

Rebuttal to letter from Michael Murdter to Board of Supervisors

by Akos Szoboszlay, President, Modern Transit Society, August, 2007

These numbers correspond to the rebuttal points marked on [the original letter](#), which was given the Board of Supervisors on June 19, 2007 (meeting agenda #96). **Quote numbers** refer to the attached [policies of the Board of Supervisors](#).

1. The subject was changed. Our request was to not eliminate shoulders on Montague Expressway that pedestrians and bicyclists are using, as staff has already done in portions, when adding more traffic lanes. Forcing pedestrians to walk in the traffic lane ignores the Board's path-creation order [quote 1, see attached quotes] and is unsafe. When widening the road, staff also violated the Expressway Master Plan (and prior VTP 2020) which show sidewalks on both sides of Montague for its entire length.

2. This is correct, and could have been the subject line, rather than question if pedestrians should be prohibited by placing "pedestrian access" in the subject line. Mr. Murdter has stated he wants to prohibit pedestrians, and ignores Board policies supporting pedestrians.

3. The fact is that the 2003 Expressway Master Plan supports pedestrians on shoulders and paths of San Tomas, in contrast to Mr. Murdter's implication that it does not. This support is explicitly stated in quotes of attached [policies of the Board of Supervisors](#) [especially, quote 4]. It is also shown in the Expressway Master Plan's [San Tomas pedestrian-expressway map](#). (See map legend for "wide shoulder or path" that is shown along San Tomas.) However, San Tomas Expressway was never mentioned in our request to the Board. Our request was to not eliminate shoulders on Montague that pedestrians and bicyclists are using — as staff has already done in portions — or alternatively cheaply create a dirt path as per Board order. Staff mentioned San Tomas, which was off topic, to confuse the issue. Highway staff's memo is part of their on-going campaign to impose more pedestrian prohibitions by not recognizing Board policies that support pedestrians.

4. San Jose City Council and Campbell City Council never voted. Santa Clara City Council deferred a decision. County highway engineers may have asked city traffic engineers, but ignored BPAC and BOS votes (see 6.1 and 6.2, below). All these County highway and city traffic engineering staff opposed allowing bicyclists on bike lanes and shoulders of *expressway* arterial roads, but lost the votes in all jurisdictions. These highway/traffic engineers want to move motor vehicles, and have no regard for the detours caused by prohibiting pedestrians, and that it takes 10 times longer to walk the detour compared to driving the detour.

5. Safety has nothing to do with their real reason for opposing pedestrians who use existing pedestrian paths, nor their prior opposition against bicyclists who use expressways shoulders that meet bike lane standards. "Safety" is actually decreased by prohibiting the shortest route with the least number of intersection crossings, because the vast majority of pedestrian accidents occur when crossing the road. Staff's "safety" claims have been a scare tactic to achieve political goals against non-motorists. Wide shoulders are also recognized to be safe for pedestrians by the Expressway Plan [see quote 4] and by Caltrans practice. Caltrans usually uses shoulder facilities for pedestrians in suburban areas, rather than sidewalks, along their highways. [[See photos.](#)]

6. Misleadingly omitted facts by stating individual comments while ignoring actual votes:

6.1 These BPACs **voted for repeal of all remaining pedestrian prohibitions: San Jose BPAC [Bicycle Pedestrian Advisory Committee]** (Nov. 2006), **Santa Clara (City) BAC** (March 2006) **VT/County BPAC** (Nov. 2002). [See [details of votes.](#)]

However, none of these votes was mentioned by County Roads staff which wants to mislead elected officials that there is public opposition to pedestrians along San Tomas, a 45 mph arterial road, and other “expressway” arterial roads.

6.2 The Board voted to require pedestrian paths along the entire expressway system. [quote 1, from 1991] and, furthermore, supported pedestrians along **wide shoulders** [quote 4, from 2003]. County staff continues to ignore these Board votes.

6.3 Rather than mention these BPAC votes and Board votes, Mr. Murdter mentioned **certain anti-pedestrian comments at the Campbell BAC, which did not vote**. Mr. Murdter did not mention that the Chair of that Committee, Herman Wadler, supports pedestrians along San Tomas and other expressways. (Mr. Wadler also chairs the VT/County BPAC, which unanimously voted for repeal.) Here are details of the Campbell BAC meeting in fall of 2006:

County staff made false statements, including one that the Board opposes shoulder use, thus contradicting quote #4. Staff followed this by asking leading questions to obtain the desired answers. Staff did not mention the fact that there exists a well-worn pedestrian path along San Tomas in Campbell, most of the way [See photos at moderntransit.org/st/st-south/st-south.html].

