

COUNCIL MEETING DATE:

Monday, December 4, 2017

ADDITIONAL CORRESPONDENCE

RECEIVED REGARDING COUNCIL PACKET

**Item 11-2: Adams Street & Kains Ave
Traffic Calming and Bikeway Study**

DO NOT REMOVE

Please return to Eileen Harrington, Administration

Eileen Harrington

From: Nicole Almaguer
Sent: Monday, November 27, 2017 1:30 PM
To: Eileen Harrington
Subject: FW: Kains and Adams bicycle boulevards for tonight's city council meeting

Eileen,
These are to do with an agenda item that will be on the 12/4 agenda (Kains/Adams)
Thanks

From: Susan Moffat [mailto:moffat.susan@gmail.com]
Sent: Monday, November 27, 2017 1:12 PM
To: citycouncil <citycouncil@albanyca.org>
Subject: Kains and Adams bicycle boulevards for tonight's city council meeting

Dear City Council,

I am a resident of the block of Kains between Marin Ave. and Dartmouth Street. I am writing in favor of the proposed bicycle boulevards on Kains and Adams. I bicycle, drive, walk, and park on Kains and think the proposed Option 3 would make the street safer and more functional for everyone and provide some crucial safety infrastructure.

Although members of my household often park on the street and are aware of the limited parking, I think the significant increase in safety and mobility that the bicycle boulevards would provide would be a great improvement overall.

I would like to be able to bicycle northbound on Kains without doing the sometimes dangerous maneuver of going east on Marin and then shifting to the left lane to make a left onto northbound Stannage; or making a difficult westbound turn onto Marin and dealing with the Shell gas station hazards and then going north with the heavy traffic on San Pablo Ave.

Aside from the bicycle issues, there are many children on my block and the traffic calming effects would be a great benefit to them.

Thank you!

Susan Moffat

Eileen Harrington

From: Susan Moffat <moffat.susan@gmail.com>
Sent: Monday, November 27, 2017 1:12 PM
To: citycouncil
Subject: Kains and Adams bicycle boulevards for tonight's city council meeting

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I am a resident of the block of Kains between Marin Ave. and Dartmouth Street. I am writing in favor of the proposed bicycle boulevards on Kains and Adams. I bicycle, drive, walk, and park on Kains and think the proposed Option 3 would make the street safer and more functional for everyone and provide some crucial safety infrastructure.

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Aside from the bicycle issues, there are many children on my block and the traffic calming effects would be a great benefit to them.

Thank you!

Susan Moffat

Eileen Harrington

From: Laura Peck <laura@laurapeckconsulting.com>
Sent: Monday, November 27, 2017 10:17 AM
To: citycouncil
Cc: calamari@alumni.duke.edu
Subject: Support fo rOption 3

I appreciate the Council's efforts to calm Kains Ave and make it safer for me and my husband to ride with peace of mind!

LAURA PECK
dial 510.682.6133
read laurapeck.co

Eileen Harrington

From: Shantee Baker <shantee.baker@gmail.com>
Sent: Monday, November 27, 2017 5:22 AM
To: calamari@alumni.duke.edu; citycouncil
Subject: Bicycle boulevards in Albany

To whom it may concern:

I lived on Key Route, Taft, and Kains in Albany for many years before circumstances brought my family to nearby Page Street in Berkeley. I continue to work part-time at the Albany YMCA, and to ride my bike in Albany.

A society that rides bikes is a healthier society. People get more exercise and fresh air. Fewer cars pollute. Life slows to a more human pace.

It is very important that cyclists ride in safety. I love the dedicated roads in Holland. And the way Eugene, Oregon has converted many streets to bicycle only.

I know Albany is doing its part to help create the world we all want for everyone.

I support the dedicated work of Amy Smolens and others to increase bicycle riding safety in Albany.

