

Repeal San Jose Municipal Code 11.32.070

**Presentation to Hans Larsen,
Acting Director, San Jose DOT**

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via link: moderntransit.org/expy-pdf/larsen.pdf

For more information:
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Where pedestrians are allowed on shoulders

- Caltrans practice
- Expressways in San Jose
- Some San Jose arterial roads



Trimble Road, 45 mph

Photos of **Caltrans highways** in suburban areas: the norm is shoulders for walkers. Speeds shown are 45 mph except one is 55.



Hwy 395, Bishop



Hwy 82, Monterey Road, San Jose, 55 mph



Hwy 62, Joshua Tree



Hwy 99,
Red Bluff



Hwy 9, Saratoga

Montague Expy in San Jose



Almaden Expressway in SJ



Despite the municipal code prohibiting pedestrians, Montague and Almaden never had “Pedestrians Prohibited” signs.

Pedestrians prohibited (now or previously)

- Capitol Expy
- Lawrence Expy (portions in San Jose)
- San Tomas Expy (portions in San Jose)

Capitol Expressway:

Sidewalk use prohibited by sign until 1997.



Bike lane was prohibited to bicyclists.
Our efforts repealed bicycle prohibition
on San Jose expressways in 1989.

Capitol Light Rail station (3 blocks further) was prohibited to
transit patrons, unless they drove a car to the park-and-ride
lot. These signs were all removed in 1997 at our efforts.

Bus stops prohibited on Capitol. Signs were only removed in 1997 after a fight with County staff to comply with State law. This was preceded by 6 years of fighting SJ DOT, which endlessly stonewalled to avoid compliance with State law (1990 - 1996).





Capital Expressway in 1996:

SJ DOT and County highway staff also opposed allowing use of pedestrian paths. Photo is at a driveway entrance. People were prohibited from patronizing many businesses unless they drove a car. MTS forced sign removal in 1997.

Capitol Expressway:

Examples of detours (typically 1 mile) forced upon pedestrians until 1997.

Several fatalities due to prohibiting this grade-separated crossing. See next slide.