The public could not speak until County staff obtained their desired anti-pedestrian comments. Mr. Murdter has now presented these comments to the Board while ignoring actual votes that were **all in favor of pedestrians along San Tomas**.

6.4 The **pedestrians who created the pedestrian paths** along San Tomas **were not asked**. A photo of the paths would have been sufficient comment. See point 9, below, for details.

6.5 These facts show that the County staff has a **campaign to encourage and exaggerated public opposition to pedestrians** along San Tomas. The fact is, hardly anyone opposes sidewalk and path use by pedestrians, other than County highway staff. These highway staff also fought for 20 years against allowing bicyclists to use bike lanes along “expressway” arterial roads, and to use shoulders that meet bike lane standards, but they lost the fight.

7. This was not a study, but rather staff making false statements and phrasing question to obtain desired answers at BPACs, then recording the minority anti-pedestrian comments, while ignoring actual votes (see 6.1) which were all pro-pedestrian.

8. No city ever decided against having sidewalks along San Tomas, so how can they “reconsider?”. This and other statements by County Roads are an attempt to mislead the Supervisors that the cities decided not to support sidewalks along San Tomas, when in fact no such decision was ever made by any city.

9. Mr. Murdter falsely told Santa Clara City Council, both in writing (see handout) and verbally on June 20, 2006, that Board policy opposes all shoulder use by pedestrians, when, in fact, Board policy supports wide shoulder use (quote 4). Sunnyvale repealed the pedestrian prohibition in 2003. Dan Collen (County Roads deputy director) falsely told several BPACs that the Board opposes all shoulder use, but lost the votes in every case.

10A. County highway staff can inexpensively and promptly create dirt paths, as already ordered by the Board (quote 1). Instead, highway staff won't even mention dirt paths as a possibility, and even ignore the fact that the Expressway Plan has a photo of a dirt path. Their opposition to pedestrians on "expressway" arterial roads violates Vehicle Code 21949 (see bottom of policy list page).

10B. County highway staff, and also City staffs, vigorously opposed pedestrians on both Capitol and Lawrence. The Modern Transit Society lead the successful effort resulting in San Jose City Council repealing the prohibition on Capitol in 1989, and Santa Clara City Council repealing the prohibition on Lawrence in 1987 and 1991. Mr. Murdter's statement that *they* achieved "allowing removal of prohibitions" is false. These sidewalks were built after *pedestrians prohibited* signs were first removed after various repeal actions by cities.

11. The "asphalt or concrete" requirement is false. See memo, *False claim by County Roads is attempt to avoid compliance with the Board (BOS) path creation order*, at this link: <http://moderntransit.org/expy-pdf/ada-trails-coarse.pdf>

12. Pedestrians created the well-worn paths by their feet. County policy (quote 8) prohibits destruction of these "informal paths" regardless of whether they were created by pedestrians or by County Roads. The justification by County Roads that it "has [not] created [these] pedestrian paths" is a complete rejection of this Board policy, which prohibits elimination of not only "pathways" but also "informal paths" which implies creation by the pedestrians. County Roads must re-create these paths not only because their destruction is prohibited (quote 8), but because their creation is required by Board policy (quote 1).

13. A sidewalk costs about \$1,000,000 per mile. A dirt path costs less than \$10,000 per mile. For every mile of sidewalk poured, over 100 miles of dirt paths would be created for the same cost. In fact, 100 miles would more than complete paths along the entire expressway system, on both sides of the road. Rather than building the next mile of sidewalk, first complete these paths along the "entire expressway system" as ordered by the Board. Continue by paving the paths as funds become available.

14. The Expressway Master Plan also shows sidewalks on both sides of Montague Expressway. When adding traffic lanes, County Roads must either construct these sidewalks concurrently, or at least create inexpensive dirt pedestrian paths, a minimum required by Board policy [quote 1]. In contradiction to this policy, County Roads has eliminated pedestrian shoulder facilities in portions, and is forcing people to walk in the traffic lane. This is unsafe, and violates another Board policy [quote 7]. See photos at: moderntransit.org/expy/m-peds1204.html.

15. The discontinuous facilities arose where County Roads changed the wide shoulder pedestrian facility into a traffic lane. This situation continues today only because County Roads refuses to comply with the Board's path creation order.

16. Despite numerous requests from the Modern Transit Society for 16 years, which showed photos and gave spread sheets of needed corrections to unsafe road design, County Roads management continues to stonewall on compliance with Board policies and the Board path creation order [[See list.](#)]