

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda date: 12/1/08

Reviewed by: BP

Subject: Buchanan Bicycle Pedestrian Path -
Resolution to study a third (Cleveland Avenue) alternative through USDA
property

Report by: Ann Chaney, Community Development Director
Aleida Andrino-Chavez, Transportation Planner

TRAFFIC AND SAFETY COMMISSION RECOMMENDATION

Approve Resolution #08-73, supporting full study of the Cleveland Avenue Option of the Buchanan Bicycle Pedestrian Path (attached).

STAFF RECOMMENDATION

No resolution is necessary, since study of the third alternative is proceeding. If Council wishes to indicate its support for studying the third alternative, staff recommends adopting a modified Resolution #08-73, amended for purposes of accuracy.

BACKGROUND

In 2006 the City Council, upon recommendation by the Traffic and Safety Commission, authorized that:

“...grant funding be sought from the Alameda County Transportation Improvement Authority (ACTIA) for the development of 35% concept plans, a traffic analysis, and environmental review for a proposed bicycle/pedestrian plan that includes a Class I, 15-foot wide bicycle/pedestrian path along the south side of Buchanan Street, with further analysis provided to determine where the crossing to the north side of Buchanan will be located (either at Taylor or Pierce Street).”

Prior to submitting the application staff met with, and received support from, each of the property owners or stakeholders on the south side of Buchanan Street that would be directly affected by the project (i.e., University of California, Albany Unified School District, Park and Recreation Commission, U.S. Department of Agriculture). A \$266,000 ACTIA grant was awarded to the City, consultant interviews were held, and the firm of DMJM-Harris was selected. That firm is currently in the process of drafting the preliminary design plans.

On June 26, 2008, the Traffic and Safety Commission discussed an issue raised by the Albany Strollers and Rollers (AS&R), regarding the study of an third alternative route.

This route would cross at Cleveland Avenue in order to connect the proposed path with the overcrossing. After hearing AS&R's concerns, the Commission asked that a USDA representative be invited to the July meeting to discuss their position on this subject. Dr. James Seiber, Director of the Western Regional Research Center of USDA, accepted the invitation and attended the July Commission meeting. He reiterated their support for Alternatives 1 and 2, both of which would traverse a portion of USDA property. He explained that USDA did not support the third (Cleveland Avenue) alternative primarily because it would traverse a larger portion of USDA property and locate the path closer to buildings, structures and their western gate which raise concerns about security, liability, and could foreclose future building expansion possibilities. He told the Commission that USDA staff on the East coast had been consulted and share this position. Prior to making a decision, the Commission asked staff for more information, and continued the item to the September meeting.

At the September Traffic and Safety Commission meeting, staff presented the attached report, which provides a chronology of the project history and comments from the City Attorney. According to the City Attorney, the City does not have eminent domain authority except in matters of public health and safety (e.g., sewers, streets). In this instance, if the Federal Government would not allow construction of a public path on their property, it would be unlikely that the City could mandate it. He understood that the property owner supports the two alternative alignments being studied, both of which directly affect their property. He questioned whether it would be a good use of public funds to study a proposal that does not have approval of the Federal facility over which the path would traverse. In addition, such a study might raise expectations that could not be fulfilled.

After hearing staff's presentation, the Commission was presented with a resolution drafted by AS&Rs. The resolution proposed that the Commission recommend that the "City Council of the City of Albany support full study of the Cleveland Option," and that the "City Council of the City of Albany request that the USDA participate in full study of the Cleveland Option." In order to properly review the three-page resolution, the Commission continued the item to the October meeting.

In early October, Mayor Lieber and staff met with Dr. Seiber and a USDA staff member, to talk about the planned bicycle/pedestrian path and discuss USDA's concerns about security and liability associated with the third (Cleveland Avenue) alternative. During that meeting, USDA said they were not opposed to the City conducting a topographic survey on USDA land, subject to the City's understanding that USDA does not support the third alternative. Following the meeting, staff spoke with the consultant at DMJM-Harris, who believed they could evaluate the third alternative without a topographic survey at a cost of \$5,000. The City Administrator authorized instructing the consultant to move forward under these cost parameters to study this alternative to better evaluate the pros and cons of each alternative. The decision to proceed with this study was conveyed to USDA.

