



Memorandum

TO: BUILDING BETTER
TRANSPORTATION COMMITTEE

FROM: Katy Allen
Albert Balagso

SUBJECT: OPTIONS FOR MAINTAINING
TRAIL ACCESS DURING
CONSTRUCTION PROJECTS

DATE: 08-31-06

Approved

Date

INFORMATION

RECOMMENDATION

Acceptance of this memorandum regarding options for maintaining trail access during construction projects.

EXECUTIVE SUMMARY

The City offers a network of recreational trails (see Attachment A) that are used by bicyclists and pedestrians. Although developed for recreational purposes, the trails also function as transportation facilities. Recently, the lower trail in the Guadalupe River Park, north of Park Avenue between West Santa Clara Street and West San Fernando Street, was closed to public access due to construction of Highway 87. Due to the unique circumstances of this project, the trail closure did inconvenience park and trail users who became accustomed to using this trail to access other parts of downtown.

Staff estimates that 80 percent to 90 percent of the trail network exists on land owned by the Santa Clara Valley Water District (SCVWD)¹. The remaining 10 percent to 20 percent of the land is owned either by the City or another public agency. The City's authority to regulate the use of these agencies' properties for trail purposes are governed by easements and joint use agreements with these entities.

In September 2005, the City of San Jose and partnering agencies celebrated the completion of the downtown portion of the Guadalupe River Park Trail, only to have a segment of the trail

¹ For purposes of this memorandum, the term "owned" when referring to SCVWD property, shall include property that is owned outright by the SCVWD or within the SCVWD's authority and control pursuant to an easement.

subsequently closed by the Valley Transportation Authority (VTA) following the celebration event. This closure was necessitated due to the potential for unsafe conditions for trail users along this segment of the Guadalupe River Park related to VTA's ongoing construction activities of the Route 87 High Occupancy Vehicle (HOV) project. The lands on which the portion of the trail that was closed are owned by Caltrans and the SCVWD. Permits were issued for the highway project by numerous agencies including the SCVWD, Caltrans and the City of San Jose. The City's ability to use the trail for recreational purposes is derived from the Water District Trails Agreements (described further below).

The closure of this trail segment (between San Fernando and Santa Clara Streets) has precipitated a heightened awareness of both the public and City officials as to the processes and protocols in place to safeguard the use and accessibility of the river park trail systems within the City. As such, the objectives of this memorandum are to (1) document current practices to post informational signage in response to construction work along or near the trail network, and (2) describe options for maintaining access to the trails during construction projects.

BACKGROUND

The City of San José offers a network of trails along rivers, creeks and overland routes that serve the recreational needs of its residents and visitors (see Attachment A). The majority of the trails are along property owned by the SCVWD and other public agencies, the use of which is governed by easement agreements or joint use agreements. For the purposes of this memorandum, the discussion focuses on procedures for the small number of trails on "City Owned Lands" and the majority of the trails that are owned by other public agencies "Non-City Owned Lands".

Prior to 2002, the City and SCVWD entered into a form of joint use agreement for trails projects. In 2002, the City and SCVWD desired to adopt a more collaborative approach to trails projects. To that end, the parties entered into a Collaborative Action Plan on September 20, 2002, to provide the overall guideline to the SCVWD and the City on development and operation of joint trails projects. The City and SCVWD also entered into project specific Joint Trails Agreements when a new trails project is ready for construction (collectively with Collaborative Action Plan, the "Water District Trails Agreements"). The Water District Trails Agreements provide for cooperative efforts between the parties to communicate trails closures, and also require periodic meetings between SCVWD and City staff to discuss operational and maintenance issues on the trails projects.

Although the trails are recreational facilities, bicyclists and pedestrians may use these trails as an alternative means of commuting to their places of employment and to other transportation facilities, such as trains, light rail, and buses. In order to assist the user in planning his/her travel route, it is essential that information be posted when a closure prevents access. This memorandum examines the impacts of construction and maintenance work upon trail access.

The City and Redevelopment Agency convened a staff task force to develop an understanding of the following: (1) current practices for notifying the public of trail closures, and (2) communication practices with agencies that manage construction projects near or along creeks and rivers.

