

# Letter from Murdter to City Council of Santa Clara

## County of Santa Clara

Roads and Airports Department

Comments (in color) by Akos Szoboszlai,  
President, Modern Transit Society.

For more info see: [moderntransit.org/expy](http://moderntransit.org/expy)

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Murdter (County highway staff) opposed and  
contradicted Board policies and Board orders.

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JUN 13 2006

ENGINEERING DEPT.  
CITY OF SANTA CLARA



June 9, 2006

Mr. Steve Yoshino  
Director of Public Works  
City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, California 95050

This letter was included in the City Council's  
agenda packet for June 20, 2006.

False statements in this letter and in County highway  
staff's and City staff's hour-long presentation to Council  
resulted in a 4 to 3 vote to continue prohibiting  
pedestrians from using *existing* pedestrian paths (which  
staffs completely ignored) and wide shoulders.

Re: Pedestrian Prohibitions on Lawrence and San Tomas Expressways

Dear Mr. Yoshino: *Steve* [sic] (first name of Yoshino, City Public Works and  
formerly a traffic engineer for San Jose)

Data was basically motorist fatalities. Most pedestrian fatalities occur while crossing the roadway.

This is to follow up on our June 2, 2006 meeting in your office where we discussed your  
response to the City Council regarding recommendations related to pedestrian access to  
Lawrence and San Tomas Expressways and removal of existing areas of pedestrian  
prohibitions. **Obsolete 1991 Policy quote. The 2003 policy supports wide shoulder  
use by walkers. The 1991 Board order to create paths was ignored.**

As you know, pedestrian access to the expressways was a topic during development of  
the Comprehensive County Expressway Planning Study, and a section of the final  
Implementation Plan was dedicated to pedestrians. Section 6, Pedestrian Element, stated  
in part: "In 1991, the Santa Clara County Board of Supervisors adopted a 'Policy for  
Bicycle and Pedestrian Usage of the Expressways' ...The County's 1991 policy is still in  
effect today and is supported in the Pedestrian Element's recommendations." A copy of  
the 1991 policy is attached. Note the policy states in part: "The Board of Supervisors is  
committed to accommodating pedestrians...wherever possible, subject to safety  
considerations and fiscal constraints." Further, **ENCOURAGING PEDESTRIANS TO  
WALK ALONG THE SHOULDER AREAS IS NOT A SAFE PRACTICE...THE CLOSE  
PROXIMITY OF HIGH SPEED TRAFFIC ON THE EXPRESSWAYS TO PEDESTRIANS OF  
ALL AGES...COULD LEAD TO SERIOUS ACCIDENTS**". As indicated in the  
information previously provided, accident statistics show that accidents resulting from  
vehicles straying off the travel lanes comprise a significant portion of reported accidents.

We have also provided photos of typical conditions where the area back of curb is limited  
or obstructed in a way that forces pedestrians onto the expressway pavement.

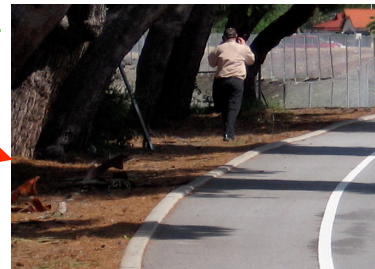
**Wide paved shoulders are safe (by 2003 Board Policy, CVC 21966, Caltrans and FHWA).**

Regarding prohibitions, the 2003 Board-approved Planning Study Implementation Plan  
included the following: "Pedestrians are currently prohibited along some sections of the  
expressways. Pedestrian prohibitions along expressways are a function of and  
enforceable through city police powers and, therefore, are established by city ordinances.

**No mention of crossing fatalities and that detours caused by prohibitions force needless  
crossings, thus increasing danger because most pedestrian accidents are when crossing roads.**

Mr. Steve Yoshino  
June 9, 2006  
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Murdter opposed pedestrian use of *existing* pedestrian paths and wide shoulders, violating Board policies. The Board in 1991 ordered paths created.



When the County Board of Supervisors adopted the 1991 Bicycle and Pedestrian Policy, one of the policy statements was to encourage cities to repeal pedestrian prohibition ordinances, except where safe access is impeded by obstacles that create an unsafe environment. Upon approval..., County staff will assist the cities with reviewing existing ordinances and revising them as appropriate to be legally enforceable, to reflect existing conditions, and to meet city objectives."

Murdter ignored the Board order of 1/10/06 to seek repeal of his State law which he cited here.

We understand Santa Clara's preference that the County, consistent with the provisions of California Vehicle Code (CVC) Section 21960, take the lead role and develop pedestrian prohibition ordinances for those portions of Lawrence Expressway and San Tomas Expressway where appropriate and where no sidewalk or walkway exists back of curb. Once the County Board of Supervisors adopts an ordinance, the City would need to take appropriate action(s) with regard to City ordinances to ensure consistency and to support posted signage for areas of pedestrian prohibition. As we discussed, the County will identify those areas along Lawrence and San Tomas that are appropriate for prohibitions as part of an update to the 2003 Planning Study, which will get underway later this year after completion of other ongoing studies whose results are needed to inform the update. The update should be complete in approximately one year.(2007)

County highway staff could use the same false statements and deceptions before the BOS. We appreciate Santa Clara's understanding of the County's role as expressway operator and willingness to give us the lead role in developing recommendations that are consistent with the expressway system as a whole, but responsive to the needs of each separate facility as a unique resource to the communities through which the expressways pass. We will need to continue to work together to ensure mutually satisfactory outcomes in the same collaborative spirit that made the 2003 Planning Study such a success.

One potential area for continued coordination is the construction of new sidewalks along San Tomas. An estimate of planned sidewalk costs will be developed as part of the Planning Study update. The County is highly dependent on grant funds for capital improvements but our annual allocation of TDA-3 funds is in the neighborhood of only \$70,000 and no other viable grant sources have been identified. The Planning Study identified about \$7,000,000 in expressway sidewalk needs not including San Tomas. Clearly, additional funding sources will be necessary. The City can support any planned sidewalks through use of development conditions or allocation of impact mitigation funds or TDA-3 funds.

This is tricky wording. The promise is to "develop costs," *not* to build sidewalks. It is unlikely there will be sidewalks unless the City *first* repeals its pedestrian prohibition. County highway staff *always* opposed sidewalks where pedestrians were prohibited, until pedestrians prohibitions were repealed. This occurred on Lawrence, Capitol and southernmost San Tomas.

Sincerely,

A handwritten signature in black ink, appearing to read "M. J. Murdter".

Michael Murdter  
Director

The Board allocated \$75,000 annually, since 1991, for "pathways" but County highway staff opposes pedestrians on San Tomas, period.

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