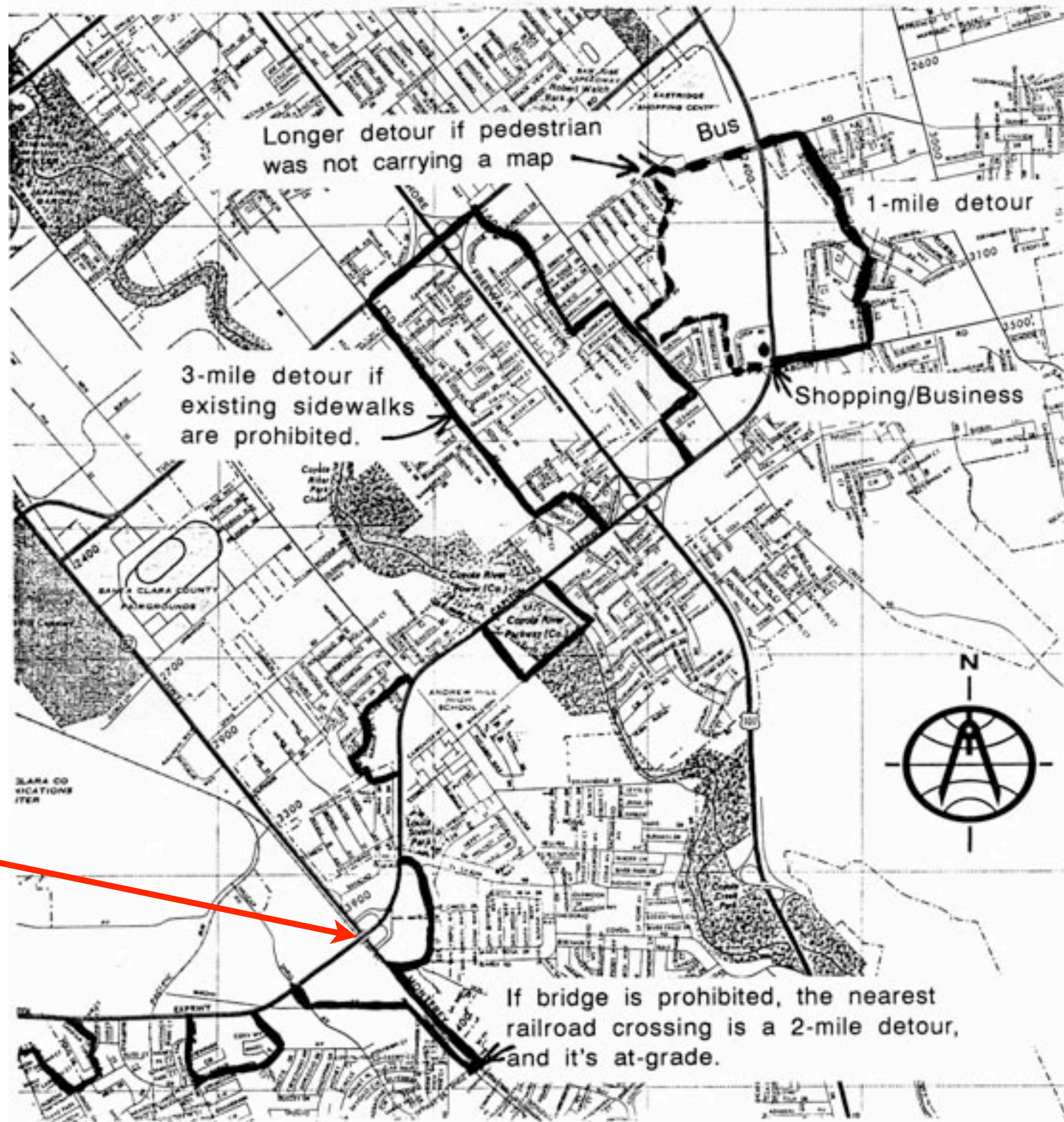


Photo of Capitol bridge over the railroad and 50-mph Monterey Rd. SJ DOT (from 1990 to 1996) and County highway staff (from 1996 to 1997) fought against compliance with State law and the SJ ordinance that allowed use of this grade-separated crossing. (Capitol does not satisfy the “no right of access” of the ordinance.) The nearest official crossing was a 2-mile detour, so most pedestrians stepped across the tracks and crossed the road at grade. This resulted in “several fatalities,” according to Dan Collen.



Shoulder plus path on the bridge. (Top of bridge has even wider 11-foot shoulder, no path.) Today, the other side has a sidewalk; but, nonetheless, both sides are used for walking.

Today, this is the most used block by pedestrians among all expressways in the County.

“Pedestrians prohibited” signs still exist today on this side



10-foot shoulder plus path (west of Capitol Ave.) with pedestrian, who walked past prohibitory sign.

There is probably no reason to force pedestrians to needlessly cross the expressway to use the new sidewalk on the other side, or to ticket them: the fine is \$149 for “disobedience to signs”.

Other end of same block.



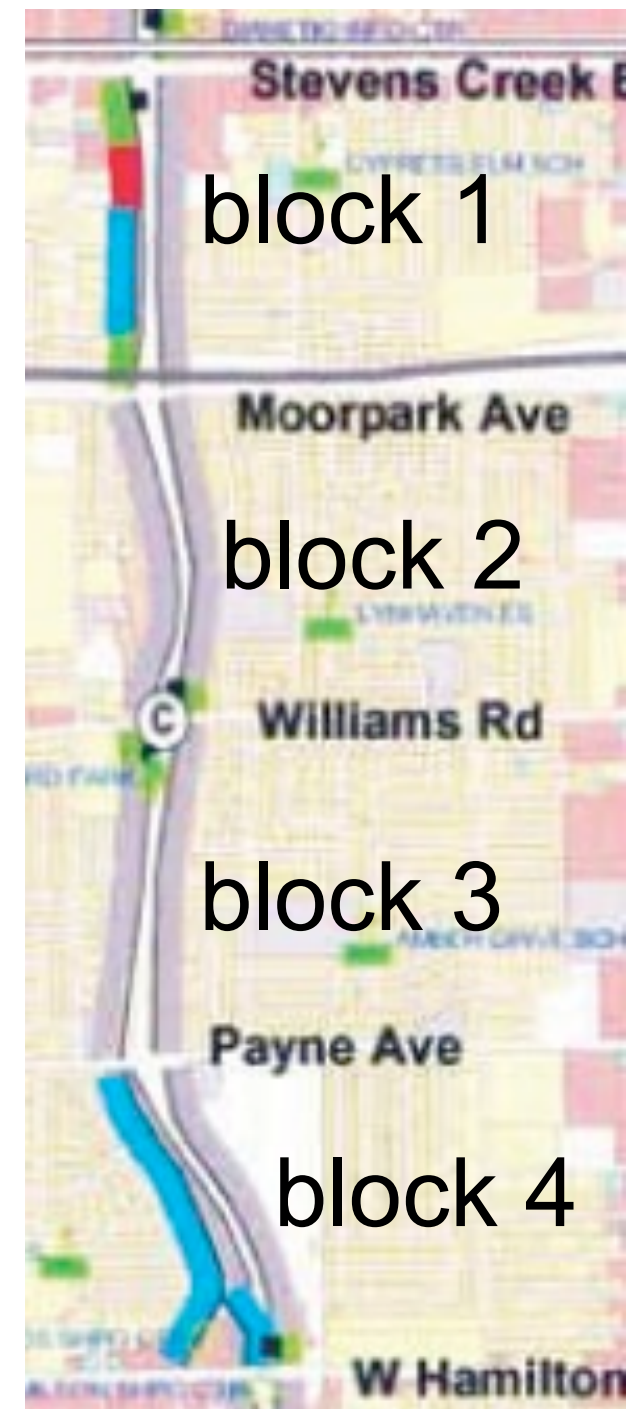
Sidewalks prohibited along **Lawrence Expressway**, in San Jose



