City Council Ranking of Study Issues

Enclosed is a list of study issues as ranked by City Council. Two of the ranked study issues namely Closing Murphy Avenue (DPW 11-06) and Update/Review Corner Vision Triangle Municipal Code Ordinance (DPW 09-02) will be reviewed by BPAC. Consequently, these two study issues were added to the 2011 BPAC Work Plan during the months of May and November depending on the expected dates for reviewing their draft staff reports.

Public Works

Council Member Rankings

Rank	Raw Score	Number	Name	Lee	Spitaleri	Griffith	Hamilton	Moylan	Whittum	Swegles
1	14	DPW 11-06	Closing Murphy Avenue to Automobile Traffic	3	3	2	1	1	3	1
2	17	DPW 10-09	Reliable Electrical Power Options	1	2	5	2	2	1	4
3	24	DPW 11-01	Ban the Use of Expanded Polystyrene (EPS) Food Containers	2	5	1	3	5	5	3
4	25	DPW 09-02	Update/Review Corner Vision Triangle Municipal Code Ordinance	5	1	3	4	3	4	5
5	25	DPW 11-10	Fair Oaks Avenue/Route 237 Parking Facility Study	4	4	4	5	4	2	2
Defer		DPW 09-01	Comprehensive School Traffic Study (Combined SI's School TDM Opportunities & School Zone Traffic Controls and Enforcement)							
Defer		DPW 09-04	Impacts of Traffic Calming Devices on Cyclists							
Defer		DPW 09-07	Sunnyvale Cyclovia Event							
Defer		DPW 11-09	Community Bus Feasibility Study							
Drop		DPW 09-05	Caltrain Community Wall Benefit Assessment District Study							
Drop		DPW 11-04	Placement of "Bicycle Allowed Use of Full Lane - Vehicles Change Lanes to Pass" signs							
Drop		DPW 11-07	Adopt a Policy to Utilize the VTA Bicycle Technical Guidelines							

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Public Works

Council Member Rankings

Rank	Raw Score	Number	Name	Lee	Spitaleri	Griffith	Hamilton	Moylan	Whittum	Swegles

Councilmember Whittum abstained from voting on DPW 09-05.

Vice Mayor Griffith abstained from voting on DPW 11-10.

Rankings resulting in a tie were decided by Council vote.

BPAC E-mail Messages and/or Letters

No e-mail messages were sent to BPAC attention since circulation of the agenda packet of the January 20th, 2011 meeting. Enclosed is a copy of an article that Commissioner Ralph Durham sent to the attention of all BPAC members.

BikingInLA

A two wheeled guide to the streets of Los Angeles

Change the law

Change the world

Most traffic laws were designed to move cars from here to there, with maximum speed and efficiency. Very few were written by cyclists, or with the participation of anyone who has ever been on a bike beyond the age of 12.

As a result, bike traffic has been nothing more than an afterthought shoehorned into the laws and traffic lanes — without regard to whether it actually makes sense.

That may have worked in decades past when most cyclists never left their own neighborhoods, and spandex-clad riders were an anomaly on the roadway. But things have changed, as more and more cyclists are sharing traffic-clogged roads.

At the same time, our government has a significant stake in promoting cycling, whether in terms of improving the health of its citizens, or the health of our planet. Or just reducing the number of cars on our overcrowded roads.

As a result, they have an obligation to reform traffic laws in ways that will to encourage cycling and protect the safety of all bicyclists, whether they use their bikes for recreation or transportation.

The following are my suggestions for ways our existing laws regarding can — and should — be changed, to help us all get home safely, and make every ride a little more enjoyable.

Maybe together we can do something to change the laws — and help get more people out of their cars, and onto the saddle.

1. **Require that drivers maintain a minimum passing distance of three feet**

   As it now stand, the law only requires that drivers maintain a safe passing distance, without interfering with the safe operation of the bicycle.

   But what does that mean in the real world? To some drivers, that means giving cyclists as wide a berth as possible — for which we are eternally grateful.

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On the other hand, other drivers seem to interpret that as any distance that allows them to pass a bike without actually hitting the rider. But they may not realize that the slipstream of their vehicle can make a rider lose his or her balance. Or that when a vehicle comes too close, we instinctively swerve to the right — even if that means running off the roadway or into parked cars. And it's always possible for a driver to misjudge the distance and actually sideswipe a rider.

