order still valid today as shown by a County Roads letter.

Page 36 to 41: maps

Rebuttal: These maps only show one line depicting a facility that can be on either or both sides, rather than showing separately sidewalks on each side of the road as do the 2008 Plans’ Sidewalk Maps.

Page 42: Crossings

Comment: County Roads does not respect the time of pedestrians and transit patrons by forcing the crossing of the expressway two times, in many cases, but not complying with the BOS requirement for either paths or sidewalks on both sides of the road. This also greatly increases danger because crossing the expressway is, by far, the most dangerous for pedestrians.

Page 50: Transit: “Active access to these transit stops is essential.”

Comment: Read the history of County Roads destroying transit access at ModernTransit.org/2024/repeal.pdf (letter to Supervisor Otto Lee) and then read the County Roads denial, with my rebuttal, at ModernTransit.org/2024/rebuttal.pdf.

Page 81: Safety.

Comment: definition used is that “intersection collision” is within 250 feet of intersection. Others were “roadway collision.” However, this does not separate going along the expressway versus either “jay walking” or driveway collisions, which get included in the “roadway collision” data which would make going along the road appear to be riskier than it really is.

Page 83 photo and caption: “Monterey Road lacks continuous sidewalks or bicycle facilities, making it difficult for people walking and biking.”

Rebuttal: This is under Caltrans jurisdiction (not County Roads) as Rt. 82 and Caltrans placed shoulders on the road for both bicyclists and pedestrians. There is nothing difficult about using the shoulders — except for driveways which would exist even with sidewalks. These shoulders are same as bike lanes.

Page 123: Levels of Stress

Comment: omitted all mention of traffic noise. This is why the shared-use bike path along Freeway 87 is not used: it is in an awful environment. When I stand in the middle of Freeway 87 waiting for Light Rail, I have to plug my ears with my fingers, the traffic noise is so awful.

Page 139: frontage roads along expressways ... provide a more comfortable pedestrian environment as an alternative.

Comment1: See the 2008 Plan Sidewalk Maps that show these, instead of just ignoring (and censoring) these maps.

Comment2: For paths and routes behind sidewalls and where not obvious, both the 2003 and 2008 Plans state to place “guide signs”. These were BOS approved. “Pedestrians Prohibited” signs were never approved by the BOS.

Page 169: “Projects with the lowest costs and highest priority are identified as “Quick Wins”.

Comment: So why is County Roads ignoring the BOS path creation order of 1991 which it fully funded?

Page 178, blue column: States that “County Roads will sunset” the “Bicycle Accommodation” document but replaces that with nothing. This means all bike lanes have no basis for existence; they would be eliminated (as indeed County Roads wants to do).

Page 179: Bicycle recommendations

Rebuttal: Shared-use path is not an improvement. By eliminating the bike lane requirements of 1989 and 2003, County Roads wants to the right-of-way of the bike lanes to create more car traffic by either adding lanes or, for Lawrence Expressway, construct an 8-lane depressed freeway. Bicycling or walking on the shared-use path, inside this freeway trench, would be absolutely awful.

Page 187: Pedestrian Recommendations

Rebuttal: The 2008 Sidewalk Maps, with sidewalks on both sides, are much superior to the shared-use paths because: 1) Avoids crossing the expressway twice just to get to a facility on the other side, 2) A sidewalk is safer than a shared-use path, with e-bikes traveling at the 20 mph legal limit. This is why sidewalks are not shared with bicycles, and bicycling on the sidewalk is usually prohibited by city ordinance.

Page 195: Prioritization

Rebuttal: Again, creating paths must have highest priority. It is quickest and is fully funded, but is completely ignored in the draft ATP despite these being required by the BOS.

Appendix 1, page 21: Plan Review

Rebuttal: This Appendix references the 2003 County Expressway Plan's Bicycle Accommodation, stating it, "provides design standards to implement them along expressways." However, County Roads' draft ATP ignores these standards because County Roads has eliminated bike lanes on expressways in the draft ATP, and has stated that "County Roads will sunset" the "Bicycle Accommodation" document. The draft ATP contradicted itself.

Links: (Note: Going to the first link would make other links clickable.)

My rebuttal to draft ATP (this article) is at: ModernTransit.org/2024/ATPrebuttal.pdf

Quotes of BOS policies and requirements for expressways: ModernTransit.org/2024/quote.pdf

Draft ATP of County Roads: <https://activesantaclaracounty.org/>

My rebuttal to County Roads Director Freitas' letter denying destructions and violations of BOS policies and requirement: ModernTransit.org/2024/rebuttal.pdf This has many more links near bottom, including his denial.

Timeline of historical events for expressways: ModernTransit.org/expy/#timeline

Expressway Topics, Links page by Akos Szoboszlay, Modern Transit Society: ModernTransit.org/expy

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Appendices: (Next page)

Appendix 1: Sentence (and photo) from 2003 County Expressway Plan

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.