Each end of every sidewalk had a “Pedestrians Prohibited” sign until 2003, when they were removed at our efforts. Today, there are no prohibitory signs along Lawrence, at least on one side. But the San Jose ordinance still bans sidewalk use!

San Tomas Expressway, in San Jose:

- Last remaining expressway in San Jose with “Pedestrians Prohibited” signs on both sides (in effect, the last “pedestrian ban”)
- Only 1.75 mile long
- Only 4 blocks long (see map)
- Has paths and/or shoulders
- The color gray (right) from 2003 Expressway Plan (code for “wide shoulder or path”) shows ban should have been repealed already.
- “Bike lane” standards are required



Next slides show photos of each city block.

San Tomas Expressway, block 1

Other end of
same block.



Pedestrian throng
along San Tomas for
a Barnes & Noble
book signing. Notice
“Pedestrians
Prohibited” sign.



Same location.
Notice the flat
ground.



San Tomas Expressway, block 2

same shoulder line



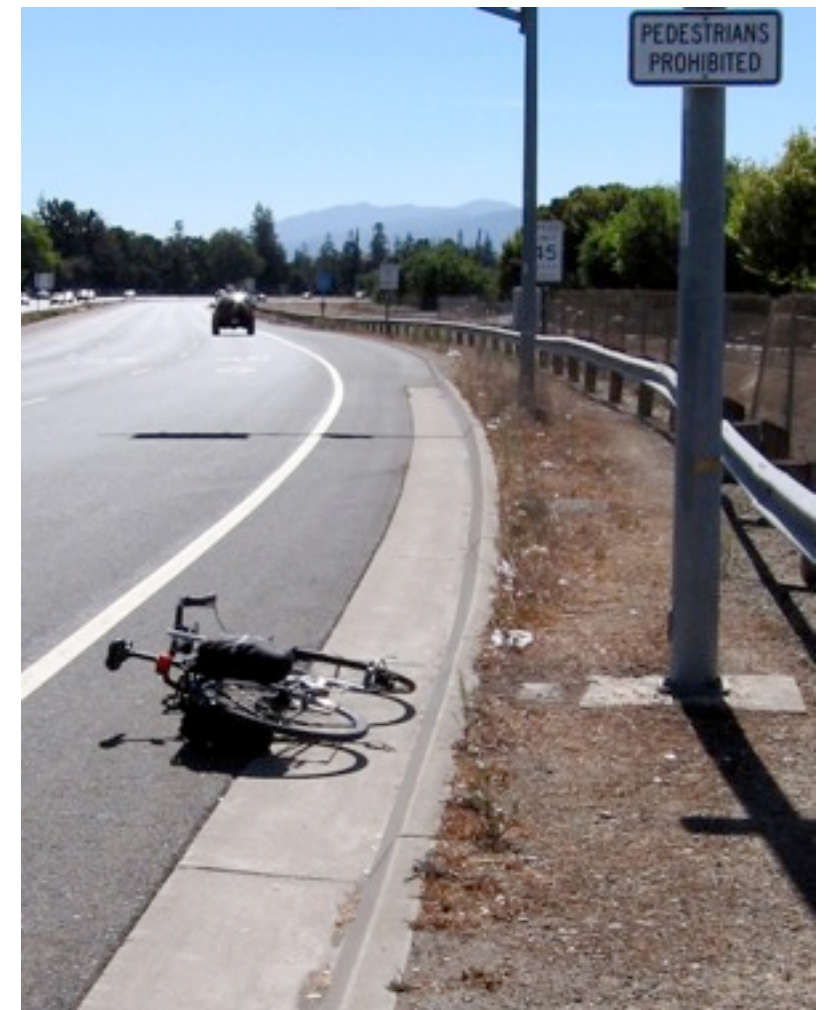
If walking to the bus stop is safe, why is walking beyond the bus stop unsafe? The fact is, intersection areas (including bus stops) are less safe than portions away from intersections. Photos show before and after bus stop at Williams. Notice that there is no curb for bus stop access. Curbs are not significant for safety since they stop only slow (e.g., parking) vehicles.