At the October Traffic and Safety Commission meeting, three members were present. Staff explained what had transpired and that the study of the Cleveland Avenue alternative was proceeding. Thus staff believed that passage of the resolution was unnecessary. AS&Rs urged the Commission to pass the resolution regardless of the new information. Two of the three Commissioners believed it was important that this be placed before the Council, and one member had concerns with the resolution (see October 23, 2008 T&S Commission minutes). Following discussion, the Commission voted 3-0 to recommend that the City Council approve the attached resolution.

DISCUSSION

Preliminary plans on the three alternative alignments are expected to be available to the public in January. Public meetings will be held to discuss of the pros and cons of each alternative. A recommendation will be made consultant to the T&S Commission and the City Council. According the consultant, the alternative that is selected would then be refined to produce the 35% plans on which the environmental review would than be based.

With regard to the resolution prepared by Albany Strollers and Rollers, and approved by the Traffic and Safety Commission, City staff would like to clarify a few of the “Whereas” statements as follows:

Page 2, line 7 – “Whereas, presentation of the Cleveland Option was one of the reasons the City of Albany awarded DMJM Harris the 35% design contract;”

This is not entirely correct. Several members of the interview panel, which included a representation from the Albany Strollers and Rollers, East Bay Bicycle Coalition, Traffic and Safety Commission, may have been influenced by this recommendation. However, City staff based its recommendation to Council on technical, engineering and experiential expertise.

Page 2, line 9 through line 13 “Whereas, the 85th percentile motorist speeds on Buchanan Street are in excess of 35 mph;” and “Whereas, this speed is higher than on any other street in Albany;”

Based on a 2002 Traffic Engineering Survey these statements are correct. The City’s more recent 2008 Survey indicates the 85th Percentile speeds on Buchanan Street as being 30.4 mph. Three other streets are shown to have higher 85th Percentile speeds than Buchanan Street.

Page 2, line 16 through line 28 – Because the study findings have not been released, these statements may be seen as prejudging the outcome.

Page 3, line 1 – “Whereas, staff of the City of Albany have indicated to the USDA that necessary security enhancements could be incorporated into the 35% design of the Cleveland Option;”

It should be noted that while such enhancements may be included in a grant application for construction, it is not yet known what those enhancements might be or their cost. Additionally, while this is a priority project in the County, there is no guarantee at this time of construction funding, and there is no construction budget at this time from local sources.

The modified Resolution #08-73 incorporates the corrections explained above.

ANALYSIS

Study of the third alternative was commenced upon recognition that an environmental document might warrant consideration of the third alternative. It should also be noted that USDA has acknowledged that a decision to pursue the study was the City's prerogative regardless of USDA's opposition to such a path. Therefore a Council resolution is not necessary for purposes of including the third alternative into the Buchanan Bicycle Pedestrian Path study.

SUSTAINABILITY IMPACT

Development of the Buchanan Bicycle/Pedestrian Path will contribute directly to the reduction in carbon emissions by filling a gap between the Marin Avenue bicycle path and the Buchanan Street overpass. By ultimately constructing this path, bicyclists and pedestrians will have dedicated path that completes an important link between the Ohlone Greenway and the Bay Trail. Safe bicycle and pedestrian paths are essential to the community's move to alternative modes of travel.

FINANCIAL IMPACT

The cost to prepare the third (Cleveland Avenue) alternative is \$5,000. Staff will seek the additional funding through the ACTIA organization, which is providing the grant funding. However, if such grant funding is not available, the City will use Gas Tax monies designated for traffic safety management studies and related projects.

Attachments

1. City Council Resolution #08-73 as recommended by the T&S Commission, with suggested modifications from staff
2. T&S Commission Staff Report dated September 25, 2008
3. T&S Commission Minutes of September 25 and October 23, 2008 (excerpt)
4. Letter of support from USDA dated March 29, 2006