



July 31, 2016

Chair Obringer, Vice-Chair Laub, and Commissioners Aliano, Anderson, and Barbour:

In order to support future bicycle safety in our city, Bike Concord requests that the Planning Commission consider adopting the resolution provided at the end of this letter.

The final draft of Concord's Bicycle, Pedestrian, and Safe Routes to Transit Master Plan now before you for approval is the result of more than a year's work by staff, members of the public, and officials. Bike Concord has participated heavily in the process. We appreciate the Planning Commission's active involvement via Chair Obringer's membership in the Plan Advisory Committee and the Commission's periodic reviews of the Plan process.

We would especially like to thank the Commission for its support of bicycle and pedestrian safety as an overriding concern in the Plan. As Commissioners have acknowledged on numerous occasions, the lack of both perceived and actual safety on many of Concord's streets is the primary obstacle to bicycling and walking as significant components of our local transportation system.

Thanks to diligent work by staff and consultants and extensive input by the public, the Plan includes many important and well-considered elements. It targets most of the important travel corridors in our city for study in order to redesign them for bicycle and pedestrian safety.

But these studies are not guaranteed to produce street designs that will be reasonably safe for both bicycling and walking. Whether they do will depend on the priority given to safety relative to other considerations, especially motor vehicle level-of-service (LOS).

Safety vs. level-of-service

The City of Concord has already considered design elements for bicycle safety in several road projects to date, and has included many of them. However, elements necessary for bicycle safety have also been ruled out in numerous cases (e.g. Oak Grove Rd, Treat Blvd at Clayton Rd, Diamond Blvd). These exclusions have been on the basis of LOS, expressed in terms such as "Traffic volumes do not warrant removal of a lane", "dimensional constraints", or "inadequate space available", on roadways with multiple lanes in each direction for motor vehicle traffic but none for bicycle traffic,

and on which dedicated lanes are a necessity for safe bicycle travel. Conversion of a travel lane to bicycle lanes (a “road diet”), in spite of being necessary in some locations to provide a reasonable level of safety for bicycle travel, has been ruled out due to the expectation that it might reduce LOS. **In other words, LOS has been prioritized over bicycle safety along these roadways and at these intersections.**

The priority of safety for all modes (bicycle, pedestrian, and automobile) relative to LOS is not a discretionary matter for the City of Concord, such that safety and LOS might be balanced on a case-by-case basis. Rather, the priority is explicitly set by Policy T-1.9.5 of the Transportation Element of the General Plan:

*Prioritize pedestrian, bicycle, **and** automobile safety **over** vehicle speed and level-of-service at intersections and along roadways.* [Emphasis added.]

Policy consistency

It has been pointed out in discussions during the Master Plan process that in addition to Policy T-1.9.5, the General Plan also contains an LOS benchmark in Policy T-1.1.3:

Unless otherwise specified, the benchmark for the evaluation of intersections and roadway segments is LOS D. In the Downtown area, the benchmark is LOS E, recognizing the more urban, pedestrian-oriented character of this area. The Downtown is defined as the area served by streets designated Downtown in this element. The LOS E benchmark also applies in the Concord BART Station vicinity, the North Concord - Martinez BART Station vicinity, and along the City’s transit routes. Transit routes are generally defined as roads with two or more bus transit lines, such as Concord Avenue, Clayton Road, and Treat Boulevard.

We believe there is no conflict between Policies T-1.1.3 and T-1.9.5. One of them sets a benchmark, while the other sets the priority of that benchmark in relation to safety for all modes at intersections and along roadways: namely, that safety is a higher priority.

Scope of Policy T-1.9.5

The list of transportation modes in Policy T-1.9.5 is connected by “**and**”, not “**or**”. This excludes the possibility of selecting some modes, rather than all three modes named, to prioritize for safety in a given location.

We also do not believe a good-faith reading of T-1.9.5 allows the interpretation of “at intersections and along roadways” as meaning “at a discretionary selection of intersections and roadways.” The policy applies to all locations.

Given this understanding of Policy T-1.9.5, the use of LOS as a reason to rule out a project design element along a particular roadway or at a particular intersection is inconsistent with the policy, if that element is necessary for pedestrian, bicycle, or automobile safety. This includes implicit references to LOS such as “inadequate space available”.