Sincerely,

Shantee Baker

Margaret "Shantee" Baker, MA
OUSD Montera Middle School
P.E./Health + Dance/Theater
OUSD Health Referral Coordinator
OUSD Wellness Champion - Staff Wellness
OUSD Physical Education Leadership Team
RJOY - Restorative Justice for Oakland Youth - I, II, III
stopwaste.org Stop Waste Ambassador Program Coordinator
margaret.baker@ousd.org 510.531.6070 x 2505 (o) 510.703.7454 (c)

Eileen Harrington

From: tenisha neal <10esha01@gmail.com>
Sent: Tuesday, November 28, 2017 12:41 PM
To: citycouncil
Cc: calamari@alumni.duke.edu
Subject: Kains/Adams Bicycle Boulevards

Dear Albany City Council Member,

I hope this message finds you and your loved ones well and in good health.

I am writing because I am requesting Albany create safe cycling routes along Kains and Adams so my son and others, including myself, can avoid San Pablo while we travel around and throughout Albany. I currently reside with my teenaged son at the Creekside Apartments on San Pablo (front side) - Kains (backside) in Albany and, unfortunately, for more times than I'd like to remember, I have witnessed or overheard cyclists and cars colliding or nearly colliding on San Pablo. San Pablo is simply not safe for cyclists and Albany can definitely do better at keeping residents and visitors safe while also creating spaces that promote a greener future and better public health.

My son rides to school every day and regularly cycles throughout Albany to visit friends, go to the library, go to El Cerrito BART station, or pick up groceries or books from El Cerrito Plaza. I have instructed him to avoid San Pablo for safety reasons. If he absolutely must, and I am not there, he is only allowed to ride on San Pablo on the sidewalk. To safely travel to El Cerrito Plaza, he has to significantly travel out of his way traveling up Dartmouth to the Ohlone Greenway. A bikeway on Kains & Adams just makes sense and would benefit the community in so many ways. It would help cyclists, especially youths and families, to safely enjoy so much of what Albany has to offer while literally setting a path that would help reduce carbon emissions!

Thank you for your time and consideration.

Many thanks and much appreciation,

Tenisha Neal

15 year-long Albany resident



Albany Strollers & Rollers
524 Talbot Avenue
Albany, CA 94706

November 30, 2017

Albany City Council
City of Albany

Re: Adams and Kains bike boulevards

Honorable Council members:

Five years ago the Council adopted Albany's Active Transportation Plan (ATP). The ATP proposed Adams Street and Kains Avenue as bike boulevards providing relaxed cycling routes along the San Pablo corridor. Due to community concern at the time, the Council added the requirement that these bike boulevards would not be implemented without further study. That study is now complete and before you, along with the Traffic and Safety Commission's unanimous recommendation to approve one of several approaches to implementing these bike boulevards. Albany Strollers & Rollers (AS&R) asks you to approve bike boulevards along Adams and Kains, either via the option recommended by the Traffic and Safety Commission, which serves as Albany's Active Transportation Advisory Committee, or some other option of your choosing.

Four years ago, the Council unanimously adopted the complete street conceptual design and plan for San Pablo Avenue with current Council members Barnes and Maass in support. That plan specifically recommends creating cycling routes on Adams and Kains because facilities that would serve the vast majority of people interested in biking along the corridor could not be provided on San Pablo Avenue itself. Without low-stress cycling facilities along the San Pablo corridor, Albany's cycling network will be incomplete for all but the few percent of people willing to bike on San Pablo itself. AS&R asks you to follow through on the recommendation in the San Pablo Avenue complete streets plan, particularly those of you that voted for the city to adopt that plan.

In addition to this local planning history, the proposed Adams bike boulevard is part of a regional cycling route defined by Alameda County at least as far back as 2001 and incorporated into the plans of the six cities through which it passes (Richmond, El Cerrito, Albany, Berkeley, Emeryville, and Oakland). The route currently exists in El Cerrito, Berkeley, Emeryville and Oakland, and exists in part in Richmond. Richmond will be completing its portion within a few months. In contrast, Albany has only completed one block of the route (Jackson between Solano and Buchanan). If Adams

AS&R is a service and advocacy group focused on making it easier and safer to bike, walk, skate, scoot, roll, ride, and just generally get around Albany in ways that promote active transportation. AS&R currently has almost 700 member households.