San Tomas Expressway

blocks 3 and 4



Four crosswalks exist at San Tomas intersections (shown at Payne).



Facts to consider about shoulder use:

- Most bicyclists ride nearer to the shoulder line and avoid the edge, which has less visibility and flat tire risk.
- Pedestrians use edge of pavement – in the gutter pan if there is one – because that's where they feel safest.
- Pedestrians are always further removed from traffic than bicyclists – pedal would hit the curb if at edge. Therefore, shoulders/bike lanes cannot be less safe for pedestrians than for bicyclists.
- Bike lane standards are required on all expressways.
- CVC 21966 allows walking in a bike lane where there is no “adjacent” sidewalk or path.
- Pedestrians and (formerly) bicyclists were prohibited not for safety reasons, but for political purposes.

Prohibitions have served as justification to destroy pedestrian facilities. There are 4 such locations in San Jose:

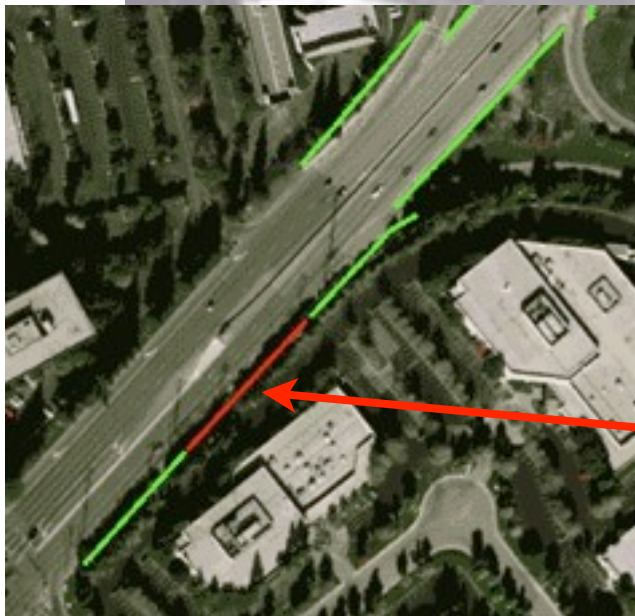
- Montague approach to Fwy 880, in 2002
- Montague bridge over Coyote River, in 1990
- Montague bridge over Guadalupe River, in 2005
- Capitol, near Capitol Ave., in 1997

Montague Expressway approach to Fwy 880:

Changed from 10-foot shoulder to traffic lane in 2002.

Notice sidewalks exist most of the way (green). Pedestrians were always allowed here (formerly, Trimble Rd.).

Sidewalk across bridge, built by Caltrans, ends here:



Aerial view shows missing sidewalk (red) and existing sidewalks (green).

Montague bridge over Coyote Creek (south side):

Sidewalk was jack-hammered in 1990. While a sidewalk was constructed on the other side years later, most pedestrians walk on this side because this side has more businesses, and is closer to Light Rail on First Street.



Historical note: I saw the jackhammering and called Henry Servin, aide to Supervisor Gonzales, who called Dan Collen, project engineer. Collen stated he was not eliminating the sidewalk, just relocating it. This false statement foiled my ability to put a stop to the destruction.

Montague bridge over Guadalupe River (south side):
Sidewalk was destroyed on bridge in 2005 without informing VTA/County BPAC. Most pedestrians who used the sidewalk were walking to/from Light Rail (LRT) on First St.



Path (right) approach to bridge (Santa Clara side of river) was created by pedestrians after shoulder was reduced from 10' to 5'.

Capitol Expy. near Capitol Ave. (northbound traffic lane):
The 10-foot wide bike lane was eliminated in 1997 — despite the 1996 legal opinion by County Counsel! Details are in next 4 slides.