The Trail Access Task Force (TATF) included staff from:

- Department of Public Works (DPW)
- Department of Parks, Recreation, and Neighborhood Services (PRNS)
- Department of Transportation (DOT)
- San José Redevelopment Agency

The composition of TATF, along with the participation of the City Attorney's Office, was intended to bring a well-rounded understanding of the issues and complaints; familiarity with the City's trail network; knowledge of City policies and procedures pertinent to trails; and ongoing relationships with staff of agencies that construct improvements adjacent to trails and/or own lands upon which the trails are situated.

Trail Closure Issues

The TATF conferred with representatives of the following stakeholder agencies and trail advocacy group:

- Caltrans
- The Valley Transportation Agency
- The County of Santa Clara
- The Santa Clara Valley Water District (SCVWD)
- Friends of the Guadalupe River Park and Gardens

With the input received, TATF compiled a list of issues to be examined. The following is a compilation of feedback received from stakeholders and TATF members regarding the trail network and standard construction site mobilization procedures:

- The PRNS Trail Network web site provides information on trail closures. However, agencies and trail users may not be aware of this resource.
- Because trails are recreational facilities rather than transportation corridors, public agencies that construct adjacent to or upon trails may not be aware of the need for informational signage in the event of a closure.
- Communication between agencies and the City can be encouraged to permit development of signage, but in most cases may not be legally required.
- Trail closure notices and other signage are not standardized. They may not identify the construction project for which the trail will be closed, specify the duration of the trail closure, offer a phone number or website for more information on the construction project, and so forth. Technical elements are also inconsistent, such as where closure notices should be placed and criteria to be used for detours.

- Signs may not identify detours.
- Some stakeholder agencies and City staff may not be aware of the City-wide trail network. Consequently, PRNS may not receive notification of construction projects that could impact trail access.

ANALYSIS

Means to Ensure Trail Access

(1) Lands Owned by the City or in Public Rights-of-Way: As indicated above, the majority of trail property is owned by the SCVWD, with the balance of the property being owned by other public agencies and the City. For those projects on land owned by the City or within public rights-of-way, the City has procedures in place to ensure compliance of construction work to the City's design and construction standards including, the encroachment permit process, right of entry agreements, and other use agreements. These procedures include provisions that public agencies must take to ensure access to trails, roadways, and other impacted facilities; and when access cannot be maintained, reasonable accommodations should be provided.

Prior to construction, public agencies or their consultants submit plans to City staff for review. Trail entry points are adjacent to the public right-of-way and therefore should not be impacted by this type of project. DOT receives plans and other documents from Caltrans, VTA, or others, then passes them on to DPW's Utilities group. DPW's Utilities group also receives plans and documents directly from the SCVWD and other agencies. These items are disseminated and reviewed by staff in various divisions of DPW and DOT. Their comments are returned to the respective agencies for incorporation into their construction plans and specifications. This review and comment process is a standard operating procedure that the City follows to ensure trail access on its own land or within the public right-of-way.

(2) Non-City Owned Lands: The City's ability to regulate and use trail property that is owned by another public agency depends on the terms of the agreement governing the particular portion or area of the trail at issue. With respect to land owned by SCVWD, the Water District Trails Agreements provide for cooperative efforts between the parties to communicate regarding trail closures and also require periodic meetings between the SCVWD and City staff to discuss operational and maintenance issues on trail projects.

Although the City's ability to regulate activities on the trails is limited in some instances (depending on the terms of the applicable agreement), public agencies often voluntarily submit their construction plans to the City for review if their project will impact the trail. As with the procedure previously described for construction work on City land and in public rights-of-way, staff comments are returned to the agencies for incorporation into their plans and specifications. Staff has found that the agencies quickly and easily comply with the City's comments, a reflection of the good working relations between the City and stakeholder agencies. Also, under

the terms of the Water District Trails Agreements, the SCVWD is required to inform the City (PRNS) of upcoming construction or maintenance work.