Eileen Harrington

From: Marcy Greenhut <imgreen07@att.net>
Sent: Friday, December 1, 2017 6:16 AM
To: citycouncil
Subject: Kains and Adams bikeway improvements

Councilmembers:

I support the proposed measures on Kains Ave. and Adams Street, "Concept 3", to create a dedicated bike route north-south through Albany. I live in Richmond, I work in Emeryville and my mother lives in Albany. I bike through Albany several times a week, and spend a lot of time frequenting local shops.

The proposed changes in Concept 3 would be excellent traffic calming measures, and would make it more comfortable for cyclists. Limited, slower traffic would encourage more people to bike and thereby reduce greenhouse gases. While bike signage, such as sharrows says "bikes belong". Residents with children and bicyclists alike would benefit from these changes.

I can tell you what a difference these features make in neighboring cities! Sometimes people won't bike because there are unsafe "gaps" in their route. Closing these gaps in Albany would make the route from points north and south feel possible for families and others who don't feel safe biking these streets now.

Quality of life is improved for everyone when a city is made safer for the most vulnerable among us, like young children.

Please approve this plan to make Albany streets safer for everyone,.

Thank you for considering my message, and for making Albany a better place to be.
Sincerely,

Marcy Greenhut
5960 Park Ave.
Richmond, CA 94805

Eileen Harrington

From: David Kremer <dfkremer@gmail.com>
Sent: Thursday, November 30, 2017 10:36 PM
To: citycouncil
Cc: calamari@alumni.duke.edu
Subject: Bicycle Boulevards

- Forward to all City Council members -

Dear Fellow Albany Representatives,

I support the Kains and Adams Bicycle Boulevards and my family and I would ride on them.

My family and I don't feel safe riding on San Pablo so please approve the Kains and Adams Bicycle Boulevards.

Sincerely,
David Kremer
519 Santa Fe Ave
510.323.3742

*Sent from my iPhone
Please excuse typos*

Eileen Harrington

From: LINDA BERLAND <techmomster@gmail.com>
Sent: Thursday, November 30, 2017 4:28 PM
To: citycouncil
Cc: amy s
Subject: Kains/Adams Bikeway

As a resident of Albany for more than 30 years, I have seen a lot of changes. As someone who has chosen to cycle 90% of the time since I retired a little over 5 years ago, I haven't seen enough changes. Currently, I use the Ohlone Greenway, the Bay Trail and cycling boulevards to get places. I've just purchased a super light folding bike so I can carry it into stores, and I've purchased a Burley Travoy bike trailer. My goal is to do all my shopping and recreating by bike! Businesses I cannot reach by riding a safe and comfortable route will not be visited by me.

Having this goal means that I spend my money places where I feel comfortable riding. I do not cycle on San Pablo Avenue and have not patronized a single business on San Pablo in years because I consider it to not be safely and easily accessible. By using the Greenway and biking boulevards I can get to businesses in Berkeley more safely and easier than I can get to businesses in Albany; this is a sad and unfortunate situation as I would prefer to spend my dollars here in my own community. Making our businesses accessible by bike in a safe and efficient manner will increase revenue in Albany.

We need a seamless system of safe routes that let cyclists go from Richmond through El Cerrito and Albany and connect up with Berkeley's bike boulevards. The fact that I choose to ride rather than run errands in my car should not be made MORE difficult, it should be easier so we encourage less traffic and fewer resulting problems. And with more businesses and housing being developed closer to the Bay and SPA (4th Street, Gilman areas) we need safe routes that are more direct. Albany is way behind in the Bay Area in terms of providing safe cycling alternatives.

I love that I live so close to the Greenway and (now) a safe route to the Bay Trail. It's time we set our local businesses up for success while we encourage transportation that has a positive impact on our community, getting people healthier and bringing families together. Please continue to improve bicycle access to all of Albany, especially our local businesses. Let's make it easier for members of other communities to spend their money in Albany as well!