So let's take the guessing out it, and require a minimum of three feet distance when passing a bicycle. And make it clear that drivers are allowed to briefly cross lane or center dividers, if that's what's required to pass safely.

2. Prohibit turning into the path of an oncoming cyclist

Among the most dangerous situations any rider will face is when a driver passes on the left, then cuts across his path to make an immediate right turn. Or when a driver makes a left directly in front of an oncoming rider.

Most of the time they get away with it. And sometimes they don't, which can result in a serious, often fatal, accident in which the rider smashes into the side of the turning vehicle.

Too many drivers underestimate the speed of a bike, and think they've got time to complete the turn. Or they drive too aggressively, and assume they have the skill to pull off an exceptionally risky move — or want to send a message by forcing the cyclist to panic stop in order to avoid them.

The only way to stop it and protect the safety of cyclists is to ban it entirely — and require that drivers wait until any oncoming rider passes before making their turn, whether right or left.

3. Ban the "I just didn't see him" excuse

Too often, cyclists and drivers try to defy the laws of physics by occupying the same space at the same time. When that happens, the driver inevitably blames the cyclist, or claims he just didn't see the rider.

And too often, they get away with it.

However, the law requires drivers to be alert and aware of the traffic conditions around them at all times. Which means that they are required to see, and take notice of, any bicyclists or other vehicles on the road around them.

Granted, there may be situations where riders are hidden behind another vehicle, or riding in the driver's blind spot or on the wrong side of the road. But in the vast majority of cases, there's no reason why an alert driver shouldn't be able to see any cyclist sharing the road with them. And if you can see the driver, he or she should certainly be able to see you.

So let's put the responsibility exactly where it belongs, and prohibit any use of the "I just didn't see him" excuse, unless it can be clearly demonstrated that it wasn't possible to see the rider under the existing conditions.

4. Clarify that drivers are allowed to leave their lane to pass a bike

As a driver, I was taught that it's okay to briefly go into the other lane or cross the yellow line in order to pass a cyclist safely. And I've always understood that the law not only allowed that, but encouraged it.

But while some L.A. drivers do just that, many others — including my own wife — are reluctant to pass a cyclist if it means putting a wheel on the divider line, let alone actually crossing it. Instead, they slowly drive behind the rider, becoming angrier and more impatient with every passing moment. Or they zoom past at the first opportunity,

whether or not there's actually room to pass.

So let's make it clear that every driver is allowed to briefly enter the other lane or cross the center line to pass a cyclist — as long as it can be done safely and there are no other vehicles in the way.

5. Prohibit unnecessary blocking of bike lanes

Here's one of my pet peeves: You're riding in the bike lane along a busy street, when suddenly there's a film crew with their trucks parked on the side of the road (this is L.A., after all). And even though none of the trucks extend into it, they put up safety cones blocking the bike lane, and force riders to risk their own safety, for no reason other than their convenience.

Maybe it's a delivery truck double-parked in the bike lane. Maybe utility workers, cable installers or parents dropping off their kids at soccer practice. Or any of the countless other reasons people needlessly, and thoughtlessly, block bike lanes.

So let's stop it, already. Make it a clear violation of the law to block any bike lane or designated bike route unless absolutely necessary, and then only as long as necessary. Because those few feet of asphalt between the two painted lines are there for our safety, not their convenience.

6. Require that bike lanes be maintained in their original condition

This is the other side of the bike lane problem. There are countless reason that could require roadwork in a bike lane. Like maybe they have to fix a problem beneath the roadway, or do some work to accommodate a construction project on the side of the road. Or maybe it's just a city crew fixing a pothole or crack in the road.

Then once the work is done, they usually leave the lane in worse condition — often much worse — than before the work was started. The crews seldom take the extra care necessary to level the road surface, resulting in uneven ridges or dips in the roadway. It may not seem significant, and it's something most drivers wouldn't even notice. But for a bicyclist, those seemingly minor imperfections can make for a jarring, and potentially dangerous, ride.

The solution is simple. Just require that anytime roadwork is done on a designated bike path, bike lane or bike route, the road surface must be returned to it's original condition — or better. Just take a few extra minutes to smooth out the patches and fill up the dips. Honestly, is that so hard?

