

**CITY OF ALBANY
TRAFFIC AND SAFETY COMMISSION
STAFF REPORT**

Agenda Date: 9/25/08

SUBJECT: Buchanan Bicycle Pedestrian Path
Request by Commission for more information on third option issue

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BACKGROUND

On June 26, 2008, the Traffic and Safety Commission took up a question raised by the Rollers and Strollers (AR&S), regarding the possibility of analyzing an optional third route in the Buchanan Bicycle and Pedestrian path project. After hearing from AR&S, the Commission directed staff to invite a USDA representative to the July meeting to discuss their position on studying the third option.

On July 24, 2008, Dr. James Seiber, Director of the Western Regional Research Center of the USDA, attended the Commission meeting and reiterated USDA's support for Alternatives 1 and 2, as presented in the City's grant application to ACTIA. Dr. Seiber stated USDA's reasons for not supporting a third alternative, which are listed below. At the end of that meeting, the AR&S encouraged the Commission to pursue study of the third option. The Commission felt they needed more information, and requested that staff return with a report regarding this matter.

In light of the Commission's request, City staff offers the following information:

2005

- City received a Traffic Engineering Technical Assistance Program (TETAP) grant from MTC, which funded a feasibility study to implement a bicycle/pedestrian path along Buchanan. Several designs.
- Approximately ten (10) alternatives were developed by TY Lin consultants, and presented to the Traffic and Safety Commission through a public process. Prior to making a recommendation to Council, the Commissioners walked the various alternative routes, including ones in the TY Lin study that passed next to, or connected with, USDA's "west gate" near Cleveland Avenue (see attached).
- Commission selected a preferred alignment for a Class I path that would extend along the south side of Marin/Buchanan streets, adjacent to UC Village, Ocean View Elementary School, Ocean View Park, to a segment of USDA as far as Taylor Street.
- Two alternatives were identified for study purposes west of Taylor Street which included:

- A crossing at Taylor Street, to the north side of Buchanan, where it would connect with the Buchanan St. over crossing; or
- Connected extension on the USDA property with a crossing at Pierce Street, where it would connect with the Buchanan Street over crossing.

2006

- City staff met with stakeholders along the proposed path alignment in order to seek their support for this proposal before pursuing grants.
- The City received verbal and written support for this project from:
 - University of California (UC Village)
 - Albany Unified School District (Ocean View School)
 - City of Albany Park and Recreation Commission (OV Park)
 - United States Department of Agriculture (Western Regional Office)
- City applied for and was successful in obtaining a grant from ACTIA (Alameda County Transportation Improvement Authority) for the development of 35% plans and specifications, traffic analysis and environmental work in the amount of \$266,000.
- City Council approved the path alignments, as recommended by the Traffic and Safety Commission, and authorized funding for the City's match on the grant.

2007

- City staff sent out Requests for Proposals with 7 firms responding.
- Interview panel, composed of representatives from City staff, Traffic and Safety Commission, the East Bay Bicycle Coalition, and AR&S interviewed three firms.
- DMJM Harris was selected through this competitive process in December 2007.
- DMJM Harris' proposal included the study of a third option for the path that would be aligned closer to the USDA building, extend behind the USDA water tank, continue along the USDA west entrance, and cross Cleveland Avenue (under the Buchanan over crossing), and then connect with the over crossing.

2008

- March 2008, the consultant conducted a field visit with the stakeholders and pointed out the idea of this other option. USDA representatives questioned the option because it had not been introduced before and encroaches deeper into the USDA property.
- April 2008, City staff and DMJM Harris consultant, met with USDA representatives to introduce this new path concept. The Regional Research Center staff reiterated support of the alternatives with crossings at Taylor or Pierce streets, but were clear in opposing future study of the third option.
- June 23, 2008, Amy Smolens, representing AR&S, submitted a letter to the Traffic and Safety Commission and City Council, requesting that an alternative path via Cleveland be evaluated by the consultant, in that this alternative would:
 - Eliminate the need to install a crossing and signal for the path at Taylor or at Pierce;
 - Provide a more direct and safer link to the planned bikeways in Albany, particularly to families bicycling with children.

- July 24, 2008, Dr. Seiber attended the Commission meeting to present USDA's position on the matter. He first explained that USDA was presented with two alternatives. He stated that USDA prefers the Taylor Street crossing because it would take less of their property, as they are required by federal mandates to make additions to their facilities, but are not opposed to the second option.

The following is a summary of the reasons USDA does not support study of the third option:

- In 2000 USDA in Albany had a break-in at the greenhouse facility by a group that did not like the type of research that was being conducted at the time. The scientists conducting the research were identified by name and that caused fear among USDA employees
- After the 9/11 terrorist attacks, all federal agencies had to abide by the Department of Homeland Security mandates that aim at tightening security around their buildings
- Because the Forest Service tenants experienced acts of terrorism in Placerville, they ordered increased security and closure of the back gate (referred to as the "west gate") to the public, and its conversion to a delivery entrance. USDA spent \$1.5 million on these improvements.
- The west gate is located just over 75' from the heat exchanger and the building where USDA conducts food research. The path in option 3 would be too close to this equipment and building.
- USDA is concerned with the issue of liability if something happens due to the path's proximity to sensitive materials.
- USDA headquarters on the East Coast were contacted on the path issue, and they will not support a design that aligns the path adjacent to the west gate.

Based on the above factors, USDA believes the third option would:

- Result in security requirements and safety issues around USDA's storage area;
- Place bicyclists and pedestrians immediately adjacent to USDA's storage area, which in USDA's view was not advisable or safe;
- Pose too many challenges, and had not been one of the alternatives presented to them by the City, which were ultimately the subject of the grant application (which USDA supported).

DISCUSSION

Following the July 24 Commission meeting, staff consulted with the City Attorney about this matter. He stated that 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. Additionally, the property owner does support two alternative alignments that are being studied, both of which directly affect their property. The City Attorney 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. Such a study might also raise expectations that could not be fulfilled.

Staff also contacted Barbara Lee's office to inform them of the issue before the Commission, and left City staff information in the event they would like to discuss this matter further. The staff person in Lee's Office expressed no position one way or another.

Attachments

Letter from Albany Rollers and Strollers dated June 23, 2008

Letter of support from USDA dated March 29, 2006

TY Lin Study alternative similar to third option