Thank you,
Linda Berland
943 Evelyn Avenue
Albany, Ca. 94706

Eileen Harrington

From: Bruce Dughi <bdughi@yahoo.com>
Sent: Saturday, December 2, 2017 11:53 AM
To: citycouncil
Cc: calamari@alumni.duke.edu
Subject: Support for Kains and Adams Bicycle Blvd

Hello City Council,

Please forward to all City Council Members. Sorry I am not able to attend the City Council meeting on Dec 4, 2017 but I want to express my support for the Kains and Adams Bicycle Blvd. We need low stress alternatives to high speed arterials (San Pablo) if we ever hope to increase bike mode share, especially among the "interested but concerned" cyclists that include children and families. This is particularly important to reduce pollutants of all sorts, including green house gases. Cycling is also improves health. Let's get people on their bikes! Thanks.

Bruce

Eileen Harrington

From: David Hertzler <jdhertzler@gmail.com>
Sent: Sunday, December 3, 2017 2:39 PM
To: citycouncil
Cc: Nicole Almaguer
Subject: Adams-Kains Traffic Calming and Bike Study
Attachments: Albany Council-Letter-Dec.2, 2017.docx

Dear Council Members,

Attached please find my letter dated Dec. 2, 2017 pertaining to the Adams-Kains Traffic Calming and Bike Study on the Agenda as Item 11-2 for the Dec. 4, 2017 Council meeting.

Thank you for considering the points I make.

J. David Hertzler

**J. David Hertzner
35 Ardmore Road
Kensington, CA 94707-1308
Telephone: 510-524-3225
Fax: 510-559-3235**

December 2, 2017

Albany City Council
1000 San Pablo Avenue
Albany, Ca. 94706

Re: Dec. 4, 2017 Agenda-Item 11-2
Bicycle Boulevard for Kains Ave.

Dear Council Members,

I own an eight unit apartment building in the 900 block of Kains. I oppose the 2-way auto and bike boulevard proposed for Kains for the following reasons:

- A. Kains is not needed to complete the San Pablo bike pathway from El Cerrito to Berkeley.

The argument that Kains is needed to complete the San Pablo corridor bike pathway from Richmond, El Cerrito, Albany, Berkeley, Oakland, and Emeryville has NO MERIT. It is proposed that Adams become a bike boulevard with 2 way auto and bike traffic. The bike path connecting to El Cerrito is along Carlson and Carlson ties into Adams. A bike bridge over the creek next to the Center for the Blind and a bike path through the Center for the Blind would directly connect Carlson to Adams. Until the bike bridge is built, the bike path can follow Carlson to San Pablo, then along the west side of San Pablo for 2 short blocks, and then West on Clay to Adams.

On the south end of Adams, the bike path can be easily routed around the Fire Station to the south side of Marin, connecting to the existing bike path, which leads to the bike path along the west side of San Pablo to Berkeley. With the connecting bike path on the west side of San Pablo, there is no need to route the bike path from Carlson across San Pablo and through the El Cerrito Shopping Center to Kains.

On the south end of Kains at Marin, bike riders would need to make a right and then make a left turn though the congested and dangerous intersection to connect to the bike path on the west side of San Pablo. Not desirable for bike riders.

On the 2012 Albany Active Transportation Plan, it was assumed Kains and Adams would remain one way. If Adams is made two way, then the earlier plans are no longer relevant.

B. Converting Kains to a 2-way bike and auto traffic raises substantial safety issues for bike riders and autos.

1. Backing into Kains is dangerous. Kains is a busy street. In the 900 block of Kains there are about seventy (70) driveways where autos back into Kains. With cars parked on both sides of Kains, visibility is blocked now and it is dangerous. With two way auto and bike traffic, the problem is compounded since auto drivers will now have to look two directions. Bike riders will be hard to see. Council should not create dangerous conditions for bike riders.
2. Two way traffic on 30 foot wide streets is dangerous. Driving down the numerous 30 foot wide streets of Albany with two way traffic is dangerous and nerve-racking. Some drivers play chicken and drive down the center forcing others out of the path of traffic. If a wide truck is parked on one side, the street is really dangerous. Just because there are other dangerous 30 foot streets with 2-way traffic in Albany does not justify making Kains another dangerous street.
3. Traffic flows better with one way streets. Navigating a 30 foot wide street with one way traffic is simple with hazards easily seen. Why convert a street with good traffic flow into the night mare of two way traffic?