7. Drivers should bear full responsibility for any accidents in a bike lane

It should be obvious. A bike lane implies the presence of bikes, just as crosswalk implies the presence of pedestrians. Which makes it the responsibility of the driver to anticipate cyclists, and be on the lookout for them. Those two lines of paint should be sufficient warning to any driver not to enter that lane *for any reason* without first scanning every inch of that lane for bicycles.

There is simply no reason why any driver should ever turn into the path of a rider, back in or out of a parking space without checking for oncoming bikes, or open a door into a rider in a bike lane because he didn't check his mirrors first.

None.

So let's make it clear that those few feet of asphalt belong to us, and it is the responsibility of the driver to enter, cross or stop in the bike lane safely — not the responsibility of the rider to avoid him. And therefore, the driver

should bear 100% responsibility for any accident that occurs with a cyclist riding safely, and legally, in any bike lane.

8. Require regular police and maintenance patrols of all off-road bike paths

Instead of fighting our way through traffic or dodging drivers who can't seem to grasp the concept of a bike lane, an off-road (or Class 1) bike path should provide the perfect opportunity to just relax and enjoy a good ride. But too often, it doesn't work out that way.

Because these paths are located away from major roadways, they are seldom, if ever, seen by police patrols or maintenance crews. Which means that any problems along the path, from broken pavement to criminal activity, are often hidden from view.

The result is that many cyclists decide they're better off taking their chances on the streets — abandoning the alternate routes we've fought so hard to get, and often leading to further deterioration..

So let's demand regular safety and maintenance patrols of all off-road bike paths, both by the local police and the appropriate city, county or state maintenance agency — and require that at least some off those patrols be done by bike. Because any rider knows, things look and feel completely different behind the handlebars than they do behind the wheel.

9. Require a bike lane or sharrows for any roadway with heavy bike traffic

Instead of putting bike lanes and routes where traffic planners think they should go, put them where the cyclists already are.

Take PCH, for instance. Every day, hundreds, if not thousands, of riders brave heavy, high-speed traffic, turning cars and narrow, sometimes non-existent, road shoulders along the coast through Malibu, making this one of the most popular rides in Southern California. And yet, despite the near-constant flow of bike traffic, there's nothing more than a few "Share the Road" signs to accommodate cyclists or improve safety.

So lets insist that form follow function, and require every city and county in the state to study the bike traffic within its jurisdiction. And that any street, road or highway with heavy bike traffic be required to accommodate bicycles; when possible, through the establishment of bike lanes or off-road bike trails that follow the roadway, or if not, by installing sharrows and adequate signage.

10. Assign greater responsibility to the larger — and more dangerous — vehicle

Recently, some members of the European Union — notably Denmark and the Netherlands — have revised their laws to make the driver automatically responsible for any accident involving a cyclist, except in the case of particularly outrageous and illegal behavior by the rider.

While I'm not sure that would work in this country, the rational behind it is sound.

As the law currently stands, drivers and cyclists in this country share equal responsibility for avoiding accidents. But cars and SUVs are, by their very nature, dangerous vehicles, and in any collision between a two-ton vehicle and a cyclist, the rider will inevitably come out on the losing end. Or as the European Commission document behind the proposal to extend the Danish and Dutch laws to other countries puts it, "Whoever is responsible, pedestrians and cyclists usually suffer more."

So let's put more responsibility to avoid an accident — and therefore, greater liability — on the operator of the larger and more dangerous vehicle. Not total responsibility, but enough to reflect the greater vulnerability cyclists and pedestrians face on every road, and at every intersection, every day.

11. Investigate any report of vehicular assault as a criminal violation

For most of us, a car is simply a means of getting from here to there. But as the recent incident in Mandeville Canyon shows, it can be a deadly weapon in the wrong hands.

From intentionally striking or dooring a cyclist, to forcing a rider off the road or into another vehicle, there are countless ways a driver can use his or her vehicle to threaten or injure a rider. Even something as seemingly harmless as throwing an object from a moving vehicle can cause a rider to lose control of his bike, with potentially deadly consequences.

But just try to report something like that to the police. In most cases, they'll say they didn't see it, so there's nothing they can do. Or if they do bother to respond, usually because of an injury to the rider, they'll treat is as a traffic accident, rather than the criminal activity it is.

So let's demand the protection we deserve. Let's contact our legislators, and insist that they amend the law to clearly specify that anyone who uses a motor vehicle to threaten, intimidate, attack or injure a cyclist or pedestrian should be charged with assault and/or battery with a deadly weapon, and subject to a prison term and seizure of the vehicle, as well as permanent loss of driving privileges. And insist that any report of a motor vehicle being used in such a manner be investigated by the police as a criminal matter, rather than a traffic infraction.

