

Modern Transit Society

P.O. Box 5582, San Jose CA 95150 408 221-0694

To: Supervisor Jim Beall, Chair,
Santa Clara County Board of Supervisors

Date: 5/2/06

Cc: All Supervisors

Cc: Mr. Kutras, County Executive, extra copies

From: Akos Szoboszlay, President, Modern Transit Society

Subject: Murdter's subversion of the County Expressway Master Plan.

Dear Jim,

Starting soon after the Board adopted the County Expressway Master Plan in 2003, Mr. Murdter began conducting a campaign to subvert this Master Plan's Pedestrian Element by refusing to comply with it, thwarting it, and even by claiming (via Dan Collen, his deputy) that this "Master Plan does not represent Board policy." This claim was also made at the Legislative Committee meeting where you responded that the Master Plan *is* Board policy. Yet, Dan Collen continued making the same false claim recently before the Santa Clara (City) Bicycle Advisory Committee. In other words, Collen went to a meeting of another jurisdiction to oppose Board policy, the Master Plan.

A tremendous amount of staff time and money has been wasted by Mr. Murdter in this campaign, such as having two staff persons (Dan Collen and Paul Pascal) go to four meetings of the VTA/ County Bicycle-Pedestrian Advisory Committee to try to convince them to oppose the Master Plan. They lost when the Committee recognized that the Master Plan is Board policy, in an extensive vote that also cited State and Federal laws that the Department needs to comply with.

Attached is a table summarizing this subversion. I will gladly supply supporting documentation or meet with you or your aide. Also attached are photos from San Tomas where Mr. Murdter is not complying with the Master Plan. City ordinances were supposed to be repealed where it is safe to walk. It states [page 94]:

"Upon approval of the Expressway Study Implementation [Master] Plan, County staff will assist the cities with reviewing existing ordinances and revising them as appropriate."

Mr. Murdter (via Dan Collen) has done the exact opposite recently in Santa Clara (City), using outright false statements to oppose allowing use of paths and wide shoulders, but failed so far.

Mr. Murdter and the Department is out of control of the Board of Supervisors.

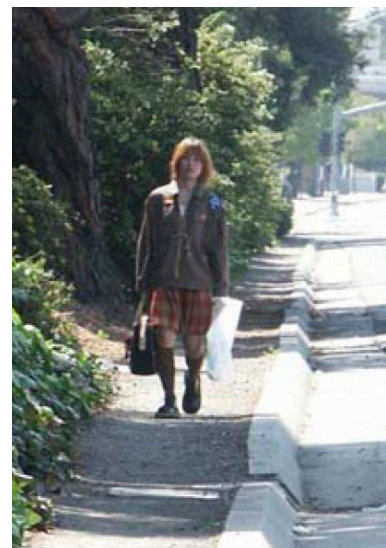
Sincerely,

Akos Szoboszlay, President
Modern Transit Society

<http://moderntransit.org>

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Master Plan states:
"Shoulder or path facilities can serve ... for occasional pedestrian use." [page 93, including this copied photo.]

2003	Board	Approves County Expressway Master Plan.
2003	Sunnyvale	Complies, repeals pedestrian prohibition.
2003	Murdter	Refused to remove prohibitory signs.
2004	Board	Orders Murdter to remove those signs.
2004	Murdter	Secretly got State law changed to end the right to walk or bike along public roads.
2006	Board	Orders staff to repeal that State law.
2005	County Bicycle-Ped. Advisory Comm.	Rejects Murdter's claim that "The Master Plan does not represent Board policy."
2006	Murdter (via Dan Collen)	Goes to Santa Clara (City) Bicycle Advisory Committee to oppose repeal & compliance
2006	Senator Simitian	Sponsors repeal, as per Board vote.
2006	Murdter (via Dan Collen)	Goes to Sacramento. Simitian drops bill due to "unexpected opposition."



"Pedestrians Prohibited" sign bans gravel sidewalk use. [Photos: San Tomas]

I (Akos Szoboszlay) was given a \$149 ticket due to Murdter's non-compliance with the Master Plan. Walking is always safer than bicycling on shoulders because people walk at the edge, bicyclists ride near the shoulder line and are closer to traffic. I had stopped to take a photo. Police said I got off the bicycle, so I'm a pedestrian and getting a ticket.