C. The pleas of Kains' residents/owners need to be heard.

The voices of Kains residents and owners need to be considered. At the Traffic Commission hearing on October 26, 2017, it appeared to me that most residents/owners on Kains opposed 2 way traffic on Kains. The Traffic Commissioners seemed totally tone deaf concerning the testimony offered from the public at that hearing. Following conclusion of public comment, one commissioner immediately presented a motion that appeared to be prepared beforehand without discussion of the public comments. "Government knows best" seemed to be the prevailing view of the Traffic Commission. Hopefully, the Council will listen to the comments of speakers and those who have provided written comment.

Respectfully submitted,

J. David Hertzner

Eileen Harrington

From: Ruth Gjerde <ruthgjerde@gmail.com>
Sent: Monday, December 4, 2017 8:21 AM
To: citycouncil
Subject: Kains/Adams Bikeways

To Albany City Council:

I am a 33 year resident of the 500 block of Kains Avenue and have attended all the meetings regarding bike lanes on these streets, including the walking group. I am not able to attend tonight's meeting, so I am writing to urge you to retain all stop signs on Kains and Adams.

It is clear that Kains and Adams are not perfect candidates for bike boulevards; they are narrow with high volumes of traffic and high residential density. However, I understand the need for a bike alternative to San Pablo Avenue. So, please make it as safe as possible for BOTH bikers AND residents. Please retain all north/south stop signs so that my street does not become even more of a thoroughfare for cars. With no stop signs and little opposing car traffic, I see that as a real possibility. This seems a compromise both bikers and residents can live with.

Thank you,
Ruth Gjerde
528 Kains Ave.

Sent from my iPhone

Eileen Harrington

From: Peter Kozelka <pbkozelka@gmail.com>
Sent: Saturday, December 2, 2017 9:05 PM
To: citycouncil
Subject: YES to Kains & Adams Street bike boulevards

Dear City Council members - I write to support the Kains/Adams Street bike boulevard projects in Albany!! I ride my bike thru Albany alot and KAINS St is GOOD BIKE STREET AND MUCH SAFER than San Pablo Ave. ADAMS ST. IS ALSO BETTER ALTERNATIVE to san pablo ave.

Bikers in Albany should be able to ride on BIKE BOULEVARD designated streets. Just like in Berkeley.

It is not a question of if there are already enough bike safer streets, it is a matter of more bike boulevards is better safety for Albany citizens and others riding thru it. YES TO KAINS ST. at minimum for BIKE BOULEVARD.

SIMPLY FOLLOW THE RECOMMENDATION OF THE TRANSPORTATION AND SAFETY COMMITTEE.

The REGIONAL BICYCLE ROUTE from Oakland to Richmond – Albany is the only gap in a 12+ mile North-South bike route. WE SHOULD FIX THIS GAP.

--Peter Kozelka
501-A Santa Fe Ave.
Albany, CA 94706

Eileen Harrington

From: Kim Van Eyck <kimvaneyck@gmail.com>
Sent: Monday, December 4, 2017 10:47 AM
To: citycouncil
Cc: calamari@alumni.duke.edu
Subject: Bicycle Boulevard in Albany

Dear Albany City Council Members,

I'm writing to urge you to consider adopting bicycle boulevards on Kains and Adams in Albany. This is not only a potentially life-saving issue, preventing accidents on San Pablo and "wrong-way" bicycle traffic on Kains, this is a quality of life issue. Reducing auto congestion and increasing ease of bicycle-riding will only increase the pleasure of driving, riding and living on these streets. It is also likely to increase the property value! Let's be forward-thinking and create a more relaxed and safe atmosphere for traveling through our Albany neighborhoods.