Appendix 2: BOS action that requires (and funds) paths on expressways

Santa Clara County Transportation Agency

An Agency of the County of Santa Clara 1570 Old Oakland Road, San Jose, CA 95131

PAGE 1 of 3 (staff report) S.D. ALL

Prepared by BRUCE *Sub*

Reviewed by SHIELDS

Submitted by MONTINI

APPROVED: DIRECTOR _____

Quote 1

DATE: August 13, 1991

TRANSIT DISTRICT BOARD:	Agenda Date _____	Item No. _____
COUNTY BOARD OF SUPERVISORS:	Agenda Date: <u>Aug. 20, 1991</u>	Item No. _____
TRANSPORTATION COMMISSION:	Agenda Date _____	Item No. _____

Sub FROM: Scotty A. Bruce, Deputy Director
Design and Construction

SUBJECT: POLICY FOR BICYCLE AND PEDESTRIAN USAGE OF EXPRESSWAYS

RECOMMENDED ACTION:

- o Adopt the Pedestrian Use portion of the attached policy entitled "Bicycle and Pedestrian Usage of Expressways."

- o Approve the proposed new program to provide pedestrian pathway facilities along the expressway system at the annual level of \$75,000.

FISCAL IMPLICATIONS:

The incremental costs to implement the proposed policy are as follows:

- o Maintenance: \$5,000 for FY 1991-92, and increasing at an annual rate of \$5,000.
- o Path Development: \$75,000 annually

Public input process contradicts that of prior County Expressway Plans

Compare the process for this draft plan and prior two draft Plans — the 2003 and 2008 County Expressway Plans.

2024 draft ATP:

- 4 week process (for a 200+ page document)
- VTA BPAC (11/13/24) but **County Roads prevented a vote by writing “information item” onto this agenda item**, a tactic County Roads used repeatedly in the past to prevent a vote. This Bicycle Pedestrian *Advisory* Committee cannot even vote to make any change.
- Roads Commission; Nov. 18th
- HLUET (the BOS’ Housing, Land Use, Environment, and Transportation Committee) and
- Board of Supervisors (BOS).

2003 and 2008 draft County Expressway Plans: Entities in **bold face** are not allowed to vote in 2024.

- 104 week (2 year) process
- The draft 2003 Plan went to all **City Councils**. The draft 2008 Plan went to all **City BPACs**.
- The 2003 Plan also had a **PAB (Policy Advisory Board)** comprised of elected officials.
- **VTA BPAC** with ability to vote — action item, not information item.
- Both went to the **VTA Board**.
- Roads Commission
- HLUET (the BOS’ Housing, Land Use, Environment, and Transportation Committee) and
- Board of Supervisors (BOS).

County Roads is not qualified to write the ATP due to their five attempts to eliminate bicyclists, pedestrians, transit patrons, and their facilities, along expressways:

County Roads fought to eliminate bicyclists and/or pedestrians in 1988, 1991, 2003 and 2008 at the County level, but *lost all the votes*. In addition, County Roads went to city council meetings to oppose repeal of both bicycle and pedestrian prohibitory ordinances by contradicting the BOS. (The Cities have jurisdiction and had enacted prohibitory ordinances.) At the State level, in 2004 County Roads wrote legal text in secret that eliminated the right to ride a bicycle or to walk on public roads. Here are details of these 5 attempts:

- 1988: County Road requested BOS to seek legislation in Sacramento to re-impose prohibitions of bicycles that some cities had already repealed, and to over-rule the cities. Instead, the BOS, at my request, voted to support bicycles on expressways (1988) and required bike lanes (1989, with details added in the 2003 Plan).
- 1991: T2010 Plan: County Roads tried but failed to eliminate bicycles and pedestrians from expressways, as a result of my effort.
- 2003 Plan: County Roads lost the fight to eliminate pedestrians from paths and shoulders at the PAB (Policy Advisory Board) level, as a result of my effort, and gave up. The BOS explicitly supports these in the Plan (see Appendix 1), and already required paths (Appendix 2). County Roads refuses to recognize these facts in its draft ATP.
- 2004: County Roads wrote legal text in secret, without informing the County, and had that inserted into SB 1233, which became law in 2005 due to “no opposition” because it was done in secret. Thus, County Roads eliminated the right to ride a bicycle or to walk on public roads in California. At my request, the BOS voted 5-0, on 1/19/2006, to seek repeal of that but staff never complied.

- 2008 Plan: County Roads lost all the votes to completely eliminate sidewalks from the 2008 Plan, and gave up after losing at BPACs. The BOS explicitly approved sidewalks shown on Sidewalk Maps for each expressway, which is part of the 2008 Plan. County Roads refuses to recognize that these exist in its draft ATP.

Allow VTA to write a draft ATP (Active Transportation Plan)

VTA staff should write the ATP. We can have two draft ATPs and the BOS can decide which it prefers.

County Roads tried to eliminate bicyclists, pedestrians and transit patrons, and their facilities, from expressways, 5 times in the past. They have destroyed bike lanes and sidewalks along expressways to add more traffic lanes. Most have been since restored, but not all, because they want to use limited TDA funds rather than money from the lane-addition project.

Considering this opposition and the amount of false statements and innuendos contained in County Roads' draft ATP, including that bike lanes and sidewalks are unsafe, County Roads Director Freitas is not qualified to write the ATP. Again, he wants the bike lanes and sidewalks destroyed so he can use their right of way for more car traffic. This goal of County Roads has never changed.