In summary, the City can require that public agencies provide access to trails during construction or make reasonable accommodations for trail users if no reasonable alternatives exist to the closure of trails. However, this applies only to those projects that are on City-owned land or within public rights-of-way. There are no legal provisions that require the same for construction projects on land owned by others and not within public rights-of-way, except to the extent that such terms may be included in an agreement. Notwithstanding this, public agencies who have projects that impact the City's use of a trail, do notify the City of upcoming projects and include the City's comments in the management of their projects on a voluntary basis.

In pursuit of other measures to notify the public of construction closures, the TATF conducted a benchmarking survey of agencies in the Bay Area and elsewhere in the State. Among those agencies, most have adopted policies on trail planning and development, but only one – the City of Mountain View – has a provision for trail access during construction. However, the focus of the provision is to provide trail access to contractors for construction work and regulating that access. The TATF could not identify any agency with a trail access management plan that could serve as a model for San José.

Existing Provisions to Ensure Trail Access During Construction

The following provisions are in place to ensure trail access or minimize the inconvenience of unavoidable trail closures to users during construction work:

- The PRNS Trail Program has a web site that posts notices of trail closures.
- For construction work along trails in City-owned land or within public rights-of-way, public agencies are required to submit plans and specifications for staff review prior to construction work.
- For construction work along trails in City-owned land or within public rights-of-way, agencies must also post advanced notices of trail closures at points of entry.
- For construction work along trails on non-City owned land, City staff encourages agencies to submit construction plans and specifications for review.
- For construction work along trails on non-City owned land, PRNS will post advanced notices of trail closures at points of entry where permitted by agreement.
- The SCVWD notifies the City annually of upcoming construction and maintenance projects, including those that would impact trail access.

Route 87 HOV/Guadalupe River Park Trail

It is noted that the closure of the trail between San Fernando and Santa Clara Streets in September 2005, was the result of a number of unique, complex and unavoidable circumstances, the most critical of which was the approximate 18 month delay to the start of construction of the Route 87 HOV project. This delay was a result of the funding shortfall of the Measure B

Transportation Improvement Program. At the time the project was originally designed, there was no conflict with the Guadalupe River Park Trail,

It was only after the award of the construction contract for the Route 87 HOV project in August 2004 that City, Redevelopment and VTA staff became aware of the potential conflicts between the highway and river park trail projects. In particular, these conflicts include the demolition and construction of bridge facilities directly over and immediately adjacent to the river park trail, which, for safety reasons, required the closure of this trail segment.

Subsequent meetings between the respective agencies and with the public have resulted in an acceptable level of detour signing and a routing plan around the construction site. It is expected that the lower portion of the river park trail will be re-opened in November 2006 to coincide with the completion of work in this area. The upper trail is expected to re-open in the June 2007 timeframe coinciding with the completion of the project.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the San José Redevelopment Agency, and the Department of Transportation.

KATY ALLEN
Director, Department of Public Works

ALBERT BALAGSO
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and Neighborhood Services Department