Because your life, and mine, may depend on it.

12. Turn stop signs into yields, and red lights into stop signs

Riding is hard enough without breaking your momentum to stop for a stop sign every other block — especially if there's no one else at the intersection. Or stopping at a deserted intersection in the middle of the night, and having to endure a seemingly interminable wait for the red light to change

But failure to do so could result in a sizable ticket if you don't happen to notice the cop coming up behind you.

So lets try a little common sense, instead. Reform the law to reflect what many, if not most, cyclists already do — an approach that's already been proven to work in the state of Idaho for over a quarter of a century. And allow cyclists to treat stop signs as if they were yields — slow down, look around carefully, and in the absence of conflicting traffic, proceed through the intersection.

For red lights, come to a complete stop, ceasing all forward momentum. Then if there's other traffic at the intersection, remain stopped and wait for the green light. But if you're the only one waiting at the light, you should be able to treat it like a stop sign. And once any cross traffic has passed, continue on your way without having to wait for the light to change.

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13 Responses to *Change the law*

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BPAC Active Items List Update

The Commission's active items list is attached for your reference. Concerns regarding operational matters such as signal operations and bicycle detection are not individually listed, but will be regularly addressed during the BPAC meetings.

Bicycle and Pedestrian Advisory Commission

Active Items List

Item #	Item	OPR	Due Date (Approx)	Status	Last Updated
1	Bernardo Caltrain Under-crossing	Witthaus	Preliminary engineering by 2005	Feasibility Study accepted by the City Council. Funds for 20% local matching funds must be identified before further project initiation. BEP Tier 1 update submitted. VTA will program 80% funds out to 2016 to allow for time to secure matching funds. Project update submitted for Valley Transportation Plan (VTP) 2035 consideration.	4/9/2009
2	Code of Ethics and Conduct	El-Guendy	Annual	Was reviewed and accepted by BPAC during the meeting of January 20th, 2011.	2/10/2011
3	Utility Bill Stuffer	El-Guendy	Annual	Scheduled for discussion during the upcoming BPAC meeting on February 17, 2011.	2/10/2011
4	Bike to Work Day	El-Guendy	Annual	The event took place on Thursday, May 13, 2010 and BPAC members volunteered at the energizer stations located at the NASA light rail station, the Borregas Avenue ped/bike bridge, and the intersection of Wolfe Road/El Camino Real.	5/14/2010
5	Earth Day	El-Guendy	Annual	The event took place on April 24, 2010 and BPAC members participated/volunteered at the event.	5/14/2010
6	Health and Safety Fair	El-Guendy	Annual	The event will take place on Saturday, April 30th from 11:00 a.m. to 3:00 p.m.	2/10/2011
7	Overlay, Reconstruction, Slurry & Chip Schedule	T. Pineda	Annual	Information only item shared with the BPAC members during the meeting held on March 18, 2010.	4/9/2010
8	Signage request - Entrance of Baylands Park	El-Guendy	TBD	A site meeting took place with staff of the City's Department of Parks and Recreation who are planning to install improved signage and pavement markings.	8/13/2010
9	Spare the Air Fair	El-Guendy	Annual	The event took place on May 18, 2010. The BPAC Chair participated in the event.	6/11/2010
10	State of the City	El-Guendy	Annual	The event took place on July 4, 2010 in Washington Park during which Mayor Hamilton announced the winners of this year's annual awards.	7/9/2010
11	VTA Bicycle Expenditure Program (BEP)	Witthaus	Annual	Application was submitted by January 14, 2011 for $85,000 to design and construct bike lanes on Pastoria Avenue between El Camino Real and Evelyn Avenue. The work also includes intersection improvements at El Camino Real, Iowa Avenue and Washington Avenue including signal modifications.	1/14/2011