Thank you so much for your consideration,

Kim Van Eyck

--

Kim Van Eyck
950 Kains Ave Apt B.
510-292-6744 (cell)

Eileen Harrington

From: Jeff Bond
Sent: Monday, December 4, 2017 2:29 PM
To: Eileen Harrington; Nicole Almaguer; Anne Hsu
Subject: FW: Comments on Agenda Item 11-2, Adams Street and Kains Avenue Traffic Calming and Bikeway Study

Jeff Bond, Community Development Director

City of Albany
1000 San Pablo Avenue
Albany, CA 94706
510-528-5769
jbond@albanyca.org

From: Clay Larson [mailto:clayl@comcast.net]
Sent: Monday, December 4, 2017 8:03 AM
To: Peggy McQuaid <pmcquaid@albanyca.org>; Michael Barnes <MBarnes@albanyca.org>; Peter Maass <PMaass@albanyca.org>; Rochelle Nason <RNason@albanyca.org>; Nick Pilch <NPilch@albanyca.org>
Cc: Jeff Bond <jbond@albanyca.org>; Aleida Andrino-Chavez <achavez@albanyca.org>
Subject: Comments on Agenda Item 11-2, Adams Street and Kains Avenue Traffic Calming and Bikeway Study

Mayor McQuaid and Council members;

The City Council is considering designating Adams St. along with Kains Ave. as bicycle boulevards. For a number of reasons, I think that the proposed treatment is ill advised for Adams St. I have described some of these reasons below:

Adams Street goes nowhere – Adams St. is only five blocks long and dead ends at Cerrito Creek. Actually, on the Albany Bicycle Master plan, the Adams St. bikeway begins/ends at Washington, so the Adams St. portion of the path for through bicycle traffic is only two blocks long!

Proponents of the bicycle boulevard concept would note here that the Active Transpiration Plan includes a description of a walking-bicycling bridge over Cerrito Creek. This would make Adams St. a true thoroughfare for bicycle traffic. However, there has apparently been no progress on this project, which will not only involve a significant expense, but also would require negotiations with the State to gain access through the California School for the Blind. If a bridge were to be built, it would present a strong argument for developing the Adams St. bicycle boulevard. Accordingly, an appropriate fallback position for the City would be to postpone any further consideration of developing the bicycle boulevard on Adams until such time as the Cerrito Creek bridge is built.

Need for Alternatives to Cycling on San Pablo Avenue – proponents of bicycle boulevards have noted that it is important to offer alternatives to cycling on San Pablo Avenue. This is reasonable, but why two alternatives, each within one block, East and West of San Pablo Ave? No other city provides this. Berkeley provides a bicycle route on 9th Street (8th St. North of Camilla), that is two or three

blocks off San Pablo Ave. Most of El Cerrito has no bicycle routes near San Pablo Avenue, but neighboring Richmond has the somewhat challenging bicycle route on Carlson Boulevard. Oakland and Emeryville have no bicycle routes near San Pablo Avenue. Again, no City offers two alternative bicycle routes immediately adjacent to San Pablo Avenue; most likely because this is so obviously unnecessary.

The City has actually failed to demonstrate the need for any bicycle boulevards. Residents at every public meeting discussing the boulevard concept have asked for the numbers, i.e., the number cyclists using San Pablo Avenue; the numbers of cyclists using Kains and Adams. We never got the numbers. The \$32K consultant fees apparently did provide the resources to get these data. As a result, nothing about this project has been numbers driven and the bicycle boulevard concept remains a solution in search of a problem. Albany is a small town with a very small commercial area. The rest of the City is residential with many low traffic volume residential streets, especially in the North-South direction. As a result there is very little bicycle traffic on any given street. There is really little need for any formal bicycle North-South routes, but if there is actual value in trying to consolidate bicycle traffic, then the proposed Kains Ave. bicycle route is sufficient.

Problems for Residents - The proposed conversion of Adams St, will create parking issues for the residents. There will be a net loss of parking because of the installation of the partial barriers. There is also the issue of the parking configuration allowed with the two-way traffic. State law requires cars to be parked in the direction of traffic on two-way streets. Parking the right way on Adams when it becomes a two-way street could require tortuous, difficult U-turns within the block. The Traffic and Safety Commission has proposed that the City adopt an ordinance that permits "wrong side" parking on Adams. It is not clear that the City has the authority to do this and in fact, parking the wrong way would mean that cars would pull out directly into the oncoming lane, which not only creates a hazard, but also would make the motorist liable if a collision occurred.