This route is well-used
as seen by worn path.

Below: Path approach (same block) at nearby creek crossing.



The Alum Rock Transit Center
with LRT is two blocks away.



Aerial view of example trips: from Home (**blue**) to the LRT Station, two blocks north of photo.



There are 4 trip choices:

- Walk in the 45-mph traffic lane (**red**). This is shortest so is preferred by most pedestrians.
- Do two expressway crossings (**orange**).
- Do a shortcut of crossing the expressway without marked crosswalk or signals (**yellow**). This crossing is legal but risky.
- The longest route (**green**) avoids all above hazards, but is avoided by pedestrians because detours waste their time.

Solution: Open the wall that separates existing sidewalk (left two photos, below) and path (right two photos, below).



Sidewalk beyond wall was destroyed in 1970 road widening.
Wall is already cracked.

Enlarge the crack!



Also, extend the bike lane line closer to the intersection.



Next slide shows an aerial view of these requested changes.

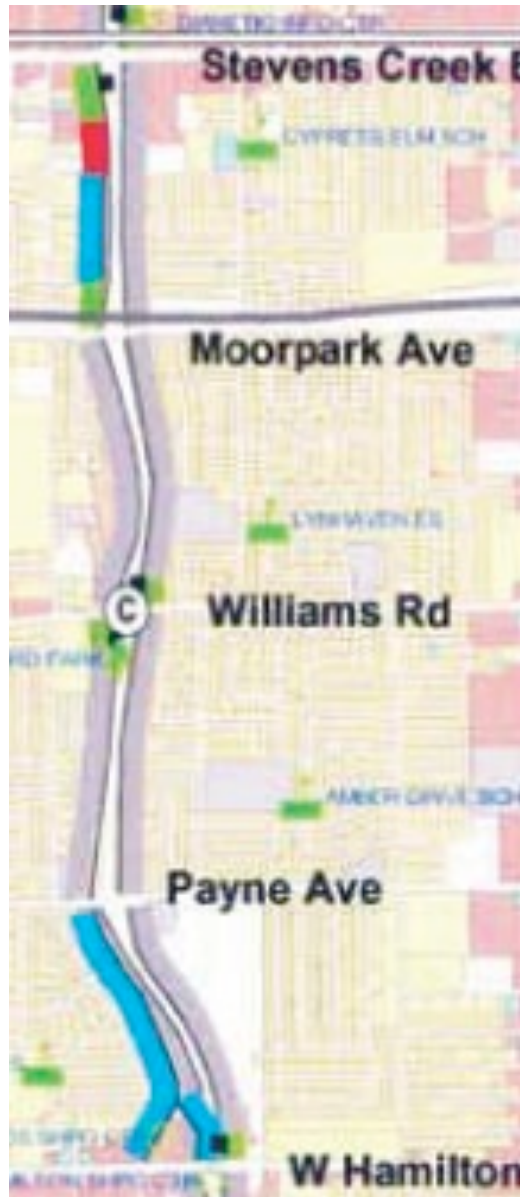


The County Expressway Plan

- Approved by Board of Supervisors in 2003
- Update approved by Board of Supervisors in 2009

The **2003 County Expressway Plan** states:
"[Wide] shoulder or path facilities can serve ... for occasional pedestrian use." [page 93]

2003 Plan's San Tomas pedestrian map (below, San Jose portion). Color gray is "wide shoulder or path".



Right: Photo from page 93 of Plan shows pedestrian on dirt path. Yet, both SJ DOT and highway staff fought against dirt path use and shoulder use, thus contradicting the Plan.