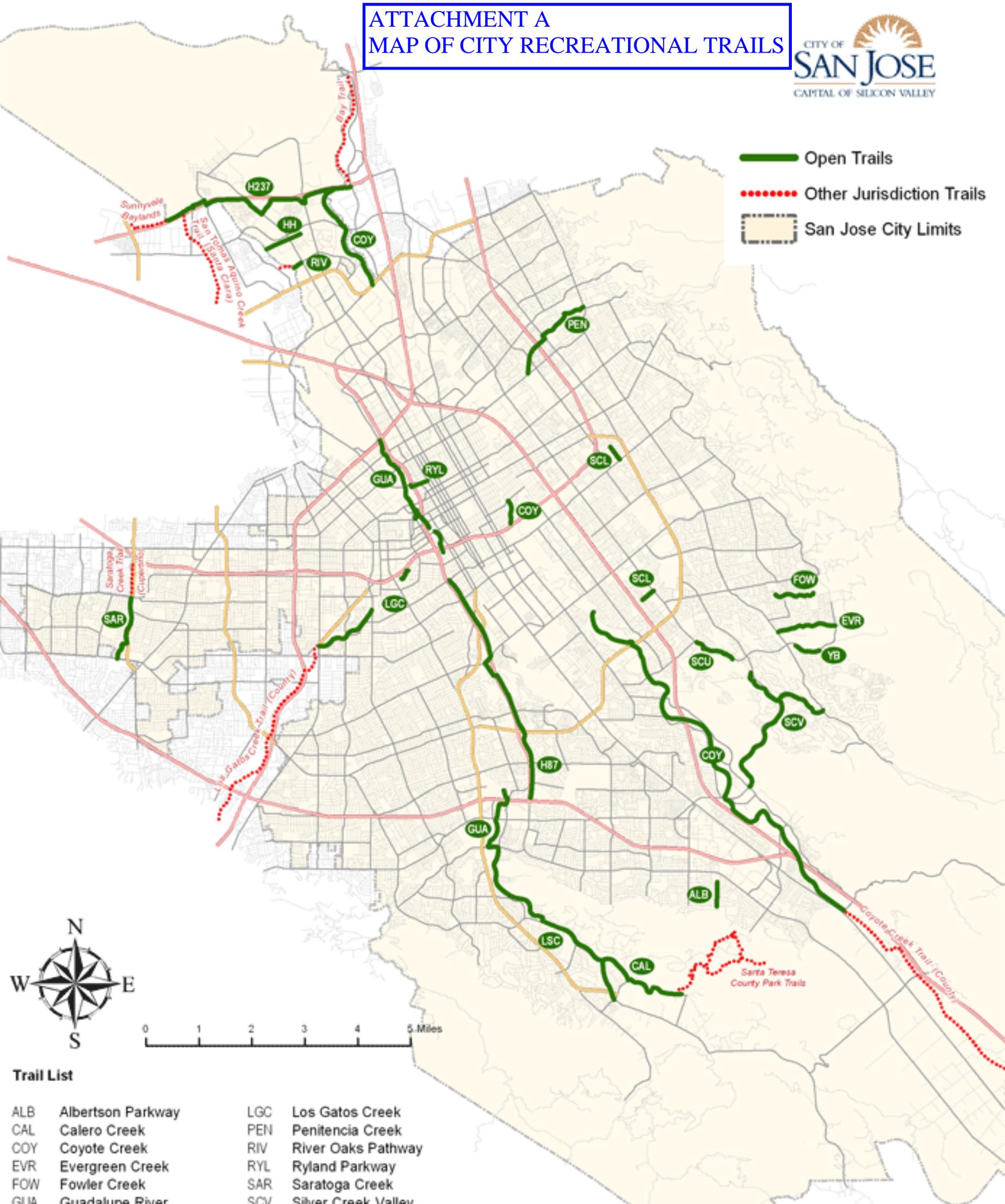
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Attachment A & B

ATTACHMENT A MAP OF CITY RECREATIONAL TRAILS



- Open Trails
- ⋯ Other Jurisdiction Trails
- San Jose City Limits



Trail List

ALB	Albertson Parkway	LGC	Los Gatos Creek
CAL	Calero Creek	PEN	Penitencia Creek
COY	Coyote Creek	RIV	River Oaks Pathway
EVR	Evergreen Creek	RYL	Ryland Parkway
FOW	Fowler Creek	SAR	Saratoga Creek
GUA	Guadalupe River	SCV	Silver Creek Valley
HH	Hetch-Hetchy	SCL	Silver Creek, Lower
H237	Highway 237 Bikeway	SCU	Silver Creek, Upper
H87	Highway 87 Bikeway	YB	Yerba Buena Creek
LSC	Los Alamitos Creek		

Trail Program

NOTICE: ACTIVE CONSTRUCTION SITE – DO NOT ENTER

Project:

Lower Silver Creek Trail – Reach 7
(Dobern Bridge – Bambi Lane to Dobern Ave)

Construction period:

August 15, 2006 to October 31, 2006

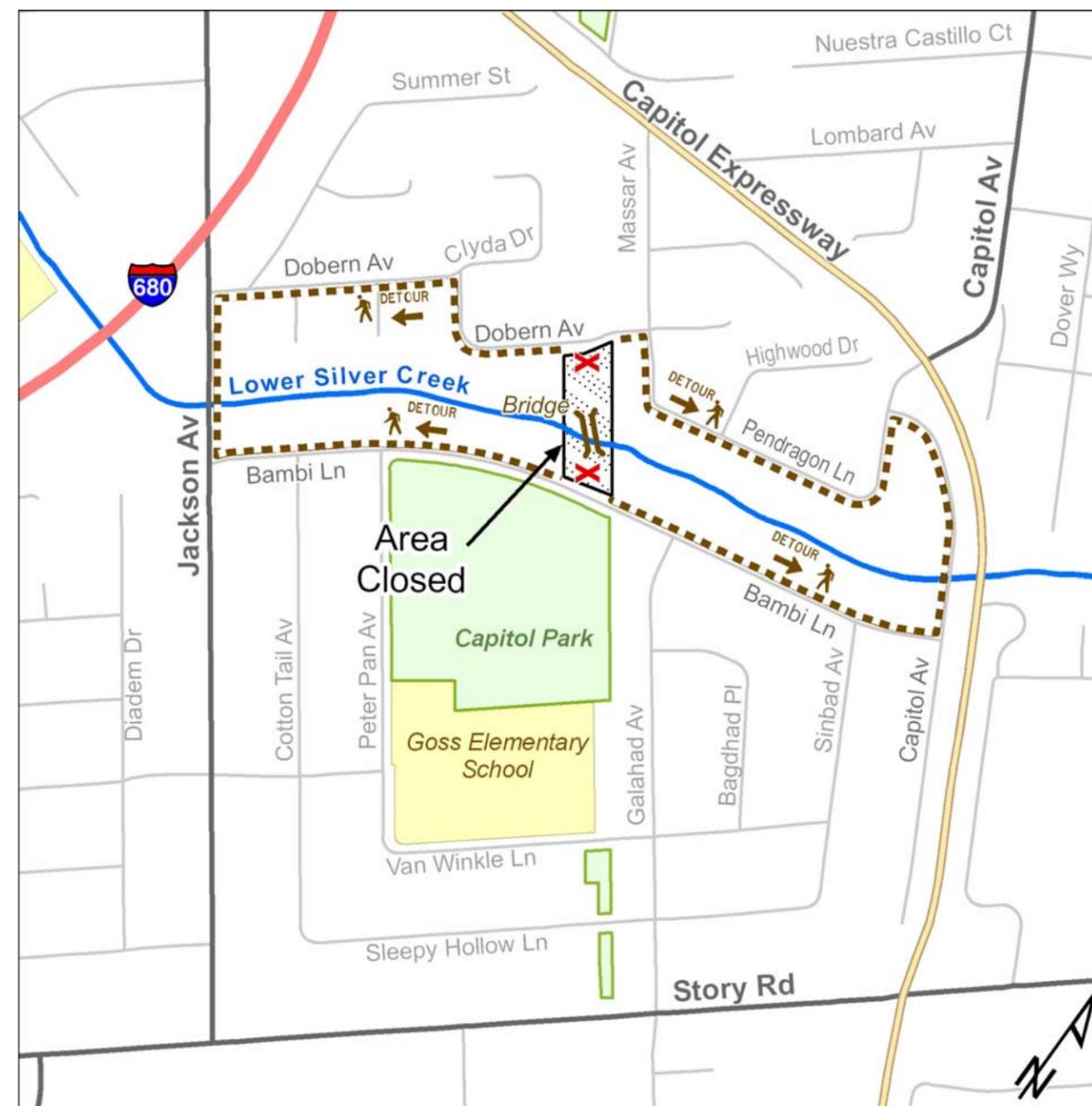
Project Scope:

Landscaping and paved trail between
Bambi Lane and Dobern Ave.

Questions/Concerns:

Yves Zsutty – Trail Program Manager
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Department of Parks, Recreation & Neighborhood Services

www.sjparcs.org, see “Trails Information” link