The plan recommended by the Traffic and Safety Commission includes traffic diversion barriers, travel lane edge lines, sharrows, the possible installation of speed cushions, and of course, signage. The resultant visual graffiti and clutter is inappropriate for Adams Street, which currently has no striping (e.g., centerline markings).

The proposed bicycle boulevard for Adams St. creates many problems and provides no real benefits and should be rejected. As noted above, the installation of a pedestrian bicycle bridge over Cerrito Creek could make Adams St. a real thoroughfare. The City could consider the Adams St. bicycle boulevard concept once the bridge is completed.

Clay Larson

Eileen Harrington

From: Jeff Bond
Sent: Monday, December 4, 2017 3:09 PM
To: Nicole Almaguer; Eileen Harrington; Anne Hsu
Cc: Craig Labadie; Aleida Andrino-Chavez
Subject: FW: Request for an Opinion on the Legality of the Parking Configurations Proposed for Kains Ave. and Adams St.

Clay requested that this be forwarded to the City Council as part of tonight's agenda item.

Jeff

Jeff Bond, Community Development Director

City of Albany
1000 San Pablo Avenue
Albany, CA 94706
510-528-5769
jbond@albanyca.org

From: Clay Larson [mailto:clayl@comcast.net]
Sent: Thursday, November 30, 2017 7:46 AM
To: Craig Labadie <clabadie@albanyca.org>
Cc: Jeff Bond <jbond@albanyca.org>; Aleida Andrino-Chavez <achavez@albanyca.org>
Subject: Request for an Opinion on the Legality of the Parking Configurations Proposed for Kains Ave. and Adams St.

Mr. Labadie;

At its upcoming meeting on December 4th, the City Council will be considering the "Adams Street and Kains Avenue Traffic Calming and Bikeway Study" (Agenda Item 11-1). Last month, at its October 26, 2017 meeting, the Traffic and Safety Commission approved a bicycle boulevard concept for Adams St. and Kains Ave. that was included in the Study. The concept calls for two-way vehicle traffic within each block of Kains and Adams with "bicycle permeable" barriers on the exit ends of former one-way streets (i.e., the North end of each block on Adams and the South end of each block on Kains). The motion approved by the commission included some very specific conditions for the parking to be permitted on the two streets after the bicycle boulevard plan is implemented. These parking conditions were proposed in response to concerns raised by residents on both streets.

The Traffic and Safety Commission's motion recommended that the City Council direct the City to prepare an ordinance to allow parking facing the wrong direction on the sides of the two streets with barriers (i.e., the West side of Adams and the East side of Kains). Parking on the other side of the street (i.e., East side of Adams, West side of Kains) would be normal right side parking. FN#1. The commission also noted that the City could post signage clarifying the parking requirements.

I believe that the parking conditions proposed by the commission raise two interesting legal questions: 1) the question of the authority of the City to write ordinances that contravene state law; 2)

assuming the authority issue can be overcome, the potential exposure faced by the city if it “legalizes” parking in the wrong direction on a two-way street.

Authority of the City to Write an Ordinance Permitting Left-side Street Parking

California Vehicle Code (CVC), Section 22502 (a), requires vehicles on two-way streets to be parked within 18 inches of the right-hand curb. There appear to be only very limited exceptions to this requirement, which apply to commercial and public utility vehicles [CVC §§ 22502, (b)(1) and (d)]. Additionally, CVC Section 22503.5 generally authorizes a local authority to establish special parking regulations for two-wheeled or three-wheeled motor vehicles.