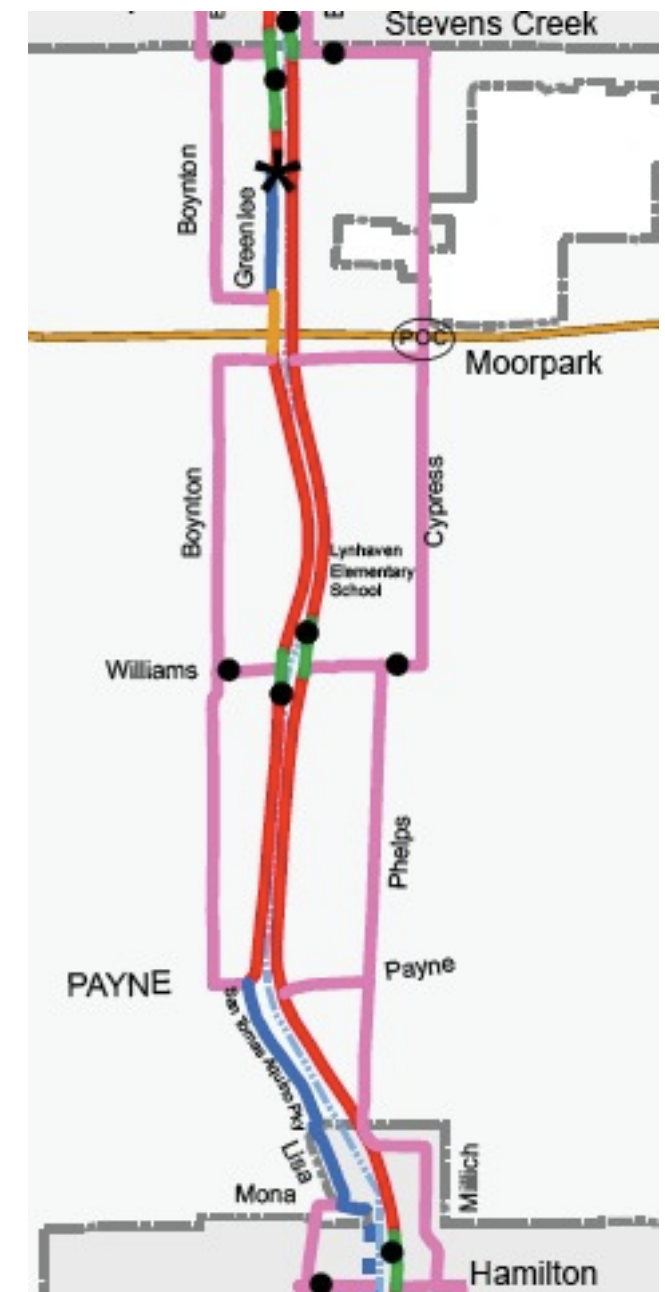


The **2009** Expressway Plan's only statement about prohibitions is:

“Pedestrian prohibition signs, where existing, will be removed when sidewalks are constructed on the expressway or if cities repeal ordinances” [page 52].

Above is contradicted by SJ Code, “signs shall be posted,” giving no exception for pedestrian facilities. This makes sign removal illegal.

Right: 2009 Plan pedestrian map shows temporary routes (color **violet**) for San Tomas in San Jose. Today's prohibitions contradict obtaining future sidewalks (**red**).



Use directional signage or “use other side” signs, not “Pedestrians Prohibited” signs, if one side of the road is deemed risky. However, the crash risk for crossing the expressway twice must be calculated and compared with the crash risk for walking on the “riskier” side. [Below examples by Akos Szoboszlay]

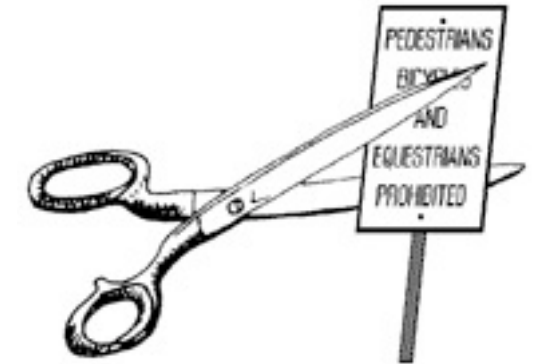


Repeal is needed because:

- Expressways are the widest roads, which have the greatest crash risk for crossings. Eliminating needless expressway crossings is inexpensive — simply repeal.
- The “Pedestrians prohibited” signs mislead some motorists not to watch out for pedestrians on expressways — most are *crossing* the expressway.
- Prohibitory sign removal often resulted in sidewalk construction, while prohibitions thwarted it. MTS’ efforts forced sign removal that directly resulted in sidewalk construction on Capitol (San Jose), Lawrence (Santa Clara and Sunnyvale) and San Tomas (at south end, crossing over the river and under the freeway).
- Prohibitory ordinances encouraged destruction of pedestrian facilities.

Conclusion: MTS requests SJ DOT to

- Request City Council to repeal Municipal Code 11.32.070
- Create opening in soundwall separating sidewalk and path at Capitol Ave. and Capitol Expy.
- Remove hedge at Montague near 880.
- Review details of all future lane additions by County highway staff within San Jose because they conceal sidewalk/shoulder destructions from the BPACs.



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