Item #	Item	OPR	Due Date (Approx)	Status	Last Updated
12	Block Grants	Witthaus	Annual	Application was submitted for the redesign of Hendy Avenue between Fair Oaks and Sunnyvale Avenues in order to provide sidewalks, bike lanes, underground utilities, and other improvements. The project will receive approximately $2 million in BEP and Pavement Rehabilitation funds. Also an application was submitted for the construction of left-turn and associated signal at the intersection of Old San Francisco Road/Sunnyvale Avenue.	8/13/2010
13	TFCA grants	El-Guendy	Annual	Application to establish bicycle facility between the two Borregas bridges was submitted on January 16, 2009. Application for the BFP funds was submitted on September 14, 2009 for completing the design and constructing the East Channel Trail.	9/11/2009
14	Construction Zone Safety Complaints received	El-Guendy	Ongoing	Responses are provided via phone or e-mail communications. In some cases, the responses are provided verbally during the BPAC meetings and documented as part of the meetings minutes.	2/19/2008
15	Policy on Street Space Allocation	Witthaus	Ongoing	Coordination is ongoing based on the approved policy on street space allocation and relevant roadway resurfacing/construction projects (examples are Bordeaux and Remington Drives). CEQA clearance and General Plan amendment have been carried out to the policy.	9/10/2010
16	Bicycle Detection Complaints received	El-Guendy	Ongoing	Responses are provided via phone or e-mail communications. In some cases, the responses are provided verbally during the BPAC meetings and documented as part of the meetings minutes.	9/11/2008
17	2009/2010 Bicycle Transportation Account (BTA)	El-Guendy	Annual	The East Channel Trail Project is eligible for this fund, and a grant application was submitted to complete the design and implement the pedestrian/bike trail.	1/8/2009
18	Community Design and Transportation (CDT) - Planning Grant Program	El-Guendy	Annual	Application was submitted by January 13, 2011 for $75,000 excluding local match to conduct a feasibility study and develop a concept plan for the West Channel Trail corridor from Carribean Drive to Mathilda Avenue. The plan was recommended for funding.	2/10/2011
19	2010/11 Caltrans Planning Grants	Witthaus	Annual	Grant applications have been submitted to multiple funding sources submitted to conduct the feasibility study of the Stevens Creek Trail Extension.	4/9/2010

Item #	Item	OPR	Due Date (Approx)	Status	Last Updated
20	2009 State Safe Routes to Schools	El-Guendy	Annual	A grant application was submitted by April 15, 2009 to add safety and operational improvements in school areas Citywide. The City's application for $720k succeeded for Cycle 8, FY 2009/10. Project design has been initiated.	9/10/2010
21	State Transportation Enhancements (TE) funds	Witthaus	Ongoing	Application submitted for establishment of the Downtown Streetscape Project.	4/9/2009
22	Stimulus Package	Witthaus	Ongoing	Application for the Green Infrastructure Funding Grant was submitted to complete the design and implement the East Channel Trail (Application was denied)	9/10/2010
23	2010 Community Design and Transportation (CDT) - Capital Grant Program	El-Guendy	Annual	In response to the second call for projects, application was submitted on October 4th to complete design and construct the East Channel Trail. The project was recommended to receive grant funds in the amount of $595,200 in addition to the required local match of 20% ($148,800).	11/10/2010
24	Establishment of Bike Lanes on Mary Avenue	Witthaus	Ongoing	The City recently reconfigured the segment of Mary Avenue between Cascade Drive and Fremont Avenue to provide Class II bike lanes as part of a pavement maintenance project. The BPAC requested adding this item on the list for the establishment of bike lanes on Mary Avenue between Fremont and Maude Avenues following the required review in accordance with the street space allocation policy. Feasibility study underway.	9/10/2010
25	Santa Clara Valley Water District - Trail and Open Space Grant Programs	El-Guendy	Annual	Applications were submitted for design and construction of the East Channel Trail, and for conducting the Stevens Creek Trail Feasibility Study (Applications were denied).	9/10/2010
26	Sustainable Communities Planning Grant	Witthaus	Ongoing	Application was submitted on behalf of the Cities of Cupertino, Los Altos and Mountain View and lead by the City of Sunnyvale to conduct the Feasibility Study associated with the Stevens Creek Extension (Application was denied).	9/10/2010
27	Vehicle Emissions Reductions Based at Schools (VERBS) Grant Program	Witthaus	Ongoing	Teaming with the Traffic Safe Communities Network (TSCN), an application for non-infrastructure initiatives was submitted on October 4th. Scoring of projects will take place during the week of October 18th, 2010. The project was awarded funding of $1 million excluding local match which will be split between the City of Sunnyvale and the County of Santa Clara. About 80% of Sunnyvale elementary and middle schools will be evaluated.	2/10/2011