The above statutes date back to the 1970's. More recently, legislation in 2010 (AB 2067, Chapter 135) added CVC Section 22502 (f)(1), which authorizes the City of Long Beach to implement a pilot program permitting left-side parking on two-way local residential streets that dead-end with no designated area in which to turn around. Here, the City of Long Beach is required to make a finding supported by a professional engineering study, that the permitted left-side parking is justified by the need to facilitate the safe and orderly movement of vehicles on the affected roadways. The 2010 statute sets several specific limits: the law strictly limits the geographic area where the left-side parking is permitted; the law requires the city to provide signs or markings that give adequate notice of the permitted parking configuration, and requires the city after two years to provide the Legislature with a report that outlines the advantages and disadvantages of the pilot program. Finally, the pilot program authorized by the legislature will be terminated after three years from the date of the city's implantation.

The Commission's conclusion that the City has the authority to pass a local ordinance specifically permitting left-side parking on Kains and Adams once they are configured as two-way streets was undoubtedly influenced by the consultant's (Parisi Transportation Consulting) report on the project. The report (page 31) claimed that the “City may establish a special parking regulation allowing left-side parking on a two-way street” and cited CVC Section 22503.5. As noted above, the cited Vehicle Code section here is limited to parking regulations for two-wheeled or three-wheeled motor vehicles, so the applicability in the instant case would obviously be very limited. At the October 26, 2017 meeting, the consultants in response to a question from one of the commissioners acknowledged their mistake here, but then proposed that the aforementioned provisions of CVC Section 22502 (f)(1) can be interpreted as “providing guidance” to municipalities that allows them to write their own local ordinances related to parking on residential two-way streets. The consultant did not cite any legal references in reaching its conclusion here. In fact, this appears to be a strange construction of the statutes. The legislature in providing a very specific exemption to the requirements contained in CVC Section 22502 (a), actually evidenced its clear intent to maintain strict control of parking on two-way streets at the state level. The legislature only authorized the City of Long Beach to conduct a pilot study that covered a very limited geographical area. The legislation also sunsets the City's authority after three years. Based on this, it is difficult to support a finding that the legislature in adopting CVC Section 22502 (f)(1) intended to give cities some sort of cart-blanche authority to create local ordinance that contravenes the requirements of CVC Section 22502 (a).

Legal exposure faced by Albany if it “legalizes” left side street parking.

Assuming that the city somehow concludes that it has the legal authority to contravene state law and permit left or wrong side parking on Kains and Adams when they become two-way streets, then it would be prudent to consider the potential legal exposure faced by the city here.

Parking on the "left-side" of the street in the direction of on-coming traffic is inherently dangerous since pulling out of the parking space (actually also pulling in to the space), involves driving on the wrong side of the street. If a driver were to get into an accident pulling out of the parking space into on-coming traffic, the driver of course would be liable. I suspect that by permitting this parking by specific ordinances and perhaps signage, the City would also be liable in that it permitted and perhaps even encouraged this dangerous behavior.

Again, the Traffic and Safety Commission approved the proposed conversions of Kains and Adams to two-way traffic within each block, but conditioned that approval on the City adopting an ordinance permitting left or wrong side parking. I believe that such an ordinance raises significant legal questions at two different levels. I think that it is unfortunate that the City failed to address these questions during the initial planning process. This failure should be corrected now. If as I suspect, the ordinance language proposed by the Traffic and Safety Commission is not feasible and the conditions included in the Commission's approval can not be met, then I believe that the proposed bicycle boulevard project should be pulled from the Council agenda and returned to the Traffic and Safety Commission for reconsideration.

FN#1 The recommendation of Traffic and Safety Commission for the allowed parking on Kains/Adams described in the staff report, i.e., "amend street parking regulations to allow parking in either direction on those corridors" does not appear to correctly describe the actual recommendation made by the Commission.

Clay Larson

Eileen Harrington

From: Jim Quinn <jimqui@gmail.com>
Sent: Monday, December 4, 2017 2:35 PM
To: citycouncil
Subject: Please vote Yes to Kains and Adams Bicycle Boulevards

Dear City Council Members:

I am writing this to support the recommendation for bicycle boulevards on Kains and Adams that was made in the report that is attached to the City Council Agenda for tonight. I frequently ride my bike on these streets to avoid riding on San Pablo, which is a dangerous street for bicycling. It would be great to turn these streets into bicycle boulevards.

Thanks,
Jim Quinn
716 Santa Fe
Albany, CA 94706