Planning Commission’s support is needed

A major goal for Bike Concord in the Master Plan process has been to include in the document a clarification of the meaning of Policy T-1.9.5 for the Complete Street Studies which the Plan recommends. We believe the plain meaning of the policy has been ignored in projects so far, at the expense of bicycle safety and fidelity to the General Plan, and that it will continue to be ignored or interpreted in ways that strain credulity, unless the City commits to observe the policy.

At the Planning Commission’s May 18 study session on the Master Plan, Bike Concord asked the Commission to support the addition of an acknowledgement in the Plan that Policy T-1.9.5 does not permit LOS as a reason to exclude project design elements that are necessary for bicycle, pedestrian, or automobile safety. Commissioners were verbally supportive, as were Councilmembers Helix and Birsan at City Council’s May 10 study session.

The proposal to include this clarification has otherwise met with resistance from the City so far. In spite of the support mentioned above, the implications of Policy T-1.9.5 are not discussed in the Master Plan draft before you for consideration, although the policy is included without comment in Appendix B.

Although Bike Concord would appreciate a formal resolution by the Planning Commission recommending inclusion of this commitment in the final adopted Master Plan, we acknowledge that at this late stage, it appears likely that the commitment will be left out, and for now the possibility will remain open that some of the Complete Street Studies will prioritize LOS over bicycle safety, in spite of Policy T-1.9.5.

In order to maximize the chance of success for the Plan’s safety goals, and to move towards compliance with T-1.9.5, **we are asking for a formal resolution by the Planning Commission affirming what we believe to be the clear implication of Policy T-1.9.5: that the use of level-of-service as a reason to rule out a project design element along a particular roadway or at a particular intersection, if that element is necessary for pedestrian, bicycle, or automobile safety, is inconsistent with the General Plan.**

We believe the Planning Commission is an appropriate body to make such a finding, since a major part of its role is to evaluate the implications of the General Plan for particular circumstances.

A proposed resolution is provided for the Commission's consideration on the following page. We understand that the resolution can only be advisory at this stage and will not compel any particular project decisions. However, it will be a significant help.

Thank you for your support of bicycle and pedestrian safety throughout the Master Plan process. Although level-of-service has been a persistent obstacle to safety in Concord so far, we are hopeful that the City is poised to overcome it, and look forward to the Planning Commission's help in that process.

BEFORE THE PLANNING COMMISSION OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

AN ADVISORY RESOLUTION INTERPRETING POLICIES T-1.1.3 AND T-1.9.5 OF CONCORD'S
GENERAL PLAN.

WHEREAS, many of Concord's streets are currently unsafe for bicycling and/or walking; and

WHEREAS, some streets cannot be made safe for bicycling and walking without the possibility of significant impacts to level-of-service (LOS); and

WHEREAS, the City of Concord's General Plan, Policy T-1.1.3, sets an LOS benchmark of E in the Downtown area and D elsewhere; and

WHEREAS, the City of Concord's General Plan, Policy T-1.9.5, prioritizes pedestrian, bicycle, and automobile safety over vehicle speed and level-of-service at intersections and along roadways; and

WHEREAS, Policy T-1.9.5 uses "and" rather than "or" in listing the three modes of transportation.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Commission does hereby make the following findings:

1. Policies T-1.1.3 and T-1.9.5 are not in conflict. T-1.1.3 sets a benchmark; T-1.9.5 sets the priority of that benchmark in relation to safety for all modes at intersections and along roadways: namely, that safety is a higher priority.
2. Policy T-1.9.5 does not apply only to selected modes of transportation on selected streets; it applies to all three of the modes named along all roadways and at all intersections.
3. Policy T-1.9.5 does not allow for a discretionary balancing of vehicle speed and level-of-service against safety for all three modes; it explicitly prioritizes safety over vehicle speed and level-of-service.
4. The use of level-of-service as a reason to rule out a project design element along a particular roadway or at a particular intersection, if that element is necessary for pedestrian, bicycle, or automobile safety, is inconsistent with the General Plan.

PASSED AND ADOPTED this 3rd day of August, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT: