



REGULAR MEETING OF THE MILPITAS CITY COUNCIL

AGENDA

TUESDAY, FEBRUARY 2, 2021

MILPITAS, CA

5:30 PM (CLOSED SESSION)

7:00 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3232

City Council meeting is held via teleconference /Zoom webinar only (no physical meeting space).
You may watch the Council meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:

Facebook: <https://www.facebook.com/CityofMilpitas/>

YouTube: <https://www.ci.milpitas.ca.gov/youtube>

Web Streaming: <https://www.ci.milpitas.ca.gov/webstreaming>

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may be provided live during the City Council meeting by first registering for the zoom meeting in advance by: providing email address (not disclosed) and a name. Here is the link to register for this meeting only:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN__rvfO6EqQ0aYjXr8usGOdA

A link will be sent to you to join the City Council meeting in order to give your comments. All registered meeting attendees who wish to speak must click on the "raise hand" icon when the Mayor calls for public comments. If participating by calling in on your phone, dial *9 to use the "raise hand" feature, and when you are called upon, hit *6 to unmute your phone. Your phone number will be displayed in the live meeting. The Mayor or staff will call the speakers to begin.

All comments provided shall be limited to three minutes or less as determined by the Mayor. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items. online written comment form previously used is no longer available for public comment.

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk (5:30 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Mayor Rich Tran
Employee: City Attorney

(b) CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6
Agency designated representative: Jeannine Seher, Human Resources Director
Employee Organizations: LIUNA (MEA, Mid-Con, Pro-Tech bargaining units)

(c) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 230 North Main Street
Agency negotiator: City Manager Steve McHarris
Under negotiation: Price and terms of payment

CLOSED SESSION ANNOUNCEMENT: Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

PLEDGE OF ALLEGIANCE (7:00 PM)

INVOCATION *(assigned to Vice Mayor Montano)*

PRESENTATIONS

- Black History Month
- Manufacturing Day Participants Recognition

PUBLIC FORUM

Those interested are invited to address City Council on any subject not on tonight's agenda, orally via zoom webinar (instructions on page 1). Speakers may provide their name and city of residence for the Clerk's record, and comments may be limited to three minutes or less. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. The City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS (7:20 PM)

Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items at this time. For future agenda items, the City Council shall not debate the topic or engage in discussion but shall simply state a "yes" or "no" as to whether to direct the City Manager to place the item on a future meeting agenda. If a majority of the City Council agrees to place an item on a future meeting agenda, the City Manager shall place the item on a subsequent agenda for City Council discussion.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR (7:45 PM)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

C1. Receive City Council Calendar of Meetings for February 2021 (Staff Contact: Pam Caronongan, 408-586-3003)

C2. Approve City Council meeting minutes of the January 19, 2021 Regular City Council Meeting (Staff Contact: Pam Caronongan, 408-586-3003)

Recommendation: Approve meeting minutes of the January 19, 2021 Regular City Council meeting as drafted by the Deputy City Clerk.

C3. Waive the Second Reading and Adopt Ordinance No. 65.150 Regarding Responsible Construction (Staff Contacts: Christopher J. Diaz, 408-586-3040 and Steve McHarris, 408-586-3059)

Recommendation: Move to waive the second reading and adopt Ordinance No. 65.150, adding Chapter 32 (Responsible Construction) to Title III of the Milpitas Municipal Code, and direct staff to return with minor clean-up changes to the ordinance.

C4. Adopt a Resolution Granting Acceptance of Fire Station No. 2 Demolition, Project No. 3447, Authorizing the City Engineer to file a Notice of Completion, and Authorizing the City Engineer to issue a Notice of Final Acceptance (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Adopt a Resolution granting acceptance of Fire Station No. 2 Demolition, Project No. 3447, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance.

C5. Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for March 2, 2021 to Hear Objections (Staff Contact: Albert Zamora, 408-586-3371)

Recommendation: Adopt a resolution declaring weeds on specific properties to be public nuisances and set a public hearing on March 2, 2021.

C6. Adopt a Resolution Authorizing Changes to the City of Milpitas PARS Alternative Retirement Plan (Staff Contact: Jeannine Seher, 408-586-3086)

Recommendation: Approve the Resolution to amend the City of Milpitas PARS Alternative Retirement Plan (Plan) to provide eligible participants with the option to self-direct the investment of their retirement funds, adopt the PARS Trust Agreement for Participant Directed Investment Program (PDI Trust), withdraw from the current PARS Trust and authorize the City Manager to execute all necessary documents to carry about the preceding.

C7. Approve and Authorize the City Manager to Execute Master Agreement with Valley Water District for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek and Authorize Reimbursement to the Valley Water District for City Improvements Completed as part of the Flood Protection Work, Project No. 3452 (Staff Contact: Steve Erickson, 408-586-3301)

Recommendation: Approve and Authorize the City Manager to Execute Master Agreement with Valley Water District for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek and Authorize Reimbursement to the Valley Water District for City Improvements Completed as part of the Flood Protection Work, Project No. 3452

- C8. Approve and Authorize the City Manager to Execute the First Amendment to the Historical Heritage Grant Program Funding Agreement between the City of Milpitas and the County of Santa Clara for the Alviso Adobe Renovation, Project No. 5055 (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Approve and Authorize the City Manager to Execute the First Amendment to the Historical Heritage Grant Program Funding Agreement between the City of Milpitas and the County of Santa Clara for the Alviso Adobe Renovation, Project No. 5055.

COMMUNITY DEVELOPMENT (8:00 PM)

- 9. Conduct Fourth Study Session on the Milpitas Metro Specific Plan (Update of 2008 Transit Area Specific Plan) with a Presentation, Discussion and City Council direction on Key Plan Policies related to Transportation, Mobility, Circulation and Traffic (Staff Contacts: Ned Thomas, 408-586-3273 and Kevin Riley, TASP Manager 408-586-3292)**

Recommendations:

1. Receive a presentation from staff
2. Provide feedback and direction on key policies for Transportation, Mobility, Circulation and Traffic to guide preparation of the Draft Milpitas Metro Specific Plan

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE (8:30 PM)

- 10. Receive a Presentation on the draft City Trail, Pedestrian, and Bicycle Master Plan, Project No. 3448 (Staff Contacts: Steve Erickson, 408-586-3301 and Steve Chan, 408-586-3324)**

Recommendation: Receive a Presentation on the draft City Trail, Pedestrian, and Bicycle Master Plan, Project No. 3448.

LEADERSHIP AND SUPPORT SERVICES (9:00 PM)

- 11. Discussion regarding desired service levels to inform the FY 2021-22 Budget Development and Prioritization of Additional Workplan Items (Staff Contacts: Ashwini Kantak, 408-586-3053 and Walter C. Rossmann, 408-586-3111)**

Recommendation: Discuss and provide input regarding desired service levels to inform the FY 2021-22 Budget Development and Prioritization of Additional Workplan Items.

- 12. Discussion and Direction regarding Financial Support for Utility Payments for Businesses and Delay of Payment for Annual Fees charged to Businesses (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Discussion and Direction regarding Financial Support for Utility Payments for Businesses and Delay of Payment for Annual Fees charged to Businesses.

REPORTS OF MAYOR & COUNCILMEMBERS - from assigned Commissions, Committees and Agencies
(10:00 PM)

13. **Consider Recommendations from Mayor Tran for Appointments and Removal for City Commissions (Contact: Mayor Tran, 408-586-3029)**

Recommendation:

1. Receive Mayor Tran's recommendations and approve recommendations for final appointment by the Mayor for the Planning Commission,
2. Approve recommendations for final appointment by the Mayor for the Science, Technology and Innovation Commission, and
3. Approve recommendation for removal by the Mayor for the Economic Development and Trade Commission.

NEXT AGENDA PREVIEW (10:25 PM)

14. **Receive Preview List of Anticipated Items for the Next Regular City Council Meeting Scheduled on February 16, 2021 (Staff Contact: Wendy Wood, 408-586-3001)**

Recommendation: Receive list of anticipated agenda items for the February 16, 2021 regular City Council meeting.

ADJOURNMENT (10:30 PM)

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3001 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to wwood@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda.

January 2021						
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31						

March 2021						
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28	29	30	31			

Milpitas City Council Calendar

February 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 7:00 PM -Parks, Recreation & Cultural Resources Commission (CM)	2 6:00 PM -Closed Session 7:00 PM -City Council	3 2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (CM) 5:30 PM -Veterans Commission (RT) 7:00 PM -Community Advisory Commission (EC)	4 5:30 PM -Milpitas Chamber of Commerce Board (EC) 5:30 PM -Santa Clara VTA Board of Directors (CM)	5	6
7	8 4:30 PM -Economic Development and Trade Commission (KD) 7:00 PM -Special Arts Commission (RT)	9 4:00 PM -Milpitas HOPE Suicide Prevention Task Force	10 7:00 PM -Silicon Valley Clean Energy Board of Directors (EC) 7:00 PM -Planning Commission	11 3:30 PM -Youth Advisory Commission (EC) 4:00 PM -Treatment Plant Advisory Committee (CM) 4:00 PM -Santa Clara VTA Policy Advisory Committee (AP) 7:00 PM -Cities Assoc of SCC (CM)	12 3:00 PM -City Council Transportation Subcommittee (RT/CM) *4:30 PM -City Council Finance Subcommittee (RT/CM)	13
14	15 PRESIDENT'S DAY  CITY HALL CLOSED	16 ?:00 PM -Closed Session 7:00 PM -City Council	17 6:00 PM -Energy and Environmental Sustainability Commission (EC)	18	19	20
21	22 7:00 PM -Science, Technology, and Innovation Commission (RT)	23 1:30 PM -Senior Advisory Commission (EC)	24 5:30 PM -Cities Assoc of SCC – Recycling and Waste Reduction Commission (AP) 7:00 PM -Planning Commission	25	26	27
28						

**Finance Subcommittee will meet only as needed*

***Draft* CITY OF MILPITAS MEETING MINUTES**

Minutes of: Regular Meeting of the Milpitas City Council
Date: Tuesday, January 19, 2021
Time: 7:00 PM Open Session
Location: Meeting held via teleconference/zoom webinar online
Milpitas, CA

CALL TO ORDER

Mayor Tran called the regular meeting to order at 7:00 PM. Deputy City Clerk Pam Caronongan called the roll. The meeting took place via teleconference/zoom webinar.

PRESENT: Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan.

ABSENT: None

PLEDGE

Mayor Tran led all in the Pledge of Allegiance to the flag.

INVOCATION

Mayor Tran

PUBLIC FORUM

Two residents made comments:
1. Barbara Jo "BJ" Navarro
2. Urvishkumar Mehta

ANNOUNCEMENTS & FUTURE AGENDA ITEMS

Mayor Tran requested staff to contact Government Affairs office at Pacific Gas & Electric (PG&E) regarding PG&E's plan regarding power outages affecting the City, and agendaize the matter at a February 2021 Council meeting.

Councilmember Phan asked staff to investigate providing emergency resources and options for Milpitas families requiring immediate power needs. Additionally, Councilmember Phan requested staff to contact Santa Clara County regarding its vaccine distribution plan including but not limited to having additional testing locations and expediting mass distribution of vaccine in Milpitas.

Councilmember Chua asked City Attorney Chris Diaz's advisement if Milpitas families who currently own Below Market Rate (BMR) homes could sub-lease their rooms without violating the BMR agreement terms. Councilmember Chua commented that if the current BMR rules prohibit sub-leasing rooms, and can an exception be made due to additional income needs during a pandemic. City Attorney Diaz replied that staff will provide an Information Memorandum to City Council regarding the issue.

Councilmember Chua requested City Manager Steve McHarris provide an info update on how the City is managing trash in homeless areas. Councilmember Chua, as the Council liaison for the Milpitas Library Commission, announced the following:
1. Milpitas Public Library is holding a Fine Free fair where the library encourages the return of any library materials with no fines.
2. Santa Clara County Library and Palo Alto Medical Center is holding a writing contest for 6th to 12th grade students.

Vice Mayor Montano announced that Valley Transportation Authority (VTA) Chief Executive Officer Nuria Fernandez resigned from her position to join President Biden's administration as part of the United States Department of Transportation. Vice Mayor Montano requested to bring back the Economic Development Corporation for discussion at the next City Council meeting. City Manager McHarris replied that this item will be brought back on January 26, 2021 as part of the Budget Study Session.

City Attorney Diaz asked the Mayor and City Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, no conflicts of interest or contributions were reported.

City Attorney Diaz read aloud the City Council Code of Conduct.

Motion: to approve the January 19, 2021 meeting agenda, with modifications as noted for Agenda Item No. 7.

Motion/Second: Mayor Tran / Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

Motion: to approve the Consent Calendar, including Items No. C1 – C5, C7 – 10, and C12 – C13.

The following agenda items were added to the Consent Calendar:

1. Agenda Item No. 12: Approve and Authorize the City Manager to Execute the Bay Area Air Quality Management District's "Cut the Commute Pledge" and Adopt a Resolution to Support Expanded Telecommuting and Other Measures to Reduce Single-Occupancy Vehicle Trips.
2. Agenda Item No. 13: Approve Updates to the Commissioner Handbook and Commission Bylaws

The following agenda item was removed from the Consent Calendar for further discussion:

1. Agenda Item No. 6: Adopt a Resolution Approving and Authorizing the City Manager to Execute a Ten-Year Service Agreement with Motorola Solutions, Inc.

Motion/Second: Mayor Tran / Councilmember Dominguez

Motion carried by a vote of: AYES: 5
NOES: 0

C1. Council Calendar	Received the City Council calendar of upcoming meetings for January 2021 and February 2021.
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C2. Meeting Minutes	Approved the meeting minutes of the January 5, 2021 Regular and January 12, 2021 Special City Council meetings, as drafted by the Acting City Clerk.
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C3. Adopt Ordinance	Moved to waive the second reading beyond the title and adopt Ordinance No. 309 amending various sections of Titles I, IV, V, VIII, X, and XI of the Milpitas Municipal Code to make corrections, clarifications, updates and modifications.
C4. Adopt Resolution	Adopted a Resolution authorizing the purchase of two Skeeter Brush Trucks, LLC Dodge Ram 5500 Type 5 Wildland Engines for the Fire Department from Golden State Fire Apparatus, Inc. through an HGABuy cooperative contract in the amount of \$634,678.36 and approve an appropriation from the Equipment Fund in the amount of \$329,679.
C5. Adopt Resolution	Adopted a Resolution granting acceptance of Well Upgrade - McCandless Well, Project No. 7076, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to Issue a Notice of Final Acceptance.
6. Adopt Resolution	This agenda item was pulled out from the original Consent Calendar for discussion. Adopted a resolution approving and authorizing the City Manager to execute a ten-year service agreement with Motorola Solutions, Inc. as the sole source vendor for a Local NICE Logging Solution and matching Locution Systems, Inc. Fire Station alerting system and relevant services for the amount not to exceed \$689,069.
C7. Adopt Resolution	Adopted a resolution directing staff to fly City event celebration and/or commemorative flags at various events from February 2021 through December 2021. Per Mayor Tran, the list will be amended to include National Hispanic Heritage Month.
C8. Anton Aspire Project	Approved and authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Anton Milpitas 750, LLC for the Anton Aspire Project at 750 E. Capitol Avenue.
C9. West Yost Associates	Approved and authorized the City Manager to execute Amendment No. 3 to the agreement with West Yost Associates in the amount of \$250,000.00, for Construction Support Services for the Main Lift Emissions Control Project, increasing the total not to exceed amount from \$134,340.00 to \$384,340.00 and extending the term of the agreement through June 30, 2022.
C10. Accessible Playgrounds – McCandless Park and Mabel Mattos Elementary	Approved and authorized the City Manager to Execute a First Amendment to the All-Inclusive Playground Funding Agreement with the County of Santa Clara for accessible playgrounds at McCandless Park and Mabel Mattos Elementary School joint use area.

COMMUNITY DEVELOPMENT

11. Milpitas Metro Specific Plan	Received a presentation from staff, Consultant Jane Lin from Urban Field Studio, and Consultant Christina Paul from M-Group. City Council provided feedback and direction on key land use, density and commercial intensity policies to guide preparation of the Draft Milpitas Metro Specific Plan (MMSP). The following spoke: 1. Urvishkumar Mehta 2. Frank Bush City Council spoke in favor of the Milpitas Metro Specific Plan presentation items.
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Consultant Lin stated that staff, Urban Field Studio, and M-Group will return to update City Council during its Regular Meeting on February 2, 2021. This discussion would cover parks, trails, streetscape, infrastructure, and the Transit Area Development Impact Fee (TADIF).

No motion was made for this agenda item.

COMMUNITY SERVICES AND SUSTAINABLE INFRASTRUCTURE

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| C12. "Cut the Commute Pledge" | This agenda item was added to the original Consent Calendar.

Approved and authorized the City Manager to execute the Bay Area Air Quality Management District's "Cut the Commute Pledge" and adopt a resolution to support expanded telecommuting and other measures to reduce Single-Occupancy Vehicle trips. |
| C13. Commissioner Handbook and Commission Bylaws | This agenda item was added to the original Consent Calendar.

Approved Updates to the Commissioner Handbook, Commission Bylaws, and Bylaws Addendums for the Arts and Public Safety and Emergency Preparedness Commissions |

REPORTS

- | | |
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| 14. List of Council requested Agenda Items | Mayor Tran led the review of the list of items presented (list in agenda packet) by staff. City Council received the list from staff. |
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NEXT AGENDA PREVIEW

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|--------------------------|--|
| 15. Preview Agenda Items | Received list of anticipated agenda items for the February 2, 2021 regular City Council meeting. |
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ADJOURNMENT

Mayor Tran adjourned the meeting at 10:35 PM.

The foregoing draft minutes are respectfully submitted by..

Pam Caronongan
Acting City Clerk



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Waive the Second Reading and Adopt Ordinance No. 65.150 Regarding Responsible Construction
Category:	Leadership and Support Services
Meeting Date:	2/2/2021
Staff Contacts:	Christopher J. Diaz, City Attorney 408-586-3040 Steve McHarris, City Manager 408-586-3059
Recommendation:	Move to waive the second reading and adopt Ordinance No. 65.150, adding Chapter 32 (Responsible Construction) to Title III of the Milpitas Municipal Code, and direct staff to return with minor clean-up changes to the ordinance

Background:

On January 5, 2021, the City Council voted to introduce Ordinance No. 65.150 to add Chapter 32 (Responsible Construction) to Title III of the Milpitas Municipal Code. The City Council was presented with two options for the Ordinance, and chose to introduce Option 2 as recommended by staff, with minor revisions directed by City Council to include language on wage theft. In particular, the City Council opted to include the following new underlined language based on input from the public:

III-32-4.00 - Acknowledgement of Responsibility

As a condition of approval for any building permit required for a Project, an applicant shall sign an acknowledgement that the Owner, Contractor and any subcontractors are required to comply with all applicable provisions of the California Labor Code, including Labor Code section 2810.5, and that the Owner, Contractor and any subcontractors have no unpaid wage theft judgments.

III-32-5.00 - Pay Transparency Certification

Prior to issuance of a certificate of occupancy, or other permit to occupy new construction, for each Contractor or subcontractor whose portion of the work exceeds one hundred thousand dollars (\$100,000) or one percent (1%) of the value of the construction cost of the Project, whichever is greater, the Owner shall provide to the City a Pay Transparency Certification ("Certification"), signed by a Representative of the Owner, the Contractor and any subcontractor under penalty of perjury under the laws of the State of California. The Certification required under this Section shall be in a form approved by the City and contain the following:

- (a) A statement that Project Construction Employees of the Contractor and any subcontractors received written notice of the employers pay practices as required by California Labor Code section 2810.5 and wage statements under Labor Code section 226(a); or*
- (b) Project Construction Employees of the Contractor and/or any subcontractors are covered by a valid collective bargaining agreement that expressly provides for the wages, hours of work, and working conditions of the employee, and if the agreement provides premium wage rates for all*

overtime hours worked and a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage. (See Labor Code section 2810.5(c)); and

- (c) A statement that the Owner, Contractor and any subcontractors have no unpaid wage theft judgments.*

The City of Milpitas has an existing wage theft policy and the same definition for “wage theft” used in that policy will be applied to the Responsible Construction Ordinance with such information included on the acknowledgment and certification forms. Staff is recommending some minor clean-up changes to the ordinance to include the definitions, and other clarifying changes. If the City Council is inclined to adopt the ordinance, staff is also seeking direction as part of the recommendation, to return with minor-clean up to the ordinance. During this time, staff will work on finalizing the acknowledgement and certification forms required by the ordinance and will delay implementation until the ordinance has been fully updated.

The Ordinance is now ready for its second reading and includes the Council-directed revisions.

Fiscal Impact:

Introduction and adoption of the Ordinance in itself would not lead to any financial impact; however, enforcement of the Ordinance would lead to a financial impact on the City in terms of staff time or other costs. The City currently does not have the staff capacity or expertise to carry out enforcement, even if only complaint driven. Therefore, once a complaint is received, staff will have to contract with a neighboring agency or third-party vendor and may have to seek a mid-year appropriation to fund the contractual expenses.

California Environmental Quality Act:

The introduction and adoption of this Ordinance is not a project subject to the California Environmental Quality Act (CEQA) as it can be seen with certainty that the project does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and is more akin to an administrative activity of the government intended to ensure wage laws are followed in the City pursuant to CEQA Guideline 15378.

Recommendation:

Move to waive the second reading beyond the title and adopt Ordinance No. 65.150 adding Chapter 32 (Responsible Construction) to Title III of the Milpitas Municipal Code, and direct staff to return with minor clean-up changes to the ordinance.

Attachment:

Ordinance No. 65.150 for adoption

REGULAR

NUMBER: 65.150

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS
ADDING CHAPTER 32 (RESPONSIBLE CONSTRUCTION) TO TITLE III OF
THE MILPITAS MUNICIPAL CODE

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of January 5, 2021, upon motion by Councilmember Phan, and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of Milpitas may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

WHEREAS, the City Council of the City of Milpitas desires to adopt certain provisions to ensure that construction contractors doing business in Milpitas comply with the California Labor Code by making compliance a condition with State wage theft prevention laws a condition of approval for any building permit, and requiring compliance certification prior to issuance of a certificate of occupancy; and

WHEREAS, the City Council finds that such provisions shall serve the best interests of the citizens of Milpitas by requiring that any work being performed on certain private construction projects in the City be made by responsible construction contractors; and

WHEREAS, this Ordinance is intended to combat wage theft and protect vulnerable worker populations in the City by establishing safeguards for responsible construction practices.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE ADDING A NEW CHAPTER 32 TO TITLE III

Title III of the Milpitas Municipal Code is hereby amended by adding a new Chapter 32, “Responsible Construction,” to read as follows:

Chapter 32 - RESPONSIBLE CONSTRUCTION

III-32-1.00 - Title

This Chapter shall be known as the “Responsible Construction Ordinance.”

III-32-2.00 - Authority

This Chapter is adopted pursuant to the powers vested in the City of Milpitas under the laws and Constitution of the State of California, including, but not limited to, the police powers vested in the City pursuant to Article XI, Section 7 of the California Constitution.

III-32-3.00 - Definitions

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Section:

- (a) “City” means the City of Milpitas, California or any agency designated by the City to administer the terms of this Chapter.
- (b) “Contractor” means the prime contractor on a construction project.
- (c) “Owner” means the person or persons, firm, corporation, partnership or other legal entity exercising ownership of the Project.
- (d) “Project” means new construction of greater than fifteen thousand square feet that is not subject to prevailing wage requirements and/or does not have a valid Project Labor or Community Workforce Agreement.
- (e) “Project Construction Employees” means employees of the Contractor or subcontractor.
- (f) “Representative” means a person authorized to legally bind the Owner and/or Contractor (for example; a corporate officer, general partner, or managing member of a limited liability company).

III-32-4.00 - Acknowledgement of Responsibility

As a condition of approval for any building permit required for a Project, an applicant shall sign an acknowledgement that the Owner, Contractor and any subcontractors are required to comply with all applicable provisions of the California Labor Code, including Labor Code section 2810.5, and that the Owner, Contractor and any subcontractors have no unpaid wage theft judgments.

III-32-5.00 - Pay Transparency Certification

Prior to issuance of a certificate of occupancy, or other permit to occupy new construction, for each Contractor or subcontractor whose portion of the work exceeds one hundred thousand dollars (\$100,000) or one percent (1%) of the value of the construction cost of the Project, whichever is greater, the Owner shall provide to the City a Pay Transparency Certification (“Certification”), signed by a Representative of the Owner, the Contractor and any subcontractor under penalty of perjury under the laws of the State of California. The Certification required under this Section shall be in a form approved by the City and contain the following:

- (a) A statement that Project Construction Employees of the Contractor and any subcontractors received written notice of the employers pay practices as required by California Labor Code section 2810.5 and wage statements under Labor Code section 226(a); or
- (b) Project Construction Employees of the Contractor and/or any subcontractors are covered by a valid collective bargaining agreement that expressly provides for the wages, hours of work, and working conditions of the employee, and if the agreement provides premium wage rates for all overtime hours worked and a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage. (See Labor Code section 2810.5(c)); and
- (c) A statement that the Owner, Contractor and any subcontractors have no unpaid wage theft judgments.

III-32-6.00 – Compliance Determination

Prior to issuing a certificate of occupancy, or other permit allowing occupancy of the Project, the City shall make a finding of compliance with this Chapter. Such a finding shall be issued if:

- (a) The City determines after a review of the Certification that the Owner, Contractor and any subcontractors have complied with the provisions of this Chapter; and
- (b) The City has not received any information that the Labor Commissioner of the State of California has found violations of Labor Code sections 226 or 2810.5 regarding construction work performed on the Project.

III-32-7.00 - Bonds Required for Correction of Violation

If the City determines that the Owner, Contractor or any subcontractor has failed to comply with the provisions of this Chapter, or if the Labor Commissioner has found violations of Labor Code sections 226 or 2810.5, the City may issue a certificate of occupancy, only if the Owner or Contractor can provide evidence of the existence of a labor payment and/or lien release bond, in a form and amount sufficient to ensure that any wage claims and penalties can be fully paid.

III-32-8.00 - Private Right of Action

Nothing in this Chapter shall be interpreted to authorize a right of action against the City.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Granting Acceptance of Fire Station No. 2 Demolition, Project No. 3447, Authorizing the City Engineer to file a Notice of Completion, and Authorizing the City Engineer to issue a Notice of Final Acceptance
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	2/2/2021
Staff Contact:	Steve Erickson, 408-586-3301
Recommendations:	Adopt a Resolution granting acceptance of Fire Station No. 2 Demolition, Project No. 3447, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance.

Background:

On May 5, 2020, the City Council awarded a \$245,400 construction contract to CVE Contracting Group, Inc. doing business as Central Valley Environmental, for the demolition of the existing Fire Station No. 2 building located at 1263 Yosemite Drive. This work was completed as part of Fire Station No. 2 Rehabilitation, Project No. 3447. The Contractor removed the old station building, disposed of the debris and cleared the site for construction of the new Station No. 2 facility.

Analysis:

The work was successfully completed on-time and within budget. Staff recommends that City Council adopt a resolution granting acceptance of the work and authorizing the City Engineer to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code. Staff also recommends the City Council authorize the City Engineer to issue a notice of final acceptance after one-year.

Policy Alternative:

Alternative: Do not adopt resolution, deny Project acceptance and the filling the notice of completion.

Pros: None

Cons: A denial would result in the City being unable to file the notice of completion and release retention back to the Contractor which would be contrary to the requirements of the City's contract with the Contractor.

Reason not Recommended: Denial would result in the City not being in compliance with the requirements of the contract with the General Contractor and could result in damage claims being imposed by the Contractor.

Fiscal Impact:

Not applicable.

California Environmental Quality Act:

The Project is exempt under Section 15301 (Existing Facilities) of CEQA guidelines.

Recommendations:

Adopt a Resolution granting acceptance of Fire Station No. 2 Demolition, Project No. 3447, authorizing the City Engineer to file a Notice of Completion, and authorizing the City Engineer to issue a Notice of Final Acceptance.

Attachments:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS GRANTING ACCEPTANCE OF
THE FIRE STATION NO. 2 DEMOLITION, PROJECT NO. 3447**

WHEREAS, the City of Milpitas has heretofore entered into a contract with CVE Contracting Group, Inc. doing business as Central Valley Environmental for the Fire Station No. 2 Demolition, Project No. 3447 in the amount \$245,400 (“Project”), and the City Engineer of the City of Milpitas has recommended acceptance of said improvement as completed in accordance with plans, specifications and approved change orders and correction lists, and in accordance with the final inspection of said City Engineer.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City of Milpitas does hereby accept said improvement as completed on this 2nd day of February, 2021, and does hereby authorize and direct the City Engineer of the City of Milpitas to file a Notice of Completion in accordance with the provisions of Section 9204 of the Civil Code of the State of California, and does hereby authorize and direct the City Engineer to file a Certificate of Completion in accordance with the provisions of Section 4005 of the Government Code of the State of California, if said work was by day’s labor or force account.
3. The City Council authorizes the City Engineer to issue the Notice of Final Acceptance after the one-year without further City Council action; and nothing herein contained shall in any way be deemed to be a waiver, release or relinquishment by City of any obligations imposed upon the contractor or its surety, or sureties, by law or by the above-referenced improvement contract, save and except those obligations specifically mentioned herein.

PASSED AND ADOPTED this _____ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

Recording Requested by and
When Recorded Mail to:

City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035
Attention: City Clerk

Record without fee under
Section 6103 - Government Code
State of California

CITY OF MILPITAS
NOTICE OF COMPLETION
(Civil Code Section 9204)

NOTICE IS HEREBY GIVEN:

1. On or about May 05, 2020, the City Council of the City of Milpitas, a municipal corporation of the State of California, whose address is City Hall, 455 East Calaveras Boulevard, Milpitas, California, 95035 (as owner) entered into a contract for work of: **Fire Station No.2 Demolition, Project No. 3447.**
2. A description of the site of which the City is co-owner for said work of improvement is: **1263 Yosemite Drive** in the City of Milpitas, Santa Clara County, California, more particularly described on the plans.
3. The name and address of the direct contractor is: **CVE Contracting Group, Inc. doing business as Central Valley Environmental, 4263 N. Selland Ave, Fresno, CA 93722**
4. A general statement of the kind of work done or materials furnished to the City is as follows: **The Project includes the removal and disposal of the entirety of the existing structure, foundation, asphalt and concrete paving, trees, generator and fuel tank.**
5. Said work of improvement was accepted by the Milpitas City Council as complete on February 2, 2021.

I, the undersigned, declare that I am the **City Engineer** of the City of Milpitas and am authorized to execute the foregoing Notice of Completion and this Verification thereof. I have read the foregoing Notice of Completion. I declare under penalty of perjury that the foregoing Notice of Completion is true and correct. Executed on February ____, 2021 at Milpitas, California.

Steve Erickson,
Engineering Director/City Engineer
City of Milpitas

NOTE: RECORD WITHIN 15 DAYS OF ACCEPTANCE WITH COUNTY RECORDER OF SANTA CLARA COUNTY



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Declaring Weeds on Certain Properties to be a Public Nuisance and Setting a Public Hearing for March 2, 2021 to Hear Objections
Category:	Consent Calendar-Public Safety
Meeting Date:	2/2/2021
Staff Contact:	Albert Zamora, Deputy Fire Chief / Fire Marshal, (408) 586-3371
Recommendation:	Adopt a resolution declaring weeds on specific properties to be public nuisances and set a public hearing on March 2, 2021.

Background:

On February 2, 1976, an Agreement was established and approved to abate weeds by the County of Santa Clara for the City of Milpitas. The purpose of the Agreement is to promote the efficiency and economy of operations in the abatement of weeds by the City and the County.

The major procedural functions to be performed by the County and / or City shall include but not limited to:

1. The County shall prepare the list of parcels requiring abatement of weeds in the City and transmit the said list to the City for review and approval for processing.
2. The County shall prepare the notice of weed abatement and cause such notice to be mailed to the owners of the parcels requiring weed abatement.
3. The City Council shall conduct public hearings on the proposed removal of weeds pursuant to the provisions of the City Ordinance when the City Fire Marshal presents such appropriate resolutions for adoption. The City Council may by resolution declare the weeds on the respective parcels of the land as nuisance, and make the determination to proceed with the abatement of weeds, and authorize the performance of the service to remove the weeds in accordance with the aforementioned Agreement.
4. Upon proper authorization by the City, the County shall remove the weeds on the designated properties.
5. The County shall render to the City an itemized assessment report for the cost of the weed abatement services performed per the respective parcels.
6. The City Council, after a public hearing, shall require the County Assessor's Office to include the costs of the weed abatement services performed for the City for the current year, as a special assessment on bills for taxes levied against the affected parcels. Such special assessments shall be liens on the respective properties.
7. Pursuant to California Health and Safety Code 14915, a copy of the report, as confirmed, shall be turned over to the auditor of the county, on or before the tenth day of August following such confirmation, and the auditor shall enter the amounts of the assessments against the respective parcels of land as they appear on the current assessment roll, (Amended by Stats. 1939, Ch. 354).

Analysis:

The County of Santa Clara Consumer and Environmental Protection Agency - Weed Abatement Program has notified the City of Milpitas that it is commencing its Hazardous Vegetation Abatement (weed abatement) Program for the 2021 season.

In order for the County to proceed with its annual abatement process, the City must adopt a resolution, in accordance with Milpitas Municipal Code V-202-3.01, declaring weeds to be a public nuisance and to schedule a public hearing to hear objections to the proposed destruction and/or removal of weeds. The Milpitas City Council public hearing is scheduled for March 2, 2021.

Fiscal Impact:

At the first City Council meeting in August of each year during a public hearing, the City's municipal code provides that the City Council hear the assessment report for the list of weeds abated within the City, together with any objections of the property owners liable to be assessed, and to make such modifications on the proposed assessment as it deems necessary. Following adoption by the City Council, the resolution will be recorded and charges thereon become a lien on the land involved to be collected in the same manner as property taxes.

California Environmental Quality Act: This project is exempt from CEQA.

Recommendation:

Adopt a Resolution declaring weeds on specific properties to be public nuisances and setting the public hearing date on March 2, 2021.

Attachment:

Resolution with attached Exhibit A - 2021 Weed Abatement Program Commencement Report (list of parcels) for the City of Milpitas

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DECLARING
CERTAIN PROPERTIES TO CONSTITUTE A PUBLIC NUISANCE DUE TO THE
OVERGROWTH OF WEEDS AND/OR ACCUMULATION OF RUBBISH, REFUSE OR DIRT
AND FIXING THE TIME AND PLACE FOR OBJECTIONS TO ABATEMENT**

WHEREAS, the County of Santa Clara Consumer and Environmental Protection Agency - Weed Abatement Program has compiled its annual list of properties which constitute a public nuisance due to an overgrowth of weeds and/or the accumulation of rubbish, refuse or dirt; and,

WHEREAS, it is requested that the County of Santa Clara Consumer and Environmental Protection Agency - Weed Abatement Program will individually notify the owners of those properties of its intent to abate said public nuisance and assess the cost as a special assessment against said properties if the owners do not abate the nuisance themselves; and,

WHEREAS, Milpitas Municipal Code V-202-3.01 empowers the City Council to adopt a resolution declaring a public nuisance and fixing the time and place for hearing any objections to the proposed description of or removal of said public nuisance; and

WHEREAS, the purpose of this Resolution is to fix a time and place where the said property owners can object to the proposed abatement.

NOW, THEREFORE, the City Council hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council declares that the properties listed on the annual list of properties, attached hereto as **Exhibit A**, constitute a public nuisance due to an overgrowth of weeds and/or the accumulation of rubbish, refuse or dirt.
3. March 2, 2021 at 7:00 p.m., in the Council Chambers at City Hall, Milpitas, California, shall be the time and place set aside for all owners of property listed on Exhibit A or any other person having any objections to the proposed removal of the weeds, rubbish, refuse or dirt to voice any objections they may have to the proposed nuisance abatement by the County of Santa Clara Consumer and Environmental Protection Agency - Weed Abatement Program.
4. The City Clerk is hereby authorized to cause notice of this Resolution be given to the County of Santa Clara Consumer and Environmental Protection Agency - Weed Abatement Program.
5. The City Council requests that the County of Santa Clara Consumer and Environmental Protection Agency - Weed Abatement Program notify the owners of those properties included on Exhibit A in accordance with Milpitas Municipal Code, Title V, Chapter 202, of its intent to abate said nuisance and assess the cost as a special assessment against said properties unless such weeds, rubbish, refuse or dirt are removed by the owner.

PASSED AND ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

**2021 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF MILPITAS**

Exhibit A

Situs			APN			CITY/STATE		
1	634	N	ABEL	022-06-010	MOHR, STEVEN	636 ABEL STN	MILPITAS	CA 95035-4210
2	7280		MARYLINN	022-07-007	CHAO, PEI LING ET AL	7548 DONEGAL DR	CUPERTINO	CA 95014
3	1735		CALIFORNIA	022-37-002	PRENTISS/COPLEY INVESTMENT	1910 PACIFIC AVE STE 400	DALLAS	TX 75201
4	1301		CALIFORNIA	022-38-002	RSVP INVESTMENTS LLC	46500 LANDING PY	FREMONT	CA 94538
5			DIXON	026-05-023	RASHEED, IRSHAD A AND SABIHA	1619 FONTES DR	FREMONT	CA 94539
6	1878	N	MILPITAS	026-05-024	AIM DEVELOPER ENTS INC	40 PARK VICTORIA DRN A	MILPITAS	CA 95035-4600
7	51		DIXON	026-05-053	CHANG, CAROL	67 BERLYWOOD LN 2936	MILPITAS	CA 95035-2543
8	1750		ARIZONA	026-07-044	TRAN, TY AND TRUONG, JACY HONG	WILLIAMS RD	SAN JOSE	CA 95128-3337
9	0		BOTHELO	028-23-017	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA 95747
10				028-24-006	Linda Allen 1	700 Space Park Dr.	SANTA CLARA	CA 95054
11	860		EVANS	029-06-016	TRAN, TU AND DAO, HONG	860 EVANS RD 67 22356	MILPITAS	CA 95035-3406
12	826		CALAVERAS	029-06-031	DAVE, MOHINI	HARTMAN DR	CUPERTINO	CA 95014-2510204
13	898		CALAVERAS	029-06-038	LIN, JIBING ET AL 3	259 HARVEY CT	PLEASANTON	CA 94588-3
14	322	N	PARK	029-16-006	MAYO, NESSIM AND GUADALUPE J	PO BOX 15058	FREMONT	CA 94539-
15	1220		COUNTRY	029-52-014	HUSSAIN, FARHAT TRUSTEE	1220 COUNTRY CLUB DR	MILPITAS	CA 95035-3451
16	1039		CAMARILLO	029-52-015	FARSI, ROSTAM D AND PARIVASH O	45128 WARM SPRINGSBL	FREMONT	CA 94539-
17	517		VISTA RIDGE	042-30-009	GANDHI, ASHISH R AND VARSHA	675 MURPHY RANCH RD 519	MILPITAS	CA 95035-0000
18	519		VISTA RIDGE	042-30-010	GHANI, MAHMOOD M AND EDITHA C	VISTA RIDGE DR	MILPITAS	CA 95035 7217
19	529		VISTA RIDGE	042-30-015	TRIVEDI, ANOOP K AND RAO, AARTHI	2397 TULIP RD	SAN JOSE	CA 95128 1141
20	410		VISTA RIDGE	042-30-024	WAN, CHIEN MIN	410 VISTA RIDGE DR 350	MILPITAS	CA 95035-0000
21	350		VISTA RIDGE	042-30-025	PHAN, JOANNE	VISTA RIDGE DR	MILPITAS	CA 95035 7216
22	531		VISTA RIDGE	042-30-029	CHAN, CLIFFORD J	704 LONGFELLOW DR	FREMONT	CA 94539-
23	0			086-25-018	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA 95747-
24	0	S	MAIN	086-25-020	EIGHTY EIGHT HOMES LLC	2186 PASEO DEL ORO	SAN JOSE	CA 95124-2046

**2021 WEED ABATEMENT PROGRAM
COMMENCEMENT REPORT
CITY OF MILPITAS**

Exhibit A

Situs			APN	CITY/STATE				
25	0	S MAIN	086-25-028	PANCHAL, NATWARLAL M AND GITA	3200 MONTEREY BL	SAN JOSE	CA	95124 2046
26		NO SITUS	086-25-030	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747-
27	0	SINNOTT	086-26-024	1UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747-
28	0	NO SITUS	086-26-032	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747-
29	0	MILPITAS	086-28-006	SAN FRANCISCO CITY AND COUNTY	525 GOLDEN GATE AV	SAN FRANCISCO	CA	94102-
30	0	VISTA	086-29-005	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747-
31	0	WRIGLEY	086-29-047	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747-
32	0	YOSEMITE	086-29-047	EGP YOSEMITE LAND LLC	400 PARKWAYPLW STE	RIDGELAND	MS	39157-
33	876	YOSEMITE	086-30-047	T MARZETTI COMPANY-WEST	380 POLARIS PY STE 400	WESTERVILLE	OH	43082 8069
34	0	YOSEMITE	086-30-048	T MARZETTI COMPANY	380 POLARIS PY STE 400	WESTERVILLE	OH	43082-8069
35	0	AMES	086-31-044	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747
36	0		086-31-003	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747-
37	0	YOSEMITE	086-31-044	1000 YOSEMITE DR LLC	1000 YOSEMITE DR	MILPITAS	CA	95035-7217
38	0		086-32-084	UNION PACIFIC CORPORATION	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747-
39	375	DEMPSEY	088-01-002	GUNAPU, SRIDHAR AND	2951 EL SOBRANTE ST	SANTA CLARA	CA	95051-3715
40	335	S PARK	088-03-019	YAO, SHAOPING AND YUE,	335 PARK VICTORIA DRS	MILPITAS	CA	95035-5512
41	531	DEMPSEY	088-04-060	SILICON VALLEY ALLIANCE CHURCH	10 DEMPSEY RD	MILPITAS	CA	95035 5512
42	0	S PARK	088-04-062	SILICON VALLEY ALLIANCE CHURCH	10 DEMPSEY RD	SAN JOSE	CA	95138
43	0	DEMPSEY	088-04-076	SILICON VALLEY ALLIANCE CHURCH	10 DEMPSEY RD 207 470	MILPITAS	CA	95035
44	0	OLD	092-34-008	OLD PIEDMONT DEVELOPMENT INC	456 MONTGOMERY ST STE	SAN FRANCISCO	CA	94104 1247
45	1250	PIEDMONT	092-34-014	OLD PIEDMONT DEVELOPMENT INC	456 MONTGOMERY ST STE	SAN FRANCISCO	CA	94104 1247
46	2235	URIDIAS	092-37-050	MENG, FAN JIE AND ZHANG, HELEN	35961 COPPER ST	UNION CITY	CA	94587-



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Authorizing Changes to the City of Milpitas PARS Alternative Retirement Plan
Category:	Consent Calendar-Leadership and Support Services
Meeting Date:	1/19/2021
Staff Contact:	Jeannine Seher, Director of Human Resources, 408-586-3086
Recommendation:	Approve the Resolution to amend the City of Milpitas PARS Alternative Retirement Plan (Plan) to provide eligible participants with the option to self-direct the investment of their retirement funds, adopt the PARS Trust Agreement for Participant Directed Investment Program (PDI Trust), withdraw from the current PARS Trust and authorize the City Manager to execute all necessary documents to carry about the preceding.

Background:

The City is required to have an alternate retirement system (ARS) in place for temporary employees in lieu of participation in social security. As such, the City adopted a plan administered by Public Agency Retirement Services (PARS) in 1999. The City contributes 1.5% of a participant's eligible compensation, and the participant contributes 6%. The current plan does not allow an employee to self-direct the investment of funds in their Plan account. The recommended action would allow participants that meet contribution thresholds as defined in the Plan, to self-direct the investment of such funds.

Analysis:

In order to allow eligible participants to self-direct their retirement funds, the Plan must be amended, and the City must withdraw from the current PARS Trust and adopt the PARS Trust Agreement for Participant Direct Investment Program. This change provides greater flexibility to participants with investments in the Plan greater than \$10,000, but does not require participants to self-direct their investments.

Policy Alternative:

Alternative: Do not amend the Plan and maintain the current PARS trust which does not allow for participant directed investments.

Pros: Will provide eligible participants with greater flexibility in the investment of their retirement funds.

Cons: Failure to amend the Plan, and change trust programs, will preclude an eligible participant from controlling the investment of their retirement funds.

Reason for Not Recommending: The current plan eliminates flexibility for participants with investments in the plan greater than \$10,000 and does not provide them with the ability to direct the investment of their retirement funds, a benefit enjoyed by full-time employees who elect to participate in the City's Deferred Compensation program.

Fiscal Impact:

There is minimal cost associated with staff time to ensure plan documents are modified to implement this change. The benefit to temporary employees is not changing. There are no additional PARS costs for this change.

California Environmental Quality Act:

Approval of the recommendation is not an activity defined as a “project” under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061(b) (3) and 15378(b)(4) either because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and/or because the action is financial and/or administrative and does not directly impact the environment.

Recommendation:

Approve the Resolution to amend the City of Milpitas PARS Alternative Retirement Plan (Plan) to provide eligible participants with the option to self-direct investments of assets in their retirement funds, adopt the PDI Trust, withdraw from the current PARS Trust and authorize the City Manager to execute all necessary documents to carry about the preceding.

Attachment:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING CHANGES
TO THE CITY OF MILPITAS PARS ALTERNATIVE RETIREMENT SYSTEM**

WHEREAS, the City of Milpitas (the “City”) is a member of the PARS Trust, the current trust vehicle for the City’s PARS Alternate Retirement System (the “Plan”); and

WHEREAS, U.S. Bank serves as Trustee and Custodian of the PARS Trust; and

WHEREAS, the City has determined that it is in the best interest of the City and the Plan to provide eligible Participants that have obtained the minimum account balance threshold with the option to self-direct investments in their Plan account; and

WHEREAS, PARS provides a program through John Hancock Retirement Services whereby eligible Participants can self-direct investments in their accounts; and

WHEREAS, in order for the City to participate in the John Hancock participant directed investment program, the Plan will be amended, and the City will withdraw from the current PARS Trust and adopt the PARS Trust for Participant Directed Investment Program; and

WHEREAS, upon the adoption of the PARS Trust for Participant Directed Investment Program, all Plan account assets and records in the current PARS Trust will be transferred to the PARS Trust for Participant Directed Investment Program; and

WHEREAS, the City shall not incur any additional administrative expenses as a result of the transition to the PARS Trust for Participant Directed Investment Program.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby approves the amendment of the City of Milpitas PARS Alternate Retirement System (“Plan”) to allow eligible participants the option to self-direct investments in their Plan account in substantially the same form as the draft Amendment to the City of Milpitas PARS Alternate Retirement System, incorporated herein by reference and enclosed at **Exhibit “A”**, subject to any changes deemed appropriate by the City Manager or the City Attorney to carry out the purpose of this Resolution.
2. The City Council hereby adopts the PARS Trust Agreement for Participant Directed Investment Program (“PDI Trust”) together with the Adoption Agreement for the Trust, incorporated herein by reference and enclosed herein at **Exhibit “B”**, as the trust vehicle for the Plan.
3. The City Council hereby appoints PARS as Trust Administrator, U.S. Bank National Association, as Trustee, and John Hancock Life Insurance Company as Custodian/Recordkeeper for the PDI Trust.
4. The City Council hereby appoints the City Manager, or his/her designee, as the City’s Plan Administrator for the PDI Trust.
5. The City Council hereby authorizes the Plan Administrator, in accordance with Section 3.2 of the PARS Trust adopted effective July 4, 1999, to withdraw from said trust and direct the transfer of assets and records held in said trust to the PDI Trust, adopted herewith.
6. The City’s Plan Administrator is hereby authorized to execute the PARS legal and administrative documents on behalf of the City and to take whatever additional actions are necessary to maintain the

City's participation in PARS and to maintain compliance with any relevant regulation issued or as may be issued.

PASSED AND ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

**AMENDMENT TO THE
CITY OF MILPITAS
PARS ALTERNATE RETIREMENT SYSTEM**

WHEREAS, the City of Milpitas (the “Employer”) has previously adopted the City of Milpitas PARS Alternate Retirement System (the “Plan”) effective July 4, 1999, for the benefit of eligible employees; and

WHEREAS, the Employer reserves the right to amend the Plan from time to time pursuant to Section 8.3 of the Plan; and

WHEREAS, the Employer desires to amend the Plan to provide eligible Participants who have a minimum account balance of \$_____, the option to self-direct investments through the PARS Trust for Participant Directed Investment Program.

NOW, THEREFORE BE IT RESOLVED, effective _____, 2021, the Plan is hereby amended as follows:

1. Article III, Section 3.7, Investment in Accordance With the Act, is hereby amended to read:

All contributions, interest earned, and any assets of the Plan shall at all times be invested and managed in accordance with the requirements of the Act.

Where self-direction of investments is permitted, Participants may be able to direct the Trustee to invest all of their accounts in specific Employer-determined investment options. The Plan Administrator shall establish procedures and options for the Participant Directed Investment (PDI) program. A Participant’s investment in the PDI program shall relieve the Trustee and Employer of responsibility for any losses caused by the Participant’s exercise of control.

2. Article IV, Section 4.2, Valuation, is hereby amended to read:

The value of a Participant's Employer Contribution Account and Employee Contribution Account shall be determined annually on a date hereafter referred to as a Valuation Date. As of each Valuation Date there shall be determined the amount of the investment gain or

loss to be credited to the total of all assets held for Employer Contribution Accounts and Employee Contribution Accounts during the period since the preceding Valuation Date. The total adjustment shall be allocated among all of the individual Participant and Inactive Participant Accounts as of the current Valuation Date. The assets of the Trust shall be valued annually at fair market value. On the Valuation Date, the earnings and losses of the Trust will be allocated to each Participant and Inactive Participant.

Where self-direction of investments is permitted, the value of a Participant's Employer Contribution Account and Employee Contribution Account for the PDI program shall be determined each Valuation Date for PDI, which means any date on which both the Trustee and the New York Stock Exchange are open for business. Investment gains and losses for the PDI program shall be allocated on a segregated basis.

3. All other terms and conditions under the Plan shall remain unchanged.

IN WITNESS THEREOF, this Amendment is hereby adopted effective _____,
2021.

CITY OF MILPITAS

By: _____
Steven McHarris

Its: City Manager _____

Date: _____

**PUBLIC AGENCY
RETIREMENT SYSTEM
(PARS)
TRUST AGREEMENT
for
PARTICIPANT DIRECTED INVESTMENT
PROGRAM**

**ACCOUNT IS ENTERED INTO BY CLIENT
AND U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE**

This document is entered into by U.S. Bank National Association ("U.S. Bank"), as trustee. U.S. Bank succeeded Union Bank, N.A. as the trustee on February 1, 2012. All references in this document and all account related documents to Union Bank of California, N.A. and/or Union Bank, N.A. ("Union Bank"), are replaced with U.S. Bank.

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Article I

DEFINITIONS

- 1.1 "Agreement for Administrative Services" shall mean the agreement executed between the Member Agency and the Trust Administrator which authorizes the Trust Administrator to perform specific duties of administering the Member Agency Plan and related Agency Trust.
- 1.2 "Assets" shall mean all contributions and transfers of assets received by an Agency Trust on behalf of a Member Agency's Plan, together with the income and earnings from such contributions and transfers and any increments accruing to them.
- 1.3 "Agency Trust" shall mean the legally separate and individual trust, whose provisions are identical to those of the PARS Trust Agreement, that is established by a Member Agency when it adopts the PARS Trust by executing an Adoption Agreement.
- 1.4 "Alternate Trustee" shall mean a trustee, other than the Trustee of the PARS Trust Program, appointed by a Member Agency to serve as a trustee of a portion of such Agency Trust's assets as to which the Trustee serves as custodian.
- 1.5 "Code" shall mean the Internal Revenue Code of 1986 as amended from time to time.
- 1.6 "Custodian" shall mean Union Bank of California, N.A. or such other entity specified in the Adoption Agreement whose duties are limited to those specified in Section 4.3.
- 1.7 "Delegatee" shall mean an individual or entity, appointed by the Plan Administrator or Member Agency to act in such matters as are specified in the appointment.
- 1.8 "Effective Date" shall mean July 1, 2008, the date the PARS Trust Program was established.
- 1.9 "Investment Fiduciary" shall mean the fiduciary with the authority and duty to direct the investment and management (including the power to direct the acquisition and disposition) of some or all of the Assets of the Agency Trust appointed by a Member Agency for its Agency Trust.

- 1.10 "Omnibus Account" shall mean an account, established for record keeping purposes only, to commingle the Assets of the Agency Trust.
- 1.11 "Member Agency" shall mean a public agency that adopts the provisions of the PARS Trust Agreement.
- 1.12 "Plan" shall mean the tax qualified plan whose assets the Agency Trust holds.
- 1.13 "Plan Administrator" shall mean the individual designated by position of employment at the Member Agency to act on its behalf in all matters relating to the Member Agency's participation in the PARS Trust Program and Agency Trust.
- 1.14 "PARS Trust Agreement" or "Trust Agreement" shall mean the pro forma Public Agency Retirement System trust document adopted by each Member Agency upon execution of an Adoption Agreement, as amended from time to time.
- 1.15 "PARS Trust Program" shall mean the Public Agency Retirement System trust arrangement.
- 1.16 "Participant" shall mean an individual participating in a Member Agency Plan or that individual's beneficiary.
- 1.17 "Trust Administrator" shall mean Phase II Systems.
- 1.18 "Trustee" shall mean the entity appointed as trustee of the PARS Trust that shall also serve as trustee of each Agency Trust established pursuant to the provisions of this trust agreement except where an Alternate Trustee has been appointed.

Article II

THE PARS TRUST PROGRAM

2.1 Multiple Employer Trust

The PARS Trust Program is a multiple employer trust arrangement established to provide economies of scale and efficiency of administration to public agencies that adopt it to hold the assets of their Member Agency Plans maintained for the benefit of their employees. The PARS Trust Program consists of the Agency Trusts adopted and not terminated by Member Agencies.

2.2 Qualified Governmental Retirement Trust

The PARS Trust Program is established pursuant to the provisions of Section 501(a) of the Code, and the provisions of the relevant state's statutory provisions as designated by the Member Agency in the Adoption Agreement.

2.3 Date of Adoption

The date as of which each Member Agency adopts the PARS Trust Program shall be the "Effective Date" of the PARS Trust Agreement and the Agency Trust, as defined in Section 2.5, as to that Member Agency.

2.4 Member Agencies

Any public agency may, by action of its governing body in a writing accepted by the Trustee, adopt the provisions of the PARS Trust Agreement as the trust portion of a qualified governmental retirement plan established for the benefit of its employees. Executing an adoption instrument for the PARS Trust Program ("Adoption Agreement"), attached hereto as Exhibit "A", shall constitute such adoption, unless the Trustee requires additional evidence of adoption. In order for such adoption to be effective, the public agency must also execute an Agreement for Administrative Services with the Trust Administrator, pursuant to section 3.6 of this PARS Trust Agreement. Such adopting employer shall then become a Member Agency of the PARS Trust Program.

Each such Member Agency shall, at a minimum, furnish the Trust Administrator with the following documents to support its adoption of the PARS Trust Program:

- (a) a certified copy of the Member Agency governing body resolution authorizing the adoption of the PARS Trust Agreement and the appointment of an individual designated by position of employment at the Member Agency to act on its behalf in all matters relating to the Member Agency's participation in the PARS Trust Program and Agency Trust ("Plan Administrator");
- (b) an original of the Adoption Agreement executed by the Plan Administrator or other duly authorized Member Agency employee;
- (c) an original of the Agreement for Administrative Services executed by the Plan Administrator or other duly authorized Member Agency employee and the Trust Administrator;
- (d) an address notice; and
- (e) such other documents as the Trustee may reasonably request.

2.5 Agency Trust

By adopting the PARS Trust Agreement, as provided in Section 2.4, a Member Agency shall be deemed to have adopted a legally separate and individual Agency Trust whose provisions are identical to those of the PARS Trust Agreement. The Assets of an Agency Trust shall be available only to pay benefits pursuant to the provisions of the Plan to participants and beneficiaries of the Member Agency entitled to receive benefits under the provisions of the Plan. The Agency Trust is created for the purpose of receiving contributions made to fund the Member Agency's Plan; accumulating, managing and investing those contributions; and providing benefits to active or retired participants of the Plan, their joint annuitants, or their beneficiaries. Each Agency Trust shall be used to fund only a single Plan maintained by the Member Agency. A Member Agency may establish additional Agency Trusts to fund the assets of additional Plans by executing one or more additional Adoption Agreement(s).

2.6 Assets of Agency Trust

The assets of the Agency Trust shall consist of all contributions and transfers received by the Agency Trust on behalf of the Member Agency's Plan, together with the income and earnings from such contributions and transfers, and any increments accruing to them ("Assets"). All contributions or transfers shall be received by the Trustee in cash or in other property acceptable to the Trustee. The Trustee shall manage and administer the Assets of the Agency Trust without distinction between principal and income. The Trustee and the Trust Administrator shall have no duty to compute any amount to be transferred or paid to the Agency Trust by the Member Agency and the Trustee and the Trust Administrator shall not be responsible for the collection of any contributions or transfers to the Agency Trust.

2.7 Commingling for Investment and Administration

The Assets of more than one Agency Trust may be commingled by the Trustee or Investment Fiduciary in one or more Omnibus Accounts for investment and administrative purposes, to provide economies of scale and efficiency of administration to the Agency Trusts. The responsibility for Plan level accounting within this Omnibus Account(s) shall be that of the Trust Administrator.

2.8 Trustee Accounting

The Trustee shall be responsible only for maintaining records and maintaining accounts for the aggregate assets of the PARS Trust Program. The responsibility for Plan level accounting for each Agency Trust, based upon the Omnibus Account(s), shall be that of the Trust Administrator. The Trust Administrator shall certify the accuracy of such Plan level accounting to the Trustee.

2.9 No Diversion of Assets

The Assets in each Agency Trust shall be held in trust for the exclusive purpose of providing benefits to the Participants of the Plan for which the Agency Trust is holding assets and defraying the reasonable expenses of such Plan. The Assets shall not be used for or diverted to, any other purpose.

2.10 Type and Nature of Trust

Neither the full faith and credit nor the taxing power of each Member Agency is pledged to the distribution of benefits hereunder. Except for contributions and other amounts hereunder, no other amounts are pledged to the distribution of benefits hereunder. Distributions of benefits are neither general nor special obligations of any Member Agency, but are payable solely from the Assets of each Agency Trust, as more fully described herein. No employee of any Member Agency or beneficiary may compel the exercise of the taxing power by any Member Agency.

Distributions of Assets under any Agency Trust are not debts of any Member Agency within the meaning of any constitutional or statutory limitation or restriction. Such distributions are not legal or equitable pledges, charges, liens or encumbrances, upon any of a Member Agency's property, or upon any of its income, receipts, or revenues, except amounts in the accounts which are, under the terms of each Plan and the Agency Trust set aside for distributions. Neither the members of the legislative body of any Member Agency nor its officers, employees, agents or volunteers are liable hereunder.

Article III

ADMINISTRATIVE MATTERS

3.1 Appointment of Trustee

Two thirds or more of the Member Agencies acting jointly, may by a two-thirds or greater vote, act to appoint a bank, trust company, retirement board, insurer, committee or such other entity as permitted by applicable law as designated in the Adoption Agreement, to serve as Trustee of the PARS Trust Program. Such action must be in writing. Upon the written acceptance of such entity it shall become the Trustee of the PARS Trust Program and, subject to the provisions of Section 3.10, the trustee of each Agency Trust. By executing an Adoption Agreement, the adopting Member Agency hereby appoints the Union Bank of California, N.A. as the Trustee as of the Effective Date.

3.2 Removal of Trustee

Two-thirds or more of the Member Agencies acting jointly, may by a vote of two-thirds or greater, act to remove the Trustee. Such action must be in writing and delivered to the Trustee and the Trust Administrator. Upon such removal from the PARS Trust, the Trustee shall also be removed as trustee of each of the Agency Trusts. The Plan Administrator may remove the Trustee as trustee of an Agency Trust by giving at least ninety (90) days prior written notice to the Trustee and the Trust Administrator and withdrawing from the PARS Trust Program.

3.3 Resignation of Trustee

The Trustee may resign as trustee of the PARS Trust Program at any time by giving at least ninety (90) days prior written notice to the Trust Administrator and to each Plan Administrator of each Member Agency that has adopted the PARS Trust Agreement and not terminated its participation in the PARS Trust Program. Such resignation shall also be deemed a resignation as trustee of each of the Agency Trusts. The Trustee may resign as trustee of an Agency Trust by giving at least ninety (90) written notice to the Plan Administrator of such Agency Trust and to the Trust Administrator. The Member Agency's appointment of a successor trustee to the Agency Trust will vest the successor trustee with title to the Assets of its Agency Trust upon the successor trustee's acceptance of such appointment.

3.4 The Plan Administrator

The governing body of each Member Agency shall have plenary authority for the administration and investment of the Agency Trust pursuant to any applicable state laws and applicable federal laws and regulations. Each Member Agency shall by resolution designate a Plan Administrator. Unless otherwise specified in the instrument the Plan Administrator shall be deemed to have authority to act on behalf of the Member Agency in all matters pertaining to the Member Agency's participation in the PARS Trust Program and in regard to the Agency Trust of the Member Agency. Such appointment of a Plan Administrator shall be effective upon receipt and acknowledgment by the Trustee and the Trust Administrator and shall be effective until the Trustee and Trust Administrator are furnished with a resolution of the Member Agency that the appointment has been modified or terminated.

3.5 Failure to Appoint Plan Administrator

If a Plan Administrator is not appointed, or such appointment lapses, the Member Agency shall be deemed to be the Plan Administrator. As used in this document Plan Administrator shall be deemed to mean Member Agency when a Plan Administrator has not been appointed.

3.6 Delegatee

The Plan Administrator, acting on behalf of the Member Agency, may delegate certain authority, powers and duties to a Delegatee to act in those matters specified in the delegation. Any such delegation must be in a writing that names and identifies the Delegatee, states the effective date of the delegation, specifies the authority and duties delegated, is executed by the Plan Administrator and is acknowledged in writing by the Delegatee, the Trust Administrator (if not the Delegatee) and the Trustee. Such delegation shall be effective until the Trustee and the Trust Administrator are directed in writing by the Plan Administrator that the delegation has been rescinded or modified.

3.7 Certification to Trustee

The governing body of each Member Agency, or other duly authorized official, shall certify in writing to the Trustee and the Trust Administrator the names and specimen signatures of the Plan Administrator and Delegatee, if any, and all others authorized to act on behalf of the Member Agency whose names and specimen signatures shall be kept accurate by the Member Agency acting through a duly authorized official or governing body of the Member Agency. The Trustee and the Trust Administrator shall have no liability if it acts upon the direction of a Plan Administrator or Delegatee that has been duly authorized, as provided in Section 3.6, if that Plan Administrator or Delegatee is no longer authorized to act, unless the Member Agency has informed the Trustee and the Trust Administrator of such change.

3.8 Directions to Trustee

Except as provided in Section 5.18 of this Trust Agreement, all directions to the Trustee from the Plan Administrator or Delegatee must be in writing and must be signed by the Plan Administrator or Delegatee, as the case may be. For all purposes of this Trust Agreement, direction shall include any certification, notice, authorization, application or instruction of the Plan Administrator, Delegatee or Trustee appropriately communicated. The above notwithstanding direction may be implied if the Plan Administrator or Delegatee has knowledge of the Trustee's intentions and fails to file written objection.

The Trustee shall have the power and duty to comply promptly with all proper direction of the Plan Administrator or Delegatee, appointed in accordance with the provisions of this PARS Trust Agreement. In the case of any direction deemed by the Trustee to be unclear or ambiguous the Trustee may seek written instructions from the Plan Administrator, the Agency or the Delegatee on such matter and await their written instructions without incurring any liability. If at any time the Plan Administrator or the Delegatee should fail to give directions to the Trustee, the Trustee may act in the manner that in its discretion seems advisable

under the circumstances for carrying out the purposes of the PARS Trust Program and/or any Agency Trust which may include not taking any action. The Trustee may request directions or clarification of directions received and may, in its sole discretion, delay acting until clarification is received. In the absence of timely direction or clarification, or if the Trustee considers any direction to be a violation of the PARS Trust Agreement or any applicable law, the Trustee shall in its sole discretion take appropriate action, or refuse to act upon a direction.

3.9 Alternate Trustee

A Member Agency may appoint a trustee, other than the Trustee, as to a portion of the assets in the Agency Trust by designating such person or entity as an Alternate Trustee on the Adoption Agreement and by specifying which assets shall be subject to the fiduciary management of the Alternate Trustee. Such appointment shall not be effective unless it is in writing, specifies clearly the assets as to which the Alternate Trustee is to have trustee powers, is acknowledged in writing by the Alternate Trustee, is delivered to and acknowledged by the Trustee and the Trust Administrator. Only a bank, trust company, retirement board, insurer, the Member Agency or such entity as permitted by Member Agency's applicable state law to be a trustee may be appointed an Alternate Trustee. Such appointment will become effective upon acceptance by the Alternate Trustee.

3.10 Powers Of Alternate Trustee

The Alternate Trustee shall be deemed to have all of the powers and duties and responsibilities specified in the PARS Trust Agreement for the PARS Trustee in Article IV unless otherwise specified in the Adoption Agreement.

3.11 Responsibility of Trustee Upon Appointment of Alternate Trustee

Upon the appointment of an Alternate Trustee, the Trustee shall have no liability or responsibility for any matters relating to the management, investment or administration of those assets as to which the Alternate Trustee has been appointed and shall only have the duties set forth in Section 4.3.

3.12 Trust Administrator

The Member Agencies have appointed Phase II Systems as the Trust Administrator. The Trust Administrator has accepted its appointment subject to each Member Agency's delegation of authority, to act as such, pursuant to Section 3.6 of this PARS Trust Agreement. The Trust Administrator's duties involve the performance of the following services pursuant to the provisions of this trust agreement and the Agreement for Administrative Services:

- (a) Performing periodic accounting of the Agency Trust;

- (b) Directing the Trustee to i) make distributions from the Agency Trust, as directed and authorized by the Plan Administrator pursuant to the Agreement for Administrative Services, to Participants pursuant to the provisions of the Member Agency's Plan and, ii) liquidate assets in order to make such distributions;
- (c) Notifying the Investment Fiduciary of the amount of Assets in the Agency Trust available for further investment and management by the Investment Fiduciary;
- (d) Allocating contributions, earnings and expenses to each Agency Trust;
- (e) Directing the Trustee to pay insurance premiums, to pay the fees of the Trust Administrator and to do such other acts as shall be appropriate to carry out the intent of the Agency Trusts.
- (f) Such other services as the Member Agency and the Trust Administrator may agree in the Agreement for Administrative Services pursuant to Section 2.4.

3.13 The Trust Administrator shall be entitled to rely on, and shall be under no duty to question, direction and/or data received from the Plan Administrator, or other duly authorized entity, in order to perform its authorized duties under this trust agreement. The Trust Administrator shall not have any duty to compute contributions made to the Agency Trust, determine or inquire whether contributions made to the Agency Trust by the Plan Administrator or other duly authorized entity are adequate to meet and discharge liabilities under the Plan; or determine or inquire whether contributions made to the Agency Trust are in compliance with the Plan; or make independent determination of Participant distribution eligibility. The Trust Administrator shall not be liable for non performance of duties if such non performance is directly caused by erroneous, and/or late delivery of, directions or data from the Plan Administrator, or other duly authorized entity.

3.14 Additional Trust Administrator Services

The Plan Administrator may at any time retain the Trust Administrator as its agent to perform any act, keep any records or accounts and make any computations which are required of the Member Agency or the Plan Administrator by this PARS Trust Agreement or by the Member Agency's Plan. The Trust Administrator shall be separately compensated for such service and such services shall not be deemed to be contrary to the PARS Trust Agreement.

3.15 Trust Administrator's Compensation

As may be agreed upon from time to time by the Member Agency and Trust Administrator, the Trust Administrator will be paid reasonable compensation for services rendered or reimbursed for expenses properly and actually incurred in the performance of duties with respect to the Agency Trust and to the PARS Trust Program.

3.16 Resignation or Removal of Trust Administrator

The Trust Administrator may resign at any time by giving at least one hundred twenty (120) days written notice to each Member Agency of the PARS Trust Program and the Trustee. The Member Agencies, by a two-thirds or greater vote, may remove the Trust Administrator by delivering, at least one hundred twenty (120) days prior to the effective date of such removal, written notice to the Trust Administrator and to the Trustee.

Article IV

THE TRUSTEE

4.1 Powers and Duties of the Trustee

Except as otherwise provided in Article V and subject to Article VI, the Trustee shall have full power and authority with respect to property held in the Agency Trust to do all such acts, take all proceedings, and exercise all such rights and privileges, whether specifically referred to or not in this document, as could be done, taken or exercised by the absolute owner, including, without limitation, the following:

- (a) To invest and reinvest the Assets or any part hereof in any one or more kind, type, class, item or parcel of property, real, personal or mixed, tangible or intangible; or in any one or more kind, type, class, item or issue of investment or security; or in any one or more kind, type, class or item of obligation, secured or unsecured; or in any combination of them. To retain the property for the period of time that the Trustee deems appropriate;
- (b) To acquire and sell options to buy securities ("call" options) and to acquire and sell options to sell securities ("put" options);
- (c) To buy, sell, assign, transfer, acquire, loan, lease (for any purpose, including mineral leases), exchange and in any other manner to acquire, manage, deal with and dispose of all or any part of the Agency Trust property, for cash or credit and upon any reasonable terms and conditions;

- (d) To make deposits, with any bank or savings and loan institution, including any such facility of the Trustee or an affiliate thereof provided that the deposit bears a reasonable rate of interest;
- (e) To invest and reinvest the Assets, or any part thereof in any one or more guaranteed annuity contracts, collective investment trust funds, including common and group trust funds that consist exclusively of assets of exempt pension and profit sharing trusts and individual retirement accounts qualified and tax exempt under the Code, that are maintained by the Trustee or an affiliate thereof. The declaration of trust or plan of operations for any such common or collective fund is hereby incorporated herein and adopted into this PARS Trust Agreement by this reference. The combining of money and other assets of the Agency Trust with money and other assets of other qualified trusts in such fund or funds is specifically authorized. Notwithstanding anything to the contrary in this trust agreement, the Trustee shall have full investment responsibility over assets of the trust invested in such commingled funds. If the plan and trust for any reason lose their tax exempt status, and the Assets have been commingled with assets of other tax exempt trusts in Trustee's collective investment funds, the Trustee shall within 30 days of notice of such loss of tax exempt status, liquidate the Agency Trust's units of the collective investment fund(s) and invest the proceeds in a money market fund pending investment or other instructions from the Plan Administrator. The Trustee shall not be liable for any loss or gain or taxes, if any, resulting from said liquidation;
- (f) To place uninvested cash and cash awaiting distribution in one or more mutual funds and/or commingled investment funds maintained by or made available by the Trustee, and to receive compensation from the sponsor of such fund(s) for services rendered, separate and apart from any Trustee's fees hereunder. Trustee or Trustee's affiliate may also be compensated for providing investment advisory services to any mutual fund or commingled investment funds;
- (g) To borrow money for the purposes of the Agency Trust from any source with or without giving security; to pay interest; to issue promissory notes and to secure the repayment thereof by pledging all or any part of the Assets;
- (h) To take all of the following actions as directed by the Investment Fiduciary or other person with investment discretion over the trust assets: to vote proxies of any stocks, bonds or other securities; to give general or special proxies or powers of attorney with or without power of substitution; to exercise any conversion privileges, subscription rights or other options, and to make any payments incidental thereto; to consent to or otherwise participate in corporate reorganizations or other changes affecting

corporate securities and to delegate discretionary powers and to pay any assessments or charges in connection therewith; and generally to exercise any of the powers of an owner with respect to stocks, bonds, securities or other property held in the Agency Trust;

- (i) To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;
- (j) To raze or move existing buildings; to make ordinary or extraordinary repairs, alterations or additions in and to buildings; to construct buildings and other structures and to install fixtures and equipment therein;
- (k) To pay or cause to be paid from the Agency Trust any and all real or personal property taxes, income taxes or other taxes or assessments of any or all kinds levied or assessed upon or with respect to the Agency Trust or the Plan;
- (l) As directed by the Trust Administrator, to hold term or ordinary life insurance contracts on the lives of Participants (but in the case of conflict between any such contract and the Plan, the terms of the Plan shall prevail); to pay from the Agency Trust the premiums on such contracts; to distribute, surrender or otherwise dispose of such contracts; to pay the proceeds, if any, of such contracts to the proper persons in the event of the death of the insured Participant; to enter into, modify, renew and terminate annuity contracts of deposit administration or immediate participation or other group or individual type with one or more insurance companies and to pay or deposit all or any part of the Agency Trust Assets thereunder; to provide in any such contract for the investment of all or any part of funds so deposited with the insurance company in securities under separate accounts; to exercise and claim all rights and benefits granted to the contract holder by any such contracts;
- (m) To exercise all the further rights, powers, options and privileges granted, provided for, or vested in trustees generally under applicable federal or California State laws, as amended from time to time, it being intended that, except as herein otherwise provided, the powers conferred upon the Trustee herein shall not be construed as being in limitation of any authority conferred by law, but shall be construed as consistent or in addition thereto.

4.2 Additional Trustee Powers

In addition to the other powers enumerated above, and whether or not the Member Agency has retained investment authority or delegated it to an Investment Fiduciary or Participants in Participant Directed Accounts, the Trustee in any and all events is authorized and empowered:

- (a) To invest funds pending required directions in any type of interest-bearing account including without limitation, time certificates of deposit or interest-bearing accounts issued by Union Bank of California N.A., or any mutual fund or short term investment fund, whether sponsored or advised by Union Bank of California or any affiliate thereof; Union Bank of California, N.A. or its affiliate may be compensated for providing such investment advice and providing other services to such fund, in addition to any Trustee's fees received pursuant to this Trust Agreement;
- (b) To cause all or any part of the Agency Trust to be held in the name of the Trustee (which in such instance need not disclose its fiduciary capacity) or, as permitted by law, in the name of any nominee, and to acquire for the Agency Trust any investment in bearer form, but the books and records of the Agency Trust shall at all times show that all such investments are a part of the Agency Trust and the Trustee shall hold evidences of title to all such investments;
- (c) To serve as custodian with respect to the Agency Trust Assets and as directed by the Member Agency to engage another entity as Custodian of a portion of the Agency Trust Assets;
- (d) To employ such agents and counsel as may be reasonably necessary in managing and protecting the Assets and to pay them reasonable compensation; to employ any broker-dealer, including a broker-dealer affiliated with the Trustee, and pay to such broker-dealer at the expense of the Agency Trust, its standard commissions; to settle, compromise or abandon all claims and demands in favor of or against the Agency Trust; and to charge any premium on bonds purchased at par value to the principal of the Agency Trust without amortization from the Agency Trust, regardless of any law relating thereto;
- (e) In addition to the powers listed herein, to do all other acts necessary or desirable for the proper administration of the Agency Trust, as though the absolute owner thereof;
- (f) To abandon, compromise, contest, arbitrate or settle claims or demands; to prosecute, compromise and defend lawsuits, but without obligation to do so, all at the risk and expense of the Agency Trust;

- (g) To exercise and perform any and all of the other powers and duties specified in this Trust Agreement or the Plan;
- (h) To permit such inspections of documents at the principal office of the Trustee as are required by law, subpoena or demand by a United States agency;
- (i) To comply with all requirements imposed by applicable provisions of law;
- (j) To seek written instructions from the Plan Administrator or other fiduciary on any matter and await their written instructions without incurring any liability. If at any time the Plan Administrator or the fiduciary should fail to give directions to the Trustee, the Trustee may act in the manner that in its discretion seems advisable under the circumstances for carrying out the purposes of this Agency Trust;
- (k) As directed by the Plan Administrator or Delegatee if duly authorized, to cause the benefits provided under the Plan to be paid directly to the persons entitled thereto under the Plan, and in the amounts and in the manner specified, and to charge such payments against the Agency Trust with respect to which such benefits are payable;
- (l) To compensate such executive, consultant, actuarial, accounting, investment, appraisal, administrative, clerical, secretarial, medical, custodial, depository and legal firms, personnel and other employees or assistants as are engaged by the Plan Administrator in connection with the administration of the Plan and to pay from the Agency Trust the necessary expenses of such firms, personnel and assistants, to the extent not paid by the Plan Administrator;
- (m) To act upon proper written directions of the Plan Administrator or Delegatee, including directions given by photostatic transmissions using facsimile signature;
- (n) To pay from the Agency Trust the expenses reasonably incurred in the administration of the Agency Trust as provided in the Plan;
- (o) To maintain insurance for such purposes, in such amounts and with such companies as the Plan Administrator shall elect, including insurance to cover liability or losses occurring by reason of the acts or omissions of fiduciaries but only if such insurance permits recourse by the insurer against the fiduciary in the case of a breach of a fiduciary obligation by such fiduciary.

4.3 Custodial Powers

If an Alternate Trustee has been appointed pursuant to Section 3.9, Union Bank of California, N.A., ("Bank") as Custodian, shall only have the following responsibilities:

- (a) Keep records of all transactions entered into for the Agency Trust and furnish to Alternate Trustee statements no less frequently than quarterly showing all principal and income transactions and Agency Trust Assets, which shall be deemed ratified and approved by Alternate Trustee unless Custodian is advised to the contrary within ninety (90) days of Custodian's mailing thereof by first class mail to Alternate Trustee;
- (b) Receive payments of income and principal on Agency Trust Assets, and retain or remit in accordance with Alternate Trustee's written instructions;
- (c) Hold Agency Trust Assets in Bank's name as Custodian for Alternate Trustee or in Bank's nominee name, or, as to securities eligible to be held by the depository trust company or other depository, in its nominee name;
- (d) Purchase and sell securities, attend to the exchange of securities, deposit or exchange securities of companies in reorganization, and tender securities on redemption or tender offer solely upon direction of Alternate Trustee;
- (e) Sign the name of Alternate Trustee to stock and bond powers and any other instruments required for the proper exercise of Bank's duties, and Bank is appointed Alternate Trustee's attorney-in-fact for these purposes;
- (f) Forward all proxies and accompanying materials to Alternate Trustee to be voted unless directed in writing to the contrary. Disclose Alternate Trustee's name and address in response to requests from issuers of securities and others to facilitate direct communication for proxy and tender offer response;
- (g) Sell all fractional shares of stock received as a result of stock dividends or other corporate action;
- (h) Notify Alternate Trustee of any inability to collect income or principal if the securities or other property constituting Assets upon which such amount is payable is in default, or if payment is refused after due demand. Bank shall be under no obligation or duty to take any action to effect collection of defaulted payments, or to file or pursue any bankruptcy or class action claims with respect to Agency Trust.

- (i) Perform a telephonic verification to Alternate Trustee or Alternate Trustee's authorized representative or such other security procedure selected by Alternate Trustee prior to wiring funds or following facsimile directions as Bank may require. Alternate Trustee assumes all risk of delay of transfer if Bank is unable to reach Alternate Trustee or Alternate Trustee's authorized representative, or in the event of delay as a result of attempts to comply with any other security procedure selected by Alternate Trustee.

Article V

INVESTMENTS

5.1 Investment Fiduciary

Except as herein provided, the Plan Administrator shall be the Investment Fiduciary.

5.2 Appointment of Trustee or an Investment Manager as Investment Fiduciary

The Plan Administrator may appoint the Trustee or an investment manager as the Investment Fiduciary, with the authority and duty to direct the investment and management of all or any portion of the Assets of the Agency Trust.

5.3 Appointment of Investment Fiduciary

No action of the Plan Administrator pursuant to 5.2 shall be effective until a certified copy of the revised Adoption Agreement and, if required, any such resolution of the governing body of the Member Agency or Plan Administrator action is delivered to the Trustee. Upon receipt and acceptance, the Trustee or investment manager, as the case may be, shall assume fiduciary responsibility with respect to the investment and management of such assets of the Agency Trust as are specified in the resolution or action. Any transfer of investment authority to the Trustee or to an investment manager may be revoked by delivering to the Trustee or the investment manager a written notice from either the Member Agency governing body or the Plan Administrator, as the case may be.

5.4 Reliance by Trustee on Investment Fiduciary

The appointment, selection and retention of an Investment Fiduciary shall be solely the responsibility of the Member Agency acting through its governing body or the Plan Administrator. The Trustee may rely upon the fact that the Investment Fiduciary is authorized to direct the investment and management of

the Assets of the Agency Trust until such time as the Plan Administrator shall notify the Trustee in writing that another Investment Fiduciary has been appointed to replace the Investment Fiduciary named, or, in the alternative, that the Investment Fiduciary named has been removed.

5.5 When Trustee is not Investment Fiduciary

The Trustee shall not be the Investment Fiduciary and shall have no responsibility or authority for the investment and management of assets unless specifically designated as the Investment Fiduciary as to some or all of the assets in the Agency Trust and accepts such designation.

- (a) During such period or periods of time, if any, as the Plan Administrator or an Investment Fiduciary is authorized to direct the investment and management of the Assets of the Agency Trust, the Trustee shall (subject to the overriding limitations hereinafter set forth) effect and change investment of the Assets of the Agency Trust as directed in writing by the Plan Administrator, or Investment Fiduciary, as the case may be, and shall neither effect nor change any such investments without such direction and shall have no right, duty or responsibility to recommend investments or investment changes. The following provisions shall govern the Trustee during such period or periods of time, if any, during which the Plan Administrator or an Investment Fiduciary is authorized to direct the investment and management of the Assets of any Agency Trust:
- (b) So long as the Plan Administrator retains or reacquires full power and responsibility to direct the Trustee with respect to the investment and management of all or any portion of the Assets of the Agency Trust, the Trustee shall not be liable nor responsible for losses or unfavorable results arising from the Trustee's compliance with proper directions of the Plan Administrator which are made in accordance with the terms of this Trust Agreement and which are not contrary to the provisions of any applicable federal or state statute regulating such investment.
- (c) In the event an Investment Fiduciary is given authority and responsibility with respect to the investment and management of the Assets of the Agency Trust, neither the Trustee nor the Plan Administrator shall be liable or responsible in any way for any losses or other unfavorable results arising from the Trustee's compliance with investment or management directions received by the Trustee from the Investment Fiduciary.

5.6 Investment Directions Must be in Writing

Subject to the provisions of Section 5.18, in order to be valid all directions concerning investments made by the Plan Administrator, or the Investment Fiduciary, or PARS Trustee must be signed by the authorized person or persons

acting on behalf of the Plan Administrator, Investment Fiduciary or Trustee, as the case may be.

5.7 Trustee Reliance On Directions

- (a) The Trustee shall be entitled to rely upon directions which the Trustee receives. The Trustee shall be under no duty to question any directions of the Investment Fiduciary or Plan Administrator nor to review any securities or other property of the PARS Trust or Agency Trust constituting assets thereof with respect to which an Investment Fiduciary or the Plan Administrator has investment responsibility, nor to make any suggestions to the Investment Fiduciary or Plan Administrator in connection therewith. The Trustee shall, as promptly as possible, comply with any written directions given by the Plan Administrator or an Investment Fiduciary hereunder. The Trustee shall not be liable, in any manner nor for any reason, for the making or retention of any investment pursuant to such directions, nor shall the Trustee be liable for its failure to invest any or all of the Assets of the Agency Trust in the absence of such written directions. The Trustee shall be under no obligation to seek written clarification in the event of ambiguity.
- (b) During such period of time, if any, as the Plan Administrator, or an Investment Fiduciary, is authorized to direct the Trustee, the Trustee shall have no obligation to determine the existence of any conversion, redemption, exchange, subscription or other right relating to any securities purchased of which notice was given prior to the purchase of such securities, and shall have no obligation to exercise any such right unless the Trustee is informed of the existence of the right and is instructed to exercise such right, in writing, by the Plan Administrator or the Investment Fiduciary, as the case may be, within a reasonable time prior to the expiration of such right.
- (c) In any event, neither the Plan Administrator nor any Investment Fiduciary referred to above shall direct the purchase, sale or retention of any Assets of the Agency Trust if such directions are not in compliance with applicable law.

5.8 Trustee Fees

As may be agreed upon, in writing, between the Plan Administrator and Trustee, the Trustee will be paid reasonable compensation for services rendered or reimbursed for expenses properly and actually incurred in the performance of duties with respect to the Agency Trust or the PARS Trust.

5.9 Contributions

The Plan Administrator shall make all of its contributions to the Trustee, and shall also transmit all contributions of Plan Participants, as may be required or allowed by the Plan, to the Trustee. In the event such contributions are designated for another Custodian, the contributions shall be transmitted directly to such Custodian. Such contributions shall be in cash unless the Trustee agrees to accept a contribution that is not in cash. All contributions shall be paid to the Trustee for investment and reinvestment pursuant to the terms of this Trust Agreement. Trustee shall have any duty to determine or inquire whether any contributions to the Agency Trust made to the Trustee by any Plan Administrator are in compliance with the Plan; nor shall the Trustee have any duty or authority to compute any amount to be paid to the Trustee by any Plan Administrator; nor shall the Trustee be responsible for the collection or adequacy of the contributions to meet and discharge liabilities under the Plan. The contributions received by the Trustee from each Member Agency shall be held and administered pursuant to the terms hereof without distinction between income and principal.

5.10 Money Market Fund

Pending any investment directions, such cash in the Agency Trust in an amount as is reasonable in the discretion of the Trustee, may be deposited in a money market fund selected by the Trustee or the Member Agency.

5.11 Purchase of Contracts

The Trustee shall have the authority to purchase individual or group insurance, annuity, preliminary term, group pension, and variable annuity contracts in accordance with the directions of the Plan Administrator or other insurance contracts at the direction of the Plan Administrator or Investment Fiduciary if such contracts are acceptable to the Trustee. The Trustee shall act as custodian of such contracts if an Alternate Trustee is appointed as to such contracts.

5.12 Records

- (a) The Trustee shall maintain accurate records and detailed accounts of all investments, receipts, disbursements and other transactions hereunder at the PARS Trust level. The Trustee shall provide the Trust Administrator with statements showing summary investment totals per plan for investments held by Custodian. Such records shall be available at all reasonable times for inspection by the Trust Administrator. The Trustee shall, at the direction of the Trust Administrator, submit such valuations, reports or other information as the Trust Administrator may reasonably require.

- (b) Valuation. The assets of the Agency Trust shall be valued at their fair market value on the date of valuation, as determined by the Trustee based upon such sources of information as it may deem reliable; provided, however, that the Plan Administrator shall instruct the Trustee as to valuation of assets which are not readily determinable on an established market. Custodian will provide the Trustee with a valuation of all assets held by the Custodian for the Agency Trust. The Trustee may rely conclusively on such valuations provided by the Plan Administrator and shall be indemnified and held harmless by the Plan Administrator with respect to such reliance. If the Plan Administrator fails to provide such values, the Trustee may take whatever action it deems reasonable, including employment of attorneys, appraisers or other professionals, the expense of which will be an expense of administration of the Agency Trust. Transactions in the account involving such hard to value assets may be postponed until appropriate valuations have been received and Trustee shall have no liability therefore.

5.13 Statements

- (a) Periodically as specified, and within sixty days after June 30, or the end of the PARS Trust's fiscal year if different, Trustee shall render to the Trust Administrator as directed, a written account showing in reasonable summary the investments, receipts, disbursements and other transactions engaged in by the Trustee during the preceding fiscal year or period with respect to the PARS Trust. If an outside Custodian is engaged, the Trustee shall provide the Trust Administrator with summary account statements received from Custodian. Custodian shall provide statements directly to the Participant. Such account shall set forth the assets and liabilities of the PARS Trust valued as of the end of the accounting period.
- (b) The Trust Administrator may approve such statements either by written notice or by failure to express objections to such statements by written notice delivered to the Trustee within 90 days from the date the statement is delivered to the Trust Administrator. Upon approval, the Trustee shall be released and discharged as to all matters and items set forth in such statement as if such account had been settled and allowed by a decree from a court of competent jurisdiction.

5.14 Wire Transfers

The Trustee or the Custodian shall follow the Plan Administrator's, Delegatee's, or Trust Administrator's wire transfer instructions in compliance with the written security procedures provided by the party providing the wire transfers. The Trustee shall perform a telephonic verification to the Plan Administrator, Trust Administrator, or Delegatee, of such other security procedure, as selected by the party providing wire transfer directions, prior to wiring funds or following facsimile

directions as Trustee may require. The Plan Administrator assumes the risk of delay of transfer if Trustee is unable to reach the Plan Administrator, or in the event of delay as a result of attempts to comply with any other security procedure selected by the directing party.

5.15 Exclusive Benefit

The Assets of the Agency Trust shall be held in trust for the exclusive purpose of providing benefits to the Participants of the Member Agency Plan, and defraying reasonable expenses of the Plan, and shall not be used for or diverted to any other purpose. No party shall have authority to use or divert such Plan's Assets for the payment of benefits or expenses of any other Member Agency's Plan.

5.16 Delegation of Duties

The Plan Administrator, Delegatee, or Trust Administrator, may at any time retain the Trustee or Custodian as its agent to perform any act, keep any records or accounts and make any computations that are required of the Plan Administrator, Delegatee or Trust Administrator by this Trust Agreement or by the Plan. The Trustee or Custodian may be compensated for such retention and such retention shall not be deemed to be contrary to this Trust Agreement.

5.17 Distributions

All benefits payable pursuant to the Plan shall be paid out of the Assets of the Agency Trust by the Trustee or by Custodian pursuant to the direction of the Plan Administrator or Delegatee. The Trustee or Custodian shall, from time to time, upon the written direction of the Plan Administrator or Delegatee, make distributions from the Assets of the Agency Trust to or for the benefit of such persons, in such manner in such form(s), in such amounts and for such purposes as may be specified in such directions. The Trustee or Custodian at the direction of the Plan Administrator or Delegatee may make any distribution required to be made by it hereunder by delivering to the Plan Administrator or Delegatee:

Its check payable to the person to whom such distribution is to be made, for delivery to such person; or

Its check payable to an insurer for the benefit of such person, for delivery by such insurer; or insurance contracts held on the life of the Participant to whom or with respect to whom the distribution is being made, for redelivery to the person to whom such distribution is to be made; provided that any contract distributed shall be endorsed as non-transferable.

In directing the Trustee to make distributions, the Plan Administrator or Delegatee shall follow the provisions of the Plan and shall not direct that any distribution be made either during the existence or upon discontinuance of the

Plan, which would cause any part of the Assets of the Agency Trust to be used for or diverted to purposes other than as provided in the Plan and this PARS Trust. In no event shall the Trustee have any responsibility respecting the application of such distributions, nor for determining or inquiring into whether such distributions are in accordance with the Plan.

5.18 Participant Directed Accounts

The Member Agency may, by signing the Adoption of Trust, Recordkeeping Agreement and Investment Direction, written resolution and execution of the Adoption Agreement, terminate the Plan Administrator's right to direct the investment and management of all or any portion of the Assets of the Agency Trust and allow Participants to direct their own account balances ("Participant Directed Accounts"). Notwithstanding any other provision of this Trust Agreement, for Participant Directed Accounts, the Trustee shall be entitled to act upon proper directions of the Plan Administrator, Trust Administrator, and Participants including directions in writing, or oral instructions which Trustee in its discretion may follow without receipt of written instructions, instruction given by photostatic teletransmission using facsimile signature, or those instructions which are digitally recorded on the UBOC Voice Response Unit ("VRU") or internet website. Trustee is hereby authorized to record conversations and transmissions made in connection with the Agency Trust. Trustee's recording or lack of recording of any such oral, internet or digital instructions, and/or receipt or lack of receipt of facsimile transmissions, as reflected in the Trustee's records maintained in the ordinary course of business shall constitute conclusive proof of Trustee's receipt or non-receipt of such instructions.

The Trustee and/or Trust Administrator shall not be liable in any manner for investment or other losses or other liability attributable to Participant's directions, or lack thereof, or exercise of control over the investments of their Participant Directed Accounts. Likewise, the Trustee and/or Trust Administrator shall have no duty or responsibility to review, monitor or make recommendations regarding investments made at the direction of the Participants or the Plan Administrator. The Plan Administrator shall establish uniform and nondiscriminatory rules for the operation of the Participant Directed Accounts, including whether the Participant shall direct the Trustee or direct the Plan Administrator who directs the Trust Administrator who forwards such directions to the Trustee. Member Agency shall designate whether Participant Directed Accounts are to be established pursuant to the provisions of section 5.18(a) or 5.18(b), below:

- (a) Participant Direction in Participant Directed Accounts. If the Member Agency has so elected, Participant Directed Accounts may be directed by Participants into assets administratively acceptable to Trustee, as limited by guidelines developed by the Plan Administrator (the "Permissible Investment Guidelines"). The Plan Administrator shall notify Participants of the Plan's Permissible Investment Guidelines as in effect from time to

time. In the absence of directions from a Participant, the Plan Administrator may direct the investment of the Participant Directed Account. The Trustee may refuse to comply with the directions of the Participant or Plan Administrator to invest in assets other than those listed in its Permissible Investments Guidelines or with directions which the Trustee deems to be improper or contrary to the provisions of the Plan and Agency Trust or the Internal Revenue Code and shall have no liability for such refusal.

- (b) Participant Directed Account within Plan Administrator Selected Investment Options: If the Member Agency so elects and directs the Trustee to execute appropriate legal agreements, the Participant's Account Balance shall be segregated into a Participant Directed Account ("Directed Account"), over which the Participant may direct investment into one or more investment alternatives ("Investment Options"). The Plan Administrator or its appointed Investment Fiduciary shall have full responsibility for designating the Investment Options under the Plan and for selecting the underlying investment vehicle(s) for each designated Investment Option into which a Participant may direct investment of his or her Directed Account. To the extent allowed by law, neither the Member Agency, the Plan Administrator, the Trust Administrator nor the Trustee shall have any responsibility for monitoring the directions of the Participant nor shall the Member Agency, the Plan Administrator, the Trust Administrator or the Trustee be liable in any manner for investment or other losses or other liability for following directions of a Participant.
- (c) If Directed Accounts are established, notwithstanding any other provision of this Trust Agreement, the Member Agency directs the Trustee to execute appropriate legal documentation appointing the Custodian as the recordkeeper for such accounts.

Article VI

FIDUCIARY RESPONSIBILITIES

6.1 More Than One Fiduciary Capacity

Any one or more of the fiduciaries with respect to the PARS Trust Agreement or the Agency Trust may, to the extent required thereby or as directed by the Plan Administrator pursuant to this PARS Trust Agreement and the Plan, serve in more than one fiduciary capacity with respect to the PARS Trust Agreement, the Agency Trust and the Plan.

6.2 Fiduciary Discharge of Duties

Except as otherwise provided in the Code and applicable law each fiduciary shall discharge such fiduciary's duties with respect to the PARS Trust Agreement and the Plan:

- (a) solely in the interest of the Participants and for the exclusive purpose of providing benefits to Participants, and defraying reasonable expenses of administering the Plan;
- (b) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims; and
- (c) by diversifying the investments of the Plan and the Agency Trust so as to minimize the risk of loss and to maximize the rate of return, unless under the circumstances it is clearly prudent not to do so.

6.3 Limitations on Fiduciary Responsibility

To the extent permitted by applicable law:

No fiduciary shall be liable with respect to a breach of fiduciary duty by any other fiduciary if such breach was committed before such party became a fiduciary or after such party ceased to be a fiduciary.

No fiduciary shall be liable for a breach by another fiduciary unless the non-breaching fiduciary knowingly participates in such a breach, knowingly undertakes to conceal such breach, or has actual knowledge of such breach and fails to take reasonable steps to remedy such breach.

No fiduciary shall be liable for carrying out a proper direction from another fiduciary, including refraining from taking an action in the absence of a proper direction from the other fiduciary possessing the authority and responsibility to make such a direction, which direction the fiduciary in good faith believes to be authorized and appropriate.

6.4 Indemnification of Trustee by Member Agency

The Trustee shall not be liable for, and Member Agency shall indemnify, defend (as set out in 6.8 of this Trust Agreement), and hold the Trustee (including its officers, agents, employees and attorneys) and other Member Agencies and Alternate Trustees, harmless from and against any claims, demands, loss, costs, expense or liability imposed on the indemnified party, including reasonable

attorneys' fees and costs incurred by the indemnified party, arising as a result of Member Agency's active or passive negligent act or omission or willful misconduct in the execution or performance of its duties under this Trust Agreement.

6.5 Indemnification of Member Agency by Trustee

The Member Agency shall not be liable for, and Trustee shall indemnify, defend (as set out in 6.8 of this Trust Agreement), and hold the Member Agency (including its officers, agents, employees and attorneys) and other Member Agencies and Alternate Trustees, harmless from and against any claims, demands, loss, costs, expense or liability imposed on the indemnified party, including reasonable attorneys' fees and costs incurred by the indemnified party, arising as a result of Trustee's active or passive negligent act or omission or willful misconduct in the execution or performance of its duties under this Trust Agreement.

6.6 Indemnification of Trustee by Trust Administrator

The Trustee shall not be liable for, and Trust Administrator shall indemnify and hold the Trustee (including its officers, agents, employees and attorneys) harmless from and against any claims, demands, loss, costs, expense or liability imposed on the indemnified party, including reasonable attorneys' fees and costs incurred by the indemnified party, arising as a result of Trust Administrator's active or passive negligent act or omission or willful misconduct in the execution or performance of its duties under this Trust Agreement.

6.7 Indemnification of Trust Administrator by Trustee

The Trust Administrator shall not be liable for, and Trustee shall indemnify and hold the Trust Administrator (including its officers, agents, employees and attorneys) harmless from and against any claims, demands, loss, costs, expense or liability imposed on the indemnified party, including reasonable attorneys' fees and costs incurred by the indemnified party, arising as a result of Trustee's active or passive negligent act or omission or willful misconduct in the execution or performance of its duties under this Trust Agreement.

6.8 Indemnification of Trust Administrator by Member Agency

The Trust Administrator shall not be liable for, and Member Agency shall indemnify and hold the Trust Administrator (including its officers, agents, employees and attorneys) harmless from and against any claims, demands, loss, costs, expense or liability imposed on the indemnified party, including reasonable attorneys' fees and costs incurred by the indemnified party, arising as a result of Member Agency's active or passive negligent act or omission or willful

misconduct in the execution or performance of its duties under this Trust Agreement.

6.9 Indemnification of Member Agency by Trust Administrator

The Member Agency shall not be liable for, and Trust Administrator shall indemnify and hold the Member Agency (including its officers, agents, employees and attorneys) harmless from and against any claims, demands, loss, costs, expense or liability imposed on the indemnified party, including reasonable attorneys' fees and costs incurred by the indemnified party, arising as a result of Trust Administrator's active or passive negligent act or omission or willful misconduct in the execution or performance of its duties under this Trust Agreement.

6.10 Indemnification Procedures

Promptly after receipt by an indemnified party of notice or receipt of a claim or the commencement of any action for which indemnification may be sought, the indemnified party will notify the indemnifying party in writing of the receipt or commencement thereof. When the indemnifying party has agreed to provide a defense as set out above that party shall assume the defense of such action (including the employment of counsel, who shall be counsel satisfactory to such indemnitee) and the payment of expenses, insofar as such action shall relate to any alleged liability in respect of which indemnity may be sought against the indemnifying party. Any indemnified party shall have the right to employ separate counsel in any such action and to participate in the defense thereof, but the fees and expenses of such counsel shall not be at the expense of the indemnifying party unless (i) the employment of such counsel has been specifically authorized by the indemnifying party or (ii) the named parties to any such action (including any impleaded parties) include both the indemnifying party and the indemnified party and representation of both parties by the same counsel would be inappropriate due to actual or potential differing interest between them. The indemnifying party shall not be liable to indemnify any person for any settlement of any such action effected without the indemnifying party's consent.

6.11 No Joint and Several Liability

This document is not intended to and does not create any joint powers agreement or any joint and several liability. No Member Agency shall be responsible for any contributions, costs or distributions of any other Member Agency.

Article VII

AMENDMENT, TERMINATION AND MERGER

7.1 No Obligation to Continue Plan and Trust

Continuance of the Agency Trust, participation in the PARS Trust Program and continuation of the Plan are not assumed as a contractual obligation of the Member Agency.

7.2 Amendments

- (a) The PARS Trust Agreement may only be amended or terminated as provided herein. A two-thirds majority or greater of the Member Agencies shall have the right to amend this Trust Agreement from time to time, and to similarly amend or cancel any amendments. A copy of all amendments shall be delivered to the Trustee, the Trust Administrator and Plan Administrators promptly as each is made.
- (b) Such amendments shall be set forth in an instrument in writing executed by the amending party, the Trust Administrator and the Trustee. Any amendment may be current, retroactive or prospective, provided, however, that no amendment shall:
 - (1) Cause the Assets of any Agency Trust to be used for or diverted to purposes other than for the exclusive benefit of Participants who have an interest in such Agency Trust or for the purpose of defraying the reasonable expenses of administering such Agency Trust.
 - (2) Have any retroactive effect so as to reduce the benefits of any Participant having an interest in the Agency Trust as of the date the amendment is adopted, except that such changes may be made as may be required to permit this PARS Trust Agreement to meet the requirements of applicable law.
 - (3) Change or modify the duties, powers or liabilities of the Trustee or the Trust Administrator hereunder without its consent.
 - (4) Permit the Assets of any Agency Trust to be used for the benefit of any other Plan of the Member Agency unless the Member Agency agrees to such use.

7.3 Termination of Plan

A termination of the Plan for which the Agency Trust was established shall not, in itself, effect a termination of an Agency Trust. Upon any termination of the Plan, the Assets of the Agency Trust shall be distributed by the Trustee as and when directed by the Plan Administrator. From and after the date of such termination of the Plan and until final distribution of the Assets the Trustee shall continue to have all the powers provided herein as are necessary or expedient for the orderly liquidation and distribution of such assets and the Agency Trust shall continue until the interests of all Participants have been completely distributed to or for the benefit of the Participants in accordance with the Plan.

7.4 Reversion

In the event a Member Agency's Plan is terminated, the vested interest of any Participant shall not be diminished or adversely affected. Except as may be provided in this Trust Agreement or the Plan, such termination shall not vest in the Member Agency any corpus or income under the Agency Trust, nor permit the Plan to discriminate as to coverage, or as to allocation of contributions or earnings, in favor of employees who are officers, shareholders, or highly compensated, nor cause the Agency Trust to lose its exemption pursuant to 501(a) of the Code. No modification, amendment or termination of the Plan shall be construed to be a termination of the Agency Trust so as to require the Trustee to make a distribution of any of the Assets of the Agency Trust to any Participant. In order to make such distribution the Trustee must receive written instructions from the Plan Administrator or Delegatee in a form acceptable to the Trustee.

If any Member Agency adopts a Plan whose assets are maintained in an Agency Trust and makes application to the Internal Revenue Service, within one year from the date of adoption of such Plan, for a determination that such Plan is a qualified plan under Section 401 (a) of the Code, and if such Plan is determined by the Internal Revenue Service not to be a qualified Plan, then all contributions and investment income attributable to such Plan shall be returned to the Member Agency upon application to the Trustee.

7.5 Fund Recovery Based on Mistake of Fact

Except as hereinafter provided, the Assets of the Agency Trust shall never inure to the benefit of the Member Agency. The Assets shall be held for the exclusive purposes of providing benefits to Participants having an interest in the Plan and defraying reasonable expenses of administering the Agency Trust. The sole exception to the foregoing is as follows:

Mistake of Fact. In the case of a contribution which is made by the Plan Administrator because of a mistake of fact, that portion of the contribution relating to the mistake of fact (exclusive of any earnings or losses attributable thereto)

may be returned to the Plan Administrator, provided such return occurs within one (1) year after discovery by the Plan Administrator of the mistake. If any repayment is payable to the Plan Administrator, then, as a condition to such repayment, and only if requested by Trustee, the Plan Administrator shall execute, acknowledge and deliver to the Trustee its written undertaking, in a form satisfactory to the Trustee, to indemnify, defend and hold the Trustee harmless from all claims, actions, demands or liabilities arising in connection with such repayment.

7.6 Transfers from Other Qualified Plans

Notwithstanding any other provision hereof, there may be transferred to the Trustee, upon direction of the Plan Administrator, all or any of the assets held (whether by a trustee, custodian or otherwise) on behalf of any other plan which satisfies the applicable requirements of Section 401 of the Code, and which is maintained for the benefit of any persons who are or will become Participants in the Plan.

7.7 Termination

The PARS Trust Agreement may be terminated only by a unanimous agreement of all Member Agencies. Such action must be in writing and delivered to the Trustee and Trust Administrator.

Article VIII

MISCELLANEOUS PROVISIONS

8.1 Nonalienation

To the maximum extent permitted by law, a Participant's interest in the Agency Trust shall not in any way be liable to attachment, garnishment, assignment or other process, or be seized, taken, appropriated or applied by any legal or equitable process, to pay any debt or liability of the Participant or any other party. Agency Trust Assets shall not be subject to the claims of the Member Agency or the claims of its creditors.

8.2 Saving Clause

In the event any provision of this PARS Trust Agreement and each Agency Trust is held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining parts of the PARS Trust and/or Agency Trust, but this instrument shall be construed and enforced as if said provision had never been included.

8.3 Applicable Law

This PARS Trust Agreement and each Agency Trust shall be construed, administered and governed under the Code and the applicable provisions of California State law, except to the extent that the Member Agency's applicable state law limits or restricts investments in Member Agency's Plan and Trust, and to that extent, the Member Agency's state law shall control, as designated by Member Agency in the Adoption Agreement. To the extent any of the provisions of this Trust Agreement or the Plan are inconsistent with the Code or applicable state law, the provisions of the Code or state law shall control. In the event, however, that any provision is susceptible to more than one interpretation, such interpretation shall be given thereto as is consistent with the Trust Agreement and the Plan being a qualified governmental retirement trust and plan within the meaning of the Code.

8.4 Joinder of Parties

In any action or other judicial proceedings affecting this Trust Agreement, it shall be necessary to join as parties only the Trustee, the Plan Administrator or Delegatee. No participant or other persons having an interest in any Agency Trust shall be entitled to any notice or service of process unless otherwise required by law. Any judgment entered in such a proceeding or action shall be binding on all persons claiming under this Trust Agreement, provided, however, that nothing in this Trust Agreement shall be construed as to deprive a participant of such participant's right to seek adjudication of such participant's rights under applicable law.

8.5 Employment of Counsel

The Trustee may consult with legal counsel (who may be counsel for the Trustee or Member Agency Plan Administrator) and charge the Agency Trust.

8.6 Gender and Number

Words used in the masculine, feminine or neuter gender shall each be deemed to refer to the other whenever the context so requires; and words used in the singular or plural number shall each be deemed to refer to the other whenever the context so requires.

8.7 Headings

Headings used in this Trust Agreement are inserted for convenience of reference only and any conflict between such headings and the text shall be resolved in favor of the text.

8.8 Counterparts

The Adoption Agreement of this Trust Agreement may be executed in an original and any number of counterparts by the Plan Administrator (executing an Adoption Agreement), the Trust Administrator and the Trustee, each of which shall be deemed to be an original of the one and the same instrument.

Article IX

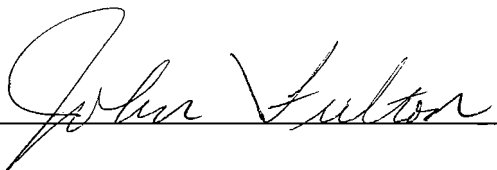
ACKNOWLEDGMENT AND ACCEPTANCE

IN WITNESS WHEREOF, the Plan Administrator (by executing the Adoption Agreement) the Trust Administrator and Trustee have executed this Trust Agreement by their duly authorized agents on this 19th day of June, 2008.

ACKNOWLEDGED AND ACCEPTED this 19th day of June, 2008.

THE TRUSTEE

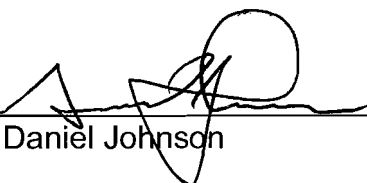
UNION BANK OF CALIFORNIA, N.A.

By: 

Title: VP

THE TRUST ADMINISTRATOR

PHASE II SYSTEMS

By: 
Daniel Johnson

Title: President

By: Pamela L. Hughes
Title: VP

**ADOPTION AGREEMENT
for the
PARS PARTICIPANT-DIRECTED 401(A) TRUST**

A.1.1. Trust agreement with U.S. Bank National Association (the “Bank”) (the “Trust Agreement”):

PARS Participant-Directed 401(a) Trust. Public Agency Retirement System (PARS) Trust Agreement for Participant Directed Investment Program, effective July 1, 2008

A.1.2. Plan: Saddleback Valley Unified School District PARS Alternate Retirement System

A.1.3. Plan’s effective date: _____

A.2.1. Employer or Member Agency, as the case may be (the “Employer”):

Name: _____

U.S. mail address: _____

Phone number: _____

EIN: _____

Fiscal year end: _____

A.2.2. Plan Administrator

Position at Employer: _____

Incumbent: _____

U.S. mail address: _____

Phone number: _____

Email address: _____

A.3.1 **Adoption.** The Employer hereby:

A.3.1.1. Adopts the Trust Agreement as part of the Plan and agrees to be bound by the Trust Agreement’s terms, effective as of the Employer’s signature date below and subject to the investment approach selected below.

A.3.1.2. Ratifies, affirms, and approves Employer’s appointment of Phase II Systems as Trust Administrator and represents and warrants that attached hereto is a fully-executed original of Employer’s Agreement for Administrative Services with Phase II Systems, d/b/a Public Agency Retirement Services (PARS).

A.3.1.3. Agrees that capitalized terms used herein but not defined herein shall have the same meaning attributed to them as in the Trust Agreement, as the case may be.

A.4.1. The Employer hereby represents and warrants that:

A.4.1.1. **Authorizing Law.** Employer has reviewed with its legal counsel and has determined that Employer is authorized to establish the Plan and to establish a financial-institution trust (separate and apart from the state) for the Plan, including the authority to adopt the Trust Agreement.

A.4.1.2. **Authorizing Resolution.** Attached hereto is a certified copy of a resolution of the Employer's governing body authorizing the adoption of the Trust Agreement as part of the Plan and authorizing the appointment of the Plan Administrator designated by position of employment at the Employer to act on the Employer's behalf in all matters relating to the trust;

A.4.1.3. **Tax Status.** The Plan is a "governmental plan" as defined in Section 414(d) of the Internal Revenue Code of 1986, as amended; is a "Section 401(a)(24) governmental plan" as defined in Revenue Ruling 2011-1; and is not subject to Federal income taxation. The Plan's governing document expressly provides that it is irrevocably impossible for any part of the corpus or income of the Plan to be used for, or diverted to, purposes other than for the exclusive benefit of the Plan participants and their beneficiaries. (In addition, the Employer hereby acknowledges that the Plan is prohibited from assigning any part of its equity or interest in the trust.)

A.4.2. **Investment Approach.** Trust assets are invested in the discretion of:

Discretionary investment approach: (For non-participant directed accounts, the Plan Administrator appoints U.S. Bank, N.A., acting through its subadvisor, Highmark Capital Management).

- ☒ The Bank, subject to **Exhibit A (Investment Strategy Selection and Disclosure Form)**, attached hereto.

Directed investment approach: (Upon attainment of an account balance of \$5,000, participants can opt into the Participant Directed Investment Program through Hancock.)

- ☐ The Plan Administrator.
- ☐ The following registered investment adviser, bank (other than the Bank), or insurance company (a "Third-Party Manager"): _____.

The Employer hereby represents and warrants that (i) attached hereto is written documentation of the Employer's appointment of the Third-Party Manager in a form and manner acceptable to the Trustee and (ii) the Third Party Manager has accepted the appointment.

- ☒ Plan participants

The Plan Administrator hereby (i) acknowledges that the trustee has signed the attached Accumulated Retirement Account Group Annuity Contract ("GAC") Application, Recordkeeping Agreement, and Addendum to the Recordkeeping Agreement: Plan Expense Reduction Account with John Hancock Life Insurance Company ("Hancock"); the Plan trustee has no responsibility for any such agreements; and Hancock is the custodian of assets invested in the GAC and (ii) represents and warrants that all representations and warranties made by the Plan trustee in such agreements are true.

AGENCY

By: _____
Plan Administrator

Its: Plan Administrator Title

Date: _____

Accepted by:

**PHASE II SYSTEMS, DBA PUBLIC AGENCY
RETIREMENT SERVICES (PARS)**

By: _____
Daniel Johnson

Its: President

Date: _____

U.S. BANK NATIONAL ASSOCIATION

By: _____
Susan M. Hughes

Its: Vice President and Relationship Manager

Date: _____



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute Master Agreement with Valley Water District for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek and Authorize Reimbursement to the Valley Water District for City Improvements Completed as part of the Flood Protection Work, Project No. 3452
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	2/2/2021
Staff Contact:	Steve Erickson, 408-586-3301
Recommendations:	Approve and Authorize the City Manager to Execute Master Agreement with Valley Water District for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek and Authorize Reimbursement to the Valley Water District for City Improvements Completed as part of the Flood Protection Work, Project No. 3452

Background:

The Valley Water District (“Valley Water”) owns and maintains waterways within the City of Milpitas (“City”) and recently completed improvements to Upper Berryessa Creek and portions of Lower Berryessa Creek to improve flood capacity. Valley Water desires to continue its plan of improvements within the City and intends to construct significant flood protection improvements for segments of Berryessa Creek, Calera Creek, and Penitencia Creek starting early 2021. Improvements include construction of approximately 8,700 feet of creek channel from the Lower Berryessa Creek confluence with Lower Penitencia Creek upstream to Calaveras Boulevard, and approximately 2,830 feet of Lower Calera Creek channel from the Union Pacific Railroad rails, 880 feet upstream of Arizona Avenue. Work will also extend approximately 1-mile from Lower Penitencia Creek/Coyote Creek confluence to San Andreas Drive. A vicinity map (**Exhibit 1**) showing the locations a limit of work is attached.

The City owns and maintains infrastructure constructed within creeks and upon Valley Water land that were allowed by permit from Valley Water. These City infrastructure improvements include storm drain outfalls, landscape and irrigation, pedestrian bridge structures, paved pedestrian trails, and maintenance driveways. These facilities will be required to be removed and replaced during the different phases of construction of the flood control improvements by Valley Water. As required by the terms of the original Valley Water permit, the City will be responsible for the cost of the removal and replacement of the City infrastructure to allow Valley Water to complete its flood control work. As part of its creek improvement, Valley Water has agreed to upgrade City storm drain outfalls with flap gates and install a paved pedestrian trail along the top of the Lower Berryessa Creek levee. At the completion of construction, the City will own, maintain, and be responsible for the cost of these improvements.

City and Valley Water staff have proposed a Master Agreement (**Exhibit 2**) that specifies construction milestones, agency responsibilities during the design and construction project phases, amount and process for reimbursement, project appearance and aesthetic enhancements, and the acceptance of the work completed by Valley Water for the City.

Analysis:

The proposed Valley Water flood control improvement projects are a benefit to the City and will provide 100-year flood protection for homes, schools, and businesses and will maintain Federal Emergency Management

Agency (FEMA) levee accreditation along the Lower Penitencia Creek east levee located between California Circle and Berryessa Creek.

City Capital Improvement Program (CIP) Project No. 3452 was created to provide for reimbursement to Valley Water for the cost to remove and replace City infrastructure as required by the permit for construction of the flood control work including the costs associated with upgrades and for work Valley Water has agreed to construct for the City. The reimbursement will be based upon contractor bid pricing and actual construction costs.

The Engineers Estimate for the reimbursement to Valley Water for City improvements is estimated not to exceed \$1,665,505. Sufficient funds are available in City Project No.3452 budget to reimburse Valley Water for work completed as part of the Lower Berryessa Creek project. An additional \$230,000 in funding is anticipated to be required for work associated with the Calera and Lower Penitencia Creek projects which will be awarded for construction later in 2021. The additional funding will be programed into Project No. 3452 as part of the FY 2021-22 Capital Improvement Program process. Staff recommends the City Council approve the Master Agreement with Valley Water and authorize the City Manager to execute the Master Agreement.

Policy Alternative:

Alternative: Do not enter into the Master Agreement with Valley Water and do not authorize reimbursement for the removal, replacement, and upgrade of City infrastructure.

Pros: None

Cons: A denial would result in a delay in the construction of needed flood control improvements within the City and could place the City in violation of the terms of its permit with Valley Water for improvements within Valley Water property.

Reason not Recommended: A significant portion of the City is within a FEMA Special Flood Hazard Zone and these Valley Water flood control improvements will help alleviate the potential and severity of flooding within the City. The approval of the Master Agreement is recommended to allow the project to move forward and start on-schedule in 2021.

Fiscal Impact:

Project No. 3452 was created to provide reimbursement to Valley Water for the cost to remove and replace City infrastructure within Valley Water right of way as required by Valley Water permit. The Engineers Estimate for the reimbursement to Valley Water for City improvements is estimated not to exceed \$1,665,505. Sufficient funds are available in the City Project No.3452 budget to reimburse Valley Water for work completed as part of the Lower Berryessa Creek project. An additional \$230,000 in funding is anticipated to be required for work associated with the Calera and Lower Penitencia Creek projects which will be awarded for construction later in 2021. The additional funding will be programmed into Project No. 3452 as part of the FY 2021-22 Capital Improvement Program process.

Recommendations:

Approve and Authorize the City Manager to Execute Master Agreement with Valley Water for Flood Protection Improvements within Lower Calera Creek, Lower Penitencia Creek, and Lower Berryessa Creek and Authorize Reimbursement to Valley Water for City Improvements Completed as part of the Flood Protection Work, Project No. 3452

Attachments:

Exhibit 1 Vicinity Map
Exhibit 2 Master Agreement



City Agreement No.: Project No. 3452

Valley Water Agreement No.:

Encroachment Permit No(s):

SANTA CLARA VALLEY WATER DISTRICT

MASTER AGREEMENT FOR THE REMOVAL & CONSTRUCTION OF CITY IMPROVEMENTS, MODIFICATION TO CITY FACILITIES AND WORK WITHIN CITY'S RIGHT OF WAY INCLUDED IN THE VALLEY WATER LOWER BERRYESSA CREEK FLOOD PROTECTION PROJECT, LOWER CALERA CREEK FLOOD PROTECTION PROJECT AND LOWER PENITENCIA CREEK IMPROVEMENTS PROJECT

This Agreement for the Removal & Construction of City Improvements, Modification to City Facilities and Work within the City's Right of Way ("Agreement") is entered into by the City of Milpitas, a municipal corporation ("City"), and Santa Clara Valley Water District, a special district created by the California Legislature ("Valley Water"), on 2021, ("Agreement Effective Date"), and the parties agree to the terms and conditions as set forth herein.

RECITALS

- A. WHEREAS, Valley Water as owner of certain waterways within the City desires to construct significant flood protection improvements along Lower Berryessa Creek ("LBC"), Lower Calera Creek ("LCC") and Lower Penitencia Creek ("LPC") within the City of Milpitas. Such work shall include approximately 8,700 feet of channel from LBC's confluence with LPC upstream to Calaveras Boulevard, and approximately 2,830 feet of channel from the Union Pacific Railroad up to about 880 feet upstream of Arizona Avenue on LCC. Work will also extend approximately 1-mile from Coyote Creek confluence to just downstream of San Andreas Drive on LPC. Such works are collectively referred to herein as the "Lower Berryessa Creek Flood Protection Project" ("LBC Project"), the "Lower Calera Creek Flood Protection Project" ("LCC Project") and the "Lower Penitencia Creek Improvements Project" ("LPC Project"). The LBC Project, LCC Project and LPC Project are separate projects and each will have their own contractor and project schedules. Valley Water will manage the projects during the design and construction phases including hiring contractors and construction administration;
- B. WHEREAS, the LBC Project and LCC Project will provide 100-year flood protection for homes, schools, and businesses in Milpitas and LPC Project will maintain the existing Federal Emergency Management Agency (FEMA) accreditation along the east levee located between California Circle and Berryessa Creek;
- C. WHEREAS the City currently owns and maintains the California Circle storm pump station, Abbott Avenue storm pump station, and Jurgens storm pump station;
- D. WHEREAS the City owns and maintains their public storm drain outfalls located on Valley Water-owned lands and subject to Valley Water encroachment permits along all three creeks;

- E. WHEREAS, City is the owner of the public street right-of-way and vehicular bridges, and is the owner of certain pedestrian bridges and pedestrian trails on Valley Water-owned lands within the LBC, LCC, and LPC Project limits;
- F. WHEREAS, the City currently owns and maintains certain recreational improvements on Valley Water-owned lands along Berryessa Creek;
- G. WHEREAS, Valley Water and City agreed to the maintenance, repair, replacement, and use obligations of City-owned recreational improvements along LBC located on Valley Water property within the City of Milpitas ("Valley Water Property") as described in a Joint Use Agreement entered into by the parties on September 4, 2002, attached hereto as Exhibit A ("LBC Trail Agreement");
- H. WHEREAS, more specifically, City has a contractual obligation under Section 4(a) of the LBC Trail Agreement to compensate Valley Water for costs to remove or replace its City-owned recreational improvements located on Valley Water Property in the event Valley Water requires such removal or replacement in order to improve, maintain, or repair Berryessa Creek in any manner for Valley Water purposes;
- I. WHEREAS, to facilitate the LBC Project, Valley Water has undertaken the planning, design, construction, and construction management necessary to remove and replace the City-owned recreational improvements affected by the LBC Project;
- J. WHEREAS, as described in Section 4(b) of the LBC Trail Agreement, the removal and replacement of the City owned pedestrian bridge and trail is required to complete the LBC Project;
- K. WHEREAS, an existing City trail, landscaping, and other recreational improvements were permitted and constructed in January 7th, 1997 on Valley Water-owned land along Lower Penitencia Creek (Lease Agreement Joint Use, SCVWD Agreement No. A2001 ("LPC Trail Agreement")), attached hereto as Exhibit B;
- L. WHEREAS, City agreed to the maintenance, repair, replacement, and use obligations of the aforementioned City-owned recreational improvements located on Valley Water property ("Valley Water Property") as described in the LPC Trail Agreement;
- M. WHEREAS, City has a contractual obligation under Section 6(b) of the LPC Trail Agreement to compensate Valley Water for costs to remove or replace its City-owned recreational improvements located on Valley Water Property in the event Valley Water requires such removal or replacement in order to improve, maintain, or repair Lower Penitencia Creek in any manner for Valley Water purposes;
- N. WHEREAS, the City has an interest in, maintaining a portion of the City's recreational trail between California Circle and Cascadita Terrace on the east levee and from Milmont Drive to downstream of San Andreas Drive on the west levee, where it does not unreasonably interfere with the primary use of the property to carry out Valley Water's mission of flood protection, water resource management, and stream stewardship;
- O. WHEREAS, the City has desire in, constructing duckbill check valves at all of their public storm drain and pump station outfalls located within the LCC and LPC Project limits, where it does not unreasonably interfere with the primary use of the property to carry out

Valley Water's mission of flood protection, water resource management, and stream stewardship;

- P. WHEREAS the City currently owns and maintains vehicular bridges crossing Valley Water easements along North Milpitas Boulevard, Arizona Avenue, California Circle, and Milmont Drive;
- Q. WHEREAS, the City has an interest in removing blight and in enhancing the appearance of Valley Water infrastructure along City right of way;
- R. WHEREAS, the City has requested that Valley Water undertake certain "betterments", which are project elements that Valley Water determines exceeds the application of standards that would otherwise apply to the construction of that element. The project elements that Valley Water has determined are a betterment, include, but are not limited to: upsize of storm drain outfalls; replacement of concrete curb, gutter and sidewalk beyond the limits required for Valley Water to complete its work in accordance with City standards; asphalt pavement replacement along the City's public trail beyond limits required for Valley Water to complete its work, and installation of duckbill check valves at City's storm drain outfalls; and
- S. WHEREAS, Valley Water and City wish to enter into this Agreement to outline respective party obligations for the removal, replacement, reconstruction or alteration of existing City Improvements within the LBC, LCC and LPC Projects (collectively, the "City Improvement Work" and reimbursement of any funds from the City to Valley Water for any and all costs incurred by Valley Water for undertaking such construction on behalf of the City.
- T. NOW, THEREFORE the parties hereto agree as follows:

1. Incorporation of Recitals

The recitals set forth above are incorporated herein by this reference.

2. California Environmental Quality Act (CEQA)

- a. Valley Water is the project owner for the LBC, LCC and LPC Projects and Lead Agency as described by the California Environmental Quality Act (CEQA). An Environmental Impact Report (EIR) was prepared and adopted by the District for the LBC Project on December 13, 2011. An EIR for the LCC Project was certified by the Valley Water Board of Directors in December 2011, and an addendum to the EIR was approved by the Valley Water CEO on November 19, 2018. The LPC Project EIR was certified by the Valley Water Board of Directors on November 28, 2017.
- b. City has acted as the Lead Agency and project proponent for the City Improvement Work as described by CEQA.

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3. Scope of Work

- a. For the LBC Project, Valley Water will perform three different elements (described under paragraphs 3.a.(1– 3) during construction of the LBC Project as part of this Agreement.
- (1) City Improvement Work: (i) storm drain outfall modifications; (ii) Berryessa Pump Station discharge pipe modification; (iii) asphalt concrete pedestrian trail improvement of Valley Water maintenance road; (iv) raised City owned pedestrian bridge; (v) retaining walls at pedestrian ramps; (vi) asphalt concrete pedestrian ramps; and (vii) concrete pedestrian ramp structure. Work shall be completed at City cost.
 - (2) City Storm Drain Outfall Replacement & Flap Gate Installation: Valley Water has designed and installed replacements of City storm drain outfalls and flap gates along the LBC Project. For the purposes of this Agreement, the replacement of outfalls shall be defined as the functional replacement with flap gates necessary to conform to the proposed channel geometry. Work shall be completed at City cost.
 - (3) Additional Levee Repair Work in 2019: City understands Valley Water contractors removed and replaced levees along Lower Berryessa Creek in 2019 to correct deficiencies from this project. The additional levee repairs occurred on Lower Berryessa Creek from May to December 2019 and included removal of City recreational trail facilities including asphalt surfaces recently installed by Valley Water from North Milpitas Boulevard east to the City's pedestrian bridge structure. Valley Water agrees to replace these asphalt trail surfaces in-kind at the conclusion of the levee work at City cost.
 - (4) Valley Water agrees to complete asphalt trail surfaces from Abel Street to North Milpitas Boulevard, and from the City's pedestrian bridge structure to Calaveras Boulevard. City and Valley Water agree that the asphalt trail work will be completed during construction of the LCC project at City cost.
 - (5) Valley Water will replace existing fencing and gates along City streets and trails with black vinyl fencing. City performed a final walk at the completion of construction and issued a punch list to replace the existing fencing and gates to Valley Water in January 2020. Valley Water shall make the punch list corrections agreed to by Valley Water and City. Replacement fence work shall be completed at Valley Water cost.
- b. For the LCC Project, Valley Water will:
- (1) Construct standalone headwalls adjacent to North Milpitas Boulevard and Arizona Avenue in accordance with Section 3.f, including the removal and replacement of City curb, gutter,

sidewalk, and driveway aprons to the limits required for Valley Water to complete its work and in compliance with City Standards.

- (2) Valley Water will modify two (2) existing 15-inch and 18-inch storm drain outfalls and install two (2) new 18-inch and 36-inch outfall pipe extensions equipped with duckbill or flapgate check valves at City's cost.
- (3) Valley Water shall perform work in accord with the set of plans that are approved by the City prior to advertisement, bid, and award of a construction contract by Valley Water. Valley Water shall perform work in accord with city encroachment permit conditions and requirements, and applicable local and state regulations and statutes for Valley Water work within the City right of way. Valley Water shall provide the City with a reasonable schedule of the intended work. City shall complete permit review and approval within 6 weeks of receipt of permit application to further the timely completion of the construction schedule.

c. For the LPC Project, Valley Water will:

- (1) Construct City Improvement Work, at City's cost, including:
 - (a) remove and replace three (3) existing 28-inch outfalls at California Circle Pump Station with new 36-inch outfalls equipped with duckbill check valves;
 - (b) remove and replace two (2) existing 18-inch outfalls at Abbot Avenue Pump Station with 24-inch outfalls equipped with duckbill check valves;
 - (c) Modify the existing 24-inch storm drain outfall, located between Interstate 880 and California Circle, equipped with duckbill check valve;
 - (d) remove and replace the existing City trail and existing irrigation adjacent to the trail with in-kind surface material and irrigation, as shown in Exhibit B.
- (2) Valley Water shall construct a new access road for California Circle Pump Station, within City right of way at Valley Water cost.
- (3) Valley Water shall perform work in accordance with City approved plans, Encroachment Permit conditions and requirements, and all applicable local and state regulations and statutes for Valley Water work within City right of way. Valley Water shall provide the City with a reasonable schedule of the intended work.
- (4) If a water shut down is required, Valley Water agrees to complete this work at night or on weekends if requested by the City to minimize outages and impacts to City residents and businesses.

- (5) LPC City Recreational Improvements Subject to The LPC Trail Agreement. All recreational improvements resulting from the LPC City Improvement Work are deemed “improvements” as that term is defined in Section 1(c) of the LPC Trail Agreement. Hence, the terms and conditions contained in the LPC Trail Agreement shall dictate the parties’ obligations with respect to the recreational improvements resulting from the LPC Projects.
- (6) The City and Valley Water each desire to purchase real property and right of way from each other for the completion of their respective Capital Projects. City right of way includes Assessor’s Parcel Number (APN) 022-30-042, 022-30-041, 022-37-000, and 022-37-002 that Valley Water desires for the LPC Project. Valley Water right of way includes APN 086-37-018 that the City desires to acquire an easement from Valley Water for installation of a vehicular crossing over Penitencia East Channel. Both agencies agree to consider the transfers of right of way and will work cooperatively in the completion of the purchase agreements that will include both transactions. The City and Valley Water will present the proposed transfers of right of way to their respective elected body, council, or Board of Directors for consideration and approval within 6 months of execution of this Agreement. Neither agency’s proposed transfer of right of way shall be conditioned on the other agency’s proposed transfer of right of way.

It is understood Valley Water and City may require possession of owned parcels prior to agency approvals of the purchase agreement. The City and Valley Water agree to issue Permits for their projects within each agency respective right of way. The City’s Encroachment Permit for the LPC project will include the City’s conditional approval to construct Valley Water improvements upon City owned land pending completion of the land transfer purchase agreement.

- d. Per Valley Water’s Coyote Watershed Aesthetic guidelines, the LCC and LPC Projects design shall incorporate black vinyl coated fencing and gates along the City’s street frontage at all intersections, and portions of trails within Valley Water maintenance access roads and Lower Calera Creek and Lower Penitencia Creek facilities where shown in Exhibit D. The black vinyl fencing will be provided at no cost to City and upon issuance of a Notice of Completion by Valley Water shall own and be maintained in kind by Valley Water. At the conclusion of construction, Valley Water staff shall coordinate to meet with City staff for the installation of City pad locks to be daisy chained with Valley Water locks at maintenance road gates.
- e. City standard concrete or asphalt pavement driveway aprons shall be installed as part of the LCC and LPC Projects at all intersections of Valley Water maintenance access roads and City streets. Aprons will extend from City street to Valley Water maintenance gates.

- f. As part of the LCC Project, it is necessary for Valley Water to construct, operate and maintain two (2) new standalone headwall structures ("Structure" - see Exhibit E), adjacent to but not attached or bearing against the City's North Milpitas Boulevard and Arizona Avenue Bridges (herein referred to as "Bridges") for the purpose of flood protection during a 100-year event. Valley Water shall not attach new headwall structures to City bridge structures. Damage to Valley Water's structure arising from future major repairs or improvements of the City's bridge shall not be the responsibility of the City except to the extent such damage is caused by the City's or its contractor's active negligence or willful misconduct. All improvements constructed adjacent to City roadways shall comply with City standard vehicle sight distance requirements as determined by the City Engineer in accordance with Section 3.b.(3) above. Work shall be completed at Valley Water cost.
- g. Community Outreach. Valley Water shall provide project outreach to the City of Milpitas community along the length of the LCC and LPC Projects prior to the start of construction. Methods of outreach acceptable to the City include notices with social media platforms, Construction Notices mailed to residents and business along the LCC and LPC Projects, and community meetings. Community outreach methods shall be provided, and proof of such outreach shall be provided to the City. Valley Water shall provide Community Outreach through dissemination of Notices of Construction to residents adjacent to the project at least 30 calendar days prior to the start of work. Valley Water shall disseminate a second construction notice approximately two-weeks prior to the start of construction. Valley Water's Deputy Operating Officer shall coordinate with the City and provide a presentation to the City Council at least one month prior to the start of construction.
- h. Valley Water shall maintain all newly installed floodwalls and retaining walls in a clean maintained appearance including graffiti removal.

4. City Design Review, Approval, and Construction Inspection

- a. City's Review and Approval of Valley Water's Design Plans and Encroachment Permit Application
 - (1) Waiver of Permit, Land Use, Staff Review, and Construction Inspection Fees. In accordance with the "First Amendment to the Memorandum of Understanding (MOU) between Valley Water and the City of Milpitas for Waiver of Permit, Land Use, Staff Review, and Construction Inspection Fees," any fees by Valley Water and City for design review, permits, and construction inspection shall be waived for Designated Projects. Both the LCC and LPC Projects are designated projects listed in Exhibit B of the MOU, Items 2 and 3.
 - (2) City Improvement Design Review: City shall review each set of project plans and specifications presented by Valley Water within the time specified by this agreement for City review. City's design review is limited to City Improvements to be installed and will

include conformance with City Standards and public safety. The City will provide written approval of the City Improvement Design as shown on the project plans and specifications. The City shall complete its design review prior to Valley Water's Board adoption of plans and specifications.

- (3) Encroachment Permit. Prior to starting LCC and LPC Project construction, or any work within City right of way, Valley Water shall obtain a City Encroachment Permit that shall be signed by Valley Water and its Contractor. City agrees that the permit term shall be effective until the Project is complete and accepted by Valley Water. Valley Water's contractor(s) shall provide copies of their Liability Insurance documents naming the City and its officers as additional insured and shall provide a Faithful Performance Bond naming the City of Milpitas as a co-obligee or dual obligee for the full value of the project.
- (4) City Inspection. Valley Water shall ensure that all work completed by its Contractor(s) within City right of way or upon City owned infrastructure shall be inspected by the City's Public Works Construction Inspector to ensure the Contractor(s) performance according to the approved plans. Valley Water and the City agree to coordinate inspections such that both Valley Water and City inspection staff are present for all permit required inspections. City agrees to provide and conduct all requested inspections promptly and shall not unreasonably delay determinations and conclusions from said inspections.
- (5) Valley Water shall provide quality control testing that shall be completed by a third-party testing lab for City Improvement Work. Both laboratory and field testing shall be provided for concrete, asphalt, and class II aggregate base to ensure the work is in compliance with Valley Water's Construction Documents and City Standards. Improvements not passing testing requirements shall be reworked by the Contractor until compliance with the project requirements.

5. Cost Sharing: Review, Approval and Payment for City Improvement Work

- a. In consideration of the Valley Water's work described in Section 3.a through 3.g, City agrees to remit payment for the City Improvement Work identified in Exhibit F. Exhibit F is a Cost Estimate of City Improvement Work and Payment to Valley Water for the LBC, LCC and LPC Projects. City will reimburse Valley Water for the total cost of Valley Water's construction cost of the City Improvement Work as provided in an updated Exhibit F that will be based on actual bid pricing from the construction contract awarded for each respective creek project.
- b. Valley Water has constructed the LBC Project and included each component of the LBC City Improvement Work as separate "bid items" in order to ascertain the bidders' proposed price for this work. Valley Water awarded the contract in July 2016 and completed the civil work in

July 2020. The attached Exhibit F reflects the actual bid pricing from the construction contract awarded for the LBC Project and requires no further update with respect to the LBC Project.

- c. Valley Water will publicly bid the LPC and LCC Projects and include each component of the LPC and LCC City Improvement Work as separate bid items in order to ascertain the bidder's proposed price for this work.
- d. Valley Water agrees to provide City with notice, documentation, and plans regarding any modifications, revisions, change orders, and/or extra work required for City Improvement Work within seven (7) calendar days of Valley Water becoming aware of or initiating such matter, so City can provide direction to Valley Water, if necessary and appropriate.
- e. City will respond to Valley Water regarding such matters within seven (7) calendar days of receipt of such modification information and provide written direction to Valley Water, if necessary and appropriate.
- f. Final Accounting & Payment for LPC Project. City agrees to remit payment of 10% of the costs outlined in the updated Exhibit F, as describe above in this subsection 5.a., within 30 business days of receiving a notice from Valley Water that Valley Water has awarded a construction contract for the LPC Project. Following Valley Water's satisfactory completion of City punchlist items for the LPC project as described in Sections 6.a to 6.e, City agrees to initially accept the constructed City improvements and remit payment of 80% of the costs outlined in the updated Exhibit F for the LPC within 30 business days of acceptance after the Upper Berryessa Creek condition in 5.h is met. At the completion of the 1-year warranty period and City's issuance of the Notice of Final Acceptance of the work, City will remit the remaining final 10% owed of the costs outlined in the updated Exhibit F for the LPC.
- g. Final Accounting & Payment for LCC Project. City agrees to remit payment of 10% of the costs outlined in the updated Exhibit F for the LCC within thirty (30) business days of receiving a notice from Valley Water that Valley Water has awarded a construction contract for the LCC Project. Following Valley Water's satisfactory completion of punchlist items for the LCC project as described in Sections 6.a to 6.e, City agrees to initially accept the constructed City improvements and remit payment of 80% of the costs outlined in Exhibit F for the LCC within 30 business days of acceptance after the Upper Berryessa Creek condition in section 5.h is met. At the completion of the 1-year warranty period and City's issuance of the Notice of Final Acceptance of the work, City will remit the remaining final 10% owed of the costs outlined in Exhibit F for the LCC.
- h. Final Accounting & Payment for LBC Project. City agrees to remit final payment to Valley Water for City Improvement Work constructed as part of LBC project after City acceptance of the resolution of the outstanding claim and punchlist work associated with the Upper Berryessa Creek (UBC) Project. An amount of \$41,125 shall be deducted from the payment to Valley Water to reimburse City for its cost to replace the landscape damage from the UBC Project. Final payment shall be made

within thirty (30) business days after City's initial acceptance of City Improvement Work constructed as part of LCC project.

6. Completion and Acceptance

- a. Valley Water shall provide a "Preliminary Notice of Completion" to City within seven (7) business days after completion of the Project improvements that will be owned by the City. The LCC, and LPC Projects will have different schedules so notification will be after each Project is completed.
- b. City shall conduct, and Valley Water shall permit, within ten (10) business days thereafter (the "Inspection Period"), a final inspection of the Project improvements owned by the City.
- c. If City determines that the City improvements have met the requirements in the plans and specifications for the LBC, LCC or LPC Projects approved by the City, the City will, no later than thirty (30) business days after receipt of the Preliminary Notice of Completion, provide Valley Water with written notice of its acceptance of the City Improvement Work for the subject project ("Notice of Acceptance").
- d. If City reasonably determines that the City Improvement Work does not meet the requirements of the plans and specifications for the subject LBC, LCC or LPC Projects approved by the City, the City shall, no later than ten (10) business days after the close of the Inspection Period, provide Valley Water with a written enumeration of the reasons why the City Improvement Work does not comply with said plans and specifications. Any inspection items or concern identified by the City that are not a part of the approved plans or specifications or an approved change order will constitute a new request and shall not be treated as an identified City Improvement Work included in the Scope of Work of this Agreement. New requests from the City may be negotiated by the parties at Valley Water's discretion. Any new request, unless identified to address a valid public safety concern not resulting from prior direction by the City, shall be at the City's cost. The parties will thereafter confer within ten (10) business days to determine what additional matters should be addressed to bring the City Improvement into compliance with the plans and specifications (i.e., punchlist) for the subject LBC, LCC or LPC Projects approved by the City. Valley Water shall work with their contractor to make any agreed upon corrections as are necessary within a reasonable time that is allowed under regulatory permit conditions, as required by City Encroachment Permit to meet the terms of the plans and specifications.
- e. Upon completion of the punchlist corrections, Valley Water shall again submit to City a Preliminary Notice of Completion. The process of inspection and acceptance set forth in the preceding paragraphs of this Section 6 will then apply to this subsequent Preliminary Notice of Completion and issuance of a Notice of Acceptance.

- f. Following the City's acceptance of the City Improvement Work, a 1-year warranty period will commence for the City Improvement Work listed in Exhibit G. The 1-year warranty period will cover defects, as mutually agreed to by City and Valley Water, for City Improvement Work.

7. Record Drawings

Valley Water agrees to provide the City with electronic as-built record drawings for the projects including City Improvement Work in CAD format and PDF format within thirty (30) business days after Valley Water completes the as-built record drawings. The as-built documents may take up to 4 to 6 months to finalize after construction has completed. Upon completion of construction, Valley Water shall provide the City with two full-size sets of the contractors red-lined as-built drawings documenting all changes made during construction. Valley Water shall provide the City with two complete full-sized sets of final project record drawings including CAD files within 4-6 months after completion of construction activities.

8. Ownership of Improvements

Upon completion of the LBC, LCC and LPC Projects, the project improvements appurtenant thereto shall be the responsibility of Valley Water. The LBC, LCC and LPC Projects improves and modifies existing outfall structures as they tie-in to creek banks. Upon completion of the LBC, LCC and LPC Projects and acceptance of the outfall improvements by the City, the City shall own and maintain the newly constructed outfall structures and flap gates/check valves in perpetuity. Any utility, bridge, and other facilities which were owned by the City prior to the LBC, LCC and LPC Projects shall remain the property of the City. The City shall own and maintain the newly constructed City Improvement Work and trail improvements along the LBC and LPC (see Exhibit G) in perpetuity. The rights, duties, and obligations of the Parties as set forth above in Section 4.a.(1). will survive termination, expiration, and suspension of this Agreement.

9. Indemnification

In lieu of and notwithstanding the pro rata risk allocation, which might otherwise be imposed between the parties pursuant to Government Code Section 895.6, the parties agree that all losses or liabilities incurred by a party shall not be shared pro rata but, instead, Valley Water and City agree that, pursuant to Government Code Section 895.4, each of the parties hereto shall fully indemnify, defend, and hold each of the other parties, their officers, board members, employees, and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined in Government Code Section 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying party, its officers, employees, contractors, or agents, under or in connection with or arising out of any work, authority, or jurisdiction delegated to such party under this Agreement. No party, nor any officer, board member, or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other party hereto, its officers, board members, employees, contractors, or agents, under or in connection with or arising out of any work, authority or jurisdiction delegated to such other party under this Agreement. Further, Valley Water shall require its

contractor(s) to indemnify, defend and save City harmless to the same extent that Valley Water is indemnified under the contract between Valley Water and its contractor(s). The obligations set forth in this paragraph will survive termination, suspension, completion and expiration of this Agreement.

10. Term and Termination

- a. The term of this Agreement will commence on the Agreement Effective Date and shall terminate when the LBC, LCC and LPC Projects are completed, upon City acceptance of City Improvement Work, and receipt by Valley Water of full payment from the City for Valley Water's reasonable costs for design, construction, and construction management on the City Improvement Work. Full payment to Valley Water from the City for Valley Water's reasonable costs for design, construction, and construction management on the City' Improvement Work shall be as outlined in Sections 5.f, 5.g, and 5.h. Valley Water and City may mutually agree to extend the term of this Agreement.
- b. The Agreement can be terminated only upon mutual written consent upon terms acceptable to both parties. Except for breach by District of this Agreement, City shall reimburse District for its reasonable costs in performing the City Improvement Work up to the termination date of this Agreement.

11. Insurance, Bonds, Risk of Loss, Damage to City Property, and Warranty

- a. During construction and until acceptance of either the LBC, LPC, or LCC Project by Valley Water's Board of Directors, Valley Water assumes and shall bear all risk of loss, injury, damage or destruction to the City property (including, without limitation, City Improvement Work and any construction work in progress, materials, improvements, machinery and equipment). Notwithstanding the foregoing, should Valley Water encounter pre-existing material reasonably believed to be toxic waste and hazardous materials which have not been rendered harmless on City-owned property, Valley Water shall immediately stop work at the affected site and shall report the condition to the City in writing. The City shall have the option of separately contracting for any services required to directly remove and/or abate the toxic wastes and hazardous materials, if required, or may request Valley Water to perform the same with its contractor at City's cost. The work in the affected area shall not thereafter be resumed except by agreement of the City. Valley Water shall not be responsible for the cost of removal or abatement of any such pre-existing toxic wastes and hazardous materials except where the presence or further spread of such pre-existing toxic wastes or hazardous materials is attributable to Valley Water or its contractor's acts or omissions.
- b. Valley Water shall be responsible for all damages to persons or property that occurs as a result of its work and the work of its contractors covered by this Agreement, except damage or injury caused by City of Milpitas' negligence or willful misconduct. Without limiting the foregoing, Valley Water shall remedy at its expense any damage to persons or property, including City-owned or controlled real or personal property, caused by or

resulting from the negligent acts or omissions of Valley Water, its officials, officers, contractors, consultants or agents, except damage or injury caused by City of Milpitas' negligence or willful misconduct. The City shall notify Valley Water, in writing, within a reasonable time after the discovery of any failure, defect, or damage caused by or resulting from the acts or omissions of Valley Water, its officials, officers, contractors, consultants or agents. After being notified, Valley Water shall perform with due diligence all necessary remediation work if Valley Water determines the failure, defect, or damage was caused by Valley Water's negligence. If Valley Water is not at fault as determined by a mutually agreed upon dispute resolution process in accordance with paragraph 12 below, Valley Water may decide to proceed with the remediation work. Upon completion of remediation work, City shall reimburse Valley Water for that portion, if any, of the remediation work caused by City's negligence or willful misconduct. If Valley Water is deemed to be partially at fault, and fails to promptly remedy any defect or damage; the City shall have the right to replace, repair or otherwise remedy the defect or damage, and then withhold any payment due Valley Water, but only in the amount of the cost to remedy the defect, or seek reimbursement from Valley Water to the extent that Valley Water is at fault.. In the event of any emergency constituting an immediate hazard to health, safety or property, the City may undertake at Valley Water's expense, and without prior notice, all work necessary to correct such condition.

- c. Valley Water shall require its contractor(s) to procure prior to commencement of construction of the LCC and LPC Projects and maintain for the duration of the LCC and LPC Projects the following types and limits of insurance in connection with the performance of the LCC and LPC Projects by Valley Water's contractor(s):

Coverage Type and Scope	Minimum Coverage Limits
Commercial general liability coverage (Insurance Services Office occurrence form CG 0001), including liability coverage for premises and operations, explosion and collapse hazard, underground hazard, products/completed operations hazard, contractual liability, use of independent contractors, and broad form property damage with completed operations	\$5,000,000 per occurrence and in the aggregate for general liability, bodily injury, personal injury, and property damage
Automobile liability (Insurance Services Office form CA 0001, code 1, any auto)	\$5,000,000 per accident for bodily injury, including death, and property damage
Workers' compensation	Statutory limits required by State of California
Employers' liability	\$1,000,000 per accident for bodily injury or disease

- (1) Valley Water shall require its contractor(s): (1) to add the City and its officers, officials, employees, agents and authorized volunteers as additional insureds on the contractor's commercial general

liability (using ISO CG 20 38 for ongoing operations, as well as ISO CG 20 37 for completed operations or endorsements at least as broad) and business automobile liability policies; (2) to provide a waiver of subrogation in favor of City and its officers, officials, and employees on the contractor's commercial general liability, business automobile liability and workers' compensation/ employer's liability policies; and (3) to provide all coverage under the commercial general liability and business automobile liability policies on a primary and non-contributory basis. The coverage provided by the Valley Water's contractor shall contain no special limitations on the scope of protection afforded the City. After execution of this agreement, Valley Water shall forward a copy of its contractor's proof of insurance on ACORD Form 25-S and all necessary endorsements required herein. Any greater levels of coverage or endorsement requested by the City shall be paid for by the City.

- (2) For the LBC project that has completed construction, Valley Water's contractor has provided coverage: (1) to add the City and its officers, employees, agents and authorized volunteers as additional insureds on the contractor's commercial general liability and business automobile liability policies; (2) to provide a waiver of subrogation in favor of City and its officers, and employees on the contractor's commercial general liability, business automobile liability and workers' compensation/ employer's liability policies; and (3) to provide all coverage under the commercial general liability and business automobile liability policies on a primary and non-contributory basis. The coverage provided by the Valley Water's contractor shall contain no special limitations on the scope of protection afforded the City.
- (3) Valley Water will require its contractor(s) to post a performance bond, letter of credit or other financial security (the "Performance Bond") in a sum equal to a minimum 100% of the estimated cost of the applicable LCC and LPC Projects. The Performance Bond will be for the purpose of insuring the proper completion of the subject Project(s). If Valley Water's contractor fails to complete the subject Project(s) covered by the Performance Bond in accordance with the construction contract, Valley Water agrees to diligently pursue and enforce its and the City's remedies under the Performance Bond. For the LPC and LCC Project construction agreement, Valley Water also agrees to require its contractor and contractor's surety to name the City as co-obligee on the Performance Bond or to add City as an obligee through a co-obligee or dual obligee rider.

- d. Valley Water will require its contractor(s) to warranty all materials and workmanship furnished in the construction of the City Improvement Work for one year from the date of Valley Water's issuance of the Notice of Completion. Valley Water shall manage and oversee the City's warranty rights related to the City Improvement Work and pursue and enforce the

warranty for defects in workmanship or materials and require the construction contractor to repair or replace the defective work so that it complies with the City Improvement Work plans and specifications reviewed and approved by the City. Valley Water shall not be obligated to pursue any warranty rights for defects in workmanship or materials that Valley Water reasonably determines are beyond or outside the provisions of the approved plans and specifications provided that any dispute regarding the same shall be submitted to the dispute resolution process under Section 12 below.

12. Disputes

- a. This Agreement requires that City and Valley Water work together in good faith to achieve the intent of this Agreement. In the event a dispute arises as to the proper interpretation of the respective obligations and responsibilities of the Parties under this Agreement, or as to any other aspect of this Agreement, City and Valley Water agree that they each will assign the appropriate individuals to meet and make good faith efforts to negotiate a resolution of the dispute.
- b. If after employing this informal resolution process either City or Valley Water may request an independent, mutually agreed upon mediator to facilitate further negotiation with the costs shared equally between each Party. However, nothing herein will prevent either City or Valley Water from exercising any rights it may have to enforce the terms of this Agreement at law or in equity.

13. Assignability

Both City and Valley Water agree that each party's responsibilities as detailed herein have been determined in their mutual best interest toward accomplishing LBC, LCC and LPC Projects completion. Without the written consent of the other, neither City nor Valley Water will assign or transfer any interest in this Agreement or any of the obligations hereunder except to contractors or consultants working directly for them. Any unauthorized attempt by City or Valley Water to assign or transfer will be void and of no effect.

14. Written Notices

Except as otherwise specifically described herein, all communications with respect to this Agreement shall be given by first class mail to the parties as follows:

Valley Water	City
Rechelle Blank, P.E. Deputy Operating Officer Valley Water 5750 Almaden Expressway San Jose, CA 95118	Steven Erickson, P.E. Engineering Director/City Engineer City of Milpitas 455 E. Calaveras Blvd. Milpitas, CA 95035-5411
Or to such other person, addresses, or telephone numbers as the parties may designate in writing from time to time.	

15. Severance of Invalid Terms

If any term, condition or covenant of this Agreement is held by a court of competent jurisdiction to be illegal, invalid, void or unenforceable, the remaining provisions of this Agreement shall be valid and binding on Valley Water and City, unless an essential purpose of this Agreement would be defeated by the loss of the illegal, invalid, void or unenforceable provision.

16. No Implied Waiver

The waiver by either City or Valley Water of any breach of any term, covenant, or condition contained in this Agreement, or any default in the performance of any obligations under this Agreement, shall not be deemed to be a waiver of any other term, covenant, condition, or obligation. Nor shall any waiver of any incident of breach or default constitute a continuing waiver of the same.

17. Governing Law and Compliance with Laws

This Agreement shall be constructed in accordance with the laws of the State of California. In the performance of this Agreement, City and Valley Water will comply with all applicable laws, ordinances, codes and regulations of the federal, state, and local governments.

18. Venue

In the event that suit is brought by either City or Valley Water, each agrees that venue will be exclusively vested in the state courts of either the County of Santa Clara, or in the United States Court, Northern Valley Water of California, in San Jose, California.

19. Nondiscrimination

- a. In the performance of the Agreement, the parties will comply with all applicable federal, state, local laws and regulations, and will not discriminate against any contractor, subcontractor, employee, or applicant for employment, in the recruitment, hiring, employment, utilization, promotion, classification or reclassification, transfer, recruitment advertising, evaluation, treatment, demotion, layoff, termination, rates of pay or other forms of compensation, and selection for professional development training (including apprenticeship), or against any other person, on the basis of sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), race, religion, color, national origin (including language use restrictions), ancestry, religious creed (including religious dress and grooming practices), political affiliation, disability (mental and physical, including HIV or AIDS), medical condition (cancer and genetic characteristics), genetic information, marital status, parental status, gender, age (40 and over), pregnancy, military and veteran status, sexual orientation, gender identity and gender expression, the exercise of family and medical care leave, the exercise of pregnancy disability leave, or the request, exercise, or need for reasonable accommodation.

- b. Compliance with Applicable Equal Opportunity Laws. The City's policy must conform with applicable state and federal guidelines including the Federal Equal Opportunity Clause, "Section 60-1.4 of Title 41, Part 60 of the Code of Federal Regulations," Title VII of the Civil Rights Act of 1964 as amended; the American's with Disabilities Act of 1990; the Rehabilitation Act of 1973 (Sections 503 and 504); the Age Discrimination Act of 1975 (42 U.S.C. sec. 6101 et seq.); California Fair Employment and Housing Act (Government Code Section 12900 et. Seq.); California Labor Code Sections 1101 and 1102.
- c. Investigation of Claims. City must designate a specific position within its organization to be responsible for assuring nondiscrimination and non-harassment as provided in this Agreement. City must investigate all complaints directed to it by District. District will refer complaints in writing and City will advise District in writing when such investigations are concluded. The scope of such investigations must include all appropriate officers, employees, and agents of the City, as well as all contractors, subcontractors, consultants, subconsultants, and material suppliers of the City. In cases where such investigation results in a finding of discrimination, harassment, or hostile work environment, City must take prompt, effective disciplinary action against the offender.

20. Ownership of Materials

Except as otherwise set forth herein, all design and construction documents related to the LBC, LPC, and LCC Project improvements developed or discovered by Valley Water or any other person engaged directly or indirectly by Valley Water to perform the services required hereunder will be and remain the property of the Valley Water. City and Valley Water will make available to the other party such other records under its control as may be reasonably required for the parties to perform under this Agreement. City and Valley Water will maintain all documents and records produced under this Agreement for a minimum period of three years, or any longer period required by law, from the date of termination or completion of this Agreement.

21. Execution in Counterparts

This Agreement may be executed in counterparts, each of which, when executed and delivered, will be deemed to be an original, and which taken together will be deemed to be one and the same instrument, and will be binding as executed.

22. No Third Party Beneficiaries

This Agreement is entered into only for the benefit of the parties executing this Agreement and not for the benefit of any other individual, entity, or person.

23. Compliance with Other Conditions

Valley Water acknowledges that the authorization contained herein is in addition to and not in lieu of any other easements, inspections, or approvals which Valley Water may need to obtain from City, from other utility providers, or from property owners with respect to its construction of the LBC, LCC and LPC Projects. In

consideration of the numerous benefits to be gained by the City from Valley Water's construction of City Improvement Work and LBC, LPC, and LCC Project improvements, any land use along City right of way, inspections, or approvals to be granted or conducted by the City shall be at no cost to Valley Water in accordance with the MOU as set forth in Section 4.a.(1). of this Agreement.

24. Successors and Assigns

This authorization will bind and inure to the benefit of the parties, the respective heirs, successors and assigns.

25. Exhibits

The following Exhibits are attached hereto and incorporated herein by this reference:

- Exhibit A: LBC Trail Agreement
- Exhibit B: LPC Trail Agreement
- Exhibit C: LCC and LPC City Approved Drawings for Improvement Removal and Replacement
- Exhibit D: LCC and LPC Extent of the Black Vinyl Fences
- Exhibit E: LCC Headwall Structure at North Milpitas Boulevard and Arizona Avenue
- Exhibit F: Estimated Cost of City Improvement Work and Payment to Valley Water
- Exhibit G: LCC and LPC List of City Improvement Work

26. Construction of Agreement

The parties hereto acknowledge and agree that, although this Agreement has been drafted by Valley Water's legal counsel, City has had an opportunity to review and negotiate the terms of this Agreement as well as consult with City's own legal counsel regarding the meaning of its terms. Consequently, the doctrine that ambiguities in an agreement should be resolved against the drafting party shall not be employed in connection with this Agreement, and this Agreement shall be interpreted in accordance with its fair meaning.

27. Amendments

All modifications to this Agreement must be in writing in the form of an amendment approved by both parties.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

28. Entire Agreement

This Agreement constitutes the entire agreement between the parties pertaining to the subject matter contained therein and supersedes all prior or contemporaneous agreements, representations and understandings of the parties relative thereto, except for the LBC Trail Agreement, attached hereto as Exhibit A, and the LPC Lease Agreement Joint Use, SCVWD Agreement No. A2001, attached hereto as Exhibit B.

(SIGNATURES FOLLOW ON NEXT PAGE)

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the above parties have executed this Agreement the day and year last written below.

VALLEY WATER, A SPECIAL DISTRICT CREATED BY THE CALIFORNIA LEGISLATURE:

APPROVED AS TO FORM:

By: _____
Joseph D. Aranda
Assistant District Counsel

By: _____
Nai Hsueh
Chair, Board of Directors

By: _____
Michele L. King, CMC
Clerk, Board of Directors

Date: _____

CITY OF MILPITAS, A MUNICIPAL CORPORATION:

Recommended by:

Steven Erickson
Engineering Director/City Engineer

Attest:

Mary Lavelle
City Clerk

APPROVED AS TO FORM:

By: _____
Christopher J. Diaz
City Attorney

By: _____
Steven McHarris
City Manager

By: _____
Walter C. Rossman
Deputy City Manager

Date: _____

EXHIBIT A LBC Trail Agreement

File: City of Milpitas
Berryessa Creek
X-File: 4017-42, 44, 48, 52

JOINT USE AGREEMENT Berryessa Creek Trail

SANTA CLARA VALLEY WATER DISTRICT, a public corporation, hereinafter referred to as "District", and the CITY OF MILPITAS, hereinafter referred to as "City", agree this 4th day of September, 2002 as follows:

RECITALS

- A. District is the owner of certain real property (hereinafter "the premises"), along Berryessa Creek between North Abel Street and North Hillview Drive, described on EXHIBIT A attached hereto, so marked and by this reference made a part hereof.
- B. City and District recognize that the premises are regulated by a variety of federal, state and local agencies.
- C. City and District, in cooperation with the U.S. Army Corps of Engineers, the California Department of Water Resources and the California Department of Fish and Game, agree to use the premises for non-vehicular (except for maintenance, emergency and enforcement vehicles) and recreational purposes as well as for flood control and water conservation purposes.
- D. The parties find it to be in the public interest to provide for joint use of the premises through the terms and conditions of an Agreement.

EXHIBIT A
LBC Trail Agreement (continued)

AGREEMENT

1. District shall and does hereby grant permission to City to use the premises for the following purpose or purposes and subject to the following special restrictions:
 - a. Enter the premises for purposes set forth in the Agreement.
 - b. Operate and oversee the premises for public use for non-vehicular recreational purposes, subject to the terms and conditions set forth in this Agreement.
 - c. Install as needed, and as approved by District permit, and maintain at City's own expense, paving, pedestrian bridge, ramps, stairs, gates, signs, fencing, trash receptacles and related amenities (hereinafter "improvements").
 - d. Entry of motor vehicles, dogs or other domestic animals (except on leash), swimming, boating, rafting and fires are not permitted hereunder and such uses shall be effectively controlled by City.
2. City shall provide and maintain garbage receptacles for public use, and provide for adequate waste removal service. City shall also provide graffiti removal within the premises in compliance with City's graffiti abatement program, including graffiti removal from signs installed in conjunction with and/or accessory to the establishment of a public park and pathway consistent with its implementation of the same program at comparable City facilities.
3. The public pathway and corridor, the subject of this Agreement, may be patrolled by City personnel, ranger services under contract with City and/or volunteers supervised by City. District shall have no obligation whatsoever to provide or pay for such services.
- 4(a). City must remove and, if it so chooses, replace recreational improvements installed by the City in the event District requires such removal to improve, maintain, or repair Berryessa Creek in any manner for District purposes. If removal is not required by District, the City shall compensate the District for costs to remove, redesign, replace, or modify District facilities to accommodate continued use or presence of City's improvements. District shall inform City of pre-construction planning, as described in Section 6, in the event a District project is needed, to minimize District's project impact on City's public pathway and financial investments.

EXHIBIT A
LBC Trail Agreement (continued)

- 4(b). District is planning to implement a major flood protection improvement project within the premises. District and City intend to include in the plans a bicycle-pedestrian trail that will also support District operations and maintenance functions. City will collaborate with District in such flood protection and trail planning for Berryessa Creek. City has prepared "Berryessa Creek Trail and Coyote Creek Trail Feasibility Report" describing a proposed trail alignment, a trail underpass at North Milpitas Boulevard and other desired features for consideration. City and District propose to develop an appropriate cost-sharing arrangement to address the interests of both agencies in providing public trail access to the premises.
5. Damage occurring to City's structures or paving by reason of District's maintenance or other activity or by reason of natural forces will not be the responsibility of District to repair or restore; all such costs for such repair or restoration are to be borne by City.
6. City and District shall meet whenever necessary for the purposes of scheduling routine maintenance, including but not limited to:
- a. Maintenance issues related to improvements.
 - b. Method and timing of issues related to affected wildlife.
 - c. Non-emergency work requiring the use of heavy equipment, barricading, and/or restricting access to the premises. District and City further agree to notify one another's designated representative as required prior to commencement of such work, in order to minimize public impacts and damage to City's and District's improvements.
 - d. In an emergency situation, District shall have rights provided in Paragraph 13 without consulting City.
7. City and District recognize the unique nature of the resources and recreational uses covered by this Agreement and the beneficial effects to both parties of providing these resources to the public. City and District resolve to utilize their respective offices to mutually support the efforts of each other to deliver such services to the public. City and District further agree to cooperate in order to resolve disputes and assist each other in responding to public inquiries arising from the activities of the parties of either team.

City will encourage volunteer groups to participate in District's "Adopt-A-Creek" program.

EXHIBIT A
LBC Trail Agreement (continued)

8. Native plants selected by a licensed landscape architect with native habitat experience or other qualified professional should be used for revegetation purposes.
9. Construction work during spring nesting season will be avoided whenever possible. The parties acknowledge that spring nesting season occurs between February 1 and July 1. If construction must be done during the nesting season, a survey by a qualified biologist will be undertaken to determine the presence of nesting activity. If no nesting activity is reported, then the work may proceed. If nesting activity is reported, the biologist is expected to recommend the implementation of adequate mitigation measures. Environmental impact shall be considered prior to all work. Any and all work related to this clause shall be completed in accordance with applicable federal, state, and local environmental health and safety regulations including the federal Migratory Bird Act of 1918 and any amendments thereto.
10. The parties shall cooperate to create and install signage which benefits the programs of each party such as warning signs, entrance signs, interpretative signs, and joint uses when applicable. The Chief Executive Officer of the District and the City Manager of the City or their designees shall meet and confer on a periodic basis to plan and install appropriate signage which serves the needs of both parties.

All signs excepting existing ones or publications that identify the facility (e.g., park, trail) by name should include the District's logo in equal size and symmetric relationship to any other logos. All signs or publications that are intended to interpret the water resources should be developed in cooperation with the District's Public Information Office and should also include the District's logo in equal size and symmetric relationship to any other logos. Maintenance responsibility for signage and benches shall be the responsibility of either the District or the City, according to which entity has installed the improvements.

11. This Agreement shall be for a period of twenty-five (25) years beginning on the date it is approved by the District Board of Directors. City may, upon written notice to District of intent to do so, given not less than ninety (90) days prior to the termination date, renew this Agreement for a like period upon the same terms and conditions. Notice of intent to renew may be given by the City's Public Works Director or City Manager for City. It is understood and agreed that this Agreement may be superseded and incorporated into any future joint use agreement or lease arrangement with the City along Berryessa Creek.

EXHIBIT A
LBC Trail Agreement (continued)

12. City shall have the full control and authority, for purposes of this Agreement, over the use of the premises, and City may restrict, or control, regulate and supervise the public use thereof. City may, in its discretion but consistent with the right of District hereinafter described, and without diminution of the environment, flood control or conservation function or hazard thereto of the premises as now existing or as may hereinafter be altered, take any measures of every kind as may in the opinion of City be necessary for the safety of the users of the premises for any joint use agreement purpose. Further, City shall have the sole responsibility for the maintenance in usable and safe condition of every facility provided upon the premises for purposes of this Agreement.
13. District shall have the sole responsibility to maintain Berryessa Creek for flood control, water conservation and stream stewardship purposes, to repair and reconstruct the same where necessary for such purposes and to perform such periodic maintenance as may be appropriate to such purposes, including removal of silt, debris, and obstructive growth. It is expressly understood that District is engaged in flood control and the conservation of water and that the terms and conditions of this Agreement shall not in any way interfere with the absolute, free and unrestricted right of District to operate and maintain for its purposes the stream bed and banks or any appurtenant works thereto, or to repair or construct any of its works, or to raise or lower the height of the water present upon the premises; and it is further understood that nothing herein contained shall be construed as conferring a right upon City to have or a duty upon District to provide water upon the premises at any time. Damage to District's facilities arising from use of the premises by the public or by City representatives under this Agreement shall be the responsibility of the City.
14. It is also expressly understood by City that the level of water upon the premises may fluctuate from day to day due to controlled or uncontrolled flows upon and across the same, and that such fluctuations may require greater control over the use of the premises by City, and the public; provided, however, that City shall be responsible for informing itself thereof and of all other conditions of the premises whether open or covered which may in anywise affect the health and safety of the users of the premises hereunder.
- 15(a). City shall have the right to build any improvements on the premises necessary or convenient to the enjoyment of this Agreement, provided the location of any such improvement is, in each case during the term of this Agreement, first approved by District. It is fully understood and agreed that District's basis of approval or disapproval of improvements is its responsibility to insure that the same shall not constitute an obstruction to flood flows and shall not interfere with the use of the premises for flood control or water conservation purposes, and does not in anywise extend to

EXHIBIT A
LBC Trail Agreement (continued)

consideration of the health and safety of users of the premises, which latter consideration is the responsibility of the City.

- (b). Improvements built by City on the premises shall remain the property of City and upon the termination of this Agreement shall be removed by City, leaving the premises in a condition as near as reasonably possible to its condition prior to such improvements. If District, in the interest of health and safety and in the exercise of lawful powers, requires that such an improvement must be removed or relocated, the same shall be done at City's expense.
- 16(a). City shall assume the defense of, indemnify and hold harmless, District, its officers, agents, and employees from all claims, liability, loss, damage, and injury of any kind, nature, or description directly or indirectly arising during the initial term of this Agreement, or any renewal thereof, and resulting from the public use of the premises pursuant hereto or from public use of adjacent premises of District occurring in consequence of City's or the public's use of the premises or from acts, omissions, or activities of City's officers, agents, employees, or independent contractors employed by City, excepting claims, liability, loss, damage, or injury which arise from the willful or negligent acts, omissions, or activities of an officer, agent, or employee of District. This Agreement to defend, indemnify, and hold harmless the District shall operate irrespective of whether negligence is the basis of the claim, liability, loss, damage, or injury and irrespective of whether the act, omission, or activity is merely a condition rather than a cause.
- (b). District shall assume the defense of, indemnify, and hold harmless, City, its officers, agents, and employees from all claims, liability, loss, damage, and injury of any kind, nature or description directly or indirectly arising from District's exercise of its flood control or water conservation purposes on the premises pursuant hereto or from acts, omissions, or activities of District's officers, agents, employees, or independent contractors employed by District excepting claims, liability, loss, damage, or injury which arises from the willful or negligent acts, omissions or activities of an officer, agent, or employee of City. This Agreement to defend, indemnify, and hold harmless shall operate irrespective of whether the act, omission, or activity is merely a condition rather than a cause.
17. Any and all notices required to be given hereunder shall be deemed to have been delivered upon deposit in the United States mail, postage prepaid, addressed to either of the parties at the address hereinafter specified or as later amended by either party in writing:

EXHIBIT A
LBC Trail Agreement (continued)

City	District
City Manager	Chief Executive Officer
City of Milpitas	Santa Clara Valley Water District
455 East Calaveras Blvd.	5750 Almaden Expressway
Milpitas, California 95035	San Jose, California 95118

18. This Agreement, and all the terms, covenants, and conditions thereof, shall apply to and bind the successors and assigns of the respective parties hereto; provided that City shall neither assign nor sublet this Agreement without prior written consent of District.
19. This Agreement includes any and all exhibits, covenants, agreements, conditions, and understandings between City and District concerning the premises. There are no covenants, agreements, conditions, or understandings, either oral or written, between the parties hereto other than herein set forth.

WITNESS THE EXECUTION HEREOF the day and year first hereinabove set forth.

CITY OF MILPITAS

SANTA CLARA VALLEY WATER DISTRICT,
a public corporation

By: Thomas J. Wilson

City Manager
"City"

By: Rosemary C. Kamei

Chair/Board of Directors
"District"

ATTEST:

Baie Beane
City Clerk

ATTEST:

Lauren L. Keller
Clerk/Board of Directors

APPROVED AS TO FORM:

Patricia R. Whitnell
Asst. City Attorney

A. Schmitt
General Counsel

Joint Use Agreement
Santa Clara Valley Water District
and City of Milpitas

Page 7 of 7

EXHIBIT A
LBC Trail Agreement (continued)

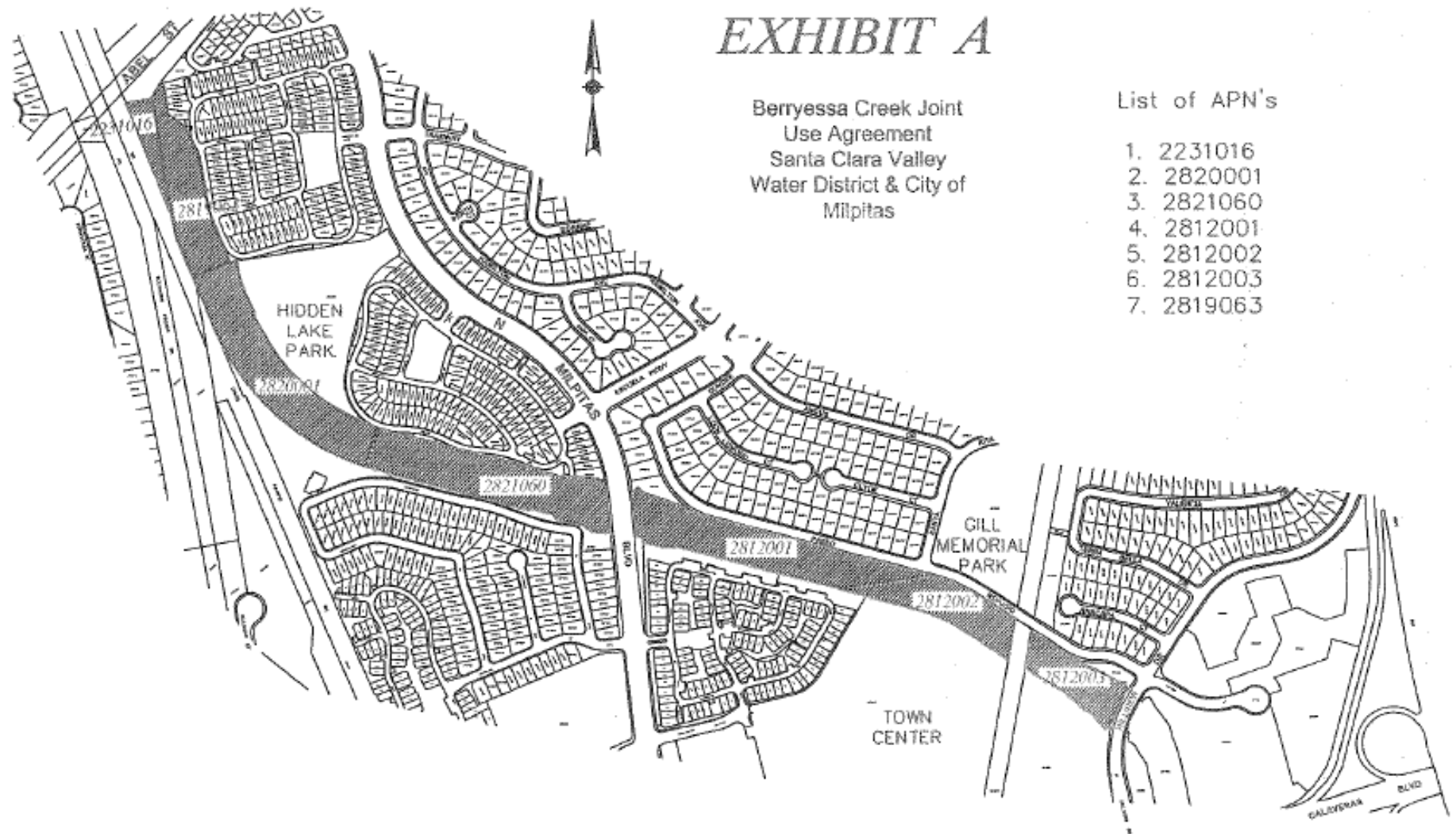


EXHIBIT B LPC Trail Agreement

File: A/C Leases
City of Milpitas
X-File: 4033-49

LEASE AGREEMENT (Joint Use)

SCVWD AGMT. NO. A2001

SANTA CLARA VALLEY WATER DISTRICT, a public corporation, hereinafter referred to as "District," and the CITY OF MILPITAS, hereinafter referred to as "Lessee;"

AGREE this 19th day of JANUARY, 1997, as follows:
7th JANUARY 1997

RECITALS:

- A. District is the owner of certain real property identified as "SCVWD Penitencia Creek" shown on "Exhibit A" attached hereto and incorporated herein by reference. The cross-hatched areas within said real property as shown on Exhibit A constitute the leased premises (hereinafter "the premises") for the purpose of this agreement.
- B. The parties find it to be in the public interest to provide for joint use of the premises by means of a lease thereof under the following terms and conditions.
- C. Lessee has constructed certain improvements on premises by permit from District.

AGREEMENT:

1. District shall and does hereby lease the premises to Lessee for the following purpose or purposes and subject to the following special restrictions:
 - 1(a). Pedestrian and emergency vehicle access on the west levee of Lower Penitencia Creek connecting North Abbott Avenue (at San Andreas Drive) to the new Milmont Drive/California Circle Bridge over the creek channel. Improvement to the top of levee shall be in accordance with District's requirements. Surfacing for the emergency vehicle access shall be all-weather with asphalt concrete or portland cement concrete. Any fencing shall be in accordance with District's permit requirements and with approval of Pacific Gas and Electric Company (PG&E).
 - 1(b). Lessee has installed landscaping, drainage, and a pedestrian way on the east slope of the east levee of Penitencia Creek. Any landscaping or other improvements placed by Lessee pursuant hereto shall be maintained by Lessee.
 - 1(c). Any improvement installed by Lessee shall be at Lessee's expense and shall be installed in accordance with District permit and with approval of PG&E or its successor.
 - 1(d). Lessee shall comply with any and all requirements of PG&E, or its successor, to protect PG&E's facilities located within the premises. Lessee shall be responsible to take measures to protect the

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1 of 4

ORIGINAL

EXHIBIT B
LPC Trail Agreement (continued)

District, third parties and the public including, but not limited to installation or modification of safety devices, guardrails, etc., as determined necessary by PG&E to protect such persons. District shall assume no liability or responsibility for cost of same.

2. This Lease shall be for a period of 25 years, beginning on 7th of January, 1997. Lessee may, upon written notice to District of intent to do so, given not less than ninety (90) days prior to the termination date, renew this Lease for a like period upon the same terms and conditions. This Lease may be terminated without cause by either party upon ninety (90) days prior written notice to the other. Notice of intent to renew or to terminate may be given by Public Works Director for Lessee.

Notice of intent to terminate may be given by the General Manager of District for the District.

3. Lessee hereby has full control and authority, for purposes of this Lease, over the use of the premises, and Lessee may restrict, or control, regulate and supervise the public use thereof. Lessee may, in its uncontrolled discretion (but consistent with the right of District hereinafter described, and without substantial or hazardous diminution of the flood control or conservation function of the premises as now existing or as may hereafter be altered), take any measures of every kind as may in the opinion of Lessee be necessary for the safety of the users of the premises for any lease purpose. Further, Lessee shall have the sole responsibility for the maintenance in usable and safe condition of every facility provided upon the premises for purposes of this Lease.
4. District shall have the sole responsibility to maintain Lower Penitencia Creek for flood control and water conservation purposes, and for such purposes only, to repair and reconstruct the same where necessary for such purposes and to perform such periodic maintenance as may be appropriate to such purposes, including removal of silt, debris, and obstructive growth. It is expressly understood that District is engaged in flood control and the conservation of water and that the terms and conditions of this agreement shall not in any way interfere with the absolute, free and unrestricted right of District to operate and maintain for flood control and water conservation purposes the stream bed and banks or any appurtenant works thereto, or to repair or construct any of its works, or to raise or lower the height of the water present upon the premises; and it is further understood that nothing herein contained shall be construed as conferring a right upon Lessee to have or a duty upon District to provide water upon the premises at any time. Damage to District's facilities arising from use of the premises under this Lease shall be the responsibility of Lessee.
5. It is also expressly understood by Lessee that the level of water upon the premises may fluctuate from day to day due to controlled or uncontrolled flows upon and across the same, and that such fluctuations may require greater control over the use of the premises by Lessee and the public; provided, however, that Lessee shall be responsible for informing itself thereof and of all other conditions of the premises whether open or covered which may in anywise affect the health and safety of the users of the premises hereunder; and provided, further, that Lessee shall not be responsible for mosquito control on the premises. District shall give reasonable notice to Lessee whenever District, in the exercise of its flood control or water conservation activities performs or intends to perform any major work of maintenance, repair or reconstruction (other than routine removal of silt, debris, and obstructive growth) on the premises or on any District works appurtenant thereto.

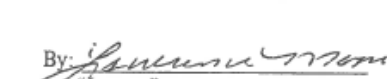
EXHIBIT B
LPC Trail Agreement (continued)

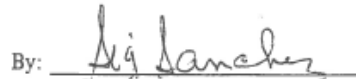
- 6(a). Lessee shall have the right to build or modify any improvements on the premises necessary, or convenient to the enjoyment of this Lease; provided, the location of any such improvement is, in each case during the term of this agreement is first approved by District. It is fully understood and agreed that District's basis of approval or disapproval of improvements is its responsibility to insure that the same shall not constitute an obstruction to flood flows and shall not interfere with the use of the premises for flood control or water conservation purposes, and does not in anywise extend to consideration of the health and safety of users of the premises, which latter consideration is the responsibility of Lessee. Lessee assumes responsibility for obtaining approval for proposed improvements from PG&E or any other entity having an easement or other right of way on the premises.
- 6(b). Improvements built by Lessee on the premises shall remain the property of Lessee and upon the termination of this Lease shall be removed by Lessee, leaving the premises in a condition as near as reasonably possible to their condition prior to such improvements. If District, in the interest of health and safety and in the exercise of lawful powers, requires that such an improvement must be removed or relocated, the same shall be done at Lessee's expense.
7. Lessee shall assume the defense of, indemnify, and hold harmless, District, its officers, agents, and employees from all claims, liability, loss, damage, and injury of any kind, nature, or description which directly or indirectly arises from Lessee's or the public's use of the leased premises or for public use of adjacent District lands occurring as a result of this agreement, excepting claims, liability, loss, damage, or injury which arises from the willful or sole negligent acts, omissions, or activities of an officer, agent, or employee of the District. This agreement to defend, indemnify, and hold harmless shall operate irrespective of whether the cause of the claim, liability, loss, damage, or injury is an act, omission or activity, or a condition of the property.
8. Any and all notices required to be given hereunder shall be deemed to have been delivered upon deposit in the United States mail, postage prepaid, addressed to either of the parties at the address hereinafter specified or as later amended by either party in writing:
- | Lessee | District |
|--|--|
| City of Milpitas
455 East Calaveras Boulevard
Milpitas, California 95035 | Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118 |
9. This agreement, and all the terms, covenants, and conditions hereof, shall apply to and bind the successors and assigns of the respective parties hereto; **provided**, that Lessee shall neither assign nor sublet this agreement without prior written consent of District.

EXHIBIT B
LPC Trail Agreement (continued)

WITNESS THE EXECUTION HEREOF the day and year first hereinabove set forth.

SANTA CLARA VALLEY WATER DISTRICT,
a public corporation

By: 
"Lessee"
Lawrence Moore
City Manager

By: 
Chair/Board of Directors
"District"

ATTEST:

ATTEST: LAUREN L. KELLER


Gail Blalock
City Clerk


Clerk/Board of Directors

APPROVED AS TO FORM:

APPROVED AS TO FORM:


Attorney


General Counsel

EXHIBIT B
LPC Trail Agreement (continued)



- ① Landscaping, Drainage, and Pedestrian Way (east slope of east levee)
- ② Pedestrian and Emergency Vehicle Access (west levee)
- ③ Landscaping, and Drainage Only

**CROSS HATCHED AREA
("THE PREMISES")**

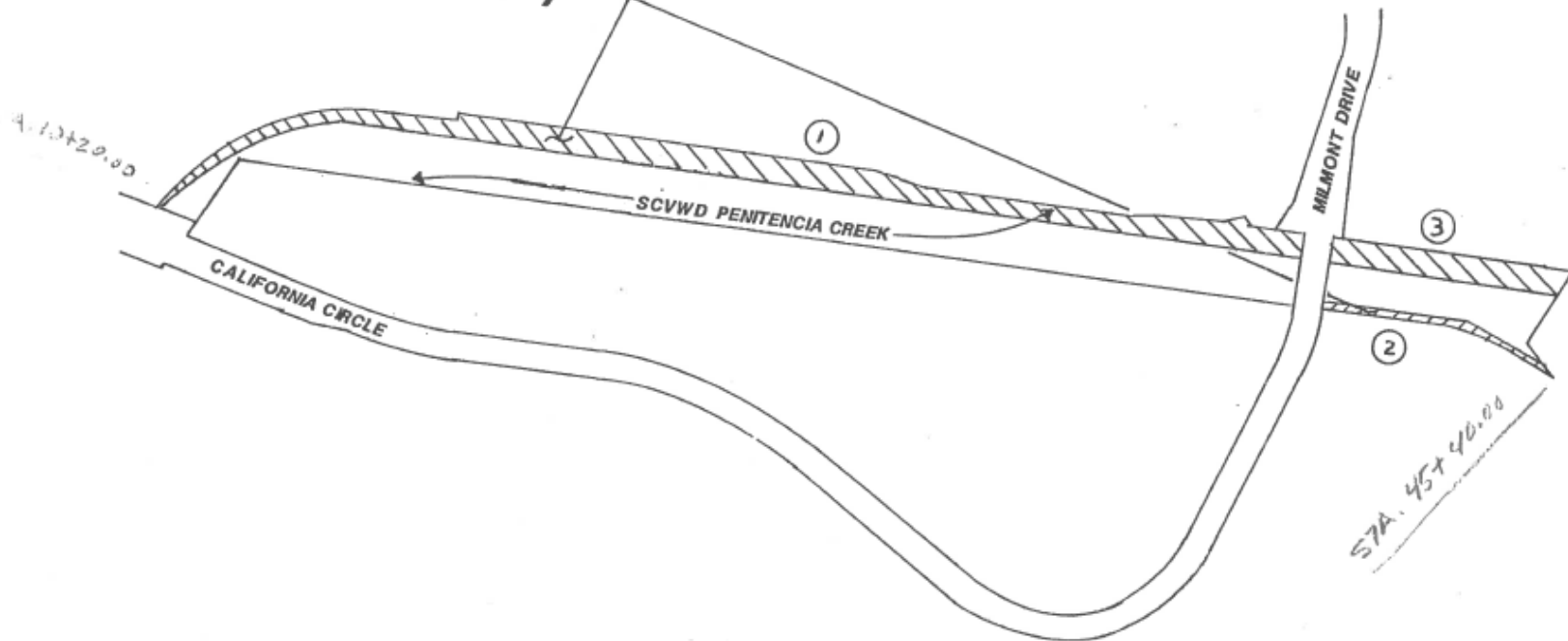


EXHIBIT B
LPC Trail Agreement (continued)

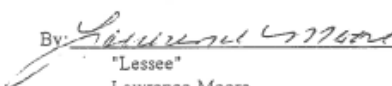
File: A/C Leases
City of Milpitas
X-File: 4033-49

ADDENDUM TO LEASE AGREEMENT (JOINT USE) SCVWD AGMT. NO. A2001a
Approved: 7th Jan, 1997

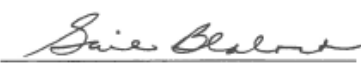
The following language shall be added to the Lease Agreement (Joint Use) dated July 19, 1996 between the Santa Clara Valley Water District, a public corporation, hereinafter referred to as "District," and the City of Milpitas, hereinafter referred to as "Lessee." The effective date of this addendum shall be the date of execution by the District's Chair/Board of Directors.

10. Lessee will encourage volunteer groups to participate in District's "Adopt-A-Creek" program as to the leased premises.
11. Native plants, selected by a qualified landscape architect and approved by District, shall be used for revegetation purposes by Lessee.
12. District and Lessee shall cooperate to create and install signage such as warnings, entrance signage, interpretive signs, and joint uses when applicable which benefits the programs of each party by identifying the respective interests in the particular facility. The General Manager of the District and the City Engineer of the City of Milpitas or their designees shall meet and confer on a periodic basis to approve appropriate signs which serve the needs of both parties.
13. The following language shall be added to clause 3 of said Lease Agreement (Joint Use): "For purposes of this agreement, the term 'maintenance' shall include immediate graffiti removal and/or abatement on any facility upon the premises for purposes of this Lease."

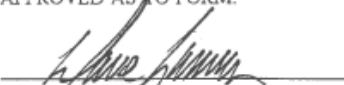
CITY OF MILPITAS

By: 
"Lessee"
Lawrence Moore
City Manager

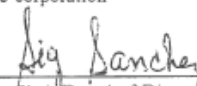
ATTEST: Gail Blalock


City Clerk

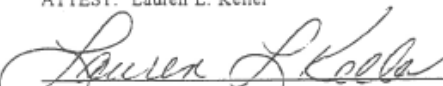
APPROVED AS TO FORM:


Dave Larsen, City Attorney

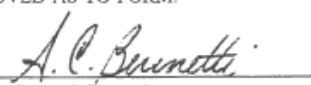
SANTA CLARA VALLEY WATER DISTRICT,
a public corporation

By: 
Chair/Board of Directors
"District"

ATTEST: Lauren L. Keller


Clerk/Board of Directors

APPROVED AS TO FORM:


General Counsel

(Page 1 of 1)

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EXHIBIT B
LPC Trail Agreement (continued)

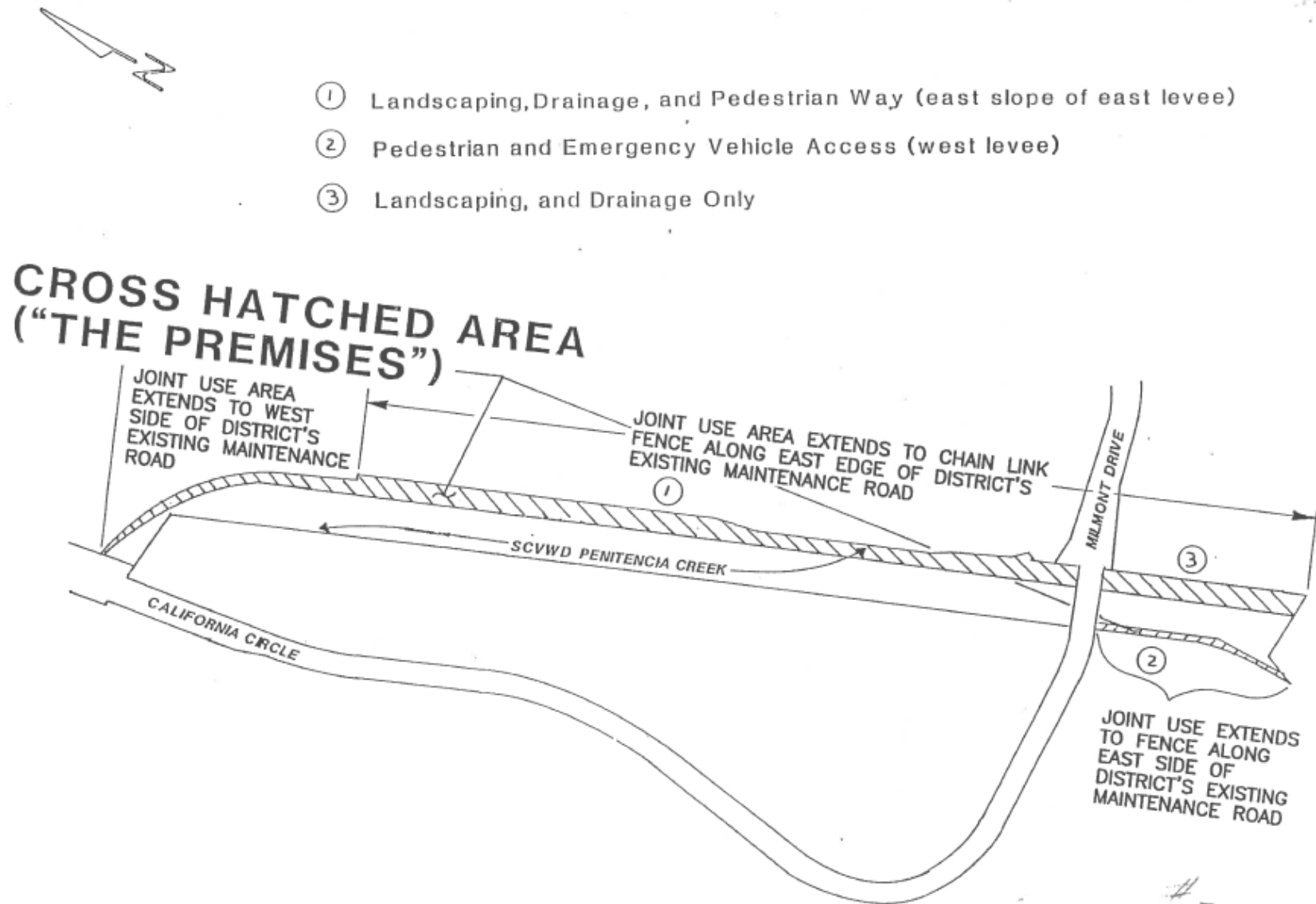


EXHIBIT B
LPC Trail Agreement (continued)



EXHIBIT C, D, & E
LCC and LPC Approved Drawings for Improvement Removal and Replacement
Complete Set of Plans is on file in the Office of the City of Milpitas Engineering Director/City Engineer

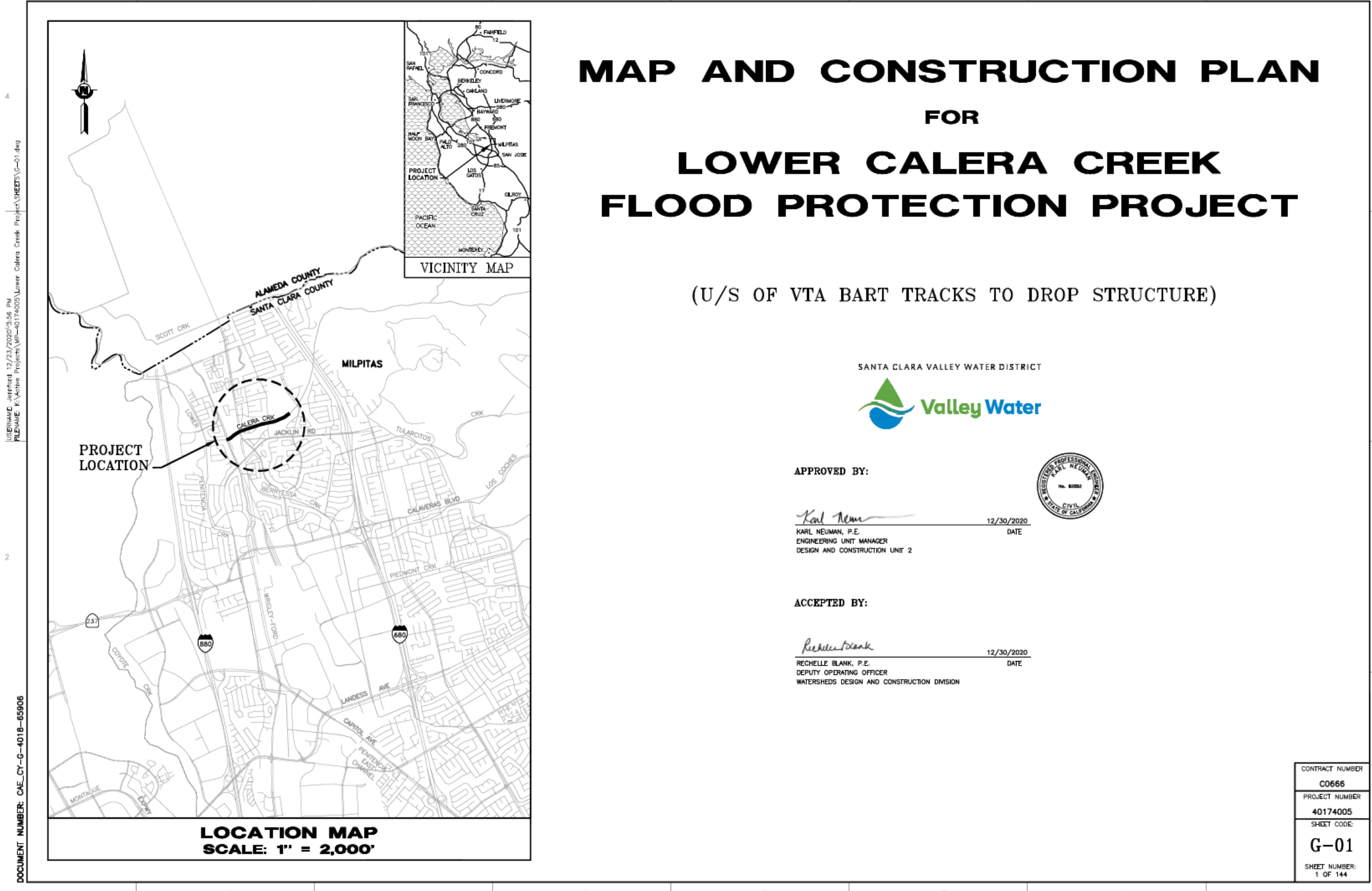
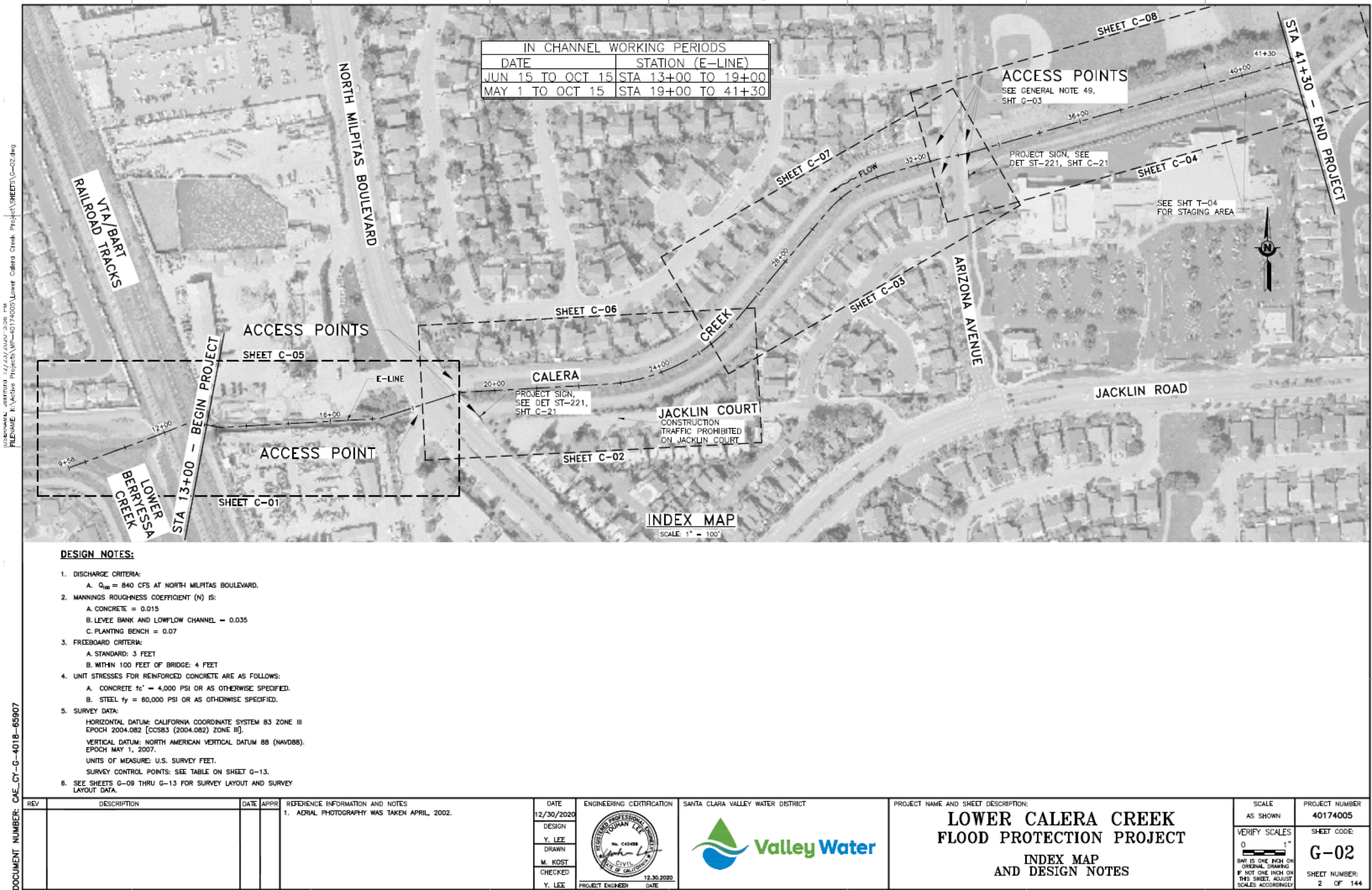
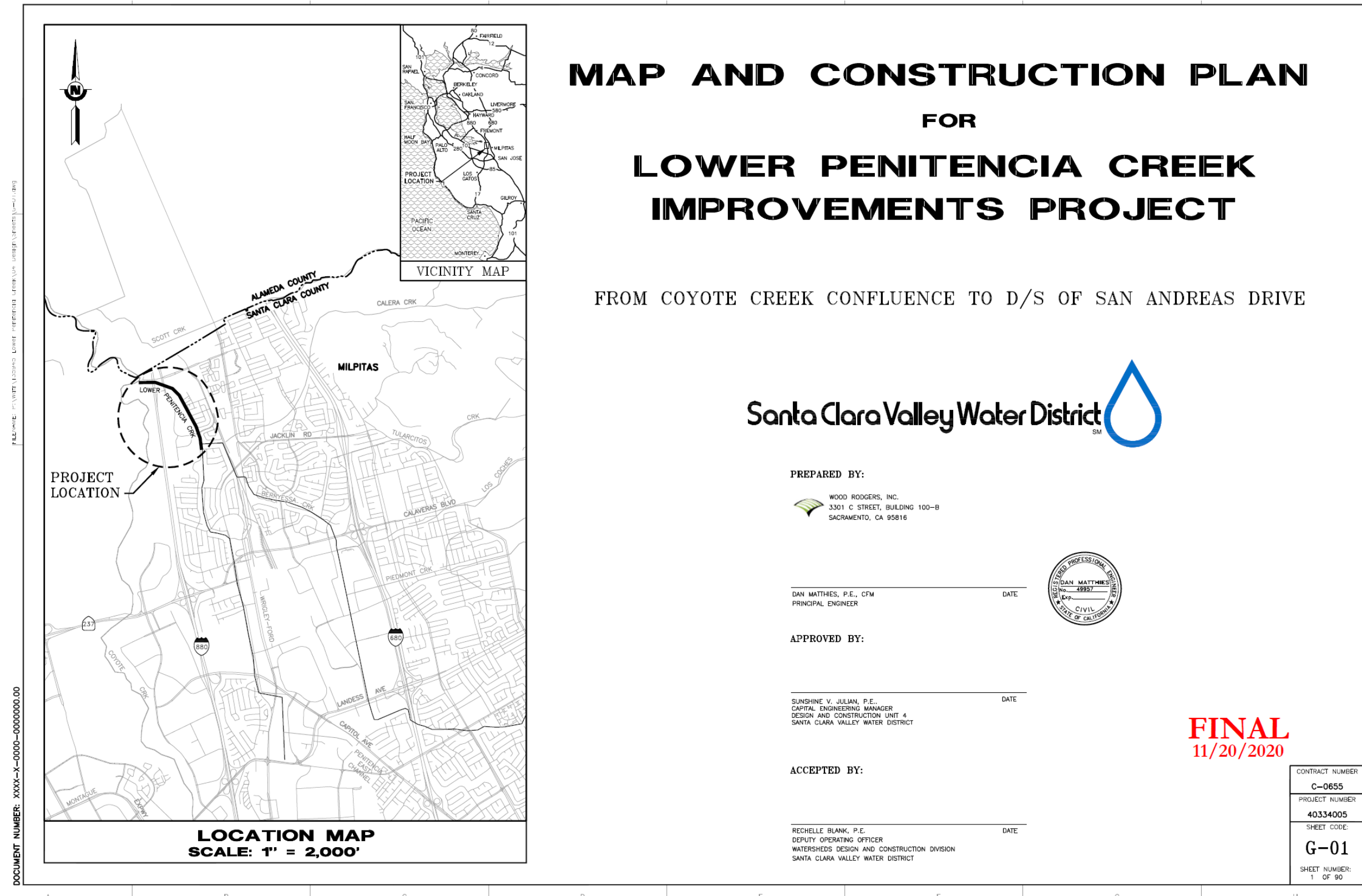


EXHIBIT C, D, & E
LCC Headwall Structure at North Milpitas Boulevard and Arizona Avenue Bridges (continued)

Complete Set of Plans is on file in the Office of the City of Milpitas Engineering Director/City Engineer



Complete Set of Plans is on file in the Office of the City of Milpitas Engineering Director/City Engineer



Complete Set of Plans is on file in the Office of the City of Milpitas Engineering Director/City Engineer

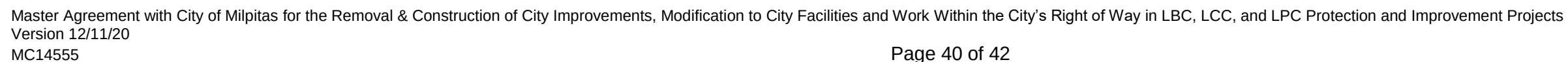


EXHIBIT F

Estimated Cost of City Improvement Work and Payment to Valley Water

Lower Berryessa Creek (LBC) Costs		
Item No.	Description of Item	Cost
1	Pedestrian Bridge Design	\$73,500
2	Construction Management	\$67,000
3	Storm Drain Outfall Modifications	\$30,000
4	Berryessa Pump Station Outfall Pipe Modifications	\$140,000
5	Asphalt Concrete Pedestrian Path (N. Milpitas Blvd to Pedestrian Bridge)	\$96,700
6	Raised Pedestrian Bridge	\$120,000
7	Retaining Walls at Pedestrian Bridge	\$180,000
8	Pedestrian Ramps (AC and PCC)	\$105,000
9	Guardrailing/Handrailing Pedestrian Ramps	\$275,500
	Total LBC Costs	\$1,087,700
	Credit for UBC landscape damages	<\$41,125>
	Final Payment per Section 5.h.	\$1,046,575

Lower Penitencia Creek (LPC) Costs		
Item No.	Description of Item	Cost
1	Demolition/Disposal of City Trail	\$70,000
2	New Asphalt Pavement City Pedestrian Trail	\$70,000
3	Concrete Paved City Pedestrian Trail	\$72,000
4	Installation of duckbill check valves for storm drain outfalls at the California Circle and Abott Ave pump stations and storm drain outfalls located upstream of Interstate 880	\$80,000
	Subtotal LPC Costs	\$292,000
	15% Contingency Costs	\$43,800
	Total LPC Costs	\$335,800
	10% Initial Payment per Section 5.g.	\$33,580
	80% Payment per Section 5.g.	\$268,640
	10% Final Payment per Section 5.g.	\$33,580

Lower Calera Creek (LCC) Costs		
Item No.	Description of Item	Cost
1	Modify four (4) existing storm drain outfalls and install check valves	\$19,200
2	Additional Asphalt Concrete Trail at LBC	\$227,000
	Subtotal LCC Costs	\$246,200
	15% Contingency Costs	\$36,930
	Total LCC Costs	\$283,130
	10% Initial Payment per Section 5.h.	\$28,315
	80% Payment per Section 5.h.	\$226,500
	10% Final Payment per Section 5.h.	\$28,315

EXHIBIT G

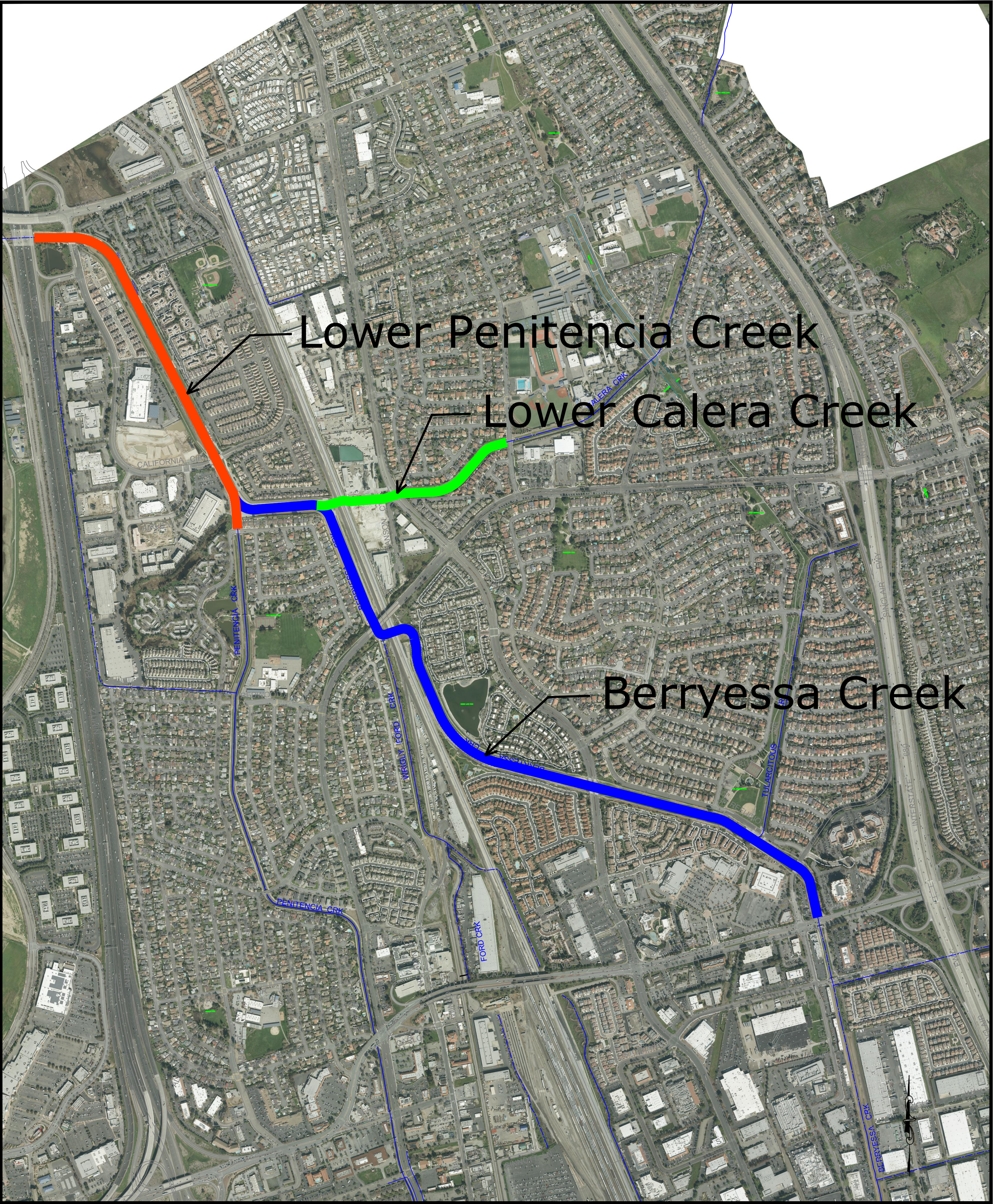
LCC and LPC List of City Improvement Work

Lower Calera Creek (LCC) Project

1. Modify two existing 15-inch and 18-inch storm drain outfalls, located between N. Milpitas Blvd and the railroad crossing, including either duckbill or flap gate check valves
2. Extend two existing 18-inch and 36-inch storm drain outfalls, located upstream of Arizona Ave, including either duckbill or flap gate check valves
3. Install approximately 4,050 feet of new asphalt pavement pedestrian trail overlain the existing levee maintenance road along Lower Berryessa Creek, Phase 2 between Calaveras Blvd and Abel St.

Lower Penitencia Creek (LPC) Project

1. Remove and replace three existing 28-inch storm drain outfalls at the California Circle Pump Station with new 36-inch outfalls equipped with duckbill check valves
2. Remove and replace two existing 18-inch storm drain outfalls at the Abbot Ave Pump Station with new 24-inch outfalls equipped with duckbill check valves
3. Modify existing 24-inch storm drain outfall, located between Interstate 880 and California Circle, including duckbill check valve
4. Remove and replace the existing City trail and existing irrigation adjacent to the trail within in-kind surface material and irrigation



VALLEY WATER DISTRICT CREEK PROJECTS



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute the First Amendment to the Historical Heritage Grant Program Funding Agreement between the City of Milpitas and the County of Santa Clara for the Alviso Adobe Renovation, Project No. 5055
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	2/2/2021
Staff Contact:	Steve Erickson, 408-586-3301
Recommendation:	Approve and Authorize the City Manager to Execute the First Amendment to the Historical Heritage Grant Program Funding Agreement between the City of Milpitas and the County of Santa Clara for the Alviso Adobe Renovation, Project No. 5055

Background:

The City purchased the historic Alviso Adobe property, located at 2087 Alviso Adobe Court in 1997 with the intention of renovating the buildings and constructing a new City park. Capital Improvement Project No. 5055 was started in 1999 to construct the two-acre Alviso Adobe Park, and to restore the historic buildings which were originally constructed in the 1850s.

Park construction was to be completed in five phases over several years. Project phases include:

- Phase 1 Replacement of the Adobe building's roof – completed in 1999;
- Phase 2 Site and drainage improvements – completed in 2008;
- Phase 3 Adobe Building exterior renovation and seismic upgrade – completed in 2010;
- Phase 4 Park construction, out building restoration – completed in 2013;
- Phase 5 Restore interior of the Adobe including installation of furnishings, interpretative signage, and visual media - to be completed by winter 2022.

Phase 5 of the Alviso Adobe Park Project, Project No. 5055 is included in the adopted 2020-25 Capital Improvement Program. This final phase provides for the interior restoration of the Adobe's first floor and installation of period furnishings, exhibits, interpretative signage, and visual media to replicate the experiences of an original Spanish-Mexican Era Adobe home. The interpretive signage work is partly funded through a grant received from the Santa Clara County Historical Heritage Commission. The interior restoration work is complete, and fabrication and installation of the furnishings, exhibits, and signage is anticipated to start in June and be completed by winter of 2022.

Analysis:

On March 20, 2018, the City received \$62,958 in grant funding from the Santa Clara County Historical Heritage Commission Grant Program to assist with acquisition, fabrication, and of the period furnishings, exhibits, interpretative signage, and visual media. The agreement for grant funding specifies that the work shall be completed by April 17, 2021. However, work was delayed by the Covid-19 pandemic and related stay at home orders.

The County has approved a 24-month time extension for the project because of the delay requiring the project to be completed by April 17, 2023. Staff believes the time extension will be sufficient to complete the project by early 2022. Staff recommends that the City Council approve the First Amendment to the Historical Heritage Grant Program Funding Agreement with the County of Santa Clara and authorize the City Manager to execute the Amendment.

Policy Alternative:

Alternative: Do not authorize the City Manager to execute the First Amendment to the Historical Heritage Grant Program Funding Agreement with the County of Santa Clara.

Pros: None

Cons: Not executing the First Amendment to the Agreement would result in a loss of grant funding because work is unable to be completed prior to the grant deadline.

Reason not Recommended: The loss of the grant funding will require the City to use additional General Government Funding.

Fiscal Impact:

Adequate funds are available in the Project budget to complete the Project.

California Environmental Quality Act: This project has an approved Mitigated Negative Declaration.

Recommendations:

Approve and authorize the City Manager to Execute the First Amendment to the Historical Heritage Grant Program Funding Agreement between the City of Milpitas and the County of Santa Clara for the Alviso Adobe Renovation, Project No. 5055.

Attachment:

First Amendment to Historical Heritage Grant Program Funding Agreement

**FIRST AMENDMENT TO THE HISTORICAL HERITAGE GRANT PROGRAM
FUNDING AGREEMENT BY AND BETWEEN THE CITY OF MILPITAS AND THE
COUNTY OF SANTA CLARA**

The Historical Heritage Grant Program Funding Agreement By and Between The City of Milpitas, a municipal corporation, and the County of Santa Clara, a political subdivision of the State of California (“County”), effective April 17, 2018 (“Funding Agreement”), is amended as set forth below, effective on the date of the last signature below. The County of Santa Clara and the City of Milpitas are sometimes referred to herein individually as a “Party” or collectively as the “Parties.”

RECITALS

WHEREAS, on April 17, 2018, the Parties entered into a Funding Agreement for the purpose of the Alviso Adobe Interior Restoration – Interpretive Signage (“Project”), located at 2087 Alviso Adobe Court;

WHEREAS, due to unforeseeable project delays related to Covid-19, the City of Milpitas requests a twenty-four (24) month extension to the three (3) year grant performance period of April 17, 2018 through April 17, 2021;

WHEREAS, the Parties wish to enter into this First Amendment to establish the terms of the Agreement with this twenty-four (24) month extension of the grant performance period.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the foregoing and as follows:

1. Amendments:

The following language in Section V on pages 7 and 8 of the Agreement shall be deleted: “This Agreement is effective on the Effective Date as stated above and shall remain in effect for thirty-six (36) months from the Effective Date (“Term”). If the Project is completed before the expiration of the Term, the Agreement shall then expire on an agreed upon date by the parties or as otherwise determined by County in its sole discretion. County reserves the right to cancel or terminate this Agreement at any time without any additional obligation or liability.”

This language shall be replaced with the following: “This Agreement is effective on the Effective Date as stated above and shall remain in effect for sixty (60) months from the Effective Date (“Term”). If the Project is completed before the expiration of the Term, the Agreement shall then expire on an agreed upon date by the parties or as otherwise determined by County in its sole discretion. County reserves the right to cancel or terminate this Agreement at any time without any additional obligation or liability.”

2. **Counterparts.** This Agreement may be executed in any number of counterparts, and all of such counterparts so executed together shall be deemed to constitute one and the same agreement, and each such counterpart shall be deemed to be an original provided all of the Parties have fully executed the Agreement.
3. **Contract Execution.** Unless otherwise prohibited by law, all Parties agree and intend that an electronic copy of this signed Agreement, or an electronically signed version of this Agreement, shall have the same force and legal effect as if executed with an original ink signature. The Parties each represent, warrant, and agree that signatures on the documents identified in this section, whether in ink or electronic, by their respective signatories are intended to authenticate such signatures and to give rise to a valid, enforceable, and fully effective agreement when so executed by the Parties.

Except as provided herein, all other provisions of the Funding Agreement shall remain in full force and effect. In the event of a conflict between the Funding Agreement and this First Amendment, the First Amendment shall control.

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//////SIGNATURES FOLLOW ON NEXT PAGE////

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By signing below, each signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity, and that he/she has the authority to bind the entity listed below to contractual obligations.

SIGNATORIES:

COUNTY OF SANTA CLARA

CITY OF MILPITAS

Mike Wasserman, President
Board of Supervisors

Steven G. McHarris, City Manager

Dated: _____

Dated: _____

ATTEST:

Megan Doyle
Clerk of the Board of Supervisors

Walter C. Rossmann
Risk Management/Director of Finance

Dated: _____

Dated: _____

Approved as to form and legality:

Approved as to form:

Giulia Gualco-Nelson,
Deputy County Counsel

Christopher J. Diaz
City Attorney



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct Fourth Study Session on the Milpitas Metro Specific Plan (Update of 2008 Transit Area Specific Plan) with a Presentation, Discussion and City Council direction on Key Plan Policies related to Transportation, Mobility, Circulation and Traffic
Category:	Community Development
Meeting Date:	2/02/2021
Staff Contact:	Ned Thomas, Planning Director, 408-586-3273 Kevin Riley, TASP Manager 408-586-3292
Recommendation:	1. Receive a presentation from staff 2. Provide feedback and direction on key policies for Transportation, Mobility, Circulation and Traffic to guide preparation of the Draft Milpitas Metro Specific Plan

Background:

The City's consultant, Urban Field Studio (UFS) and City staff continue work on the Milpitas Metro Specific Plan [the update of the Transit Area Specific Plan (TASP) adopted in 2008]. The opening in June 2020 of the Milpitas Transit Center with BART service connecting the area and the VTA light rail system to the greater Bay Area provides significant new access opportunities for the City. The connection of BART to the VTA light rail system at the Transit Center, along with multimodal roadway improvements and important enhancements of pedestrian, bicycle, and other non-automotive modes of transportation are all critical to facilitating movement around the City and the region.

The Council held three study sessions in 2020 to provide initial guidance and review progress on the update of the Transit Area Specific Plan (TASP), now called the Milpitas Metro Specific Plan (MMSP). There have also been several public forums on various aspects of the Plan work, all held on electronic platforms due to the ongoing COVID pandemic.

Based on direction from the Council and input from the community, the Metro Specific Plan will be organized around a framework of foundational policies designed to address key issues for future development of the Plan area. Key elements of the Plan Framework are being brought forward over the course of three study sessions:

- *January 19:* Land Use, Density and Commercial Intensity
- *February 2:* Transportation, Mobility, Circulation and Traffic
- *March 2:* Parks, Trails, Streetscape, Infrastructure/BIP/TADIF, Placemaking and Sustainability

Attached to this agenda report is a more detailed report from UFS with a recap of the January 19 study session as well as an overview of key policies related to transportation, mobility, circulation, and parking within the MMSP area for the February 19 study session. The consultant team will facilitate a discussion with the Council toward consensus around on a set of draft policies or specific direction on key policies to guide development of the goals and objectives to be contained in the draft Metro Plan. Key policy issues to be discussed include:

- Multi-modal Circulation;
- Pedestrian and Bicycle Mobility and Connections;
- Access to Local and Regional Transit Connections; and
- VMT Reduction Strategies.

Analysis:

The opening of BART service and its connection to the VTA light rail system has been the key underpinning of the higher density and intensity of development in the Metro area planning over the many years since the station location was determined. The interconnection between these two rail transit systems, plus the VTA bus system, makes the Milpitas transit area somewhat unique in the South Bay Area. While the COVID pandemic has so adversely impacted transit ridership since March 2020, a return to normalcy and a greater reliance on transit are to be expected as later 2021 brings confidence to normal activity and this Plan comes to completion.

The policies that will take the best advantage of this convergence of transit systems will also need to address access to the Transit Center and others stops in the system. The convenience and safety aspects of walking, biking and other “first mile/last mile” means to and from transit, as well as for generally moving around the Metro area, are critical to encouraging mobility that relies less on the automobile and provides the greatest chance of meeting the demands of growth with the least impact on the roadway system.

An Evolving Transportation System

The *Circulation Element* in the new Milpitas General Plan serves as a foundation for the policies and concepts underlying MMSP. Historically, the transportation system in the planning area was developed to maximize convenience and access to drivers, as driving is the primary means of mobility in the primarily suburban area. While driving is expected to continue to serve most trips in this broader area, the Milpitas Metro’s urban vision requires an update to this automobile-centric approach. Key General Plan concepts include:

- The need to develop of *complete streets* to accommodate multimodal transportation, overcoming barriers to provide greater connectivity for pedestrians and bicyclists, reducing vehicle miles traveled (VMT); and
- The implementation of transportation demand management strategies to provide incentives and greater convenience for users of non-vehicle transportation.

The General Plan also emphasizes the need to view transportation through an equity lens, to ensure that safe, comfortable transportation choices are available to all, considering factors that include income level, race, age, and disability.

Milpitas Metro seeks to create complete neighborhoods, where people can meet most of their daily needs in proximity to where they live or work. Developing complete streets that emphasize safety and convenient access for non-vehicle transportation modes is critical to the success of this vision. With the proposed mix of residential, commercial, and office uses, as well as access to enhanced recreational opportunities and access to local and regional transit, this “15-minute neighborhood” will provide the availability of a wide range of essential services within 15-minute walk and the means to reach them without driving.

Key improvements to support the convenient use of alternative transportation modes include implementation of “first mile/last mile” improvements to transit; this includes pedestrian and bicycle infrastructure and shuttle service to easily connect users from regional transit to shopping destinations, employment sites, and neighborhoods. Upcoming grants from VTA could provide resources that will support such programs.

This support of multimodal transportation and the development of a mix of easily accessible land uses also supports statewide policies, especially those related to the reduction of greenhouse gas emissions. The California Environmental Quality Act (CEQA) has been modified so that transportation impacts are no longer measured as traffic congestion (i.e. delay at intersections, or Level of Service). Impacts are now measured based on the number of vehicle miles traveled (VMT) associated with development projects and new transportation facilities. The combination of mixed land uses, increased residential density, enhanced multimodal transportation, and transportation demand management all contribute to reducing the length of trips as shifting transportation mode share to reduce reliance on vehicle travel.

Additional information regarding potential connections within the MMSP area is included in the attached report.

Policy Alternatives:

This is an informational item for Council feedback and direction. The consultant team will facilitate several study sessions with the Council to review progress on the Milpitas Metro Specific Plan update and receive feedback and direction on key policy areas.

Fiscal Impact:

This is an informational item. As such, there is no fiscal impact.

California Environmental Quality Act:

This report represents ongoing work on the Milpitas Metro Specific Plan; it is anticipated that an Environmental Impact Report (EIR) will be prepared for consideration prior to Plan adoption.

Recommendation:

1. Receive a presentation from staff;
2. Provide feedback and direction on key policies for Transportation, Mobility, Circulation and Traffic to guide preparation of the Draft Milpitas Metro Specific Plan

Attachments:

1. Informational Report from Urban Field Studio



Milpitas Metro Specific Plan - Transportation, Mobility, Circulation, and Parking

Agenda Report Attachment prepared for the City Council Meeting on February 2, 2021

Prepared by Urban Field Studio, M-Group, and W-Trans

This report is a briefing on Milpitas Metro Specific Plan policies that are being considered for the plan. The presentation delivered on February 2, 2020 will include:

- Transportation
- Mobility
- Circulation
- Parking

The City Council will be asked to weigh in on the following question:

1. Do you support the Milpitas Metro policy approach to implementing General Plan priorities of focusing on multimodal transportation, reducing VMTs and equitable access to mobility?
2. Do these policies address concerns about impacts that may be associated with the land use and density proposed for the Milpitas Metro Specific Plan?

Milpitas Metro Specific Plan Status Update

The Framework for the Milpitas Metro Specific Plan (MMSP) has been drafted, and the Plan Draft is being prepared. Key policy ideas will be presented for consideration by the City Council over the three meetings and grouped by topic.

January 19 - Land Use and Density (Complete)

February 2 - Transportation, Mobility, Circulation, Parking

March 2 - Parks, Trails, Streetscape, Sustainability, Placemaking and Infrastructure

There will also be a Study Session with the Planning Commission following these three meetings.

The Milpitas Metro Specific Plan (MMSP) will supersede the Milpitas Transit Area Specific Plan (TASP) and be notably briefer. The relevant portions of the TASP will be included in the MMSP, along with updated goals, policies, and actions to complete the Milpitas Metro neighborhood. The MMSP effort is being coordinated with other City Plans and current planning efforts, including the following plans:

- General Plan Update (ongoing)
- Parks and Recreation Master Plan (ongoing)
- Active Transportation Master Plan (ongoing)
- Urban Water Management Plan (ongoing)
- Housing Element (upcoming)
- Gateway Specific Plan (upcoming)

This plan was originally scheduled to conclude in April 2021, however it has been extended to provide planning and environmental review for additional housing development in order to comply with RHNA and respond to property owner interest in housing development in the Great Mall Subdistrict. The Milpitas Metro Specific Plan will be drafted during Spring 2021. The Environmental Impact Report will be prepared beginning in early 2021. The project is anticipated to be completed at the end of 2021.

In our meeting with the City Council in September 2020, the Council expressed support for the seven Plan Vision Elements:

The Milpitas Metro Plan Vision

1. To create a more complete neighborhood.
2. To expand neighborhood services and the variety of retail.
3. To preserve space for jobs near transit.
4. To provide affordable and market-rate housing.
5. To provide safer and more attractive multimodal connections for walking and biking.
6. To provide a greater variety of shared public spaces.
7. To enhance the sense of place and identity of the Metro Area.

This vision statement will form the foundation for the MMSP. Additionally, a foundational premise for the TASP/Metro Plan is and has always been to facilitate higher density and

intensity of development close to the mass transit hub for the purposes of meeting the City's jobs and revenue needs and complying with State housing obligations.

Development Principles

Development on large and small sites throughout the Milpitas Metro Plan area will adhere to the following principles:

1. Large sites will be divided into zones that prioritize creating a walkable street grid, accessible spaces, and development opportunity areas.
2. Phased projects will prioritize the development of affordable housing and public amenities.
3. The MMSP will establish design guidelines for buildings and the public realm to ensure a high-quality environment, walkable scale, and a strong sense of place.
4. The MMSP will both encourage and limit residential, Commercial, Retail, and Hotel development, though future plan updates may increase site capacity allowances.
5. Development will be lower scale adjacent to existing residential neighborhoods and higher along Great Mall Parkway and other arterials.
6. Property owners will be encouraged to develop and maintain privately owned public spaces.
7. Development will be subject to the same fees throughout Milpitas Metro.

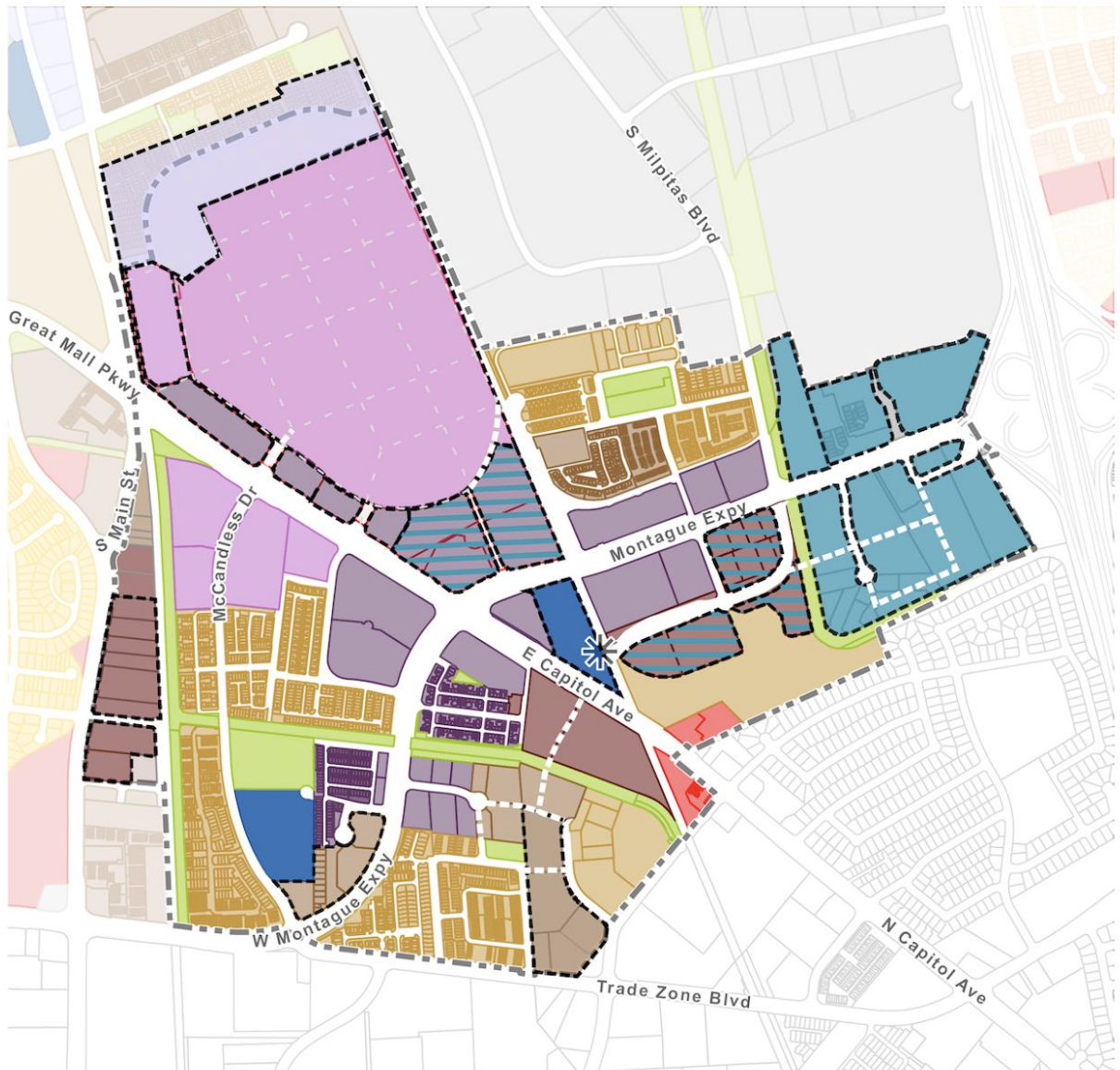
Recap of Land Use/Density Meeting January 19, 2020

The following land use map, Figure 1 was presented to City Council for consideration on January 19, 2021. Table 1, below, illustrates the Development Capacity that is anticipated for this Specific Plan. These draft land uses will be codified into zones following their approval. While current Milpitas zones are used in *Figure 1. Proposed Land Use Map*, it is likely that similar new zones will be developed specifically for Milpitas Metro.

Figure 1: Proposed Land Use Map

LAND USE

MILPITAS METRO 



GIS data provided by: General Plan - City of Milpitas /
Roads - US Census Bureau 2019 TIGER / Basemap - ESRI

Table 1: Development Capacity Comparison to TAP

Land Use	Existing Development in 2008	TASP Planned New Development	Total TASP Planned Development	Entitled by 2019	Additional Projected for MMSP
Dwelling Units	468	7,109	7,577	6,955	7,000
Office (sf)	52,780	993,843	1,050,000	10,630	3,000,000
Retail (sf)	1,970,000	287,075	2,240,000	186,500	300,000
Hotel (rooms)	292	350	642	0	700

All Councilmembers replied with a Yes to all the questions below. Highlighted comments are included for each question.

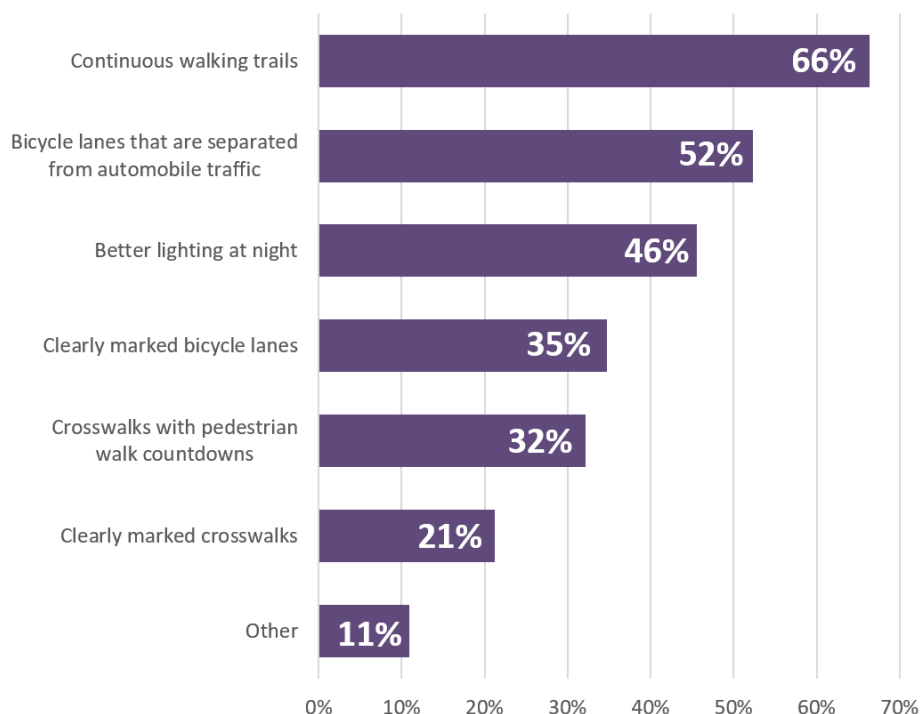
- Do you support the Land Use policies as described, or do you have changes you would like to propose?
"Balance housing with commercial retail and office"
"Neighborhood commercial mix is ideal"
"We have to address housing crisis and provide affordable housing"
- Do you support the locations for land uses described?
"Strategic"
"It's appropriate here"
- Do you support the densities and intensities of land uses described?
"There will have to be some density in those areas - it makes sense because of transit"
"If it doesn't go here, it has to go somewhere."

Transportation Planning Framework

Summary of Public Comments about Transportation

An Open House Survey was open for public comment from September 30 to October 12, 2020. The results of the 101 responses from the Open House Survey and Community Meeting Live Poll show Safer Streets as one of the top 3 priorities for the Plan Area. In addition, 72% of respondents said that creating and improving pedestrian and bicycle connections is higher priority than vehicular traffic. The community would also like to see more open space, particularly trails.

In another community engagement survey conducted earlier in July through August 2020, staff received similar feedback from the 316 respondents engaged in the survey. Residents and workers in Milpitas expressed significant concern about the pedestrian and bicycle connectivity and safety throughout the Plan Area, particularly from the Transit Center neighborhoods. Automobile congestion was also identified as a concern in this engagement. The community also identified ways that will make them feel more comfortable walking and Biking in the Milpitas Metro District. The top three choices are continuous walking trails, bicycle lanes that separated from automobile traffic and better lighting at night (see graphic below). In write-in comments, 29% of the respondents mentioned police presence and reducing crime.



Graphic: "What would make you feel more comfortable walking/ biking in the Milpitas Metro Area? (Select up to 3)"
Community Survey

Evolving the Transportation System

The *Circulation Element* in the current General Plan update serves as a foundation for the policies and concepts underlying Milpitas Metro. Historically the transportation system in the planning area was developed to maximize convenience and access to drivers, as driving is the primary means of mobility in the area. While driving is expected to continue to serve the majority of trips in the area, the Milpitas Metro vision requires an update to this automobile-centric approach. Key General Plan concepts include:

- the need to develop of **complete streets** to accommodate multimodal transportation, overcoming barriers to provide greater connectivity for pedestrians and bicyclists, reducing **vehicle miles traveled (VMT)**, and
- the implementation of **transportation demand management strategies** to provide incentives and greater convenience for users of non-vehicle transportation.

The General Plan also emphasizes the need to view transportation through an **equity** lens, to ensure that **safe, comfortable transportation choices** are available to all, considering factors that include income level, race, age, and disability.

Milpitas Metro seeks to create **complete neighborhoods**, where people can meet most of their daily needs in close proximity to where they live or work. Developing complete streets that emphasize safety and convenient access for non-vehicle transportation modes is critical to the success of this vision. With the proposed mix of residential, commercial, and office uses, as well as access to enhanced recreational opportunities and access to local and regional transit, this “15-minute neighborhood” will provide the availability of a wide range of essential services within 15-minute walk and the means to reach them without driving.

Key improvements to support the convenient use of alternative transportation modes include implementation of “first mile/last mile” improvements to transit; this includes pedestrian and bicycle infrastructure and shuttle service to easily connect users from regional transit to shopping destinations, employment sites, and neighborhoods. Upcoming grants from VTA could provide resources that will support such programs.

This support of multimodal transportation and the development of a mix of easily accessible land uses also supports statewide policies, especially those related to the reduction of greenhouse gas emissions. The California Environmental Quality Act (CEQA) has been modified so that transportation impacts are no longer measured by traffic

congestion (i.e. delay at intersections, or Level of Service). Impacts are now measured based on the number of vehicle miles traveled associated with development projects and new transportation facilities. The combination of mixed land uses, increased residential density, enhanced multimodal transportation, and transportation demand management all contribute to reducing the length of trips as shifting transportation mode share to reduce reliance on vehicle travel.

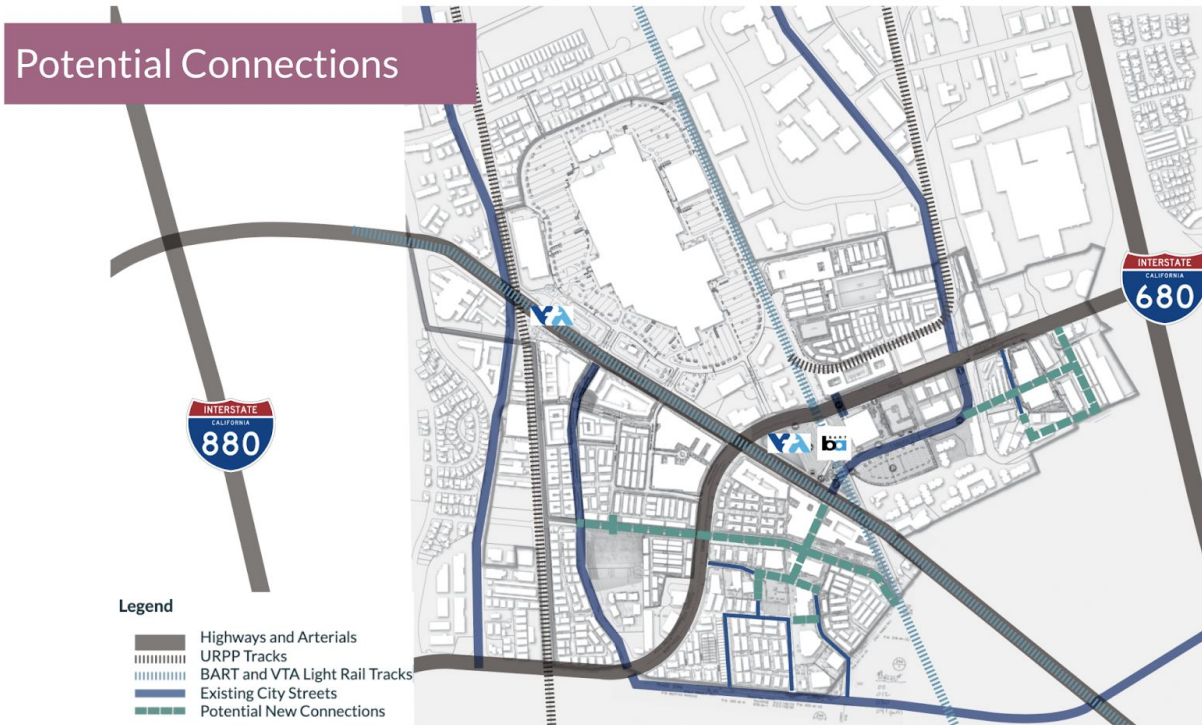
Potential Connections

The Milpitas Transit Area Specific Plan (TASP) established a strong program that led to investment in infrastructure, since 2008, that has included:

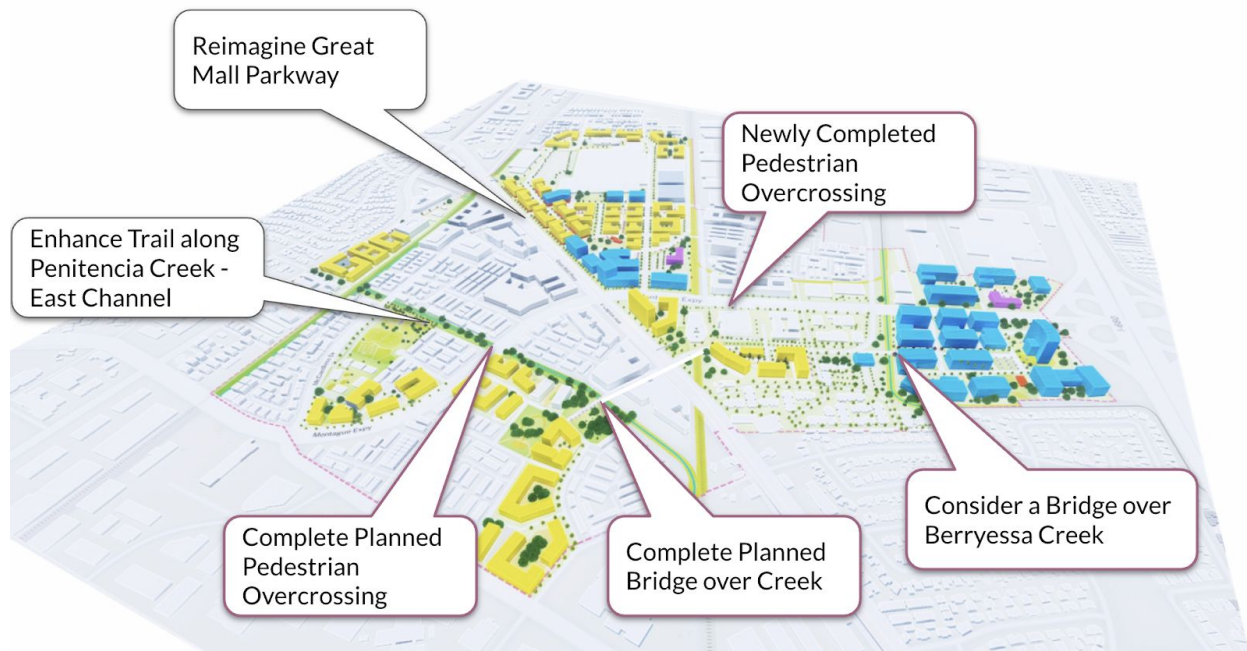
- Enhanced sidewalks at all new developments
- Additional connections with new streets, pathways, and open spaces at all new housing developments
- Investment in new parks, in the Piper Neighborhood, in Tango, and in the McCandless neighborhood
- Improvements to trails along South Penitencia Creek
- Improvements at the Milpitas Transit Center (by VTA)
- Improvements at the Montague Expressway and Great Mall Parkway intersection (by Santa Clara County Roads Department)
- A pedestrian overcrossing from the BART Parking Garage over Montague Expressway

In order to complete the neighborhood, there are improvements that have been planned and have yet to be completed, and a few new improvements that are proposed.

- The enhancement of Great Mall Parkway with protected bike lanes, a wider sidewalks, a linear park, and narrowed medians (proposed)
- A second pedestrian overcrossing over Montague Expressway along South Penitencia Creek, East Channel (planned)
- A bridge over the East Channel that extends S. Milpitas Boulevard Extension across Capitol Avenue and connects with the Tango Neighborhood (planned)
- A bridge over the East channel that connects McCandless Park to the McCandless neighborhood north of the creek (planned)
- A bridge over Berryessa Creek to connect the Innovation District with the Milpitas Transit Center (proposed)
- New Streets in the Tango District to connect the cul-de-sacs of Tarob and Sango Courts (planned)
- Continuous Bikeways and Multi-Use Trails along creeks and connecting all subdistricts (planned)



Potential new connections to the Milpitas Transit Center are shown in dashed green lines.



Modelled aerial view of the Milpitas Metro Specific Plan Area with highlighted improvements for better connectivity for pedestrians and cyclists.

Tango Connections

There are two critical improvements that will make a big impact to connectivity for the area. The first is a planned bridge that connects the S. Milpitas Blvd Extension to the Tango Neighborhood over Penitencia Creek East Channel. This bridge is designed for vehicular use (emergency vehicles) but will be controlled for pedestrian and cyclists. The reason for limiting vehicular traffic on this bridge is to mitigate the potential for cut through traffic in this neighborhood, and to encourage active transportation (walking, non-motorized rolling) in this area that is adjacent to the Milpitas Transit Center.

The second critical improvement is a Pedestrian Overcrossing at Montague Expressway that connects a pathway along Penitencia Creek East Channel and the Tango and McCandless subdistricts. The pathways will connect the major parks in the area and give the community better access to outdoor spaces.

Tango Connections and Parks



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Pathway along Penitencia Creek - East Channel

Transportation Goals and Policies

This subsection outlines the proposed transportation goals and policies for the MMSP. These policies will become the base structure for transportation policies in the plan. The plan structure will be as follows:

- Vision
 - Principles
 - Topic Areas (eg. Land Use, **Transportation**, Parks, etc.)
 - Goals (eg. LU1, LU2, T1, T2, etc.)
 - Strategies (eg. LU 1.1, LU 1.2, etc.)
 - Action Items (eg. LU 1.1.1, LU 1.1.2, etc.)

The Goals lay out the direction or intent of the plan in a key area of concern. Strategies indicate how Goals may be accomplished. In some cases, the plan will provide more detail in Action Items, which will indicate specifically how a particular strategy will be implemented.

This subsection includes Goals and Strategies related to land use and density or intensity. Action Items will be developed after the direction of the Goals and Strategies is supported by City Council.

- M 1 Multi-Modal Circulation.** Develop a highly-connected street grid that prioritizes multimodal transportation including walking, bicycling, and transit.
- M 1.1. New streets shall be located as generally shown on the Street System Map
 - M 1.2. Promote complete streets that allow safe multimodal use.
- M 2 Reduce VMT and Climate Impacts.** Manage automobile demand and promote low-carbon transportation to minimize emissions in the planning area.
- M 2.1. **Transportation Demand Management.** Establish and implement a travel demand management (TDM) program in order to encourage ridesharing or alternate modes of travel, reducing automobile trips.
 - M 2.2. **Low Emission Vehicles.** Promote use of low-emission vehicles through ease of use and storage.
- M 3 Pedestrian Mobility.** Promote pedestrian circulation for daily trips under a half mile and to transit.
- M 3.1. Create attractive comfortable pedestrian connections for the following types of trips between destinations:
 - residents from home to BART and light rail stations;
 - workers from BART and light rail stations to offices;
 - office workers, hotel patrons, and other visitors to restaurants, retail, and entertainment;
 - residents to retail, personal services, and restaurants;
 - residents to parks, trails, schools, and community facilities; and
 - visitors, residents, workers, and students to the Great Mall.
 - M 3.2. Ensure that pedestrians are able to safely travel throughout the district
- M 4 Bicycle Mobility.** Promote bicycle and micromobility modes for local destination (transit center, regional commercial, park) trips.
- M 4.1. Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Milpitas' Bicycle/Pedestrian Master Plan and the Circulation Map
 - Improve low-stress connectivity networks in Plan Area districts, particularly the Great Mall and Innovation District.
 - M 4.2. Incorporate linear parks and trails into the circulation network, as per Goal PPP-3.
- M 5 Transit.** Connect the Milpitas Metro Planning Area to local and regional transit.
- M 5.1. Encourage the development of local circulators (by the City or property owners) as described in M-2.1
 - M 5.2. Work with the Valley Transportation Authority, Bay Area Rapid Transit, and AC Transit to increase ridership for residents and workers in the planning area.
 - M 5.3. Encourage multimodal infrastructure improvements near transit to improve local connectivity to transit stops, as per Milpitas' Pedestrian, Bike and Trail Master Plan (2021)

City Council Feedback Request

1. Do you support the Milpitas Metro policy approach to implementing General Plan priorities of focusing on multimodal transportation, reducing VMTs and equitable access to mobility?
2. Do these policies address concerns about impacts that may be associated with the land use and density proposed for the Milpitas Metro Specific Plan?



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive a Presentation on the draft City Trail, Pedestrian, and Bicycle Master Plan, Project No. 3448
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	2/2/2021
Staff Contact:	Steve Erickson 408-586-3301, Steve Chan 408-586-3324
Recommendation:	Receive a Presentation on the draft City Trail, Pedestrian, and Bicycle Master Plan, Project No. 3448

Background:

The Trail, Pedestrian, and Bicycle Master Plan Update, Project No. 3448, is an approved project in the 2020-2025 Capital Improvement Program. This project provides an update to the existing Trails Master Plan and City's Bikeway & Pedestrian Master Plan that were completed in June 1997 and 2009 respectively.

The Trail Master Plan update will provide recommendations for improved connectivity to local destinations such as BART, Great Mall, and new private developments. The plan will identify gaps in the trail system, provide recommendations for safety and accessibility, support economic development, and enhance the quality of life for area residents.

The update of the Pedestrian and Bicycle Master Plan will identify ways to enhance and expand the existing bikeway and pedestrian networks. Proposed Bikeway and Pedestrian network improvements could include enhanced sidewalks, green bike lanes, and buffered/separated bike lanes. These improvements would address the needs of commuters and recreational pedestrians and bicyclists and provide access to transit hubs, work locations, recreational opportunities, and retail destinations.

The Master Plan update is being coordinated with neighboring jurisdictions such as Valley Transportation Authority (VTA), Santa Clara Valley Water District (SCVWD), City of Fremont, City of San Jose, Open Space Authority, and County of Santa Clara to provide a cohesive network of proposed trail, bike, and pedestrian facility improvements.

Alta Planning + Design (consultant) was awarded a contract at the February 26, 2019 City Council meeting to update the Master Plan.

Analysis:

The consultant began with data collection and analysis of existing conditions and conducted six community outreach meetings including presentations to City Commissions, community engagement meetings, and pop-up events. Additionally, an interactive online map was created to capture the community's interest and prioritization for needs and improvements. These outreach efforts were carried out to encourage and maximize public participation. Roughly 2,000 comments were received through the public engagement process.

Trail, Pedestrian, and Bicycle Master Plan update provides a vision and action plan for the improvement of safe and convenient travel by walking and bicycling. Specifically, this plan update seeks to support connectivity and access to destinations and increase access to recreational opportunities. Today, fewer than 2% of residents walk or bike to work. As the population and employment opportunities in Milpitas continue to grow, it

is important to expand upon options for how people travel and encourage travel modes other than by motor vehicles.

This plan update builds upon the goals and objectives outlined in the Circulation Element of the forthcoming Milpitas General Plan that efficiently, equitably, and effectively supports the City's land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation. Increased walking and bicycling activity for transportation can also reduce vehicle emissions, resulting in improved air quality. This not only helps improve the quality of life for those vulnerable to asthma and other respiratory conditions, but it helps reduce the city's contribution to climate change.

Trail, pedestrian, and bicycle network needs and opportunities for improvement were identified through consideration and assessment of existing facilities; location of destinations of interest; location of services; evaluation of accident/collision data; and through public input gained from community outreach. Needs analysis revealed the impact of major high-speed roadways on safe and comfortable travel in the city, and the Milpitas community supported the need for improved roadway safety, safe connections to schools, and improved network connectivity for different types of transportation.

The following are highlights of the plan and what is new from the previously adopted plans:

- Trail, Pedestrian, and Bicycle Master Plan provides a comprehensive and cohesive active transportation network that is suitable for all ages and abilities.
- Trail recommendations have been assessed for construction feasibility, access points, signage, and amenities to encourage usage. Recommendation includes an additional 5 miles of trail network.
- Pedestrian infrastructure improvements will focus on improved comfort and safety of pedestrian travel and maximize pedestrian access to transit, schools, parks, and commercial centers.
- Bikeway improvements include high visibility pavement markings and signage, roadway widening, barriers between vehicles and bike lanes, and an expanded network by utilizing the trail system for connections. The plan focuses on improving the existing bike facilities to create 13 miles of low-stress bike network.
- Recommend amenities to support pedestrian and bicycle travel to the Milpitas BART Station and Transit Facility.
- The plan envisions in total of 13 miles of trails and 13 miles of low stress bicycle network to create 26 miles of interconnected network enabling people of all ages and abilities to comfortably get where they want to go by foot or bike.
- Bike share and scooter share are relatively new travel concepts that have gained popularity and the Master Plan will provide recommended guidelines and best practices to establish a comprehensive program to provide safe, convenient, and practical for use of this transportation mode. The plan will identify a potential pilot program which can be expanded upon the successful probationary period.

The draft Trail, Pedestrian, and Bicycle Master Plan update is ready for review by the City Council and the public. The draft Plan update will be available for review online from February 2, 2021 to April 25, 2021. The public will have the opportunity to provide comment through the project website. The consultant will release a condensed virtual version of the draft Master Plan consisting of infographics and have interactive capabilities to allow the submission of questions and include answering polls and surveys. Staff will present the draft Master Plan to the City's Commissions during the review period.

Due to the COVID-19 pandemic and associated shelter in place orders, the project team will hold a virtual open house meeting to present the draft Plan to the Milpitas community on Wednesday, March 24, 2021. The project team will answer questions submitted prior to the meeting. During the virtual open house, the project team will conduct surveys and polls in real time to gauge viewer interests and priorities.

Comments received through the review period will be incorporated into the final Trail, Pedestrian, and Bicycle Master Plan. Additionally, high level cost estimates for the Plan recommendations will be established along with implementation strategies. The final Plan will be brought back to the City Council for consideration and adoption later this summer.

Fiscal Impact:

Not applicable.

California Environmental Quality Act:

Trail, Pedestrian, and Bicycle Master Plan is exempt under Section 15260 of the CEQA guidelines. Section 15262 discusses that a feasibility or planning study is exempt when, “the possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities.”

The City Milpitas’s Trail, Pedestrian, and Bicycle Master Plan meets these criteria for an exemption because the Plan is a study that serve as the basis for future grant applications and updates to the General Plan. The Plan serves as a guiding document related to the education, encouragement, enforcement, and evaluation of future walking, bicycling, and trail network improvements. Therefore, this Plan has no legally binding effect on current activities (e.g..., development project application review) or later activities (i.e., the General Plan Update).

Project recommendations and alignments included in this plan are described at a conceptual level for planning purposes only. Implementation of individual projects will require obtaining project funding and conducting further study including feasibility, design, outreach, and environmental clearance, as applicable.

Recommendation:

Receive a Presentation on the draft City Trail, Pedestrian, and Bicycle Master Plan, Project No. 3448

Attachment:

Draft Trail, Pedestrian, and Bicycle Master Plan



THE CITY OF MILPITAS

Trail, Pedestrian, and Bicycle Master Plan

Public Draft Plan
February 2021



Acknowledgments

City Council

Rich Tran, *Mayor*
Carmen Montano, *Vice Mayor*
Evelyn Chua, *Councilmember*
Karina R. Dominguez, *Councilmember*
Anthony Phan, *Councilmember*

City of Milpitas

Fanny Yu, *Associate Civil Engineer*
Steve Erickson, *City Engineer / Engineering Director*
Ashwini Kantak, *Assistant City Manager*
Steve Chan, *Traffic & Transportation Manager*
Ned Thomas, *Planning Director*
Jay Lee, *Principal Planner*
Jessica Garner, *Planning Manager*
Renee Lorentzen, *Director of Recreation and Community Services*
Lyhak Eam, *Associate Civil Engineer*
Raza Ahmad, *Special Projects Associate*
Steven McHarris, *City Manager*

Stakeholders

Lauren Ledbetter, *VTA*
Lola Torney, *VTA*
Ellen Talbo, *County of Santa Clara*
Alica Kawaguchi, *Santa Clara County Public Health*
Jennifer Hooper, *Santa Clara Valley Open Space Authority*
Teri Rogoway, *Santa Clara Valley Open Space Authority*
Errol Gabrielsen, *Santa Clara Valley Water District*
Ramses Madou, *City of San Jose*
Ryan Smith, *City of San Jose*
John Brazil, *City of San Jose*
Yves Zsutty, *City of San Jose*
Nick Danty, *City of San Jose*
Cheryl Jordan, *MUSD Superintendent*
Scott Forstner, *MUSD Communications Specialist*
Rene Dalton, *City of Fremont*
John Cordes, *Silicon Valley Bicycle Coalition*

Consultant Team

Alta Planning + Design

Brett Hondorp, *Principal-in-Charge*
Erin David, *Project Manager*
Charlie Simpson, *Planner*

California Environmental Quality Act (CEQA) Guidelines Section 15260 describes the circumstances when an exemption from CEQA can occur. Section 15262 discusses that a feasibility or planning study is exempt when, “the possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors. This section does not apply to the adoption of a plan that will have a legally binding effect on later activities.”

The City of Milpitas’s Trail, Pedestrian, and Bicycle Master Plan meets these criteria for an exemption because these Plans are a study that serve as the basis for future grant applications and updates to the General Plan. These Plans serve as a guiding document related to the education, encouragement, enforcement, and evaluation of future walking, bicycling, and trail network improvements. Therefore, this Plan has no legally binding effect on current activities (e.g., development project application review) or later activities (i.e., the General Plan Update).

Project recommendations and alignments included in this plan are described at a conceptual level for planning purposes only. Implementation of individual projects will require obtaining project funding and conducting further study including feasibility, design, outreach, and environmental clearance, as applicable.

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EXECUTIVE SUMMARY

The Milpitas Trail, Pedestrian, and Bicycle Master Plan provides a vision and action plan for the city to improve safe and convenient travel by active modes in Milpitas. Specifically, this plan seeks to:

- Support connectivity and access to destinations
- Integrate active transportation networks with BART and other transit options
- Improve safety for all modes
- Increase access to recreational opportunities
- Create an all ages and abilities active transportation network that supports all users, including vulnerable and historically disadvantaged populations.

Today, fewer than 2% of residents walk or bike to work.¹ As the population continues to grow along with employment in the city, it is important to expand options for how people travel in and around the city. The BART station will dramatically change the transportation landscape for Milpitas, providing new opportunities to access the region without relying on a personal vehicle. Safer bicycle and pedestrian connections to the BART station and other transit options are particularly important to better serve the growing number of jobs in the city.

Network Needs and Public Engagement

Network needs and opportunities for improvement were identified through consideration of the existing network, the location of destinations and services in the city, evaluation of collision data, and public input.

¹ 2018 ACS 5-year estimate

The Needs Analysis reveals the impact of major, high-speed roadways on safe and comfortable travel in the city. Not only are serious injury and fatal collisions primarily occurring on major roadways, high speeds and complex intersections are also serving as a barrier to continuous, connected travel among neighborhoods and destinations.

Milpitas residents and visitors further supported the need for improved safety, safe connections to schools, and improved network connectivity at all phases of the plan. Residents shared feedback through online maps, pop-up events, workshops, and open houses.

As a result, this plan prioritizes bicycle and pedestrian travel in the city to make these modes an attractive travel option. Recommendations focus on development of a low-stress active transportation system that prioritizes separation from motor vehicles along and across roadways.

Recommendations

The Trail, Pedestrian, and Bicycle Master Plan provides recommendations in three categories. First, pedestrian recommendations identify both focused areas for improvement as well as specific locations for improved crossings, expansion of the sidewalk network, and closing network gaps. Next, the bicycle network identifies both on-street connections and intersection improvements that support a connected low-stress network. Finally, trail recommendations identify new shared-use paths, trail access points, and trailheads that support low-stress travel along separated routes.



PRIORITY PEDESTRIAN SPOT IMPROVEMENTS



PRIORITY PEDESTRIAN SPOT IMPROVEMENTS

- HIGH NEED, HIGH FEASIBILITY
- HIGH NEED, LOW FEASIBILITY
- LOW NEED, HIGH FEASIBILITY
- LOW NEED, LOW FEASIBILITY

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

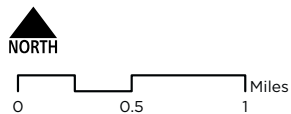
Pedestrian Improvements

Commercial Pedestrian Priority Areas and the Neighborhood Pedestrian Priority Areas are focused locations for improved pedestrian facilities and amenities. Recommendations include elements such as improved sidewalks, direct routes through street end connections, safer roadway crossings, and lighting, wayfinding, and street trees. These improvements and others seek to improve safety and comfort of the pedestrian environment in Milpitas.

In addition to area-based recommendations, over 50 locations are highlighted for specific crossing improvements and gap closure. Although the Milpitas sidewalk network is relatively complete, wide roadways, high traffic speeds and volumes, and limited crossing opportunities affect safe and comfortable travel by foot or with use of a mobility device. Prioritized pedestrian spot improvements are shown in the map above.



PRIORITY LINEAR BIKEWAY IMPROVEMENTS



PRIORITY BIKEWAY IMPROVEMENTS

- HIGH NEED, HIGH FEASIBILITY
- HIGH NEED, LOW FEASIBILITY
- LOW NEED, HIGH FEASIBILITY
- LOW NEED, LOW FEASIBILITY

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

Bicycle Network Improvements

This plan proposes a complete and connected low-stress bicycle network that supports travel to, from, and around major destinations in Milpitas. Shared-use paths, explored in more detail below, provide the foundation for the network and connect to bike boulevards and cycle tracks to link people to where they want to go. On-street bike lanes and buffered bike lanes support more confident bicyclists in locations with limited right-of-way. The proposed network includes over 50 miles of new low-stress bikeways. The priority bike network is shown in the map above.



PRIORITY BICYCLE SPOT IMPROVEMENTS



PRIORITY BIKE SPOT IMPROVEMENTS

- LOW NEED, LOW FEASIBILITY
- HIGH NEED, LOW FEASIBILITY
- LOW NEED, HIGH FEASIBILITY
- HIGH NEED, HIGH FEASIBILITY

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

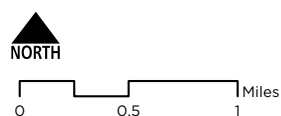
Bicycle Spot Improvements

Intersection improvements support safe bicycle travel and a complete and connected network. Intersection improvements presented in this plan include near-term and longer-term improvements that support safer travel across the network. Prioritized bicycle spot improvements are shown in the map above.

Near term improvements including completing bike lane striping through the approach to an intersection where bike lane markings currently drop prior to intersections. Longer-term improvements seek to enhance safety and connectivity across major barriers, such as I-680 and I-880, that require more significant intervention.



PRIORITY TRAIL IMPROVEMENTS



PRIORITIZED TRAIL RECOMMENDATIONS

- HIGH NEED, HIGH FEASIBILITY
- HIGH NEED, LOW FEASIBILITY
- LOW NEED, HIGH FEASIBILITY
- LOW NEED, LOW FEASIBILITY

EXISTING TRAILS

- Existing Paths
- Unpaved Trails

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

Trail Improvements

The existing trail network in Milpitas is primarily comprised of paved shared use paths. The Trail, Pedestrian, and Bicycle Master Plan seeks to expand the existing network to provide a foundation of direct, separated routes for people walking and biking. While the trail network builds on previously-proposed path alignments, shifting conditions, updated standards, and changing development patterns have impacted the path alignments recommended here. However, it is important to consider the proposed paths in conjunction with the on-street network and sidewalk recommendations that support a more complete, better connected network. Priority trail alignments are shown in the map above.



PRIORITY TRAIL SPOT IMPROVEMENTS



PRIORITIZED TRAIL SPOT RECOMMENDATIONS

- HIGH NEED, HIGH FEASIBILITY
- HIGH NEED, LOW FEASIBILITY
- LOW NEED, HIGH FEASIBILITY
- LOW NEED, LOW FEASIBILITY

TRAILS

- Existing
- - - Proposed
- Unpaved Trails

BACKGROUND

- b BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

Trail Spot Improvements

Trail spot improvements, when implemented in conjunction with the paved shared use path network, increases access to paths throughout the city while also support navigation through wayfinding improvements, new access points, and trailheads. Improved access points expand integration of the trail network with on-street improvements, expand connections to destinations across the city, and increase recreational opportunities. The map above represents proposed and prioritized spot improvements along the paved shared use path network.

Shared Micromobility

As Milpitas expands active transportation infrastructure, the City should consider opportunities for shared mobility programs that support travel options for Milpitas residents, visitors, and employees. This plan recommends a preliminary strategy for integrating shared bicycle and scooter programs through a one-year pilot program in select areas of the city. This program should include elements such as designated parking areas, equitable access to shared vehicles, and close coordination with neighboring jurisdictions

Policies and Program

To supplement infrastructure investments, Milpitas should also implement education and encouragement programs, such as Safe Routes to School, employer-based encouragement programs, and adult cycling classes. Wayfinding sign systems and bicycle parking programs can further support residents and visitors traveling by active modes, while a comprehensive data collection program and maintenance policy can support greater understanding and preservation of the City's infrastructure investments. Finally, the City should adopt Vision Zero and Complete Streets policies to support a safer, more balanced transportation system.

Project Implementation

Recommended projects were prioritized based on community feedback, plan goals, and results of the network needs analysis. Criteria considered both need and feasibility. This approach prioritizes connections that

provide access to destinations, improve high stress corridors, address a history of bicycle- and pedestrian-involved collisions, and are identified as a need by the community. Further, it considers the potential investment and complexity associated with the project; near term improvements are those that are both high need and can be completed by the City of Milpitas within the existing right-of-way. The resulting project list is an action plan for implementation.

COVID-19 Impacts

This plan reflects an adjusted planning process in response to the COVID-19 pandemic. Beginning with the California Governor's March 2020 Stay at Home Order, planned outreach activities and the associated scheduled were modified to comply with public health guidelines in effect throughout the remainder of 2020. This includes extended public comment periods, shift to virtual outreach activities, and extension of the overall plan timeline.

INTRODUCTION

The Milpitas Trail, Pedestrian, and Bicycle Master Plan provides a vision and action plan for the City to create a complete and connected network of bicycle and pedestrian facilities. Through improved sidewalks, bikeways, and paved shared use paths, the resulting network seeks to support residents and visitors of all ages and abilities. This plan serves as an update to the previously-adopted Trail Master Plan (1997) and Bicycle Master Plan (2009). It focuses on supporting safer travel in and around Milpitas while maintaining and expanding connections with neighboring jurisdictions.

An improved active transportation network will support a growing city whose increasing population and employment demands more options for how to get around and connect to the region. Supported by a network of paved shared use paths, on-street bicycle facilities, and enhanced pedestrian facilities, Milpitas has the opportunity to expand transportation choice while helping meet the needs of people of all ages and abilities.

Plan Contents

Chapter 1, Introduction, outlines the purpose this plan and considers the benefits of active transportation.

Chapter 2, Existing Conditions, considers the broader context of this plan, including demographic and development trends, the transportation system, and the current state of the active transportation network, including bicycle, pedestrian, and trail facilities in the city.

Chapter 3, Needs Analysis, describes the needs of the active transportation network in the city, including ways to support low-stress travel to community destinations and recreation opportunities.

Chapter 4, Outreach, summarizes the engagement activities and findings conducted as part of this plan.

Chapter 5, Vision and Goals, defines the vision for the active transportation network and identifies the supporting Comprehensive Plan goals that the proposed bicycle, pedestrian, and trail systems support.

Chapter 6, Recommendations, describes the proposed active transportation network, including recommendations for both corridor and spot improvements. This chapter also includes recommendations for programs and policy to support an expanded active transportation system.

Chapter 7, Shared Mobility, describes the recommended strategy for e-bike and e-scooter share implementation.

Chapter 8, Implementation, prioritizes recommended active transportation improvements and summarizes potential funding sources.

Relationship to Other Plans

The Milpitas Trail, Pedestrian, and Bicycle Master Plan aims to create a complete, interconnected system of paved shared-use paths, on-street bikeways, and pedestrian improvements to support residents as they recreate and travel in and around the city.

Local and regional planning documents, specifically those aimed at improving walking and biking, informed development of the Trail, Pedestrian, and Bicycle Master Plan. Recommendations put forth in this plan incorporate previous planning efforts, while acknowledging changing conditions in the City influencing the growth of active transportation networks.

Local plans reviewed include the Circulation Element of the Milpitas General Plan, the Milpitas Bikeway Master Plan (2009), the Milpitas Community-Based Transportation Plan (2009), the Milpitas Trail Master Plan (1997), as well as specific area plans such as the Milpitas Transit Area Specific Plan (Amended in 2011), and the Midtown Specific Plan (2002). Regional plans, including the Santa Clara County Bicycle Plan and plans from neighboring jurisdictions, were also reviewed.

The Trail, Pedestrian, and Bicycle Master Plan builds on the goals and objectives outlined in the Circulation Element of the forthcoming Milpitas General Plan. The related goals and objectives are included in **Chapter 5**. The General Plan will guide the long-term physical development of the city, while the Trail, Pedestrian, and Bicycle Master Plan Update will guide the city's implementation of recommendations that support the city's vision for improved multi-modal connectivity.

Benefits of Active Transportation

Investment in active transportation infrastructure—including bikeways, sidewalks, and trails—supports residents, employees, and visitors as they travel in and around Milpitas. Active transportation can support a more active lifestyle; support people as they connect to recreation, employment, or educational opportunities; and for many, serve as the primary way to travel.

The benefits of active transportation are well-documented and broad-reaching, including environmental, economic, and health benefits. Key benefits include:

SAFETY

Addressing network gaps, improving existing infrastructure, and supporting continued education and enforcement can reduce potential conflicts among people walking, bicycling, and driving. Well-designed roadways and active transportation facilities can improve safety for all roadway users through increased predictability and increased separation from motor vehicles.

HEALTH AND EQUITY

A connected active transportation network can provide safer and more comfortable ways to travel for all ages and abilities. Low-stress networks can expand access to schools, jobs, homes, and parks—connecting residents to economic, education, and recreational opportunities. Active transportation supports those who cannot drive or choose not to drive.

Further, active transportation supports mental and physical well-being through reduced stress, reduced anxiety, and numerous health

benefits associated with higher levels of activity. For example, students who walk or bike to school are more likely to show up ready to learn.

ENVIRONMENTAL

Increased walking and bicycling activity for transportation can reduce vehicle miles traveled and reduce vehicle emissions, resulting in improved air quality. This not only helps improve the quality of life for those vulnerable to asthma and other respiratory conditions, but it also helps reduce the city's contribution to climate change. For more information, see the next chapter.

QUALITY OF LIFE

Active transportation provides residents with more choices for how they can get around safely. Not only does improved infrastructure increase the comfort of a route for those walking or bicycling, it can also encourage more people to use active modes of travel for short trips. Residents can more easily connect with educational, economic, and recreational opportunities, supporting an improved quality of life for residents who may otherwise be stuck in traffic.

Consideration of Environmental Factors

Improved active transportation networks also support environmental goals through increased transportation choice. With more options to walk, bike, or access transit, Milpitas has the opportunity to reduce reliance on motor vehicles. This has direct effects for advancing environmental protection goals locally and in the state.

According to California's Air Resource Board, the use of motor vehicles to transport people and good contributes to 39% of total climate change emissions.² Reducing trips through improved active and public transportation systems can shift Milpitas's impact on the environment while simultaneously supporting health, safety, and equity focused goals.

The recommendations developed as part of the Trail, Pedestrian, and Bicycle Master Plan seek to establish a more complete, better connected active transportation network. The following section summarizes environmental benefits related to improved active transportation networks.

Reduced Vehicle Miles Traveled (VMT)

More options for walking, biking, or taking transit can mean less reliance on motor vehicles for daily trips, particularly for short distance trips. Fewer vehicle miles traveled on city roadways support a variety of benefits, including reduced environmental impact, improved cost efficiency for roadway maintenance, and improved safety.

Reduced VMT is associated with improved air quality, reduced impact to water quality and aquatic habitats, reduced greenhouse gas emissions, and reduced fuel consumption. Reduced VMT is also consistent with goals established through the Milpitas General Plan and is consistent with statewide congestion management guidance.

Improved Air Quality

Reduction in motor vehicle trips can improve air quality. Vehicle emissions include CO₂, nitrous oxide, sulfur oxide, and other gases associated with asthma attacks and cardiovascular disease. According the EPA, improved air quality can be associated with prevention of premature deaths, avoided hospitalizations, and reducing work days lost.³

² California Air Resources Board, "[California Greenhouse Gas Emissions for 2000 to 2018](#)"

³ Environmental Protection Agency (EPA), "[Air Pollution: Current and Future Challenges](#)"

Reduced Greenhouse Gas Emissions (GHG)

Reducing motor vehicle trips results in reduced greenhouse gas emissions. According to the EPA, transportation was responsible for 28% of GHG emissions in 2018.⁴ GHG emissions contribute to climate change, the effects of which include increased weather severity, drought, and wildfire. Increased walking and biking can support reduction in CO2 emissions and help Milpitas combat climate change

Related Benefits

In addition to the benefits outlined above, reduced demand for driving also provides savings in the form of reduced maintenance needs for roadways, reduced collisions, and reduced collision-related costs.

Project Implementation

While the environmental benefits of active transportation are well-documented, consideration of environmental impacts for specific projects should be considered at the time of project implementation. The recommendations outlined in the following chapters of this plan are described at a conceptual level for planning purposes only. Implementation of individual projects will require obtaining project funding and conducting further study, including any environmental review required under CEQA.

⁴ Environmental Protection Agency (EPA), [*"Sources of Greenhouse Gas Emissions"*](#)

EXISTING CONDITIONS

The City of Milpitas is located in Santa Clara County at the southern extent of the San Francisco Bay. It is situated directly north of San Jose and is located southeast of Fremont, covering over 13 square miles. A new BART station and supporting regional transportation investments are setting the stage for new opportunities in this rapidly-growing city.



Community Context

Milpitas residents represent a diverse and growing population. Since 2010, the population of Milpitas has grown by 16%. As of January 2019, there were an estimated 76,231 people living within Milpitas city limits.² More than 70% of households speak a language other than English, and Asian populations represent over 60% of Milpitas residents.

The population is also well-educated, with over 50% of residents having a Bachelor's degree or higher. Further, the area median income is approximately 1.5 times higher than that of State of California and 10% higher than the surrounding area.³ However, the city also has a higher poverty rate than surrounding areas, with approximately 8% of households living at or below the federal poverty level.

² California Department of Finance
³ 2017 ACS 1-year estimate

On an average weekday, the daytime population nearly doubles as people travel from across the region to several major employers in the city. As the population has grown, so has the number of jobs, with an estimated 38% increase in jobs from 2010 to 2017.⁴ With a growing number of people living and/or working in Milpitas, there will be a greater demand on the roadway network, including increased congestion. Expansion of travel options, including improved walking and biking network and connections to transit, can help alleviate traffic congestion and expand choice for how Milpitas residents and visitors travel.

In addition to traveling to reach employment opportunities, Milpitas residents are also traveling to reach basic services or educational opportunities. Approximately 25% of the population is under the age of 18, while 10% are age 65 or older.⁵ Although this represents a small proportion of the total population, residents in these age brackets are often the most vulnerable road users, and opportunities to provide safe routes to access schools, services, and other destinations should be a priority.

⁴ LEHD
⁵ 2017 ACS 1-year estimate

Households with limited income may rely on walking, bicycling, or transit more often to reach jobs, services, and basic needs. Further, navigating the city regardless of mode may be more difficult for residents who do not speak English. Transportation improvements should not only help people connect to destinations through active modes but also support navigation through wayfinding, education, and encouragement.

Land Use & Development

Development patterns in Milpitas respond to primary through-ways, such as the rail line, I-680, and I-880, which run north-south across the city, and State Route 237, running east-west through much of the city. In addition to influencing land use patterns, these routes create barriers to bicycle and pedestrian travel, restricting safe, convenient access across the city and support an over-reliance on motor vehicles for easy travel.

Milpitas is predominantly residential, with single-family homes comprising approximately 75% of all housing units. However, residential land uses are separated from other uses, with multi-family uses located on the edge of single family zones. This suburban development pattern includes a series of winding roadways and cul-de-sacs that limit connectivity within and among neighborhoods. Figure 1 depicts the city's existing land use condition.

Economic centers, found in commercial and industrial zones, are typically located in the south and west of the city along major roadways. These locations are separated from residential uses and typically located on larger parcels with limited points of access and large parking lots. These qualities lend to reliance on a motor vehicle, even for short trips.

Across the city, increasing connectivity—such as by connecting street ends, providing dedicated paths across larger parcels, increasing access to trails and paved shared use paths, and improving crossings at major roadways—can increase the availability of lower-stress travel options for bicyclists and pedestrians, creating opportunity for greater access for all.

Additionally, the natural landscape in Milpitas provides an advantage for improving bicycle and pedestrian travel options. Milpitas benefits from a relatively flat terrain, which provides for more accessible bicycle and pedestrian travel as compared to locations with steep hills. Further, the creeks that run throughout the city provide a unique opportunity for trails and shared use paths alongside the creeks, where feasible.

FIG. 1 Existing Land Use

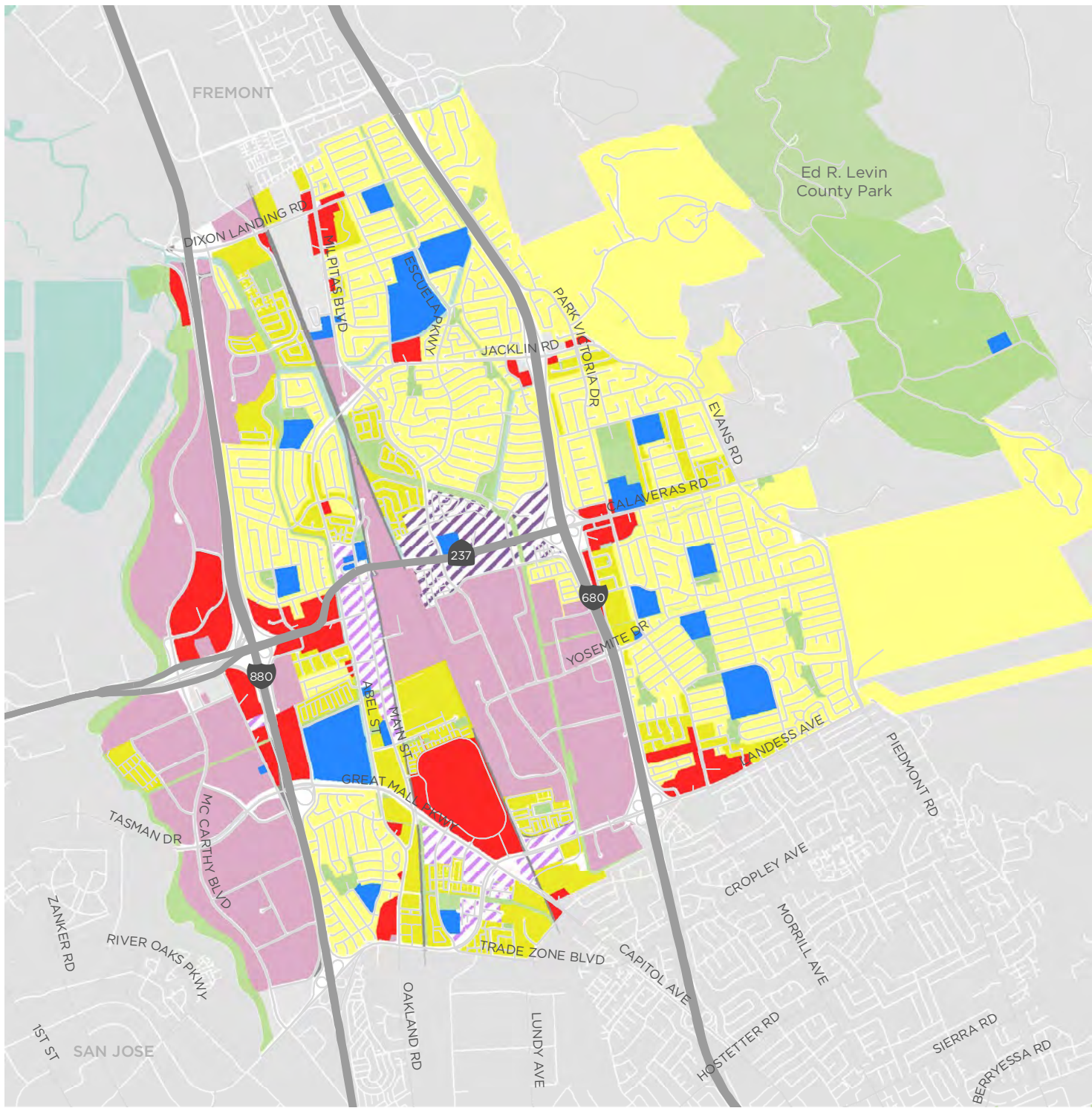
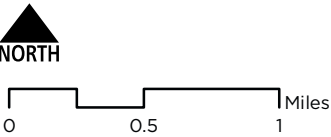


FIGURE 1
EXISTING LAND USE



EXISTING LAND USE

- Commercial
- Highway Services
- Industrial
- Institutional
- Mixed Use
- Multi Family Residential

- Park Open Space
- Single Family Residential
- Town Center
- Transportation
- Waterways

BACKGROUND

- Streets
- Railroad
- Public Parks
- Water

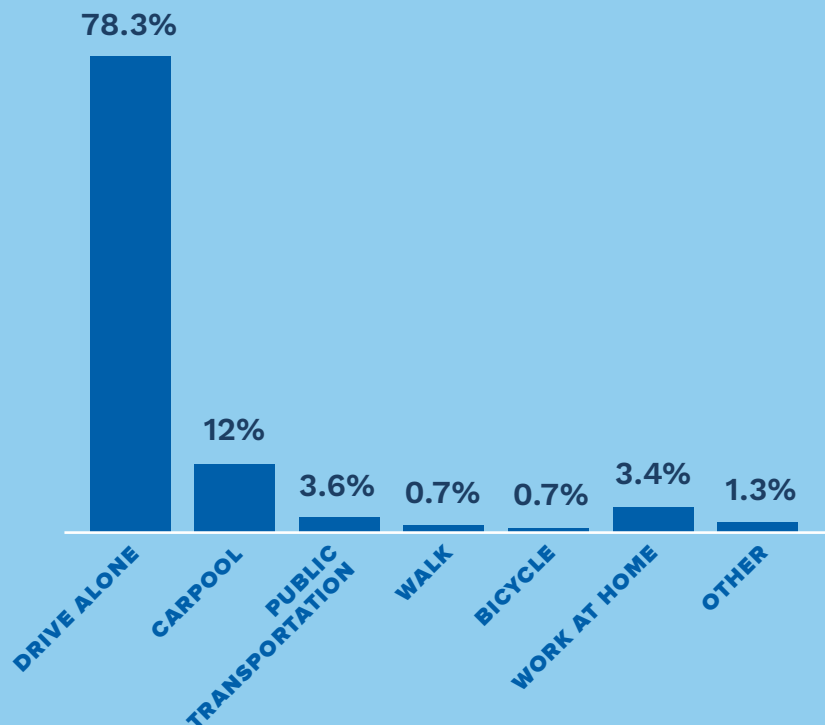
Transportation Overview

Transportation options in Milpitas are varied and include bicycle facilities, sidewalks and shared use paths, bus lines, light rail, and regional rail. Despite the wide range of modes available, 78% of individuals commute to work by driving alone.

The roadway network in Milpitas supports local travel and includes several major routes that are regionally significant. State Route 237, Montague Expressway, and Great Mall Parkway support trips into and out of Milpitas, particularly providing access to employment centers in the southern area of Milpitas. I-680 and I-880 also support regional trips. Each of these routes, however, impacts safe and comfortable travel by active modes in the city. Improvements should consider the regional role of these roadways while seeking to improve access and comfort for active modes.

While over 80% of households in Milpitas have access to two or more motor vehicles, nearly 2% of households do not have access to a motor vehicle. Those without a motor vehicle often rely on transit, walking, and bicycling to meet daily needs. A high quality active transportation network that connects destinations and provides access to transit not only provides mobility options for those without motor vehicle access but can also increase options available to those relying on motor vehicles today. This is particularly important for connecting areas in the southern area of the city, including employment centers and regional transit.

MEANS OF TRANSPORTATION TO WORK



Public Transportation

Only 2.5% of the working population commutes via public transportation today. The network is supported by bus and light rail service, with routes connecting across the city and into neighboring jurisdictions. The Milpitas BART station, which opened in June 2020 in the southern part of the city, is projected to have 20,000 daily passengers by the year 2030 and is expected to significantly alter transportation in the region. This station will be a major transportation hub in the city and connects Milpitas with the region; not only will residents have improved access to nearby cities, but those traveling to Milpitas will need ways to get around without a motor vehicle when they reach the city. Bicycle, pedestrian, and trail improvements should provide connections to this new hub to support resident access to the region, support employee access to employers in Milpitas, and limit reliance on motor vehicles to access transit.



Source: bart.gov

THE MILPITAS STATION BEGAN SERVICE IN JUNE 2020, EXPANDING TRANSIT OPTIONS FOR RESIDENTS AND VISITORS. PHOTO SOURCE: BART SILICON VALLEY

Bus and light rail in Milpitas are primarily operated by the Santa Clara Valley Transportation Authority (VTA), although several bus lines providing service in the city are operated by AC Transit. Frequent bus service is limited across the city; existing routes run north-south through the city, enabling access between the northern neighborhoods and the Great Mall light rail station.

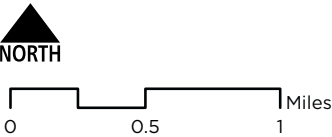
The Alum Rock – Santa Teresa light rail line includes stops in the southern area of Milpitas. Stops are located along E Tasman Drive and E Capitol Avenue, with three stops within Milpitas city boundaries. The I-880 Milpitas Station and the Great Mall/Main Station have park and ride lots available; the Montague station is located near the recently opened BART stop. Opportunities to increase bicycle and pedestrian connectivity to transit through improved infrastructure and implementation of Transit Demand Management (TDM) strategies envisioned in the Transit Area Specific Plan, should be explored.

Providing safe and convenient routes to access transit can support residents in getting around without a motor vehicle, support transit ridership, encourage improved health outcomes, reduce congestion, and improve air quality. Walking, rolling, and bicycling help close the last mile gap.

FIG. 2 Public Transportation



FIGURE 2
PUBLIC
TRANSPORTATION



PUBLIC TRANSPORTATION

- BART Station
- Light Rail Station
- Frequent Service Bus Stop

BACKGROUND

- Schools
- Public Parks
- Streets
- Railroad
- Water

Pedestrian Network

A comprehensive pedestrian network supports residents and visitors in reaching the places they want and need to go, including utilitarian trips and recreational activities. Pedestrians are those who walk or roll. The term *roll* reflects those who might use a wheelchair or other assistive mobility devices. Sidewalks form the foundation of the pedestrian network and connect students to their schools; transit riders to their buses; and families to their neighborhood parks.

The sidewalk network in Milpitas is supported by sidewalks, trails, park paths, and other informal connections. The pedestrian network also includes curb ramps, crosswalks, crossing signals, pedestrian signal heads, and other features that support the safety and comfort of people walking and rolling.

Although data specifying pedestrian infrastructure locations throughout the city was not available, review of aerial imagery and local knowledge indicate that the sidewalk network is relatively complete across the city. Street Design Guidelines for the city specify that streets shall include sidewalks with curb ramps. While this requirement supports people walking, it is important to note that cul-de-sacs, high speed arterials, limited access highways, and larger parcels limit the connectivity and directness of pedestrian routes. On- and off-ramps for highways also create safety concerns for pedestrians, and opportunities to cross the highways are limited. Opportunities to enhance pedestrian safety and connectivity to destinations such as transit, schools, parks, and commercial services should be explored. For more information on types of pedestrian infrastructure, see the Pedestrian Improvement Toolbox beginning on page 81.

Suggested Walking Routes to School

The Milpitas School District is comprised of 14 schools, representing an enrollment of over 10,000 students. For 11 of these schools, the City has designated Suggested Walking Routes along nearly 45 miles of roadways. These routes are shown in Figure 3. Through designating these routes, the City has not only identified priority routes for safety improvements, but have also signaled to families looking to walk to school that their trip may best be supported by these routes.

The Suggested Walking Routes typically follow neighborhood roadways, which are lower speed and lower volume, or include segments of paved shared use paths. However, several segments are located along higher speed roadways, such as Abel Street, and encounter difficult crossings. With children comprising approximately one-quarter of the total population in Milpitas, and children often being more vulnerable to crashes than adults, these routes and other connections to school should provide an all ages and abilities route. Improvements to the active transportation network should consider connections to schools specifically and opportunities to support some of the most vulnerable roadway users in Milpitas.

Children, representing one-quarter of the population in Milpitas, are often more vulnerable to crashes than adults. Improvements to the bicycle and pedestrian network should consider connections to schools specifically and opportunities to support vulnerable roadway users in Milpitas.

FIG. 3 Suggested Walking Routes

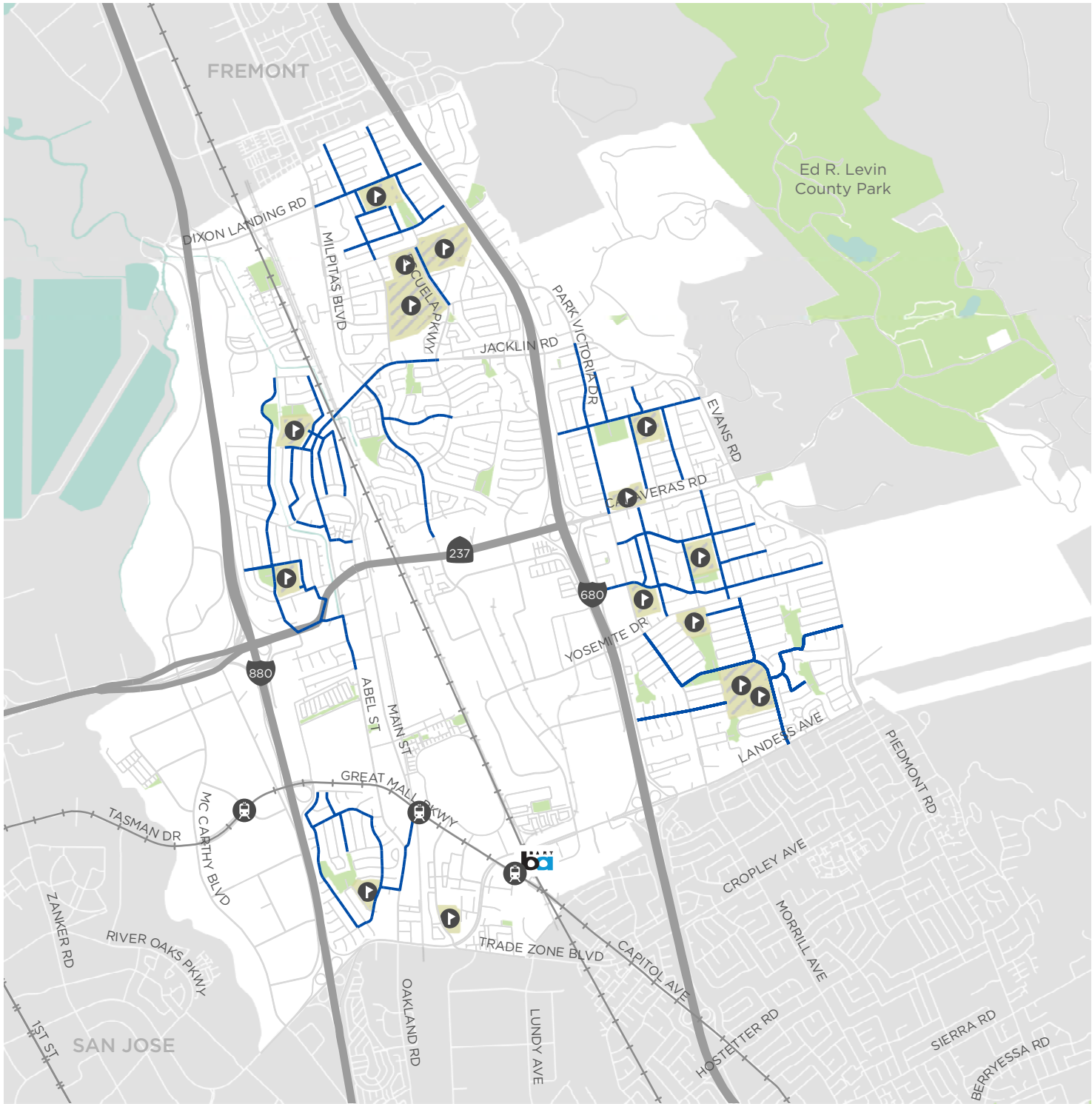
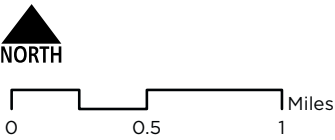


FIGURE 3
SUGGESTED
WALKING ROUTES



SUGGESTED WALKING
ROUTES TO SCHOOL

- Suggested Route
- Schools

BACKGROUND

- Streets
- Railroad
- Public Parks
- Water

Bicycle Network

The existing bicycle network includes nearly 50 miles of bicycle lanes, designated bicycle routes, and paved shared use paths. While there are 15 miles of designated bike routes, as shown in Table 1, most of these routes do not have signage or pavement markings to support bicyclists. On-street bikeways, including bike lanes and designated bike routes, are primarily located along major roadways with higher posted travel speeds and traffic volumes; many are also designated as freight routes.

Paved shared use paths provide low-stress, off-street bicycle and pedestrian connections. However, the existing paved shared use path network is incomplete due to network gaps and varying levels of surface quality. This limits continuous travel among destinations. While paved shared use paths are an integral component of the bicycle network, for the purposes of this plan, they are discussed in more detail as part of the existing trail network beginning on page 29.

Milpitas does not currently have other bikeway types, such as buffered bike lanes, bike boulevards, or cycle tracks; these facility types are discussed in greater detail beginning on page 27. The existing network generally supports travel north-south through many areas of Milpitas; however, opportunities for travel east-west across the city are limited. In all directions, on- and off-ramps for highways create safety concerns for those traveling by bike, and opportunities to cross the highways are limited. Where crossings do exist, they typically require navigating shared conditions with high speed motor vehicles.

Within neighborhoods, residential streets support lower-stress travel options for people bicycling. Lower posted speeds, fewer motor vehicles, and narrower rights-of-way contribute to more comfortable bicycling conditions with connections to schools, parks, and other neighborhood-based destinations. However, frequent major roadway crossings, indirect routes, and limited connectivity of low-stress routes reduce connectivity to other destinations across the city.

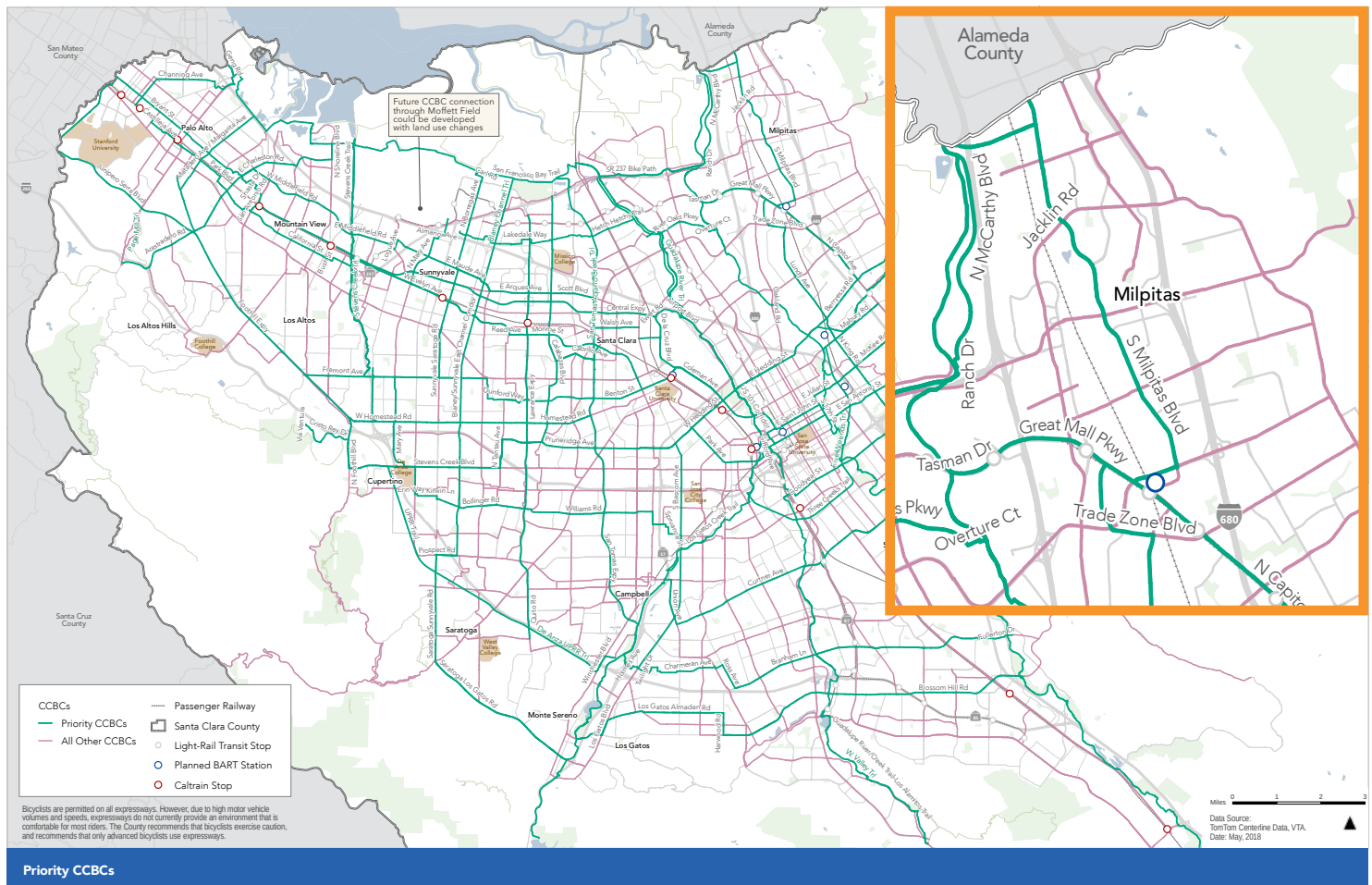
Opportunities to connect residential roadways with paved shared use paths, protected crossings, and improved bikeways along major roadways can support more trips by bike to more places across Milpitas and the region.

A description of bikeway types are included on page 27, and existing bikeways are shown in Figure 5.

TABLE 1 Existing Bikeways

FACILITY TYPE	LENGTH
Class I: Paved Shared Use Path	8 miles
Class II: Bike Lane	25 miles
Class III: Designated Bike Route	15 miles
TOTAL	48 miles

FIG. 4 VTA Cross-County Bikeway Corridors



Regional Bicycle Network

With connection to the San Francisco Bay Trail, San Jose, and Fremont, Milpitas is an integral part of the regional bicycle network. The Santa Clara Valley Transportation Authority (VTA) has established a vision for Cross-County Bikeway Corridors (CCBC) that connect residents, employees, and visitors across Santa Clara County. The 2018 County-wide Bicycle Master Plan identified nearly 950 miles of bikeways, as shown in Figure 4. Priority projects (shown in green) include Milpitas Boulevard, McCarthy Boulevard, Dixon Landing Road, and Great Mall Parkway.

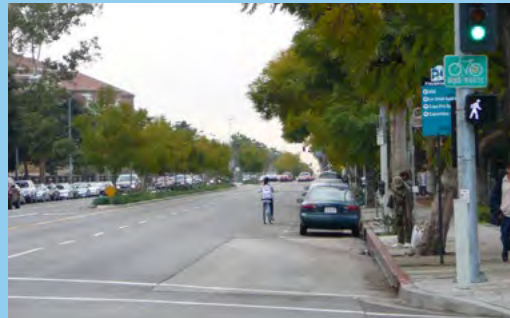
The routes identified in the VTA plan are important corridors in Milpitas for connecting people across highway and rail barriers, supporting trips to destinations and transit, and linking people to regional recreational opportunities. Currently these corridors have designated bike lanes or are designated bicycle routes. Improvements should be considered to improve safety and comfort along these routes for Milpitas residents and support the Santa Clara County bikeway vision.

Bikeway Types



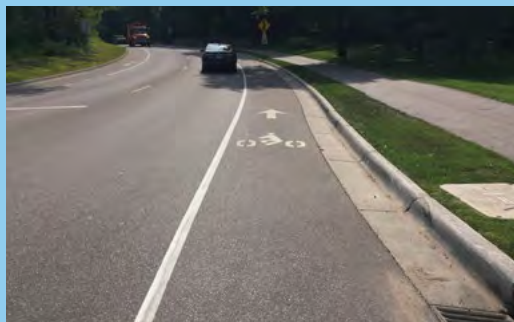
Class I: Paved Shared Use Path

- Completely separated from the roadway
- Typically shared with bicyclists and pedestrians
- Comfortable for people of all ages and abilities



Class III: Designated Bike Route

- Signed routes where people bicycling share the lane with motor vehicles
- Often designated with pavement marking, typically only comfortable for confident cyclists



Class II: Bike Lane

- Dedicated lane for bicycle travel adjacent to traffic and in the right-of-way
- Separated from motor vehicles by a painted white line



Class IIIB: Bike Boulevard

- Calm, local roadways that prioritize bicycle travel through traffic calming features such as traffic diverters and speed humps
- Comfortable for a wide range of ages and abilities



Class IIB: Buffered Bike Lane

- Dedicated lane for bicycle travel adjacent to traffic and in the right-of-way
- A painted buffer separates bicyclists from motor vehicles to provide additional comfort and operating space



Class IV: Cycle Track

- On-street bikeway separated from motor vehicles by a curb, median, planters, or other physical barrier

FIG. 5 Existing Bikeways

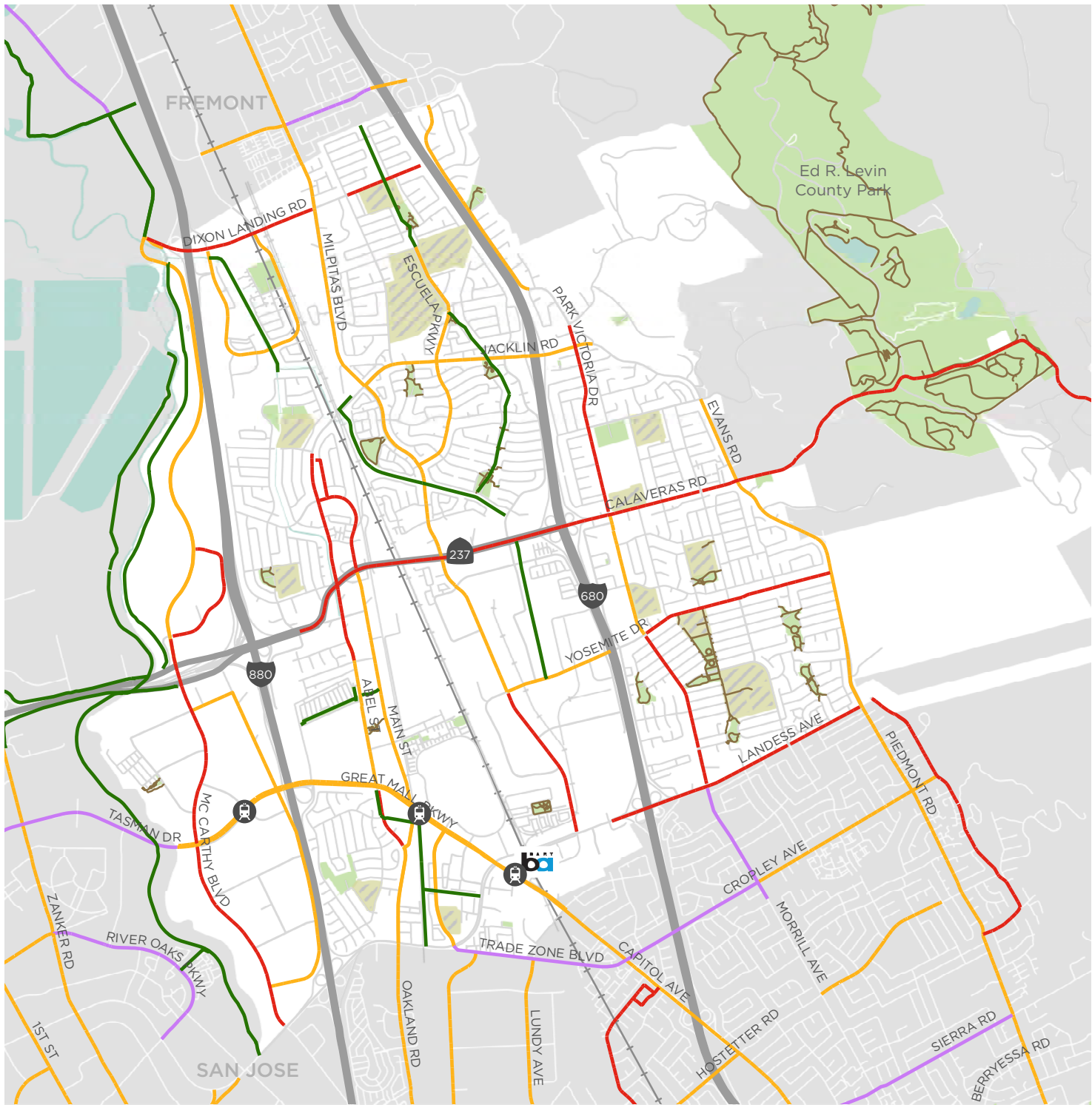
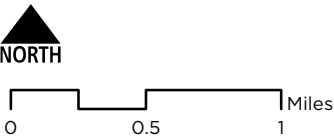


FIGURE 5
EXISTING BIKEWAYS



EXISTING BIKEWAYS

- Class I: Paved Shared Use Path
- Class II: Bike Lane
- Class IIB: Buffered Bike Lane
- Class III: Bike Route
- Unpaved Trails

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Railroad
- Public Parks
- Streets
- Water

Trail Network

Unpaved trails and paved shared use paths are vital components of Milpitas’s transportation system and recreation opportunities. The existing network is primarily comprised of paved shared use paths. However, the trail network also includes unpaved paths and/ or soft surface trails, located primarily within parks; this is shown in Figure 6. Paved paths are present along portions of Penitencia and Berryessa Creeks, and the Hetch Hetchy trail leads north from Peter Gill Memorial Park toward Fremont. While these paths have expanded over time, they are intermittent and limited in their utility as part of a connected system. Further, existing segments may be in need of repair and other routine maintenance. Completing these paths, with a focus on connecting segments, improving the quality of existing routes, and reaching major destinations, can support the city’s vision for a complete and connected low-stress system.

In addition to local trails and paths, two regional recreational destinations are also located near Milpitas. First, the Coyote Creek Trail, which includes both a paved path and soft surface trail, is a designated segment of the San Francisco Bay Trail.

The San Francisco Bay Trail is an effort to establish walking and bicycling facilities around approximately 500 miles of the San Francisco Bay, with the goal of connecting communities to parks, schools, and transit. It is comprised of a series of on-street, paved off-street, and unpaved off-street segments.

To date, 350 of the 500 miles are designated and available for use; the trail miles not yet available for use are proposed, with alignments dependent on jurisdiction coordination, funding availability, and construction. Proposed segments in Fremont and San Jose will improve connectivity among these cities and create opportunities for greater connectivity with Milpitas.

Second, Ed R. Levin County Park to the east of Milpitas offers over 20 miles of unpaved trails. This park provides for recreational opportunities for hiking, walking, and in some locations, biking. Unpaved sections of trail are also available along Coyote Creek to the west of Milpitas. Direct connections to both of these recreation areas is currently limited by active modes and rely heavily on motor vehicle use to access these valued resources.

Berryessa Creek, Penitencia Creek, and Calera Creek provide opportunities for connected and continuous trails in Milpitas that help residents connect to transit, regional recreation, and commercial centers. Future trails along these creek corridors, however, are dependent on their feasibility. The creek system in Milpitas is managed by Valley Water, who are a key partner in implementation of Milpitas’s proposed trail system.

FIG. 6 Existing Trails

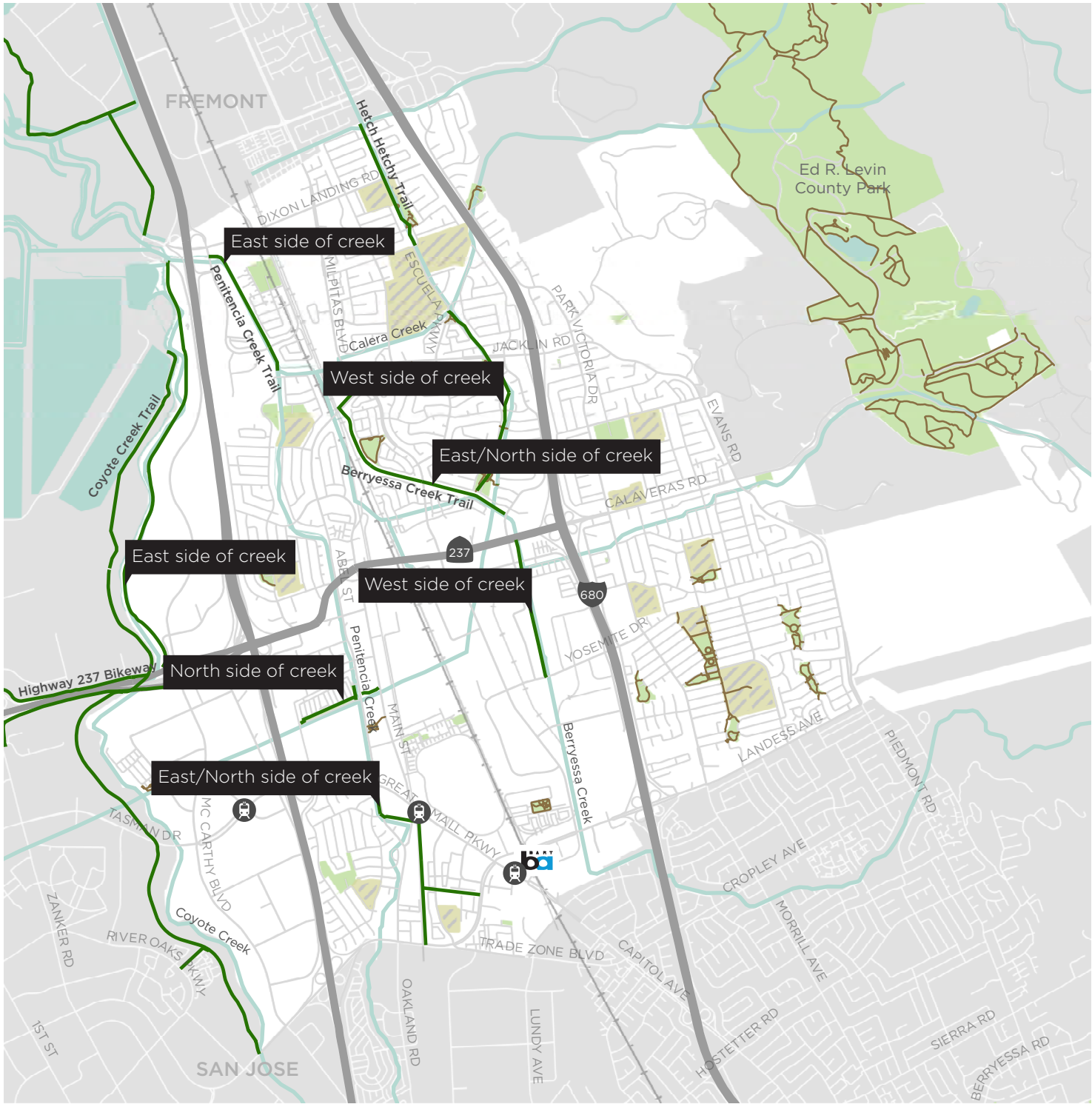


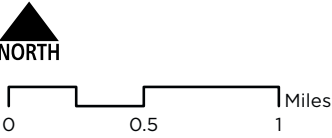
FIGURE 6
EXISTING TRAILS

EXISTING TRAILS

- Class I: Paved Shared Use Paths
- Unpaved Trails

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Railroad
- Public Parks
- Streets
- Water



Education and Encouragement Programs

Bicycle and pedestrian focused programs provide education and encouragement for residents to use existing bicycle, sidewalk, and trail networks. Programs complement quality infrastructure and are a vital component of a comprehensive approach to active transportation in Milpitas.

Programs may be offered by the City, agency partners, or other organizations. Interviews with City partners revealed that there are limited existing programs in Milpitas today; however, there are significant opportunities to expand these options for residents. New program opportunities are explored in the Recommendations Chapter.

Safe Routes to School: There is not currently a Safe Routes to School program in place; however, previous efforts have identified suggested routes to area elementary schools. Maps are available through the school district to help families plan their route to school. Not only do these routes provide insight into where infrastructure improvements may be most needed, they also provide the foundation for additional education and outreach efforts. Milpitas should coordinate with VTA, Santa Clara County, and the Milpitas School District to explore options for Safe Routes to School Programs, including opportunities to utilize Measure B funding.

Bike to Work Day: Bike to Work Day is a national celebration, encouraging people to bike to work for the first time and celebrating those who bike to work regularly. Milpitas participates in the May event and campaign annually, as part of the Bay Area Bike to Work celebration. In coordination with Silicon Valley Bicycle Coalition, Santa Clara County, and VTA, the City hosts Energizer Stations at locations around Milpitas. In 2019, 4 stations were available to commuters to stop for encouragement, pick up small incentives, and learn more about biking to work.



MILPITAS HOSTS BIKE TO WORK STATIONS EACH YEAR IN MAY TO CELEBRATE BIKE COMMUTERS. STATIONS ARE SET UP ACROSS THE CITY AND REGION.

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NEEDS ANALYSIS

The following chapter summarizes network needs and identifies gaps in the existing network. The needs analysis considers network safety, network connectivity, and access to destinations. This information provides additional insight to the challenges and opportunities for active transportation and informs opportunities for improvements across the city.

Active Transportation Safety

While bicyclists and pedestrians represent only 11% of all reported collisions, they are disproportionately represented in fatal and serious injury collisions in Milpitas. From 2014 to 2018, a total of 1,703 vehicle collisions were reported in Milpitas, including 19 fatalities. This included 187 bicyclist- or pedestrian-involved collisions, representing 11% of all reported collisions. Four pedestrian fatalities* and one bicycle fatality represents over 25% of the total reported fatalities in the city, while severe injury collisions involving bicyclists or pedestrians represent 35% of all reported severe injury crashes during this time period.

During this same time period, there were over 6,000 bicycle- or pedestrian-involved collisions in Santa Clara County, representing nearly 17% of total collisions in the County. Of these collisions, 43 people biking and 168 people walking were killed on Santa Clara County’s roadways, representing 31% of all fatal collisions.

Bicyclist- and Pedestrian-involved Collisions

From 2014 to 2018, there were a total of 103 bicycle-involved collisions reported in Milpitas, including 7 severe injuries and one fatality. Of the 103 bicycle-involved collisions, 55% occurred at an intersection. As shown in Figure 7, bicycle-involved collisions primarily occurred along major roadways, such as Calaveras Boulevard, Montague Expressway, and Jacklin Road. Most of these roadways are either designated bike routes, such as Calaveras Boulevard, or have designated bike lanes, such as Abel Street and Great Mall Parkway.

During this same time period, there were a total of 84 pedestrian-involved collisions, including 16 severe injuries, and 4 fatalities. Similar to bicycle-involved collisions, pedestrian-involved collisions occurred most frequently along major roadways, such as Calaveras Road, Landess Avenue, and Dixon Landing Road, as shown in Figure 8. C The streets with the

COLLISION DATA IS SOURCED FROM THE STATEWIDE INTEGRATED TRAFFIC RECORDS SYSTEM (SWITRS).

*COLLISIONS OCCURRING ALONG INTERSTATE ROUTES WERE OMITTED FROM THIS COUNT. PEDESTRIAN TRAVEL ALONG INTERSTATES IS SPECIFICALLY PROHIBITED, AND ARE NOT WITHIN MILPITAS'S JURISDICTION.

REPORTED CRASHES IN MILPITAS, 2014-2018

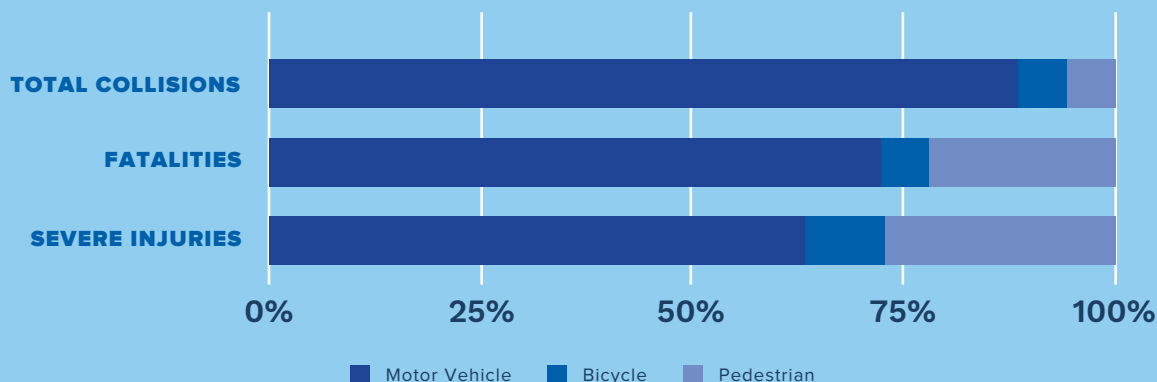


TABLE 2 *Safety Summary*

BICYCLE-INVOLVED COLLISIONS	PEDESTRIAN-INVOLVED COLLISIONS
103 total collisions	84 total collisions
55% occurred at an intersection	45% occurred in a crosswalk
Occurred most often along major roadways with designated bikeways	Occurred most often along major roadways with high speeds and roadways supporting regional trips
7 severe injuries	16 severe injuries
1 fatality	4 fatalities*
Most severe injuries and fatalities occurred along a major roadway and at unsignalized intersections with no bicycle facility.	Severe injuries and fatalities occurred most often along major roadways and at unsignalized locations.

*COLLISIONS OCCURRING ALONG INTERSTATE ROUTES WERE OMITTED FROM THIS COUNT.

most pedestrian fatalities and severe injuries, however, were Abel Street and Park Victoria Drive.

Considering the location of all bicycle- and pedestrian-involved collisions, contributing factors may include the high posted speeds, wide and numerous lanes, highway ramps, and unsafe crossings. It should be further noted that collisions involving people who bike or walk are often under-reported, so while this data provides insight into where the most serious collisions occurred, minor collisions are likely under-represented.

Trail-Specific Considerations

Safety data reflect collisions along roadways; however, where trails cross roadways frequently create safety concerns for trail users and low-stress routing. Further, trails may also provide an alternate route to an otherwise high-stress and high-collision roadways. Alignments along

creeks and alongside roadways, such as Abel Street and Great Mall Parkway, provide opportunities for safer active transportation routes.

Providing for safe crossings of major roadways is necessary to create a trail network that support comfortable, all-ages and ability travel. Locations where improved trail facilities and roadway crossings can better support the growing trail network include:

- Yosemite Drive at the entrance to the Murphy Park Trail at Merryhill Elementary
- Near the entrance to the Coyote Creek Trail from Calaveras Boulevard
- On Dixon Landing Road near the entrance to the Coyote Creek Trail
- At multiple intersections along the Hetch Hetchy Trail, including Jacklin Road, north of Sandalwood Park, Washington Drive, and Coelho Drive.

FIG. 7 Bicycle Collisions, 2014-2018

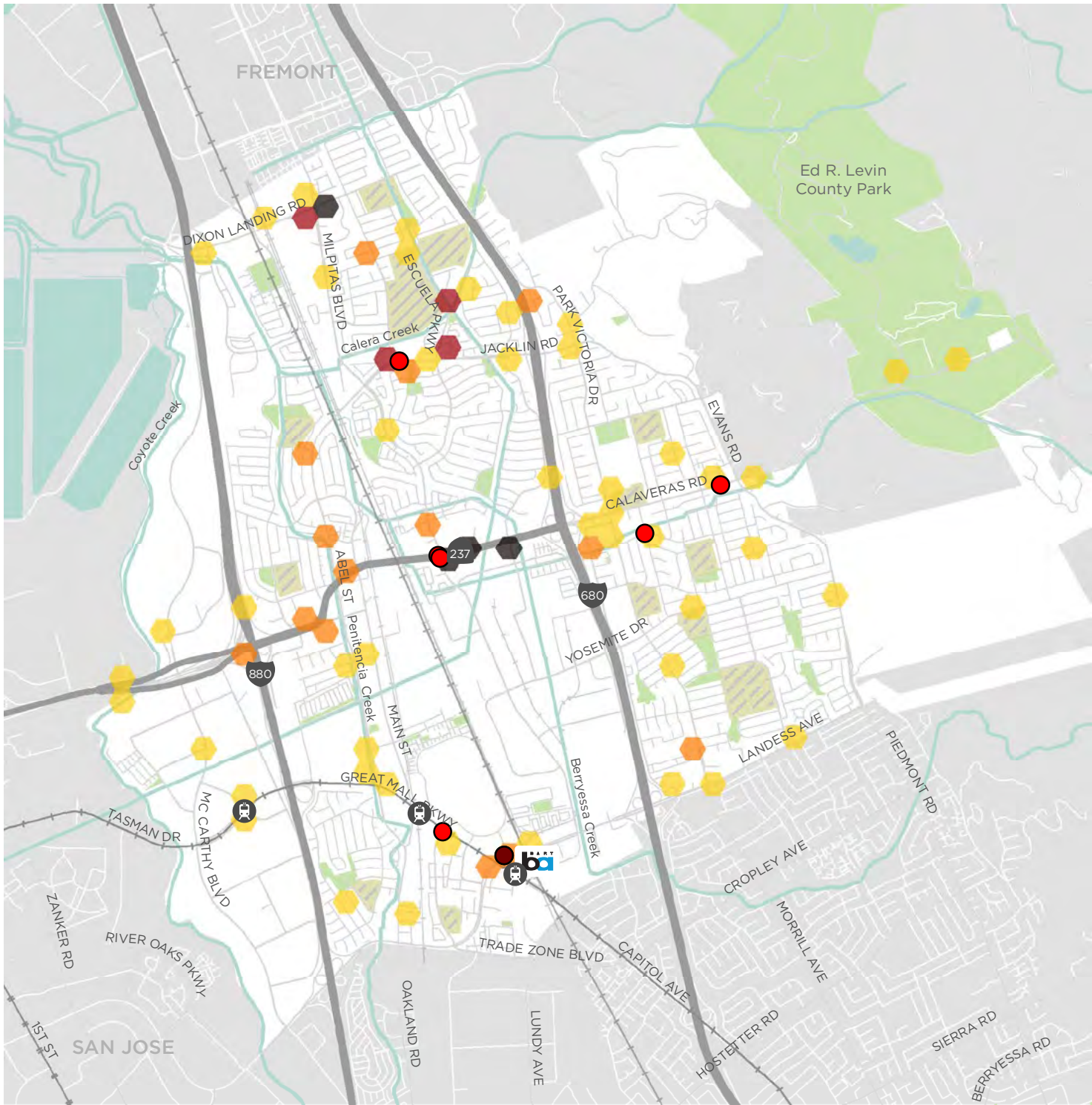
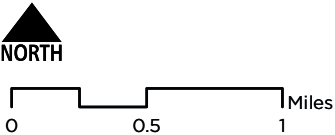


FIGURE 7
BICYCLE COLLISIONS
2014-2018



SERIOUS INJURY
+ FATAL COLLISIONS

- SERIOUS INJURY
- FATALITY

BIKE COLLISIONS
PER HEXAGON
(2014-2018)

- 1 Collision
- 2 Collisions
- 3 Collisions
- 4 Collisions

BACKGROUND

- Schools
- Streets
- Railroad
- Public Parks
- Water

FIG. 8 Pedestrian Collisions, 2014-2018

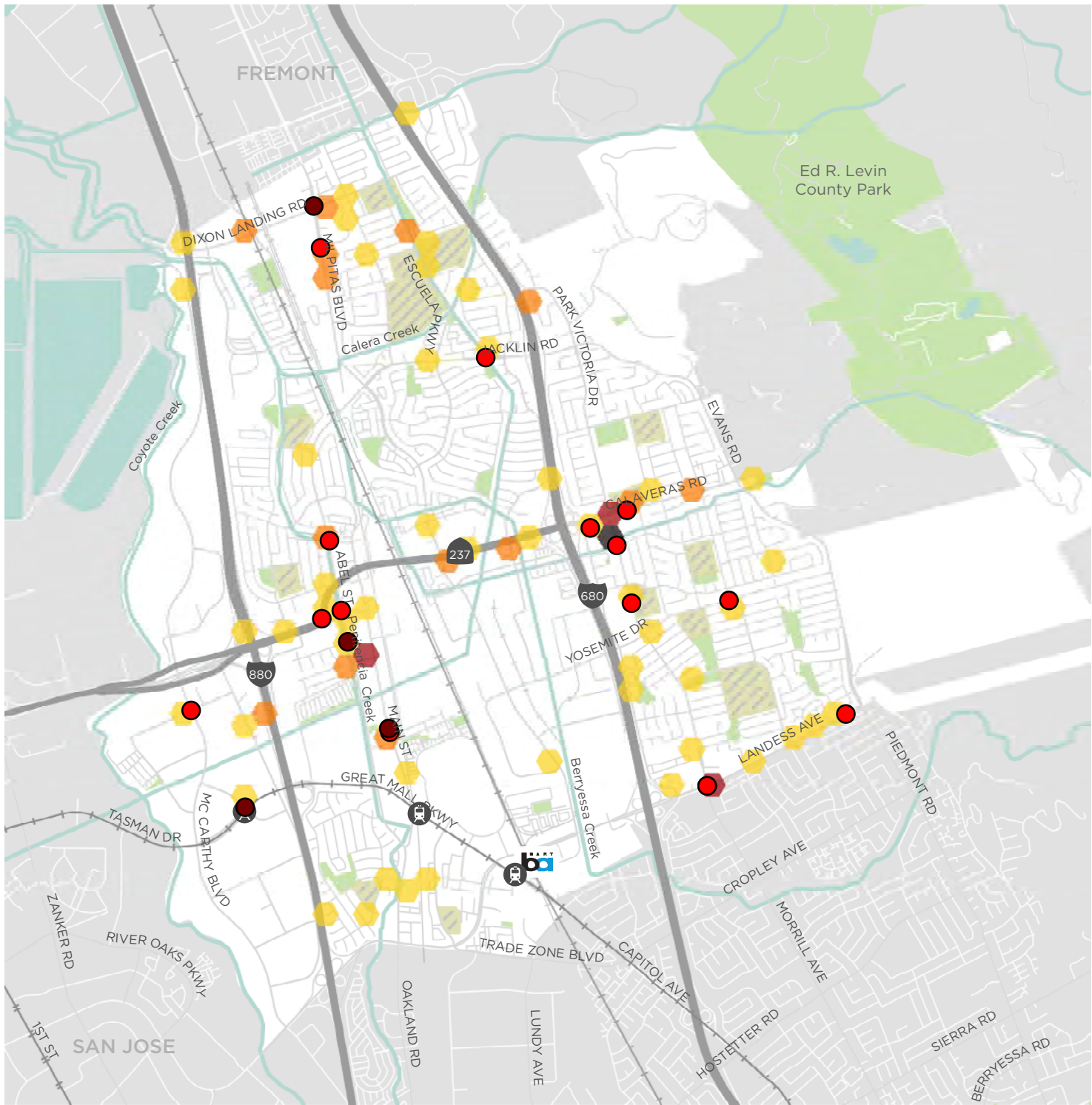


FIGURE 8
PEDESTRIAN COLLISIONS
2014 - 2018



SERIOUS INJURY
+ FATAL COLLISIONS

- Serious Injury
- Fatality

PEDESTRIAN COLLISIONS
PER HEXAGON
(2014-2018)

- 1 Collision
- 2 Collisions
- 3 Collisions
- 4 Collisions

BACKGROUND

- Schools
- Streets
- Railroad
- Public Parks
- Water

Level of Traffic Stress (LTS)

LTS refers to the perceived comfort level of a roadway or shared use pathway. While primarily intended to evaluate the bike network, it also provides insight into relative roadway comfort for pedestrians. At its foundation, LTS relates to the speed of the roadway, the width of the roadway, and the provision of space for bicycles. A roadway with fewer lanes for motor vehicles, lower posted speeds, and greater separation from motor vehicles is considered most comfortable, while high speeds and mixed traffic conditions are least comfortable. Generally, LTS 1 and LTS 2 are considered low stress, while LTS 3 and LTS 4 are high stress roadways.

These scores guide understanding of who might bike along a roadway. The Four Types of Cyclists, shown to the right, consider one's interest and comfort bicycling. The majority of the population--those who are interested but concerned--are most likely to be comfortable biking only on low stress (LTS 1 and LTS 2) roadways.

LTS also delineates network gaps and guides focus areas for improving the active transportation network. Figure 9 on the following page shows the LTS scores for roadways within Milpitas. These results highlight the following:

- Neighborhood roadways are typically low stress.
- Primary roadways, such as Calaveras Boulevard, are higher stress.
- A greater number of collisions occurred on high stress roadways.
- Industrial and commercial land uses, as well as BART and light rail stops are located along high stress corridors.



1-3%

STRONG & FEARLESS

Very comfortable and willing to ride on streets with no designated bike facilities.



5-10%

ENTHUSIASTIC & CONFIDENT

Very comfortable riding but prefer streets with designated bike lanes.



50-60%

INTERESTED BUT CONCERNED

Comfortable on trails and streets with buffered or separated bikeways; interested in biking more.



30%

NOT CURRENTLY INTERESTED

Physically unable or very uncomfortable biking, even on streets with separated bikeways.

LTS SCORES HELP US IDENTIFY A LOW STRESS NETWORK THAT SUPPORTS PEOPLE BICYCLING WHO ARE INTERESTED IN RIDING BUT ARE CONCERNED FOR THEIR SAFETY. THIS GROUP TYPICALLY REPRESENTS UP TO 60% OF THE POPULATION.

FIG. 9 Level of Traffic Stress

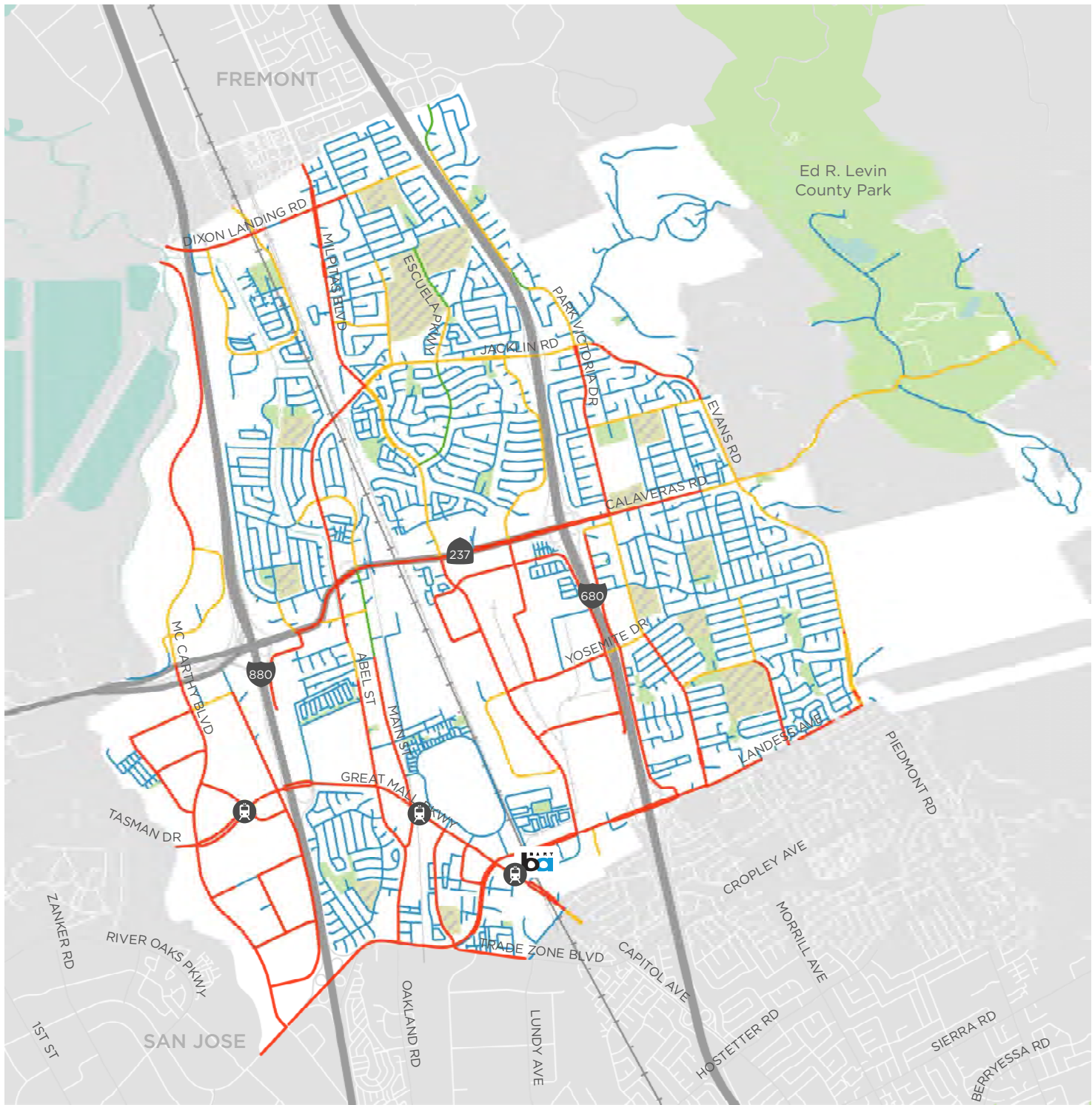
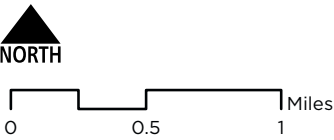


FIGURE 9
LEVEL OF
TRAFFIC STRESS



LEVEL OF TRAFFIC STRESS

- 1
- 2
- 3
- 4

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Streets
- Railroad
- Water

Low-Stress Connectivity

Low-stress routes can support families, students, and interested but concerned adults in exploring their city, traveling to work or school, or running daily errands by bike. These routes provide greater separation from motor vehicles, support safe crossings of major roadways, and have lower posted speeds.

However, low-stress roadways are only beneficial if they help people get where they need to go.

If a trip occurs primarily along a low-stress road or paved path but requires someone to travel briefly along a high-speed, high-volume roadway or navigate a major roadway crossing without a signal, the trip is no longer low-stress. A low-stress network must help people get from trip start to trip end along low-stress roadways and crossings.

LTS results help visualize the effect of high stress routes and crossings on network connectivity. Figure 10 depicts low-stress connectivity islands, where each color represents the area one can travel along continuous and connected low-stress (LTS 1 or LTS 2) roadways. Low-stress travel is only possible within a particular color; a change in color indicates that a high stress crossing or road is present.

For example, the neighborhood near Hall Memorial Park is well-connected through low-stress roadways. However, once one travels toward Abel Street or Calaveras Boulevard, the low stress connection ends.

This exercise also demonstrates the impact of suburban roadway patterns on continuous travel along the network and highlights the importance of shared use pathways in overcoming these barriers. This affects both

bicyclists and pedestrians. For example, the network around Escuela Parkway in the northern part of the city (shown in blue) includes a series of roadways and cul-de-sacs that would require travel along a higher stress roadway to reach any other destination. Roadways such as Canada Drive, Los Positos Drive, and Pacheco Drive located off of Hillview Drive are key examples of this. However, these roadways connect to the Hetch Hetchy Trail at their end, linking these homes to a low-stress network that provides access to several schools, parks, and other destinations. Without street end connections or the Hetch Hetchy Trail, this large area of low-stress connectivity would not be possible.

Improving crossings to connect neighborhoods across major roadways, completing the shared use path network to address major barriers like rail and highways, and exploring opportunities for new street-end connections can help people reach the places they want to go along more comfortable and connected networks.

**OVER 90% OF MAJOR
ROADWAYS ARE
CLASSIFIED AS
HIGH STRESS
(LTS 3 OR LTS 4).**



FIG. 10 Low-Stress Connectivity Islands

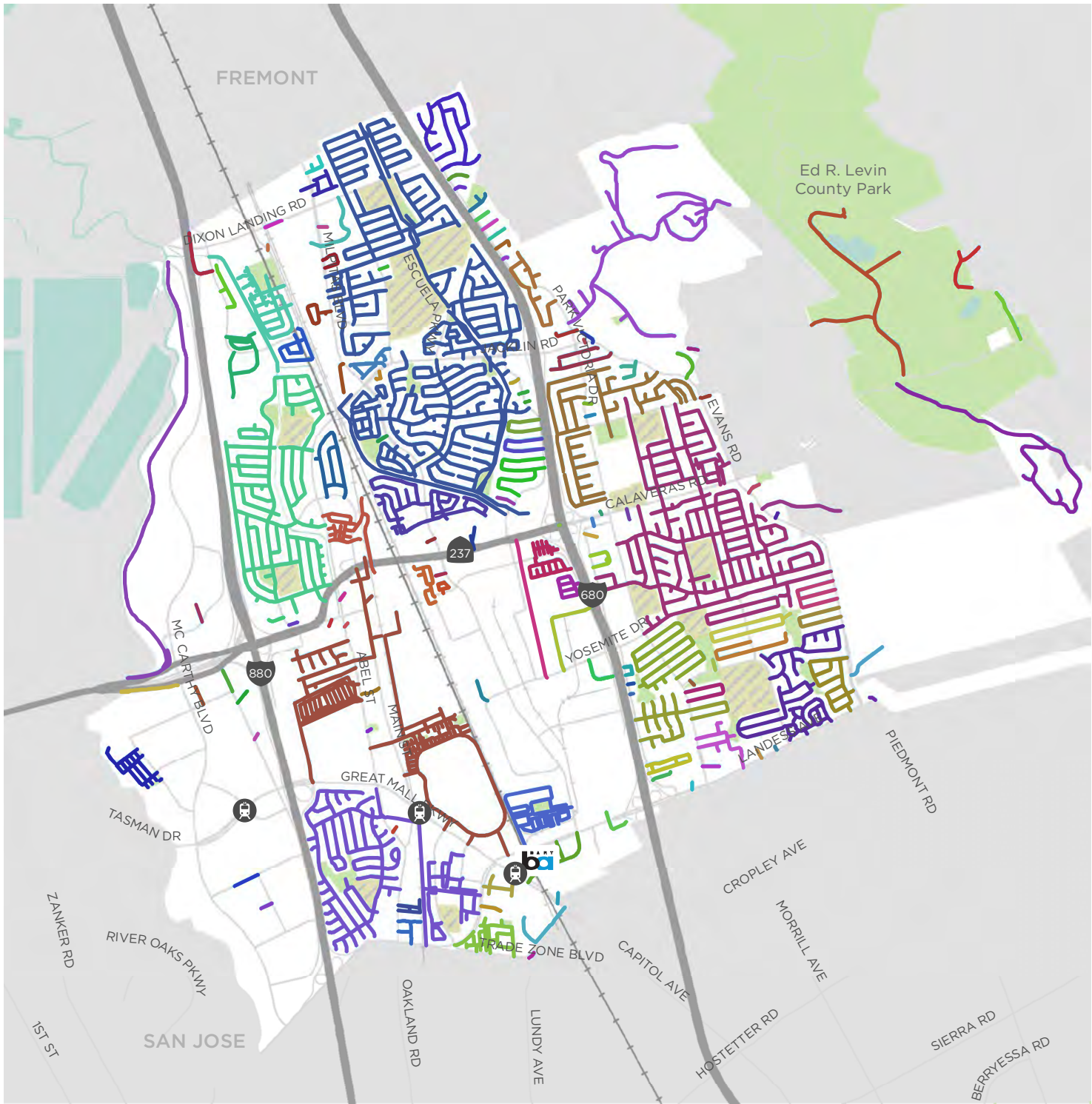
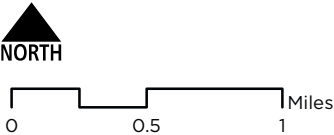


FIGURE 10
LOW-STRESS
CONNECTIVITY ISLANDS



BACKGROUND

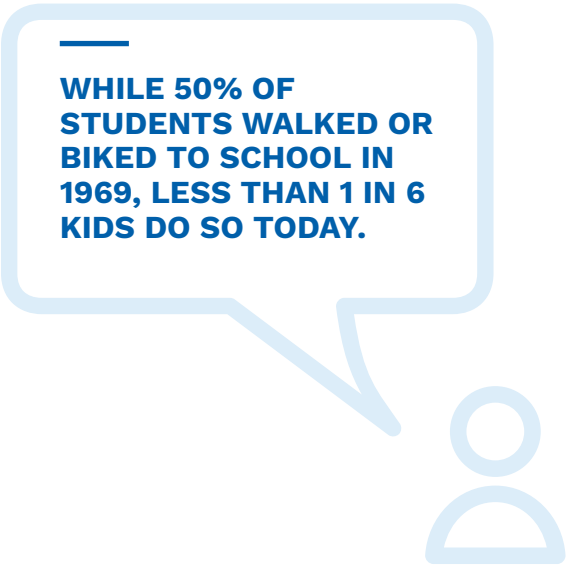
- BART Station
- Light Rail Station
- Streets
- Schools
- Railroad
- Public Parks
- Water

Access to Schools

Low-stress roadways and shared use paths are important for connecting students to schools of all grade levels. Comfortable routes that are perceived to be safe can support more active trips to school, reduce congestion and air pollution near schools, and improve safety around schools. A single difficult roadway crossing or high stress roadway segment may impact a family’s choice to reach school by walking or rolling.

Figure 11 shows school locations compared to high stress (LTS 3 or LTS 4) roadways. In general, nearly all schools in Milpitas are well-supported by lower stress roadways, particularly within neighborhoods. However, some schools, including John Sinnott Elementary, Mabel Mattos Elementary, and Robert Randall Elementary are located along high stress roadways with limited access to lower-stress residential areas nearby. It is important to improve crossings, connect to neighborhood roadways and bike boulevards, and prioritize improvements along designated walking routes for these schools.

Further, it’s important to consider how students will travel to school as they advance to middle or high school. Trips to these schools will require covering longer distances, and for most areas of the city, will require crossing major roadways. Improving crossings and roadways with travel to middle or high school in mind should also be considered to provide support for students who choose or otherwise rely on active travel to reach school.



Safe Routes to School programs engage school communities in identifying needed improvements near schools, encouraging more families to walk and bike to school, and support city goals of reduced congestion and improved air quality. Walk audits are one tool, which gathers the school community to evaluate the walking environment and identify challenges. Hosting walk audits with school communities can help the city better understand where improvements are most needed to encourage more families to walk and bike safely to school.

FIG. 11 Access to Schools

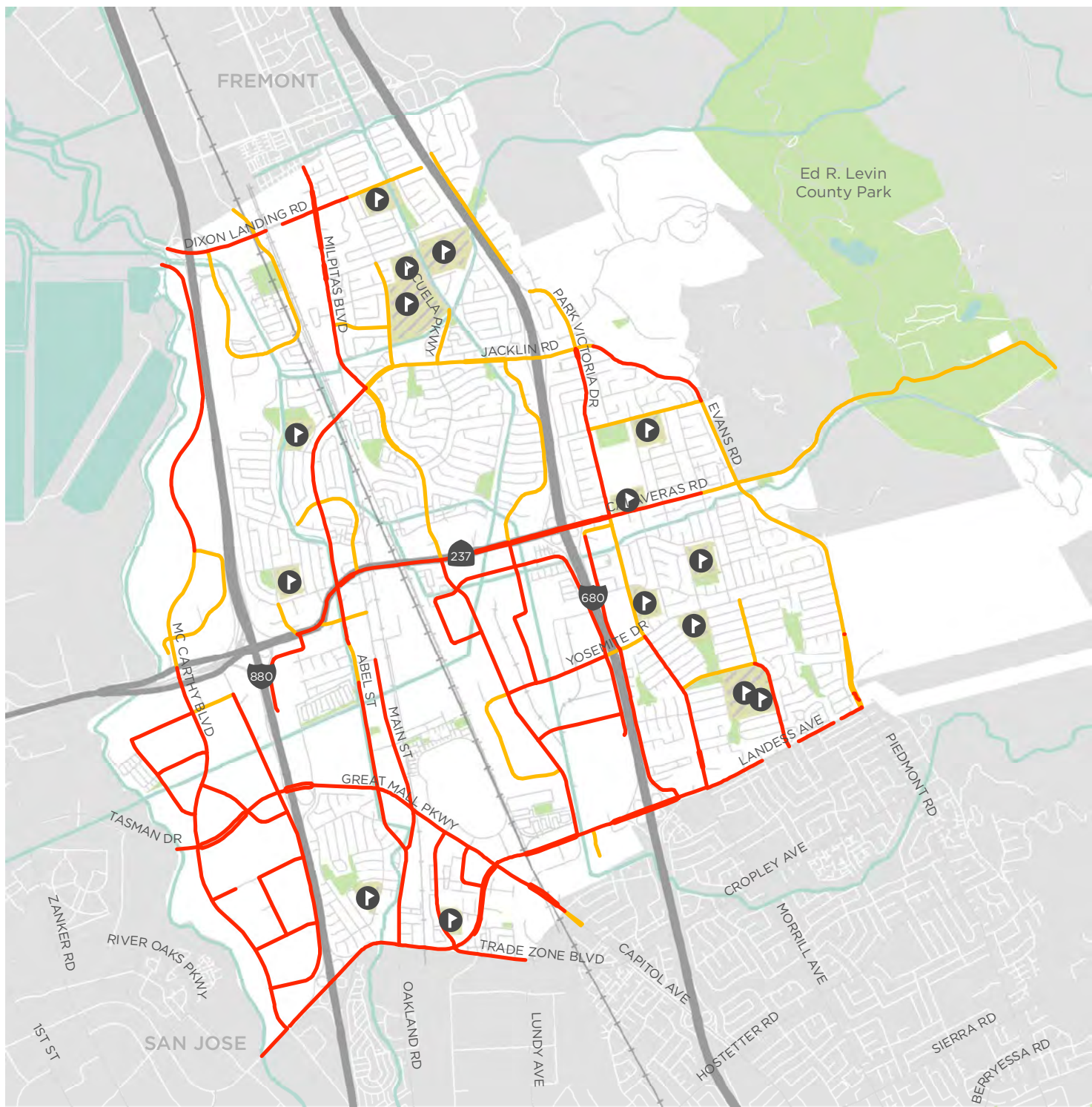
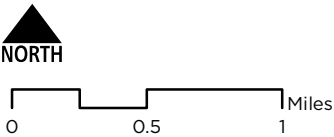


FIGURE 11
ACCESS TO SCHOOLS



LEVEL OF TRAFFIC STRESS

- LTS 3
- LTS 4

BACKGROUND

- Schools
- Streets
- Railroad
- Public Parks
- Water

Access to Transit

Transit options, including light rail, BART, and bus, help people of all ages connect to economic and educational opportunities or access services, recreational destinations, and shopping. Transit also connects Milpitas to the larger Bay Area region. However, nearly all transit opportunities are located along high stress corridors, as shown in Figure 12.

This is particularly pronounced in the southern area of Milpitas near BART and light rail, where few alternate routes support access to these modes. BART, for example, is located at the intersection of two high-stress roadways, and the rail line creates an additional barrier to accessing the station. Reaching nearby employment destinations or residential areas require passengers to navigate difficult roadway crossings with high traffic volumes and speeds.

Frequent bus service, which can help more residents access BART and light rail, is also typically located along high stress roadways, such as Abel Street and Jacklin Road. Limited opportunities to cross major roadways safely may result in longer trips to reach the bus stop, which can discourage transit use.

Providing low-stress connections to transit stops, including protected crossing opportunities and pedestrian bridges, can improve access to transit opportunities, increasing system ridership and supporting regional connections without the use of a personal car. Further, improvements to bus stops and shelters can improve the comfort and safety of those waiting at the transit stop along high speed, high stress roadways.

The Milpitas BART station is projected to serve over 20,000 riders daily by the year 2030. Access to this station will better connect Milpitas residents to the region while providing new opportunities to commute to work in Milpitas without a motor vehicle. Support for improved bicycle and pedestrian connections to and from the station has the potential to dramatically change the transportation landscape in Milpitas.

FIG. 12 Access to Transit

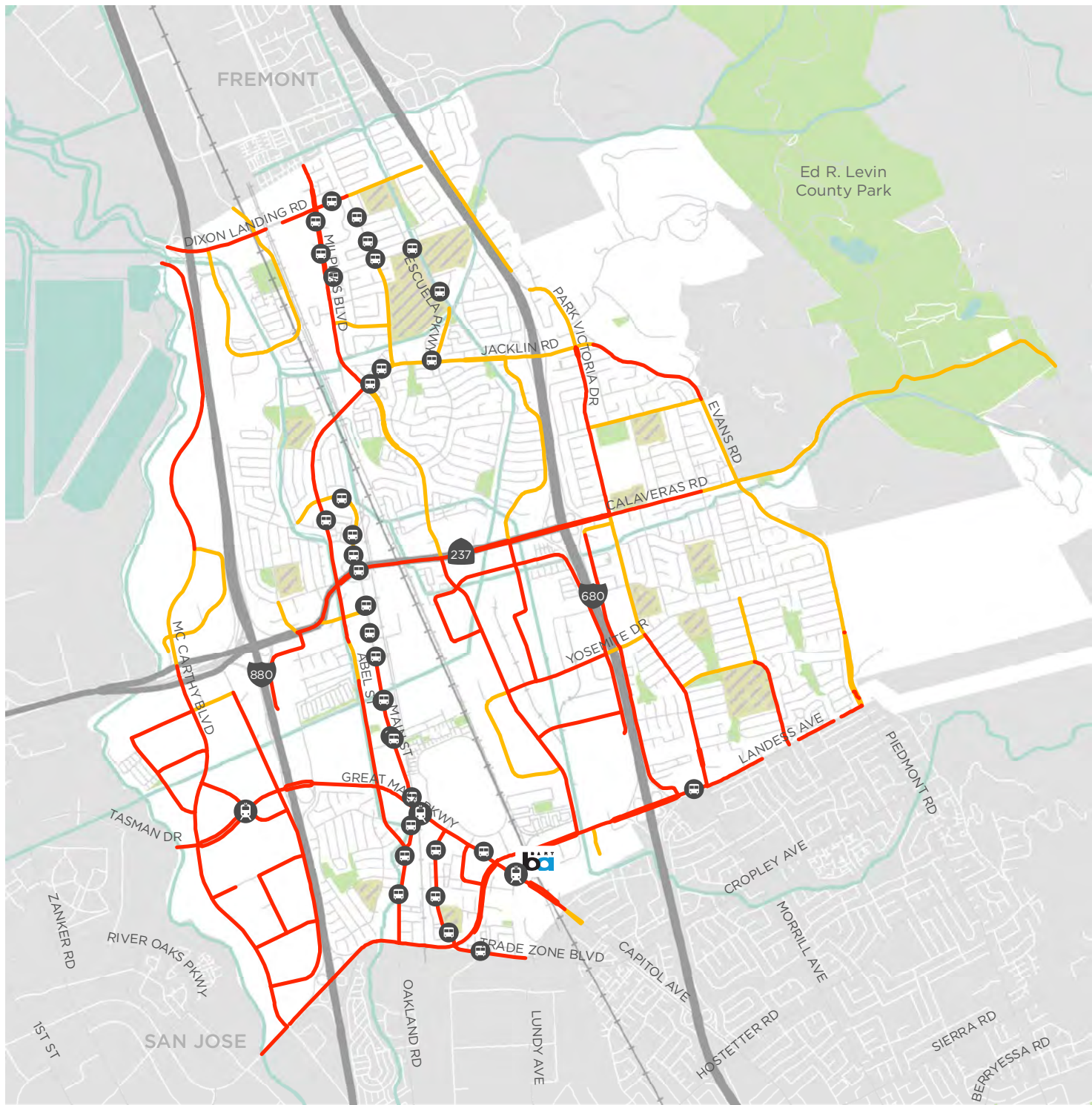


FIGURE 12
ACCESS TO TRANSIT



LEVEL OF TRAFFIC STRESS

- LTS 3
- LTS 4

BACKGROUND

- BART Station
- Light Rail Station
- Bus Stop (Frequent Service)
- Schools
- Streets
- Railroad
- Public Parks
- Water

Access to Commercial and Employment Centers

Commercial centers provide access to goods and services, including grocery stores, pharmacies, medical offices, and other shopping options. Along with industrial areas in the city, these locations are also where people work. These businesses not only provide economic opportunities for residents but attract a significant number of people from around the region, nearly doubling Milpitas’s population each work day.

Shown in Figure 13, commercial areas and employment centers are concentrated in the southern and western areas of the city and are located primarily along major, high-stress roadways. For nearly all locations, there are few opportunities to access the area without traveling along a high stress road. McCarthy Boulevard, Milpitas Boulevard, Calaveras Boulevard, and Great Mall Parkway are key routes that provide access to these areas that should be considered for improvement.

Improvements should include greater separation from motor vehicles, increased safe crossing opportunities, and exploration of more direct paths to help people navigate large parcels and frequent driveways. Improving comfort and safety along these roadways can also support use of transit options by improving the first-last mile connection to light rail, BART, and local bus routes.

This is especially important when considering the growth in both population and employment that Milpitas has experienced in recent years. Expanding comfortable opportunities to reach employment and commercial centers without a motor vehicle can help reduce the impact of a growing population.

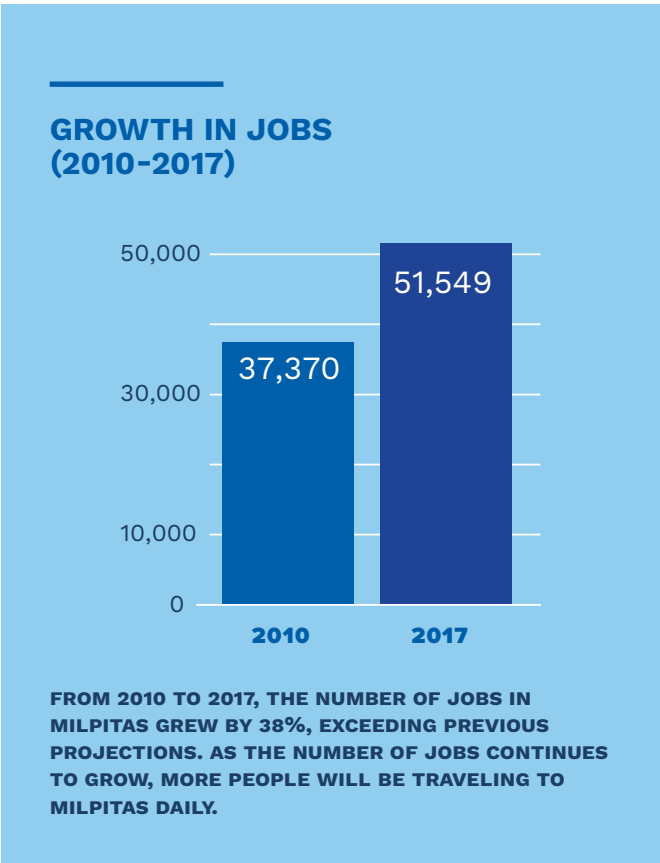


FIG. 13 Access to Commercial and Employment Centers

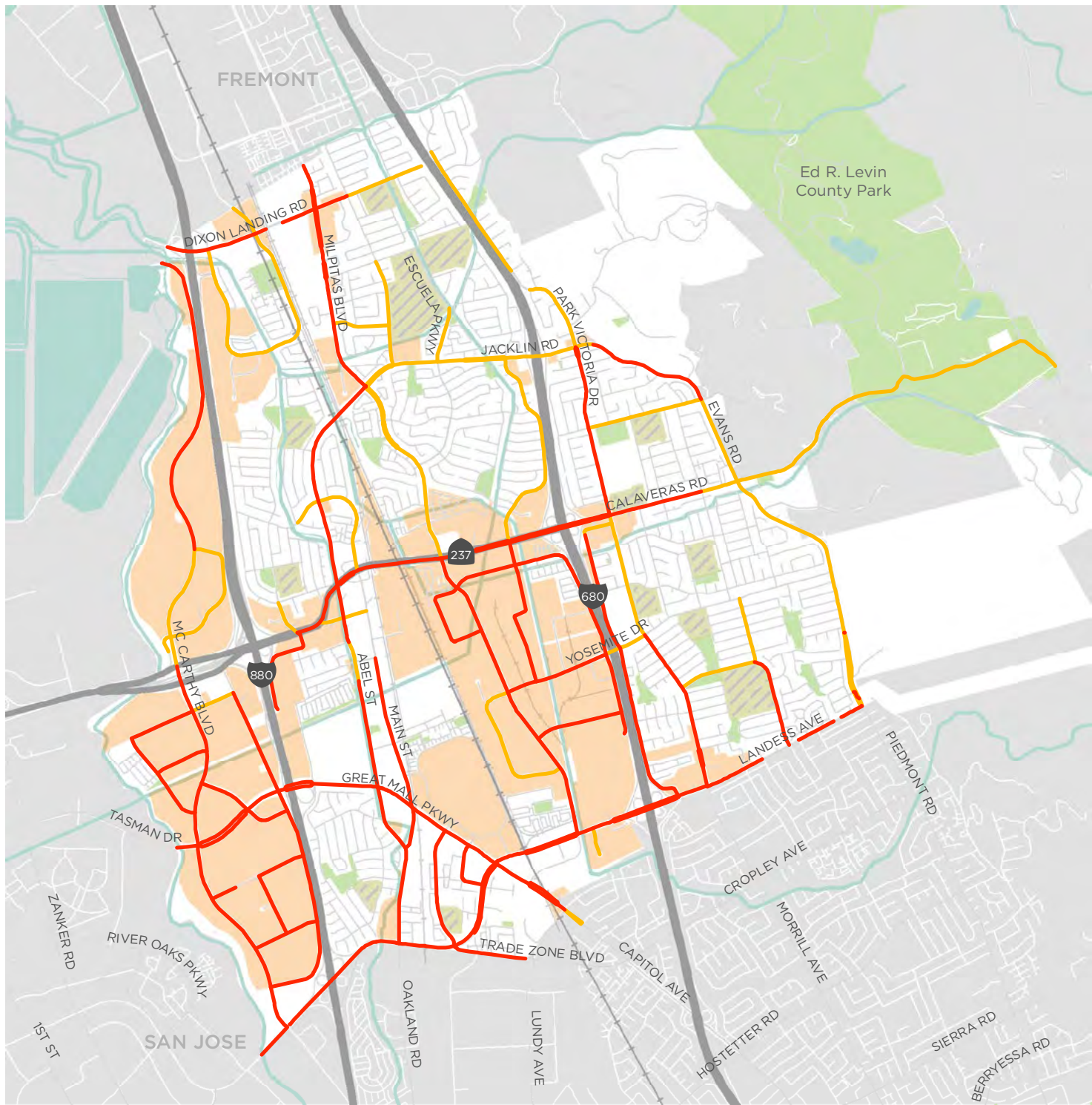


FIGURE 13
ACCESS TO COMMERCIAL
AND EMPLOYMENT CENTERS



LEVEL OF TRAFFIC STRESS

- LTS 3
- LTS 4

BACKGROUND

- Streets
- Commercial and Industrial
- Schools
- Railroad
- Public Parks
- Water

Access to Parks

Nearly all residential areas are located within one-half mile of a park, and an even greater percentage of the city is within one mile of a neighborhood or city park. As shown in Figure 14, few areas within Milpitas are separated by a high stress roadway from a nearby park.

Improvements that increase low-stress connections directly to parks from residential areas and activity centers, including new trails, safer crossings of major roadways, and a connected bikeway network, can significantly improve connections to parks across the city.

Specifically, improvements along roadways such as Jacklin Road, S Park Victoria Drive, and Abbot Avenue can increase access to parks including Oliver Jones Memorial Park, Starlite Park, Hall Memorial Park, and Cardoza Park.

Where low stress facilities already exist, wayfinding and improved signage can better direct residents to parks and other recreation destinations. Wayfinding signs are an important component to help those who walk and bike navigate the network safely.

Finally, new low stress connections and improved access to existing trails can provide safer and more direct routes to regional trails and parks near Milpitas. Connections to Ed R. Levin County Park along Calaveras Blvd. and new opportunities to access Coyote Creek Trail can expand recreational opportunities within and around the city.



CONCURRENT WITH THE TRAIL, PEDESTRIAN, AND BICYCLE MASTER PLAN, THE PARK AND RECREATION MASTER PLAN UPDATE WILL IDENTIFY OPPORTUNITIES FOR IMPROVING, PROTECTING, AND EXPANDING THE CITY'S PARKS AND RECREATIONAL OPPORTUNITIES.



MILPITAS RESIDENTS SHARED THEIR EXPERIENCES WITH THE CITY PARK AND RECREATION SYSTEM IN EARLY 2020.

FIG. 14 Access to Parks

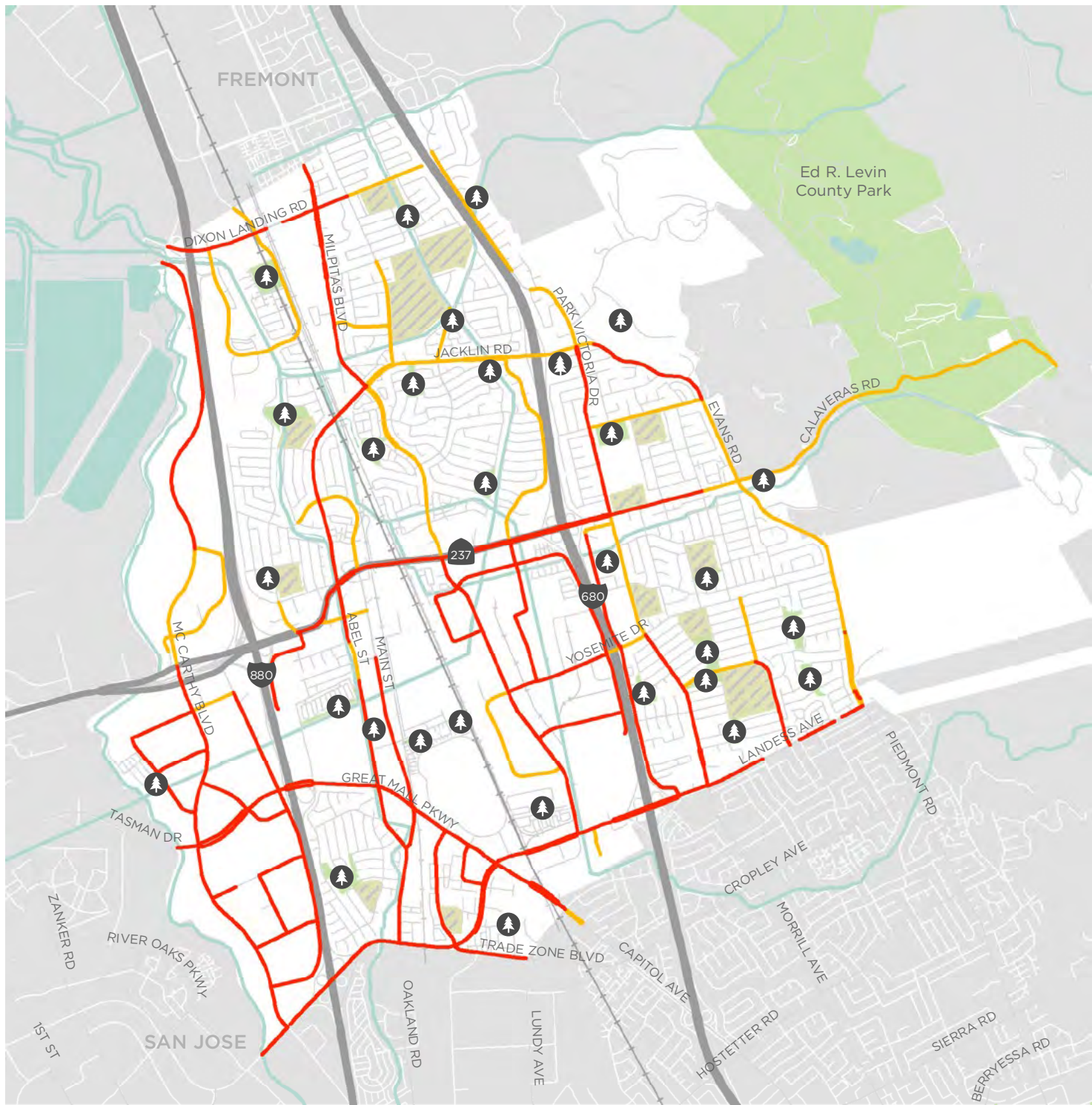
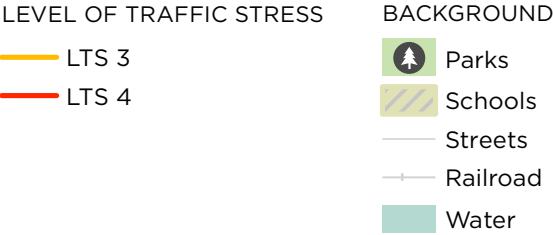


FIGURE 14
ACCESS TO PARKS



Travel Time to Destinations

In addition to the comfort and safety of a route, mode choice is often affected by the length of a trip. While a park, school, or bus stop might be a short distance from a family's home, the most comfortable route to walk or bike there may be long and indirect.

The quality of Milpitas' active transportation network isn't just determined by the miles of bike lanes and sidewalks, it is also determined by how complete and connected it is. Understanding the length of trips to reach a destination is one way to evaluate how complete and connected the active transportation network is.

The following maps provide examples of the distance required to travel along Milpitas' roadways and paths to access certain destinations today. The examples included here show generally where in the city one can travel to within 2 miles of a park (Figure 15) or a transit station (Figure 16). The results of this analysis demonstrate the effect of limited crossings and high stress roads; benefits of shared use paths; and the density of the transportation network.

Travel to Parks

Most areas in Milpitas are within a short distance of at least one park. The number of parks in the city supports short trips to parks, but the addition of shared use paths and dense neighborhood networks in some locations expands access in many areas of the city.

Nearly all residential areas are located within one-half mile of a designated park, and an even greater percentage of the city is within one mile of a neighborhood or city park. This means that generally, residents are within a 10-minute walk

of a park, and a larger number of parks are available within a ten-minute bike ride.

Areas north of Calaveras Road, particularly along the Hetch Hetchy Trail, have greater access to parks within one-half mile due to both more frequent intersections and easy connections to the Hetch Hetchy Trail. This direct route links several parks on a low-stress trail.

However, areas within the central area of the city, where land uses are predominantly industrial and commercial, have more limited access to park space. Barriers such as the railway and the interstate, in addition to larger block sizes, reduce access in areas such as near the BART station.

Improved path connections can increase the number of park spaces within close distance of all residents and visitors; further, paths along creeks and improvements at major roadway crossings can support lower-stress travel options for those further away..

ON AVERAGE, A 10-MINUTE WALK WILL COVER 1/2 MILE, WHILE A 10-MINUTE BIKE RIDE WILL COVER 1 1/2 MILES.



FIG. 15 Trail Access to Parks

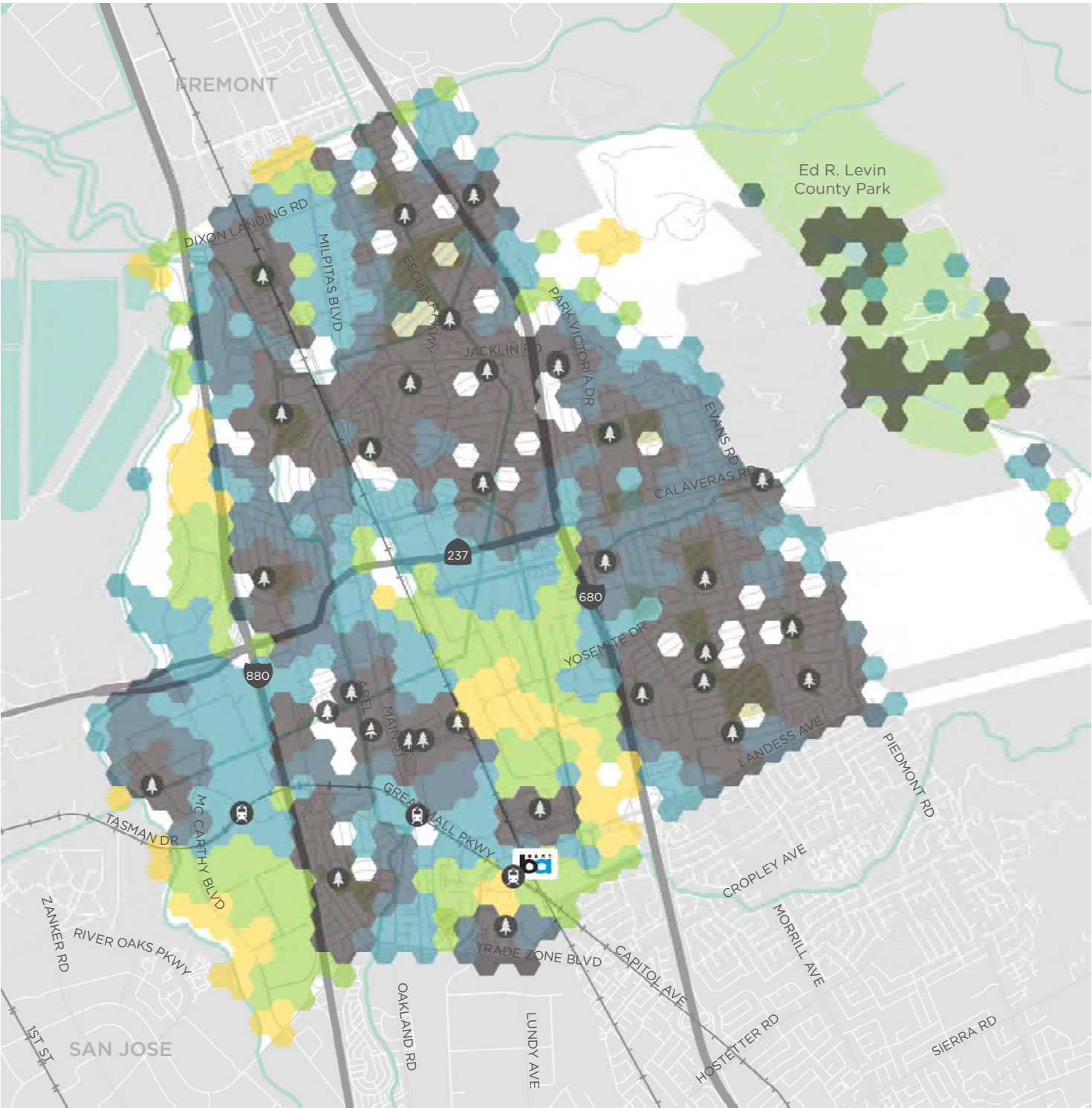
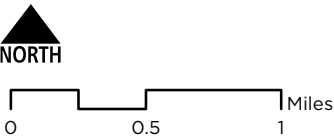


FIGURE 15
TRAIL ACCESS
TO PARKS



ACCESS TO PARKS

- 0.25 miles
- 0.5 miles
- 1 mile
- 1.5 Miles
- 2 Miles

BACKGROUND

- Parks
- BART Station
- Light Rail Station
- PublicParks
- Streets
- Railroad
- Water

Travel to Transit

Unlike parks, there are fewer opportunities to access high-capacity transit like BART and light rail. Stations are concentrated in the southern areas of the city where there are larger block sizes, more frequent barriers such as highways and high stress roadways, and fewer complete and connected shared use paths.

This results in significantly less access to high capacity transit in Milpitas. As shown in Figure 16, reaching transit through a short walking biking trip is typically limited to the immediate area around each station. Access to major employment centers and residential areas extend beyond a one mile trip. The Tasman/ Alder station to the west of I-880 is the one exception, providing better connections to employers that are located near the station.

Comfortable walking distances limit access to within a few blocks of BART and light rail stations, serving only a small number of residential and commercial areas. While a ten-minute bike ride broadens the reach, high stress roadways and large parcels limit route choice and restrict access to more industrial areas of the city along high stress roadways.

Longer, less comfortable trips between BART or light rail and nearby destinations has implications for promoting alternate modes of travel into the city and limits the benefit of high capacity transit for Milpitas residents.

Linking residents and employees to transit through safe, direct connections--such as paved shared use paths, grade-separated crossings, street-end connections, and separated bikeways--expands how people can get around Milpitas.



WIDE, HIGH SPEED ROADWAYS NEAR BART AND LIGHT RAIL STATION LIMIT DIRECT, COMFORTABLE ACCESS TO TRANSIT OPPORTUNITIES.

FIG. 16 Trail Access to Transit

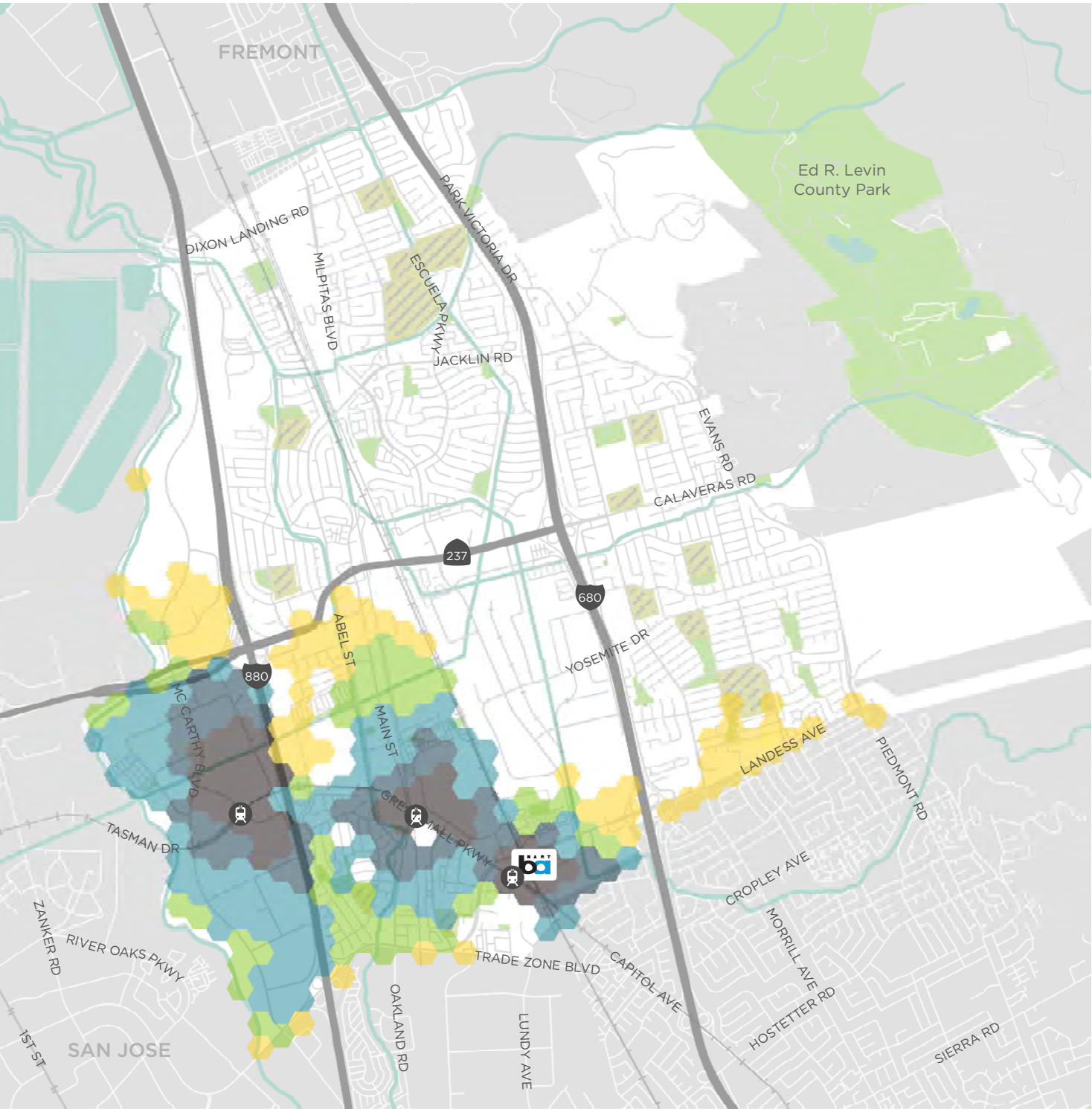
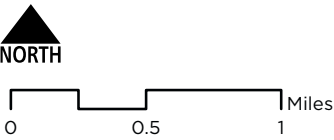


FIGURE 16
TRAIL ACCESS
TO TRANSIT



ACCESS TO TRANSIT

- 0.25 miles
- 0.5 miles
- 1 mile
- 1.5 Miles
- 2 Miles

BACKGROUND

- BART Station
- Light Rail Station
- PublicParks
- Streets
- Railroad
- Water

Needs Analysis Summary & Improvement Opportunities

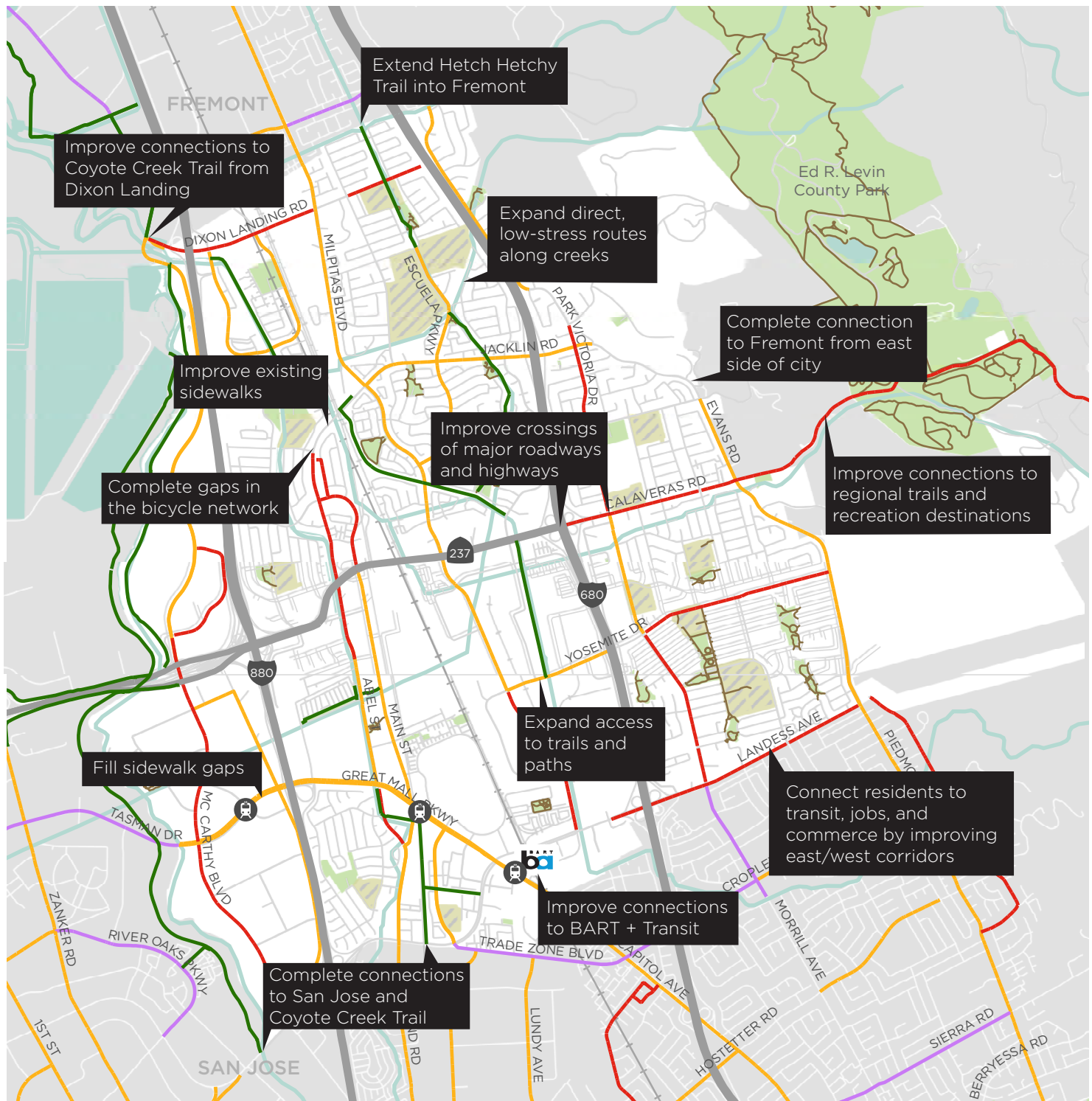
The existing active transportation network in Milpitas helps residents connect to neighborhood destinations along low-stress routes but is often disconnected and incomplete. Major barriers, including highways, on- and off-ramps, high speed roadways, and railways, limited safe, comfortable, and direct travel for people traveling by foot or by bike. Further, recent safety data and evaluation of network quality suggest that an expanded network of connected low-stress routes can better support residents and visitors of all ages and abilities. Improved connections to schools, services, commercial areas, transit, employment, and recreational opportunities can expand choice for how people get around Milpitas.

A complete and connected network will also require improved crossings, both at intersections and mid-block locations. Specifically, improved safety and highway on- and off-ramps will better support active transportation users navigating limited crossings of major barriers in the city.

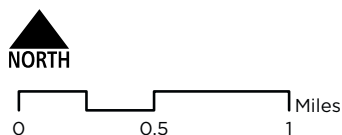
Consistent with the vision for a regional active transportation network, it is also important to consider connections between Milpitas and the neighboring cities of Fremont and San Jose. As these cities also develop action plans to improve active transportation, Milpitas should coordinate closely to provide seamless transitions into and out of the city. Consistency in facility selection and design can expand access in the region and promote active transportation as an option for daily trips.

Figure 17 on the following page summarizes key opportunities for improved active transportation infrastructure identified through the existing conditions and needs analysis process.

FIG. 17 Improvement Opportunities



**FIGURE 17
IMPROVEMENT
OPPORTUNITIES**



EXISTING BIKEWAYS

- Class I: Paved Shared Use Path
- Class II: Bike Lane
- Class IIB: Buffered Bike Lane
- Class III: Bike Route
- Unpaved Trails

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Railroad
- Public Parks
- Streets
- Water

PUBLIC ENGAGEMENT

Engagement activities provided opportunities for those who live, work, recreate, and learn in Milpitas to share about their experience traveling in the city. While network data provides insight into active transportation opportunities, experiences from people who navigate the city regularly support a clearer picture of challenges and opportunities for active transportation. In addition to public input, neighboring jurisdictions and other agency partners shared feedback throughout the process.

The COVID-19 pandemic created many challenges throughout the engagement process, requiring significant shifts in the approach during the final phases of the planning process. The following chapter summarizes engagement activities, key themes, and ways that outreach adapted to the pandemic.

Outreach Strategy

Community feedback was collected in a variety of formats at key points in the planning process. The two-phased approach focused on feedback about how people get around in the first phase and asked for input on recommended projects in the second phase. The strategy included both in-person and digital events and considered the active transportation system comprehensively. At each event or input opportunity, feedback on the bicycle, pedestrian, and trail networks was gathered to better understand how the networks work together. Participants provided more than 2,000 comments and points of feedback across all forms of outreach. In person and digital events were promoted through city channels, including the city website and social media pages; shared with the school district via printed fliers and digital communications; and were promoted by project partners, including the Silicon Valley Bicycle Coalition. The three main methods for collecting feedback included:

Pop Up Events include existing community events where project staff provide information about the plan, gather input on key questions, and answer questions about the process. Pop up events help project staff reach a broader range of people by being where people are.

Public Workshops provide a more traditional opportunity for public engagement. These events include a brief presentation followed by unstructured time to review project materials, ask questions about the planning process, and provide feedback. Workshops were held both in person and virtually.

Online Input asked participants to draw routes, identify points, and share other comments about what they would like to see or provide feedback on proposed recommendations. and the draft plan. Participants can share feedback at any time of day and have the opportunity to share comments over a longer period of time..



MILPITAS FARMERS MARKET VISITORS PROVIDED FEEDBACK EARLY IN THE PLANNING PROCESS ABOUT THE CHALLENGES AND OPPORTUNITIES FOR WALKING AND BIKING IN THE CITY TODAY.



PUBLIC WORKSHOP PARTICIPANTS CONSIDER WHICH TYPES OF DESTINATIONS ARE MOST IMPORTANT TO CONNECT TO WHILE WALKING AND BIKING.

TABLE 3 *Phase 1 Public Outreach Events*

EVENT TYPE	EVENT LOCATION	EVENT DATE + TIME
Interactive Web Map	https://milpitas.altaplanning.cloud/#/	July 8, 2019 through October 8, 2019
Pop-up Event	Milpitas Farmers Market	July 27, 2019.
Pop-up Event	Hot August Bites	August 24, 2019
Public Workshop #1	Jose Higuera Adobe Building and Park	September 26, 2019
Public Workshop #2	Parks, Recreation, and Cultural Resources Commission; City Hall	October 7, 2019

Phase 1

GOALS

- Confirm understanding of existing network, including pedestrian facilities, on-street bikeways, and trails.
- Develop a more comprehensive understanding of where residents would like to walk, bike, or roll.
- Gain insight into current network challenges, such as network connectivity or safety concerns.
- Gain insight into current network barriers, such as locations where rail lines or fences impede travel.
- Learn which facility types and types of improvements are preferred by the public.
- Inform network recommendations.
- Safe Routes to School was a specific safety concern identified by many; opportunities for more and improved routes to school are needed.
- Better access and connectivity to destinations is needed, specifically in the form of a complete and continuous network of safe routes for walking and bicycling.
- Roadway debris and gravel on the roadway and in the bike lane, especially major arterials, was identified as a concern.
- Participants requested additional bike parking at locations across the city such as shopping centers, schools, job centers, libraries, public parks, and transit stations.

KEY FINDINGS

- Safety was a common concern along major roadways and at crossings throughout the city.
- Trail safety was a common concern both in terms of safe access to trails and safe crossings where trails intersect with major roadways.
- More access/entrance points to trails and better connectivity in the form of a complete and continuous network of trails were requested.
- Trail conditions, specifically where existing segments are incomplete, were identified as a concern.

TABLE 4 *Phase 2 Public Outreach Events*

EVENT TYPE	EVENT LOCATION	EVENT DATE + TIME
Interactive Web Map	https://milpitasphase2.altaplanning.cloud/	March 2, 2020 through May 3, 2020
Parks, Recreation, and Cultural Resources Commission Presentation	City Hall	March 2, 2020
Public Workshop #3	Virtual	March 24, 2021
Virtual Open House	Virtual	Ongoing, Spring 2021

Phase 2

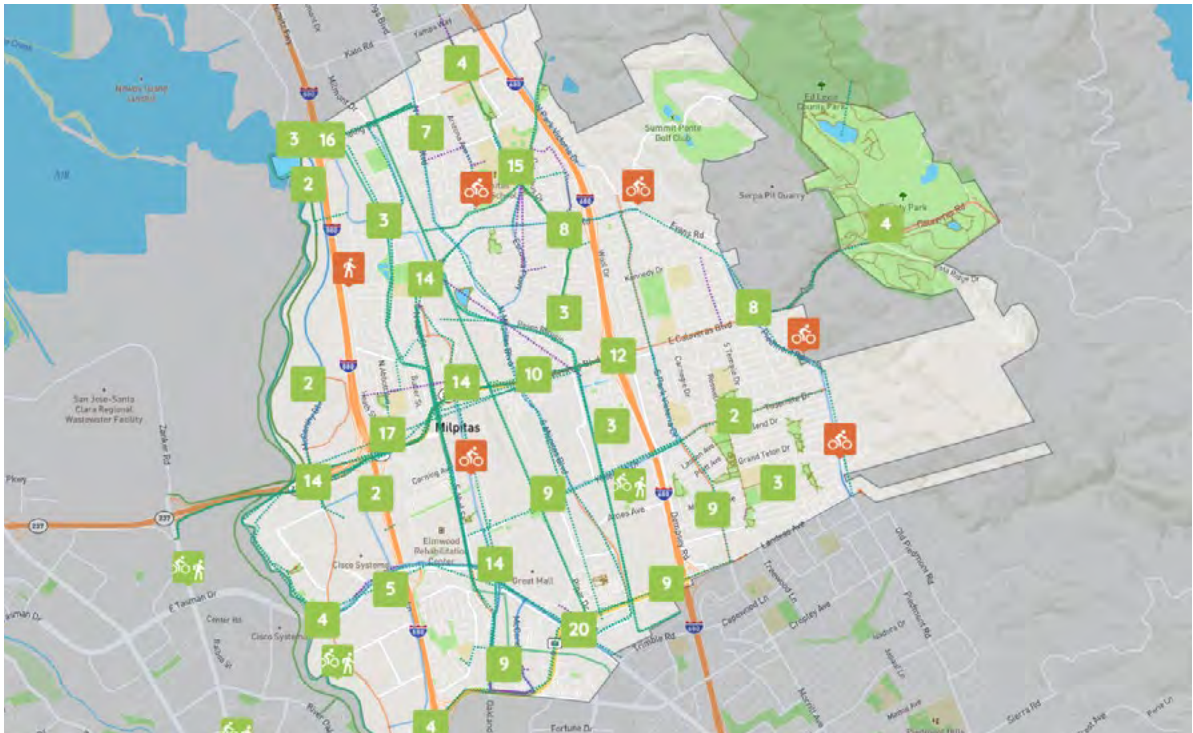
GOALS

- Gather feedback on draft recommendations for projects, programs, and prioritization.
- Gain further insight into the challenges and opportunities associated with plan implementation.
- Learn which project recommendations are priorities for the public.
- Inform the public and gather feedback on specific types of potential improvements including: intersection, connectivity, and crossing improvements for bicyclists and pedestrians; program recommendations; bicycle facility types; and streetscape improvements.
- Receive feedback on the Trail, Pedestrian, and Bicycle Master Plan

KEY FINDINGS

- Projects supporting safe routes to school received significant support from community members.
- Safety remained a primary concern among those providing feedback, including requests to slow vehicle speeds, improve crossings (including trail crossings), and reduce exposure to motor vehicles
- Creating a complete and connected active transportation network supports participants' vision for active transportation, including connections with San Jose and Fremont.
- Connections to BART and other transit opportunities were frequently identified as a priority for many participants.
- Participants also supported better and new connections to recreation, particularly across major barriers in the city.

FIG. 18 Phase 1 Public Input Map Results



THE ONLINE INPUT MAP PROVIDED A DIGITAL OPPORTUNITY FOR RESIDENTS AND VISITORS TO SHARE THEIR IDEAS FOR IMPROVING ACTIVE TRANSPORTATION IN MILPITAS, IDENTIFY COMMON CHALLENGES, AND PROVIDE FEEDBACK ON RECOMMENDED IMPROVEMENTS.

COVID-19 Response

Outreach activities remained flexible and adaptive as the COVID-19 emergency response affected Phase 2 planned outreach events. For example, the web map comment period was extended an additional two months, through the month of April 2020, to provide additional opportunities for input. Scheduled in-person workshops were canceled and shifted to digital workshops and a virtual open house in the final phases of the plan. Further, City staff utilized various outreach channels to promote plan activities and expand the reach of virtual engagement. These outlets included NextDoor, outreach through major employers, print newspaper information, and Facebook ads. Table 5 on the next page highlights these outlets.

Despite these changes, participants provided more than 2,000 comments and points of

feedback across online outlets, pop up events, and public workshops and supported a vision for a safe, complete, and connected approach to active transportation in Milpitas.

**PARTICIPANTS
PROVIDED MORE THAN
2,000 COMMENTS
AND POINTS OF
FEEDBACK ACROSS
ALL ENGAGEMENT
PLATFORMS**

TABLE 5 COVID-19 Outreach Outlets

ORGANIZATION/ OUTLET	DESCRIPTION	DATES
NextDoor	Neighborhood based digital message board	March 30, 2020
Facebook Posts	Posts directed people to the interactive webmap.	March 6th, 19th, 25th, and 30th and April 2nd, 2020
Twitter Posts	Posts directed people to the interactive webmap.	March 6th, 19th, 25th, and 30th and April 2nd, 2020
Milpitas Post	Advertisement directing people to the interactive webmap link.	March 13, 2020

Outreach Summary

Despite the challenges faced throughout the development of the Trail, Pedestrian, and Bicycle Master Plan, Milpitas residents and visitors shared feedback that strongly supports an improved transportation network throughout the city. Improving infrastructure to support safer, more comfortable routes to common destinations has the opportunity to improve access to active transportation, expand mode choice, and support a broad range of trip purposes. Access to schools, transit, and recreation were commonly cited destinations, as were requests for improved connections to regional destinations beyond the city.



IN PERSON AND ONLINE, PARTICIPANTS DREW IN COMMON ROUTES, IDENTIFIED BARRIERS, AND MARKED WHERE THEY WOULD LIKE TO TRAVEL.

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VISION, GOALS, AND POLICIES

The Trail, Pedestrian, and Bicycle Master Plan represents a vision for a transportation network that expands choice for how all people in Milpitas travel, improves safety for all roadways users, and expands access to destinations for people of all ages and abilities.

The Vision and Goals presented here were developed based on previous planning efforts, public engagement results, and analysis of existing conditions. Further, the Trail, Pedestrian, and Bicycle Master Plan seeks to closely align with the forthcoming General Plan Update and builds on the goals and policies presented in the updated Circulation Element.

VISION

The Milpitas Trail, Pedestrian, and Bicycle Master Plan is an action plan for the city to create a safe and convenient network of connected active transportation infrastructure for all residents. Through implementation of infrastructure improvements and policies and programs, Milpitas will:

- Support connectivity and access to destinations across the city and region, including employment and educational opportunities, recreation, services, and transit
- Expand choice for how people travel, including integration of active transportation with transit
- Improve safety for all modes of travel, particularly for people walking and biking
- Increase access to recreational opportunities, both locally and regionally
- Create an active transportation network that meets the needs of people of all ages and abilities

The focus of this plan is consistent with the Milpitas General Plan Circulation Element; specifically, the Trail, Pedestrian, and Bicycle Master Plan supports the following goals and policies stated in the Circulation Element:

GOAL CIR 1:

Provide a transportation system that efficiently, equitably, and effectively supports the City's land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation.

- **Policy CIR 1-1:** Prioritize and measure infrastructure and facility safety on streets and public rights-of-way.
- **Policy CIR 1-2:** Ensure that the City's transportation system supports planned land uses and removes barriers to all types of transportation options as envisioned in the Land Use Element.
- **Policy CIR 1-3:** Promote interconnectivity of the transportation network in existing and new developments and actively measure the quality of conditions in neighborhoods to better understand what barriers exist in order to support use of and access to the network.
- **Policy CIR 1-4:** Coordinate development of safe, inclusive, and health-promoting transportation infrastructure with local, county, regional, and state agencies to optimize efficiency of the transportation network for all users and increase opportunities for physical activity for all types of users.
- **Policy CIR 1-5:** Encourage reduced block size in new developments to develop a grid or modified grid network to enhance walkability.
- **Policy CIR 1-6:** Continue to participate in county and regional transportation processes through VTA and MTC to facilitate inter-agency coordination and education, maintain

awareness of programmatic and funding opportunities, and advocate for the City's interests for the community.

- **Policy CIR 1-7:** Coordinate with neighboring jurisdictions regarding planned developments and transportation improvements that impact communities in both jurisdictions
- **Policy CIR 1-8:** Prioritize multi-modal infrastructure improvements that improve pedestrian, bicyclists, and transit user safety and equity for inclusion in the CIP.

GOAL CIR 2:

Provide safe, healthy, comfortable, equitable, and efficient transportation choices for all modes of transportation to enable people of all races, cultures, ethnicities, religions, sexual orientation, genders income levels, ages and abilities, especially people of color and those disproportionately affected by access to a personal vehicle, systemic transportation inequities, racism, oppression, and poverty to increase safe physical activity, reduce usage of personal vehicles, access to goods and services, employment opportunities, and for personal travel; to provide for efficient goods movement.

- **Policy CIR 2-1:** Promote multi-modal transportation options by developing an interconnected system of streets, roads, bridges, and highways that provides continuous, efficient, safe and convenient travel for all users regardless of mode, age or ability and encourage users to walk, ride a bicycle, or use transit for shorter, local trips.

- **Policy CIR 2-2:** Design intersections to safely and comfortably accommodate all transportation modes and users, especially those who are disproportionately impacted by health, income, or access disparities.
- **Policy CIR 2-3:** Seek opportunities to implement and assess traffic calming strategies to reduce vehicle speeds and establish a safer, more comfortable environment for pedestrians and bicyclists.
- **Policy CIR 2-4:** To enhance the City's multi-modal network in a cost-effective and forward-thinking manner, view all public capital improvement projects as opportunities to enhance mobility, access, health, and safety for all modes of transportation, especially for those who are more vulnerable.
- **Policy CIR 2-7:** Provide inclusive and diverse wayfinding measures to provide directional guidance for pedestrians, bicyclists, and transit riders.

GOAL CIR 3:

Support the development and maintenance of the public transit system to provide an integrated, accessible, convenient, safe, comfortable, and effective mobility option.

- **Policy CIR 3-1:** Coordinate with VTA and BART to design and implement capital improvements that support safety and access to rail stations and bus stops.
- **Policy CIR 3-4:** Ensure that all transit-supportive infrastructure, sidewalks, and bike lanes are adequately maintained to provide high-quality facilities for users.

GOAL CIR 4:

Promote, provide, and maintain an expanded, safe, convenient and comprehensive network of facilities for pedestrians and bicyclists of all ages and abilities to support walking and bicycling as viable modes of transportation, for recreational use, and to promote public health.

- **Policy CIR 4-1:** Encourage a shift to active transportation modes by expanding and enhancing current pedestrian and bicycle facilities to accommodate pedestrians and bicyclists of all ages and abilities and encourage all users to reduce vehicle trips and utilize active transportation options with an increase in density of pedestrian and bicycle-supportive infrastructure.
- **Policy CIR 4-2:** Link and expand City pedestrian and bicycle circulation facilities to existing and planned local and regional networks, with an emphasis on expanding infrastructure options near transit.
- **Policy CIR 4-3:** Encourage walking, biking and transit use by prioritizing and implementing "first-mile/last mile" improvements, wayfinding, and educational efforts in the vicinity of the Great Mall transit center, light rail stations, the BART station, and heavily used bus stops.
- **Policy CIR 4-4:** Provide secure bicycle parking and end-of-trip support facilities at centers of civic, retail, recreation, education, and work activity.
- **Policy CIR 4-5:** Support building bridges or under-crossings across creek channels, railroad lines and roadways to improve

network connectivity and facilitate bicycling and walking between high density residential developments, retail centers, civic buildings, and recreational centers.

- **Policy CIR 4-6:** Eliminate gaps in the pedestrian and bicycle network, especially between neighborhoods, trails that access schools, and areas with higher health disparities.
- **Policy CIR 4-7:** Work collaboratively with the community to discover and develop connections between the multi-use paths and the on-street bicycle system to support development of a comprehensive network, with an emphasis on areas with limited access and/or higher health disparities.
- **Policy CIR 4-8:** Preserve and enhance the natural environment of the creek corridors in conjunction with each trail project.
- **Policy CIR 4-9:** Identify and investigate the feasibility of trail development along rights-of-way including abandoned, unused, or active railroad corridors, utility corridors, and waterways.
- **Policy CIR 4-10:** Work and promote an active lifestyle that encourages walking, bicycling, and utilizing the trail network to support public health while reducing greenhouse gas emissions and other air pollutants.

GOAL CIR 5:

Implement measures that increase transit use and other non-motorized travel modes that lead to improved utilization of the existing transportation system, such as accessibility improvements to public transit stops and stations by walking and biking, and provide transit stops near employment centers and higher density residential developments and in areas where infrastructure is lacking and access without a car is unsafe.

- **Policy CIR 5-1:** Develop, implement, and monitor vehicle trip reduction requirements for large development projects – including all land use types – to minimize the impact of new development on traffic congestion and to reduce vehicle emissions.
- **Policy CIR 5-2:** Adopt a citywide TDM ordinance to require and encourage vehicle trip reduction at employment sites, businesses, and multi-unit residential facilities, and hire dedicated staff to work closely with communities throughout the City on ongoing education and encouragement efforts.
- **Policy CIR 5-3:** Encourage existing employers to adopt strategies to implement programs to reduce employee vehicle trips, including purchasing passes through VTA's annual transit pass program; providing facilities such as secure bike parking, lockers, changing rooms, and showers; telework, and flexible work schedules.

GOAL CIR 6:

Support and expand the City's efforts to promote economic, environmental and social sustainability through initiatives to reduce greenhouse gas emissions and other air pollutants, reduce runoff, promote public health, equity and engage the community in an inclusive planning process.

- **Policy CIR 6-1:** Develop guidelines for the inclusion of green infrastructure in the design of transportation improvements.
- **Policy CIR 6-2:** Support development of healthier communities through the use of lower- or non-polluting modes of transportation to reduce GHG vehicle emissions and local air pollution levels
- **Policy CIR 6-3:** Encourage walking and bicycling as strategies to promote public health and reduce the long-term transportation costs of owning and maintaining a vehicle.
- **Policy CIR 6-4:** Prioritize transportation improvements in part based on consideration of benefits to disadvantaged communities.
- **Policy CIR 6-5:** Include a robust, inclusive and interactive community engagement and educational process in transportation planning efforts to help ensure that the project will address the needs of local stakeholders, especially disadvantaged populations.
- **Policy CIR 6-7:** Develop impact fees to provide revenues to be used to construct pedestrian and bicycle infrastructure that will support new development.

- **Policy CIR 6-8:** Use repaving projects as an opportunity to cost-effectively implement new bicycle facilities in accordance with City plans.
- **Policy CIR 6-9:** Maximize efficient maintenance of transportation infrastructure of all modes, such as coordinating roadway paving or striping projects to include maintenance of pedestrian and bicycle infrastructure.

GOAL CIR 7:

Identify strategies and funding sources to implement the actions identified in this Circulation Element.

- **Policy CIR 7-1:** Proactively position the City to be competitive in pursuing grant funding for planning, design, and construction of transportation improvements.
- **Policy CIR 7-2:** Consider developing additional local sources of funding for trails and bikeways such as special assessment districts, nonprofit corporations and ballot initiatives.
- **Policy CIR 7-3:** Seek opportunities to develop public/private partnerships to provide transportation infrastructure and services.
- **Policy CIR 7-4:** Ensure that construction detour routes provide safe and convenient access for users of all modes of transportation, including people with disabilities.

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RECOMMENDATIONS

The recommended active transportation network seeks to improve safety for all users; support connections to schools, transit, employment, shopping, and recreation; and support an improved active transportation culture within Milpitas.

Enhanced crossings and sidewalks will provide a safer and more comfortable environment for pedestrians along commercial corridors and within neighborhoods.

On-street bikeways, including cycle tracks and bike boulevards, provide low-stress connections in conjunction with improved intersections and mid-block crossings.

New and extended paved shared use paths along creeks and adjacent to roadways help Milpitas residents and visitors navigate barriers while traveling along a low-stress, direct route. New access points and expanded trail heads increase visibility of the trail system and integration with other transportation systems.

Combined, these improvement support a comprehensive all ages and abilities network. The following chapter outlines the recommended project locations, associated treatments, and opportunities for further study.

Pedestrian Network

The Pedestrian Network Recommendations focus on opportunities to create a safer, more comfortable, and better-connected network for those who walk or use mobility devices in Milpitas. Pedestrian infrastructure improvements are focused in priority areas that aim to improve the comfort and safety of pedestrian travel and maximize pedestrian access to transit, schools, parks, and commercial centers. By filling sidewalk gaps, prioritizing pedestrian travel through safe crossings at major roadways, creating pedestrian-focused commercial corridors, and considering accessibility of pedestrian facilities, Milpitas can improve the safety and experience for those who walk.

The two focus areas shown in Figure 19 guide pedestrian improvements to areas that best support the goals of this plan while building on public feedback and previous planning efforts, including the Midtown Specific Plan and the Transit Area Specific Plan. Pedestrian improvements should be completed in coordination with other projects in the public right-of-way, including implementation of the bicycle network, paving projects, or other system improvements.

Commercial Pedestrian Improvement Areas:

Reflect the areas addressed in the Midtown Specific Plan and the Transit Area Specific Plan, both of which identify a range of pedestrian improvements for areas with anticipated growth. Locations with a high number of reported collisions; key cross-town corridors that provide access across barriers; and high potential demand for active trips are also included. Refer to the Pedestrian Toolbox on page 81 and Appendix A for examples of recommended improvements, such as wayfinding, mid-block crossings, and transit waiting area improvements. Existing gaps in the sidewalk network should also be filled.

Neighborhood Pedestrian Improvement

Areas: Support improved connections to schools, high frequency bus stops, and other neighborhood destinations. Traffic calming, street end connections, and enhanced crossing opportunities at major roadways are project types supported not only through the Needs Analysis of this plan but also public feedback. Improving safety and prioritizing pedestrians in these areas can support more trips by foot and improve community connections. Existing gaps in the sidewalk network should also be filled.

TABLE 6 *Example Streetscape Improvements*

TYPE	RECOMMENDED IMPROVEMENTS
Commercial Pedestrian Improvement Areas	• Transit waiting area improvements to increase comfort and safety for passenger • Increased vegetation improves comfort while traveling along the corridor • Wayfinding helps people navigate the common destinations, trails, and transit • Benches and lighting help create a sense of place, providing a place to rest and increasing visibility
Neighborhood Pedestrian Improvement Areas	• Wayfinding help people navigate to common destinations, trails, and transit • Traffic calming slows motor vehicle speeds and can discourage cut-through traffic • Shade trees and vegetation create a more comfortable pedestrian environment

FIG. 19 Proposed Pedestrian Improvement Areas

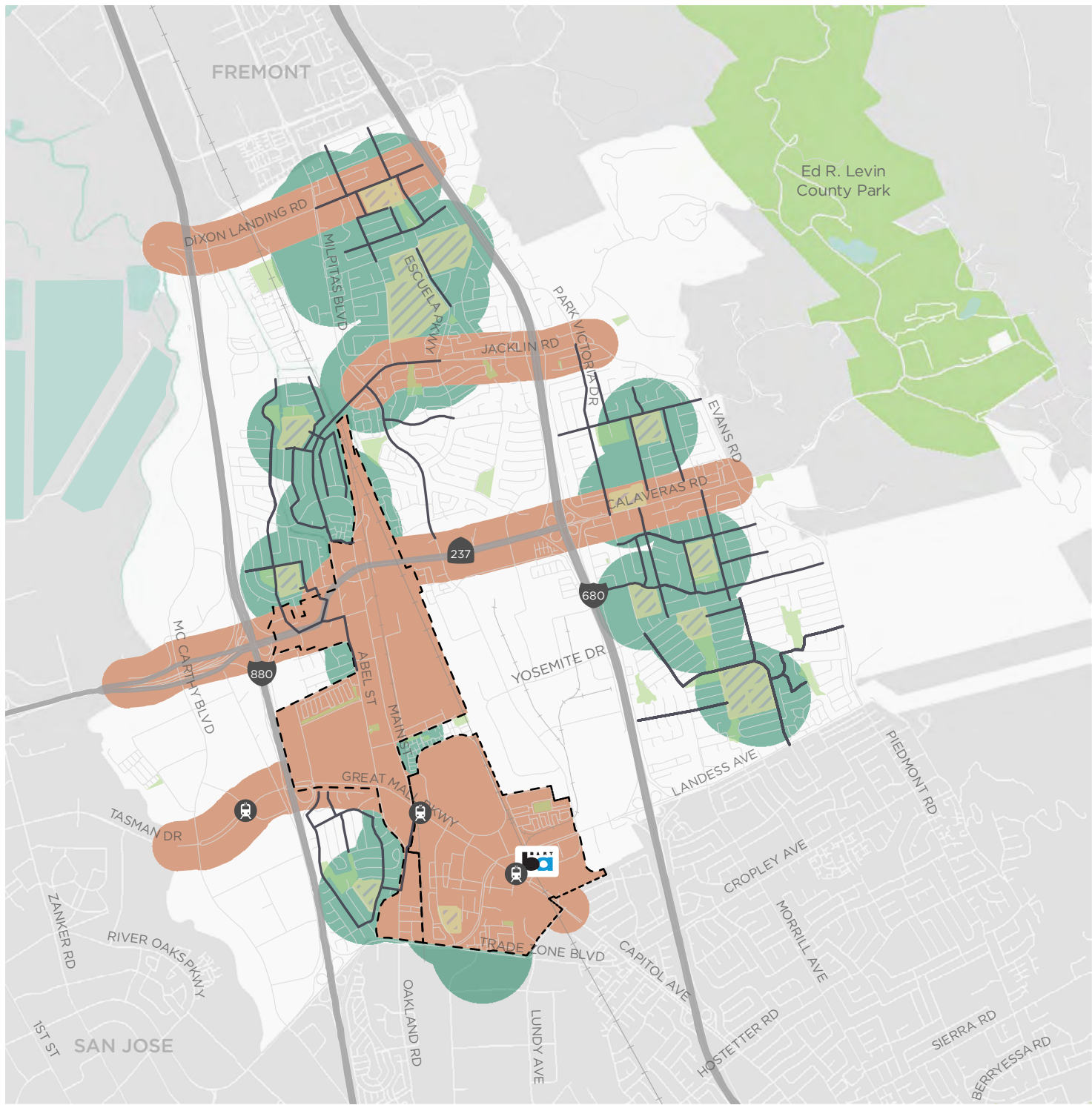
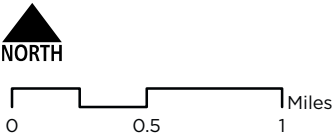


FIGURE 19
PROPOSED
PEDESTRIAN
IMPROVEMENT AREAS



- PEDESTRIAN RECOMMENDATIONS
- Commercial Priority Area
 - Neighborhood Priority Area
 - Specific Area Plan Boundary

- BACKGROUND
- SRTS Route
 - BART Station
 - Light Rail Station

- Schools
- Public Parks
- Water

Pedestrian Spot Improvements: Commercial

Within each focus area, specific opportunities to improve safety for pedestrian travel were identified through public input, collision history, and review of existing conditions. The following maps (Figures 20 and 21) identify the locations for these improvements and the range of associated improvements. For all project locations, additional study and data collection is required to determine the specific improvements required. This inventory should also confirm sidewalk completion.

Improvements in Commercial Priority Areas include the following types:

Signalized Crossing: Crossing of at least one major roadway with an existing traffic signal within the Commercial Priority Areas

Unsignalized Crossing: Major road crossings without an existing traffic signal or mid-block crossings of a major roadway within the Commercial Priority Areas.

Table 7 outlines the recommended improvements for each type.

TABLE 7 *Proposed Pedestrian Improvement Strategy: Commercial Priority Areas*

TYPE	RECOMMENDED IMPROVEMENTS
Commercial Priority Areas: Signalized Crossing	• Signal Improvements, including: pedestrian countdown signal, lengthening pedestrian crossing times and/or Leading Pedestrian Interval, No Right on Red, dedicated left turn phase • Upgrade curb ramps to comply with ADA standards as needed • Advanced stop bar • Improve visibility, through lighting and improved sight lines • Implement high visibility crosswalks, particularly in high use areas • Shorten crossing distances through pedestrian refuge islands, curb extensions, or other traffic calming features. • Reduce curb radius to slow turning speeds and explore reducing posted speeds through data collection and evaluation • Remove slip lanes
Commercial Priority Areas: Unsignalized Crossing	• Upgrade curb ramps to comply with ADA standards as needed • Improve visibility through lighting and improved sight lines, including restricting parking in advance of the intersection • Implement high visibility crosswalks, particularly in high use areas • Evaluate pedestrian hybrid beacon or Rectangular Rapid Flashing Beacon (RRFB) installation, especially for mid-block crossings • Install advanced yield/stop bars • Shorten crossing distances through pedestrian refuge islands, curb extension, or other traffic calming features. • Reduce curb radius to slow turning speeds and explore reducing posted speeds through data collection and evaluation

FIG. 20 Proposed Commercial Priority Area Spot Improvement

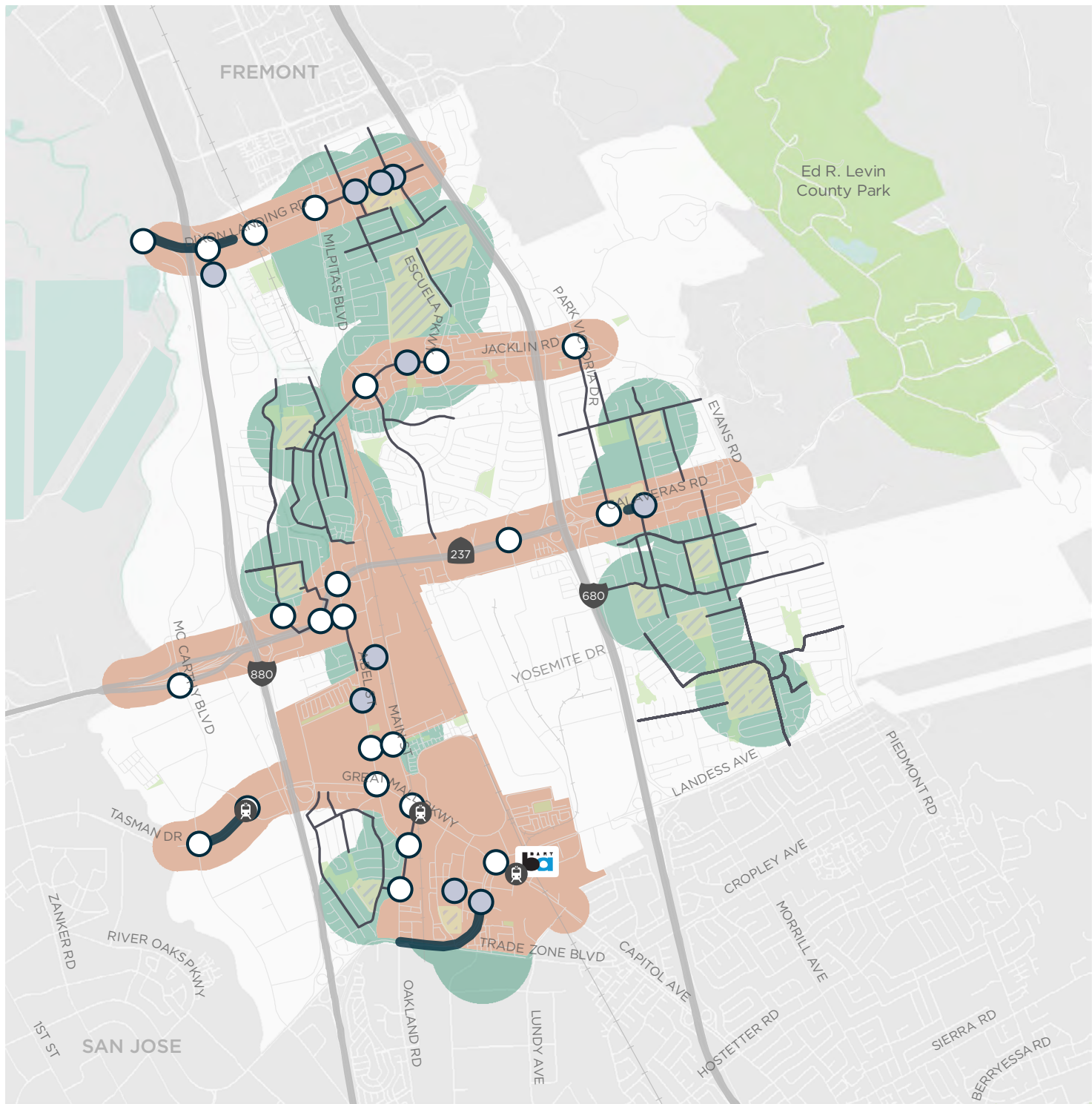
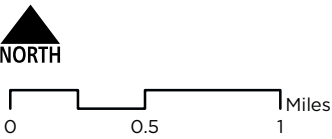


FIGURE 20
PROPOSED COMMERCIAL
PRIORITY AREA SPOT
IMPROVEMENTS



- | PEDESTRIAN RECOMMENDATIONS | | BACKGROUND | |
|----------------------------|----------------------------|------------|--------------------|
| | Commercial Signalized | | SRTS Route |
| | Commercial Unsignalized | | BART Station |
| | Sidewalk Gap | | Light Rail Station |
| | Commercial Priority Area | | Schools |
| | Neighborhood Priority Area | | Public Parks |
| | | | Water |

Pedestrian Spot Improvements: Neighborhood

Neighborhood Priority Area improvements seek to improve safety, particularly along routes that provide access to schools, parks, and other neighborhood-based destinations. Improvements prioritize pedestrian travel and may also provide benefits for the bicycle network. Improvements should be coordinated with the recommended bicycle boulevard network.

Also included in the Neighborhood Spot Improvements are sidewalk gaps not located within either focus area but identified through comment. Improved sidewalks, including implementing missing sidewalks or enhancing existing sidewalks to support pedestrians will further enhance the pedestrian network.

Improvements in Neighborhood Priority Areas include the following types:

Signalized Crossing: Crossings located in Neighborhood Priority Areas that are signalized

Unsignalized Crossing: Crossings located in Neighborhood Priority Areas that are unsignalized. In nearly all instances, these correspond with designated Safe Routes to School preferred walking routes.

Table 8 outlines the recommended improvements for each type.

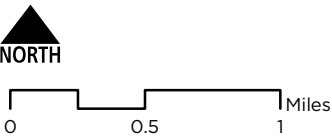
TABLE 8 *Proposed Pedestrian Improvement Strategy*

TYPE	RECOMMENDED IMPROVEMENTS
NEIGHBORHOOD PRIORITY AREAS: SIGNALIZED CROSSING	- Consider curb extensions, raised crosswalks, or medians to reduce vehicle speed and prioritize pedestrian movement - Install advanced yield/stop bars - Coordinate improvements with Class IIIB (Bicycle Boulevard), as applicable - Improve visibility through lighting and improved sight lines (restricting parking in advance of intersection, clearing vegetation) - Upgrade curb ramps to comply with ADA standards as needed - Install advanced stop bars - Remove slip lanes
NEIGHBORHOOD PRIORITY AREAS: UNSIGNALIZED CROSSING	- Install high visibility crossings and improved signage - Consider curb extensions, raised crosswalks, or medians to reduce vehicle speed and prioritize pedestrian movement - Install advanced yield/stop bars - Coordinate improvements with Class IIIB (Bicycle Boulevard), as applicable - Improve visibility through lighting and improved sight lines (restricting parking in advance of intersection, clearing vegetation) - Upgrade curb ramps to comply with ADA standards as needed - Where routes cross Commercial Priority Areas, consider improvements from Signalized Category above, including installation of RRFB or other stop control

FIG. 21 Proposed Neighborhood Priority Area Spot Improvements



FIGURE 21 PROPOSED NEIGHBORHOOD PRIORITY AREA SPOT IMPROVEMENTS



PEDESTRIAN RECOMMENDATIONS		BACKGROUND	
	Neighborhood Signalized		SRTS Route
	Neighborhood Unsignalized		BART Station
	Sidewalk Gap		Light Rail Station
	Enhance Sidewalk		Commercial Priority Area
	Commercial Priority Area		Neighborhood Priority Area
	Neighborhood Priority Area		Schools
			Public Parks
			Water

Pedestrian Improvement Toolbox

Streetscape Improvements



Sidewalk Improvement

Sidewalk improvements can include a variety of measures such as general repaving to fix cracks and uneven pavement and widening to provide more space for pedestrians, landscaping, and commercial activity.



Sidewalk Amenities

Sidewalk amenities are placed either immediately adjacent to buildings or adjacent to the curb and street outside of the path of travel. These amenities can include cafe seating, public benches, trees and shade structures, bike racks, or similar items that support pedestrians and others. Sidewalk amenities should also include pedestrian-scale lighting to support increased visibility.



Transit Waiting Improvements

Transit waiting area improvements can increase pedestrian comfort, perceived safety, and protection from weather. These improvements can include bus shelters, benches, public art, and arrival information. Consider design and integrate art as one method of supporting district or community identity.



Wayfinding

Pedestrian wayfinding helps people walking navigate between different locations, reduces perceived trip distance, and encourages more walking trips. Consistent colors and branding can help create community or district identity.

Signal Improvements



Pedestrian Countdown Signal

Pedestrian countdown signals inform pedestrians of when and how long they have to cross the street. This increases certainty for both pedestrians and drivers.



Leading Pedestrian Interval

At signalized intersections, Leading Pedestrian Intervals give pedestrians a head-start crossing the street by activating the walking signal a few seconds before cars are permitted to go. This can dramatically improve visibility and predictability between vehicles and pedestrians, particularly for motor vehicle turning movements.



Right Turn Restrictions

In densely populated areas with high pedestrian volumes, allowing right turns on red can increase vehicle-pedestrian collisions. Eliminating right turns on red simplifies turning movements at intersections and can increase pedestrian safety through increased predictability.



All-way Crossing

All-way crossings, sometimes referred to as a pedestrian scramble, allow pedestrians to cross the street in any direction with a longer pedestrian interval at signalized intersections. This requires a dedicated crossing phase for pedestrians.

Crossing & Connectivity Improvements



ADA Curb Ramps

ADA curb ramps are required by the Americans with Disabilities Act to allow safe and easy crossing conditions for all users, especially people with disabilities. Curb ramps that are compliant with ADA standards include features such as detectable warnings, minimal slopes, and wide landing areas.



High Visibility Crosswalk

High visibility crosswalks use easy-to-see traffic markings to decrease vehicle encroachment and increase yielding behavior. High visibility crosswalks can be applied at intersections or for mid-block crossings. Mid-block crossings are also typically accompanied by pedestrian signage, median refuge islands, and/or curb extensions.



Curb Extensions

A curb extension expands the curb out into the street at intersections in order to shorten crossing distances, slow down turning vehicles, and create more visibility between vehicles and pedestrians. The geometry of the intersection is altered to reduce the curb radius.



Street End Connections

Street End Connections provide bicycle and pedestrian access in areas with limited roadway connectivity. Particularly in locations with cul-de-sacs, paths that connect dead-end streets can improve route directness, shorten trip distances, and support pedestrian access to destinations.



Median Refuge Island

Median refuge islands shorten crossing distances and reduce pedestrian exposure to motor vehicles by establishing a safe waiting space in the middle of a crossing. The minimum width of a median refuge island is 6 feet, but should be 10 feet or greater.



Raised Crosswalk

Raised crosswalks provide a continuous, level surface for pedestrians crossing the street from sidewalk to sidewalk. They increase visibility between vehicles and pedestrians and force cars to slowly pass through by raising the vehicle wheelbase.



Improved / Reduced Slip Lane

Slip lanes create conditions for fast-turning vehicles. People driving have lower visibility of their surroundings when traveling at higher speeds. Slip lanes also add more pedestrian exposure to vehicles at intersections by creating two crossing segments. Closing the slip lane or adding high visibility crossings and signage can improve crossing conditions for pedestrians.



Beacons

Beacons, including pedestrian hybrid beacons, provide highly visible flashing signals directly above crossings, usually placed on higher speed roads at uncontrolled marked crosswalks. These beacons are only activated when pedestrians press a button.

Bicycle Network

Bike network improvements support a better connected, more complete bike network in Milpitas. The identified improvements (Figure 19) create safer routing options and provide connections to transit, jobs, commercial centers, and educational opportunities. Neighborhood routes offer alternatives to high-speed roadways, while increased separation on key corridors support cross-town connections. Spot improvements identify opportunities to prioritize bicycle travel across the city. The shared use path network, also displayed in Figure 19, is a vital component of a low-stress network; more details on the proposed trail network begin on page 95 of this plan.

Some projects, including Calaveras Boulevard, will require additional coordination with other agencies. The recommendations for this segment support a more protected route for people biking; however, it is recommended through further study that alternate designs

that support this goal are considered.

In addition to route recommendations, site-specific spot improvements are crucial to providing safe and connected routes. Intersections in particular can limit low-stress connectivity in a network when dedicated and separated bicycle facilities are not available. Varying lane configuration, turning movements, dropped bike lanes, and highway ramps lend to more potential points of conflict among bicycles and motor vehicles. While intersection improvements are recommended as bicycle facilities are implemented, the two categories of spot-specific improvements listed in Table 9 below identify both near-term projects to support network connectivity and safety and longer-term studies required to address some of Milpitas's biggest barriers. Additional detail can be found on page 91 and in Appendix A.

TABLE 9 *Proposed Bicycle Spot Improvement Strategy*

TYPE	RECOMMENDED IMPROVEMENTS
BIKE LANE CONNECTIVITY (SHORT TERM IMPROVEMENT)	• Complete bike lane striping through the intersection and approach • Install necessary signage and striping to clarify motor vehicle movement at the intersection and intersection approach, including yielding to bicyclists for right turn movements • Consider implementation of demonstration projects or other interim applications to shorten crossing distances for pedestrians
INTERSECTION CONNECTIVITY IMPROVEMENTS (LONG TERM IMPROVEMENTS)	• Improve visibility of bicyclists and pedestrians through signage, marked crossings, and similar mechanisms in advance of and at potential conflict points • Increase separation of bicyclists and pedestrians from motor vehicle traffic through wide sidewalks and separated bicycle facilities (sidepaths or cycle tracks) • Reconfigure interchanges to remove free-flowing ramps and replace with 90-degree intersections (preferred) • Implement signal or stop sign control on on-ramps and off-ramps • Consider over-crossings or under-crossings where intersection reconfiguration is not possible; roundabouts may also be considered

FIG. 22 Proposed Bicycle Network

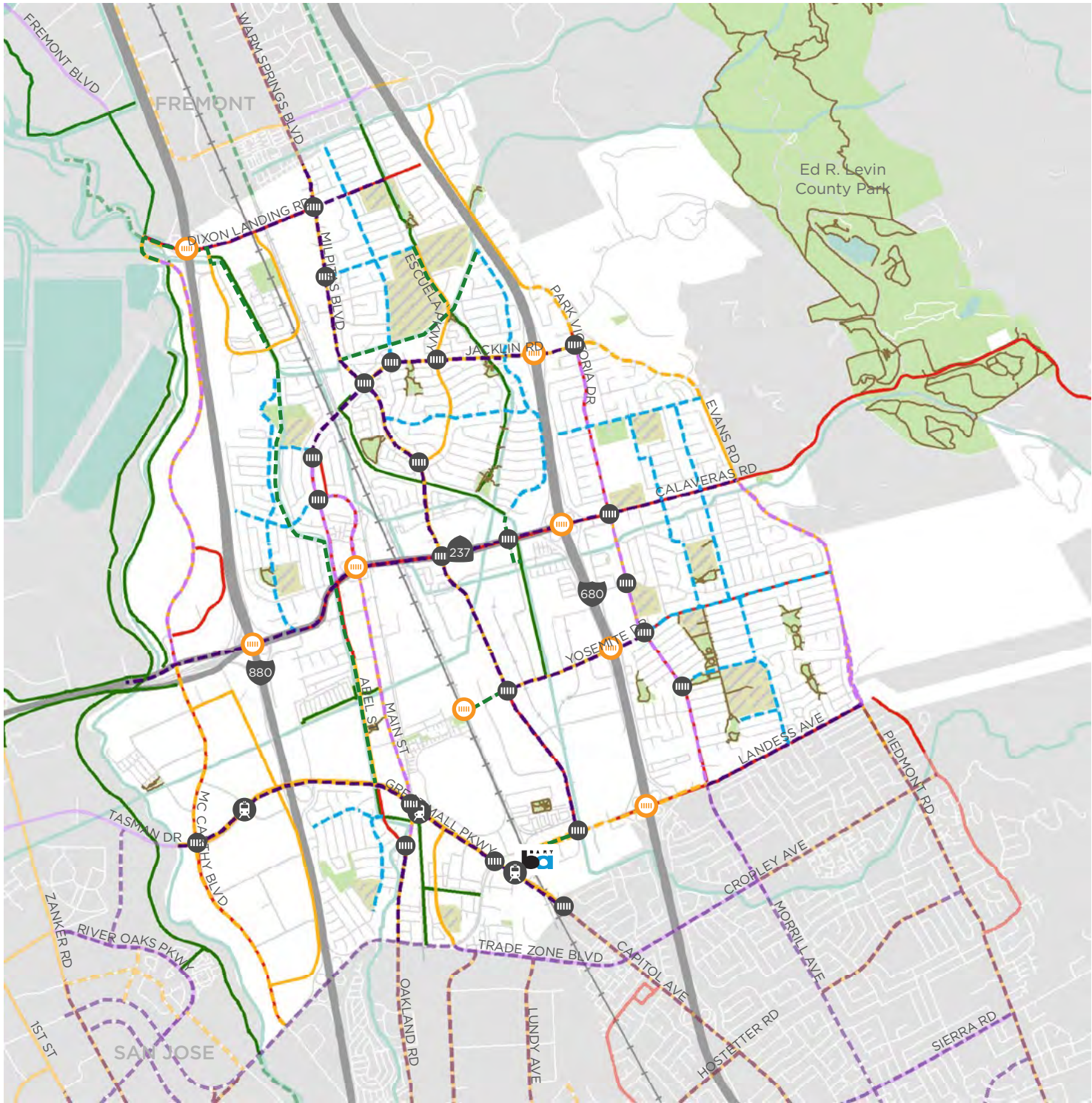
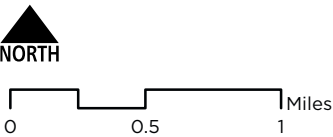


FIGURE 22
PROPOSED BICYCLE
NETWORK



PROPOSED BIKE FACILITIES

- Bike Lane Connectivity
- Intersection Connectivity
- Class I: Paved Shared Use Path
- Class II: Bike Lane
- Class IIB: Buffered Bike Lane
- Class IIIB: Bike Boulevard
- Class IV: Cycle Track

EXISTING BIKE FACILITIES

- Class I: Paved Shared Use Path
- Class II: Bike Lane
- Class IIB: Buffered Bike Lane
- Class III: Bike Route
- Unpaved Trails

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

Milpitas BART Station

The Milpitas BART station opened in June 2020 and is projected to have 20,000 daily passengers by the year 2030. BART will improve connections between Milpitas and the region and has the potential to significantly alter transportation in the city and beyond.

Located in south Milpitas near San Jose, BART expands opportunities to connect to major employer in the area. In fact, with Milpitas's daytime population nearly doubling each day, the addition of BART can help reduce reliance on motor vehicles for accessing employment opportunities.

However, to successfully expand transportation options and encourage greater use of transit, it is important to consider how complete, connected, and comfortable the active transportation network near the station is. Low-stress infrastructure, including separated bikeways, safe crossings, complete and wide sidewalks, and direct routes are imperative to maximizing the benefit of BART.

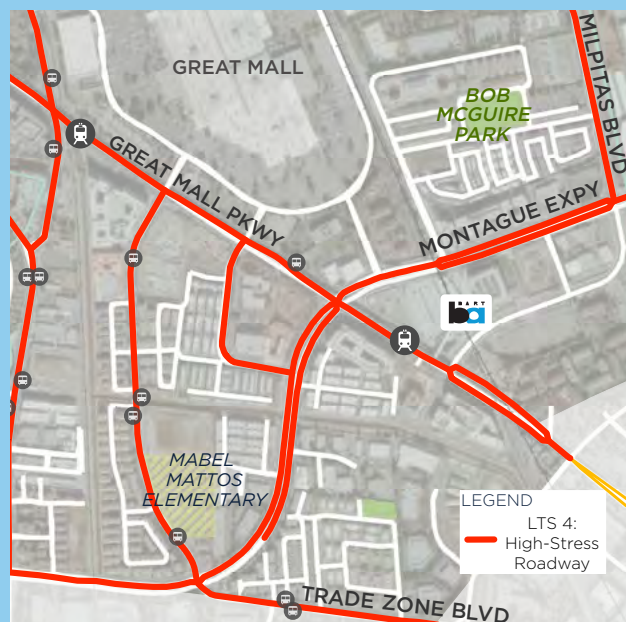
Existing Conditions

Existing active transportation infrastructure is currently limited near BART. However the area is rapidly changing. Known as Milpitas Metro District, there is continued investment in the transportation system, including VTA corridor improvements, and new development. The increased intensity of land uses and associated demand with the area will continue to shift transportation system needs in years to come.

As part of these changing conditions, a new grade-separated pedestrian crossing leading north from BART across Montague Expressway provides a safe connection across an otherwise high-stress roadway. With the station located at the intersection of two high-stress roadways, there are significant barriers to travel to and from the station; improvement such as this pedestrian bridge provide a vital link for people navigating this complex area.

In addition to limited existing pedestrian and bicycle infrastructure in the area, there are few alternate routes that can support lower stress travel in the area. Large parcels, limited safe crossing opportunities, and limited roadway connectivity impact connections to bus stops, employment opportunities, and commercial destinations.

As Milpitas re-imagines this area, there are opportunities to explore new connections, separated active transportation infrastructure, and improved streetscape design to prioritize bicycle and pedestrian activity to and near the station.



Milpitas Metro Specific Plan

The Milpitas Metro Specific Plan establishes the city's vision for the future of the Milpitas Metro District. It outlines goals and policies aimed to guide the growth of the Milpitas and support improved connections among the City, BART, and VTA transit services.

Milpitas Metro will shape the rapidly changing area into a high-density, transit-oriented neighborhood with a mix of uses. Circulation in and around the district is an integral piece of the plan, including opportunities to reshape the roadway network, identify new active transportation connections, and secure access to new parks and other destinations. For example, planned opportunities to expand Milpitas Boulevard to Tarob Court can improve connections to the station for all modes. Milpitas Metro is currently being updated.



SOURCE: CITY OF MILPITAS, MILPITAS METRO

Recommendations

Specific recommendations for active transportation should be considered within the District as the vision for the area takes shape. New bikeways, sidewalks, and shared use paths should prioritize connections both within and external to the District to support access to the area for all. Specifically, Milpitas should work with incoming development to implement active transportation improvement. Improvements should advance the vision for a complete, connected, all ages and abilities network that expands access to and use of transit in Milpitas. .

Specifically, circulation in the Metro District should consider the following recommendations identified in the Trail, Pedestrian, and Bicycle Master Plan:

- Expansion of safe, comfortable, and direct routes from BART that leverage shared use path and cycle-track recommendations near the station.
- Implementation of safer pedestrian crossings, including prioritizing pedestrian and bicycle travel.
- Expand integration with transit and shared mobility options to improve utility for BART.
- Improved connections to bus stops and transit opportunities through improved pedestrian environments, wayfinding, and lighting.
- Support first-last mile connections by integrating end of trip facilities, such as long term bike parking, in the District.

Low-Stress Bike Network

When implemented, the proposed bike network will include 62 miles of connected, low-stress bikeways—17 existing and 45 proposed—that support travel to destinations across Milpitas. This system of cycle tracks, bike boulevards, and paved shared use paths—along with safe crossing opportunities—serves all areas in Milpitas.

Low-stress bikeways provide maximum separation from motor vehicles on major roads and support comfortable travel along neighborhood roadways where bicycle travel is prioritized. The proposed low-stress network provides direct connections within the city to transit, commercial areas, schools, parks, and residential areas.

For example, a person riding a bicycle could ride from Dixon Landing Road in the northern part of the city all the way down to the Milpitas BART Station using bikeways separated from motor vehicle traffic. The low-stress bikeways also connect to San Jose and Fremont, contributing to a regional network.

Investing in low-stress bikeways supports a broad range of people who bicycle, including the approximately 60% of the population who are interested in biking but have concerns about doing so safely, families with young children, and even more confident riders who prefer greater separation from motor vehicles.

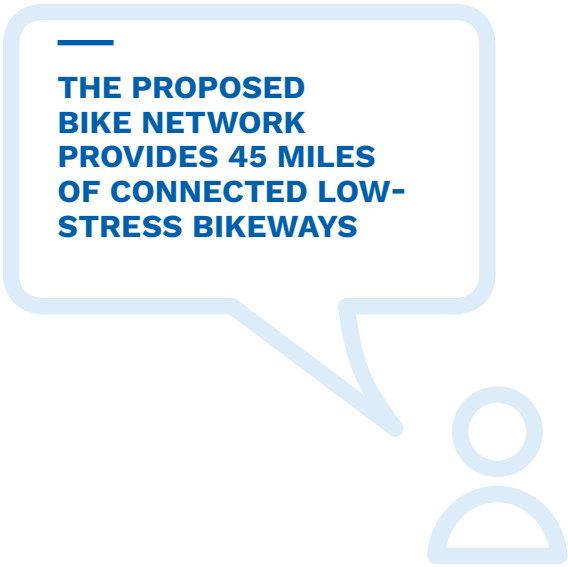


FIG. 23 Proposed Low-Stress Bicycle Network

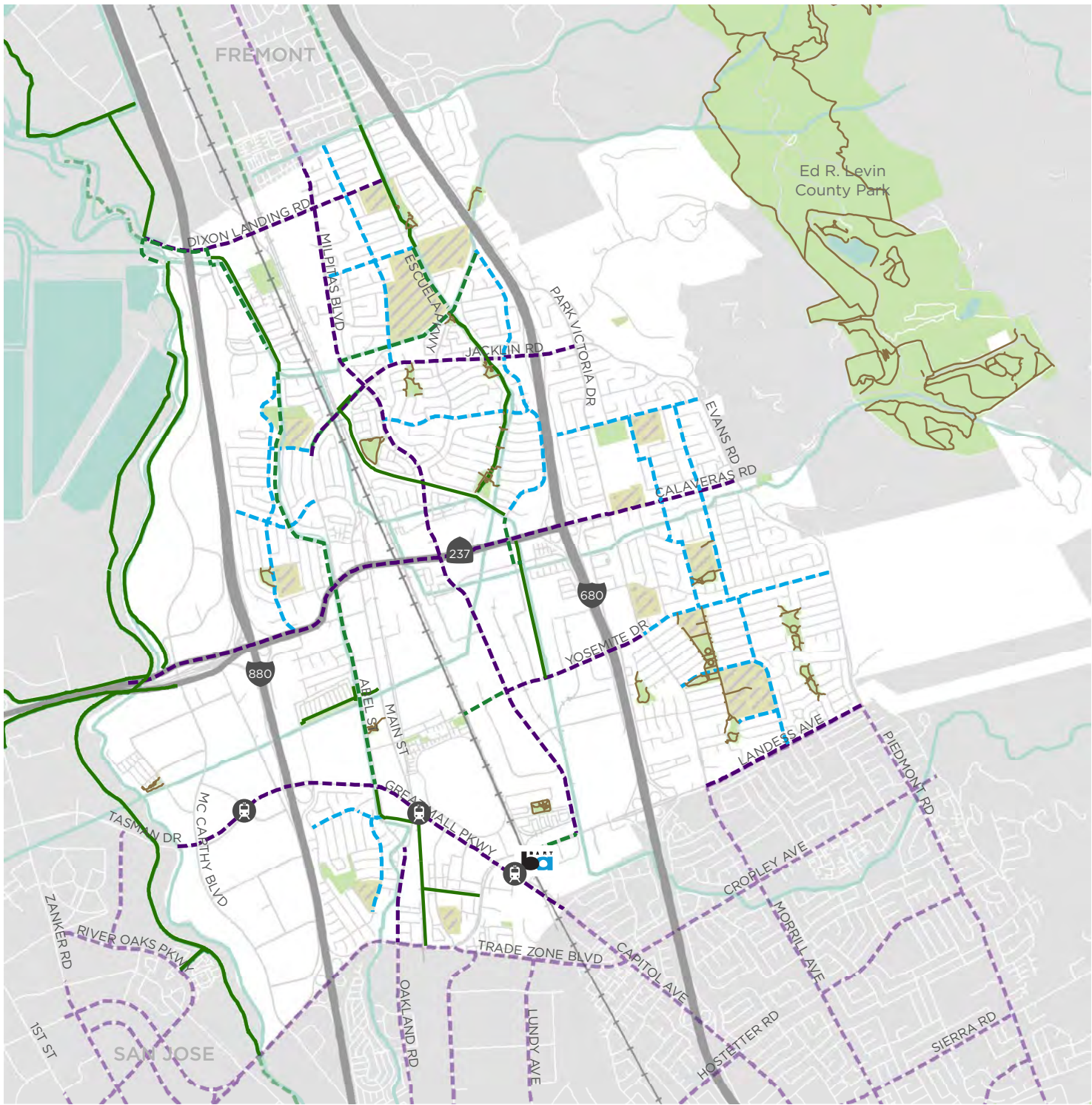
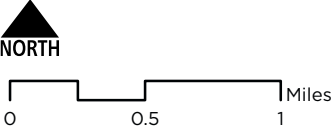


FIGURE 23
PROPOSED
LOW STRESS
BICYCLE NETWORK



- EXISTING BIKE FACILITIES
- Class I: Paved Shared Use Path
 - Unpaved Trails
- PROPOSED BIKE FACILITIES
- Class I: Paved Shared Use Path
 - Class IIIB: Bike Boulevard
 - Class IV: Cycle Track

- BACKGROUND
- BART Station
 - Light Rail Station
 - Schools
 - Streets
 - Railroad
 - Public Parks
 - Water

Intersection Improvement Toolbox

A low-stress network requires safe, comfortable ways for navigating an intersection by bike. With 55% of bicycle-involved collisions occurring at intersections, exploring opportunities to improve bicyclist safety and comfort at intersections is crucial to the effectiveness of the larger bicycle network. As described below, intersection improvements for bicyclists can include pavement markings, signal changes, signage, and even a physical redesign of the intersection. More information regarding intersection improvements are in the design guidelines, which can be found in the Appendix A: Design Guidelines.



Bike Signals

Bike signals provide a dedicated crossing signal that signifies when people on bicycles can cross. Typically they are used to separate the timing of bicycle and motor vehicle movements and can reduce opportunities for conflict in complex intersections.



No Turn on Red

No turn on red restrictions prevent turns during the red signal to reduce motor vehicle conflicts with bicyclists and pedestrians. This restriction is commonly established at bicycle box installations, cycle tracks, and where bicycle signals are used to separate bicycle traffic from motor vehicles.



Protected Intersection

Protected intersections maintain physical separation between motor vehicles and people bicycling. Signals and positioning of the bike lane in the intersection limit opportunities for conflict between motor vehicles and bicycles.



Transit Integration

Bikeway design should consider locations of bus and other transit stops to reduce conflict both between bus and bike and with pedestrians accessing the transit stop. Signage and separating the bikeway from the transit stop support these goals.



Intersection Crossing Marking

Safer bicycle networks require bicycle lane markings to continue through intersections. Because these improvements simply require paint, they are relatively low-cost projects that can support network connectivity in the near term.

Bike Lane Connectivity

Existing bicycle lane striping often disappears as the lane approaches an intersection, typically to accommodate right turning movements for motor vehicles. This presents challenges at signalized intersections, unsignalized crossings of major roadways, and at connections with adjoining existing bikeways. Completing the bicycle lane striping through the approach and to the intersection is a low-cost project that supports network connectivity in the near term while funding and design for more intensive network improvements is secured. Further, it is recommended that city design guidance is updated to require bicycle lane markings to be continue through the intersection. Additional guidance can be found in Appendix A: Design Guidelines.



Bicycle Lane Striping

Bicycle lane striping should be applied along an entire roadway segment, including through the approach and up to the intersection. Striping designates space for bicycle travel and can help people bicycling and people driving better navigate the shared spaces at an intersection.



Conflict Marking and Signage

Where right turn only lanes are present, striping should clearly indicate where people driving can merge into the turn lane. This should include a dashed lane marking, other conflict markings as applicable, and related signage. Cross sections that require bicycles and motor vehicles to share the right turn lane should implement the recommended best practices outlined in Section 5 of VTA's *Bicycle Technical Guidelines*.



Pedestrian Opportunity Improvements

Consider opportunities to implement low-cost interim treatments to help slow traffic speeds and support safer pedestrian travel in the corridor in conjunction with bike lane connectivity projects. These treatments may include curb extensions, reconfiguration of intersection geometry, temporary plazas, or similar improvements.

Intersection Connectivity

Travel east or west in the city requires use of corridors that interface with highways. On- and off-ramps create significant safety concerns for those walking or biking along these roadways as the interchange configuration creates more potential points of conflict among active modes and motor vehicles. While at least one of these locations was identified for improvement at the regional scale (Calaveras and I-880), the other locations identified represent specific challenges to low-stress connectivity across the network. Additional study will be required to develop context-sensitive solutions that support safe routes for active travel and should be considered as part of roadway reconfiguration that supports Complete Streets. Additional guidance for interchange design can be found in VTA's *Bicycle Technical Guidelines*.



Remove Free Flowing Ramps

On- and off-ramps should meet local roadways at 90-degree angles (preferred) or limit turning speeds when perpendicular crossings are not possible. Free-flowing ramps encourage higher travel speeds for people driving, creating conditions with high potential for conflict with people walking and bicycling.



Signal Control

On- and off-ramps should be controlled through traffic signals or stop signs. Stop bars should be placed in advanced of the intersection to improve visibility for people walking and biking across the intersection. Crosswalks should be well-marked..



Over and Under Crossings

In locations with significant safety concerns or limited right-of-way, over or under crossings may be considered. Implementation of these facilities should consider connectivity with the adjoining bikeways and sidewalks; maintain visibility for those traveling through these crossings; and have a maximum slope of 5%.

Trail Network

The recommended trail network is the foundation for a more comprehensive, connected, and comfortable active transportation system in Milpitas. Paved shared use paths located along creeks and roadways, support more direct routes and improved recreational opportunities, while connecting to on-street bicycle and pedestrian facilities that link to transportation, commercial centers, and other community destinations.

The proposed path network considers recommendations included in previous Milpitas plans, including the previous Trail Master Plan; county and district plans; and public feedback. However, it should be noted the several alignments previously recommended are not included in this plan; in coordination with city staff, Valley Water, and other project partners, changing conditions along Milpitas's creeks and rails have reduced the feasibility of new trail alignment. These routes are explored further on page 97.

While the existing network has grown in recent years, particularly along Berryessa Creek and Penitencia Creek, today's trail system remains incomplete and disconnected. Previously-proposed networks and public input provide strong support for a more complete, connected, and easier to navigate system that helps people reach transit, parks, employment, and commercial destinations.

The proposed network shown in Figure 24 expands existing paths along creek corridors and adjacent to major roadways to support a comprehensive, connected active transportation system. The path network in particular can help trail users navigate barriers in the city, including high-stress corridors.

To better support transportation connections and provide for all ages and abilities access, it is recommended that all paths are paved and implemented as Class I facilities. Further, path design should comply with standards from Santa Clara County, Valley Water, and local requirements. More information regarding these standards can be found in the Design Guidelines (Appendix A).

As projects are implemented, roadway crossings and access points should be improved and expanded. Where paths cross major roadways, it is important to include features such as high visibility crosswalks, clear signage, and bulb out or median refuge islands to support shorter crossing distances. Signals, including RRFBs or Pedestrian Hybrid Beacons, as well as raised crossings should also be considered.

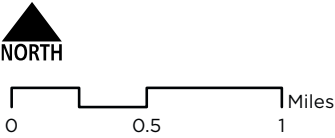
Shared use paths along creeks will require coordination with Valley Water for permitting and design. While the proposed segments have been reviewed in coordination with Valley Water, it is recommended that the City engages the water district early in the implementation process to best explore opportunities for coordination with maintenance or other projects planned for these corridors.

Finally, while public input indicates that surface quality along existing paths required maintenance, comprehensive data to support a specific maintenance plan is not available. It is recommended that a complete inventory of existing trails and paths, including surface type and quality, is completed to inform a systematic maintenance approach.

FIG. 24 Proposed Trail Network



FIGURE 24
PROPOSED TRAIL
NETWORK



- TRAILS
- Existing
 - Proposed
 - Unpaved Trails

- BACKGROUND
- BART Station
 - Light Rail Station
 - Schools
 - Railroad
 - Public Parks
 - Streets
 - Water

Previously-Proposed Trail Alignment Summary

The Trail Master Plan (2007) proposed a network of paved paths along Milpitas's creek system, trail alignments in and near neighborhood parks, and a paved path along the BART railway. Since these alignments were proposed in 2007, conditions along Milpitas's creek system, development standards guiding trail alignments near rail, and opportunities to advance on-street bikeways have all shifted. As part of the Trail, Pedestrian, and Bicycle Master Plan, City of Milpitas staff coordinated among departments and with other agencies to evaluate the feasibility of previously-proposed trail alignments. The results of this coordination concluded that several previously-proposed alignments are no longer considered feasible and are not recommended for inclusion in this plan. The following pages summarize the trail location and associated rationale for determining their feasibility. Where possible, alternate alignments are indicated.

► **BART Corridor - between BART Station and Fremont City Limits**

While this route would provide direct access from the BART station to northern areas of the city and into neighboring jurisdictions, updated guidance from BART restricts trail development within the available right-of-way. Further, an improved understanding of existing conditions, including available right-of-way and adjacent development, limits trail implementation in this corridor. To support access north from the BART station, alternate alignments along Abel Street and Penitencia Creek are included.

► **Calera Creek - between I-680 and Ed R. Levin County Park**

A trail located along Calera Creek leading east from I-680 would support a direct and continuous connection to the county park separate from motor vehicles. This would provide a safer, more comfortable route and expand access for northern areas of Milpitas. However, opportunities to connect the trail across I-680 limits a continuous route, and the conditions along the creek heading east from the city are generally steep and not viable for trail implementation.

► **Calera Creek - west of Milpitas Boulevard**

The presence of the railway west of Milpitas Boulevard is a barrier to continued travel west; potential for crossing is limited due to similar concerns as the BART trail alignment discussed above. To better support travel west of Milpitas, this plan recommends exploring low-stress connections to Jacklin Road and Abel Street. This alignment would include a combination of on-street separated bikeways, sidepaths, and an enhanced sidewalk along Jacklin Road across the railway.

► **Berryessa Creek - between Yosemite and San Jose City Limits**

A trail along Berryessa Creek south of Yosemite would provide additional options for connections to and from BART; however, limited space along the creek does not support a trail alignment adjacent to the creek. Further, a railroad spur crosses the creek between Yosemite and Montague; per California Public Utilities Commission (CPUC), no new at-grade railroad crossings are permitted.

► **Penitencia Creek - Dixon Landing to Coyote Creek**

Extension of the existing trail along Penitencia Creek to connect to Coyote Creek is limited by the available space along the creek and clearance under I-880. This connection as a creek-side trail is not feasible; however, it is recommended that options to connect the existing Penitencia Creek Trail to Coyote Creek be explored further. Implementation of sidepath along Dixon Landing can support connections between Penitencia Creek access along California Circle, and Coyote Creek Trail west of McCarthy Boulevard.

► **Neighborhood Trails near Sinnott Park and Robert E. Browne Park**

The previous Trail Master Plan identified neighborhood trails around Sinnott Park, Robert E. Browne Park, and John Sinnott Elementary School. These parks presently include trails and paths that connect alongside and through the park. Due to limited right-of-way and integration with the on-street bicycle network, these trail alignments are no longer proposed. Where applicable, proposed bicycle boulevards will support travel in the areas.

Trail Features

Paved Shared Use Paths along Creeks

Shared use paths are routes completely separated from motor vehicles and are often independent from the roadway network. Proposed paths in Milpitas primarily follow creeks, including Penitencia Creek, Calera Creek, and Berryessa Creek. Creek alignments support more direct, low-stress connections among destinations while supporting lengths of uninterrupted recreational space. Paths should be at least 8 feet wide, with a preferred width of 12 feet; for additional design guidance, please see Appendix A.



Implementation requires coordination and permitting with Valley Water. While Chapter 8 outlines the recommended phasing for proposed trails, coordination with Valley Water projects should also be considered when determining implementation timelines. For all identified alignments, at least one side of the creek should include a paved shared use path. Opportunities should be considered to provide a path along both sides where space and demand allow.

Supporting Amenities

Shared use paths are more than just a way to travel from one point to another. Park elements and other amenities can create a sense of place and support a wider range of recreational opportunities while encouraging a greater sense of security through increased activity and use of the trail. Where applicable, trails should consider surrounding land uses and integrate with the nearby community. Where space permits, selection of amenities and other trail features should be done in coordination with the neighboring communities. The following are examples of items to consider:



Bike repair stations, drinking fountains, and bike parking located along the trail can support active trips and recreation. Bike repair stations should include air pumps and other common tools. Consider integrating these amenities with shade structures and opportunities for rest, such as benches.



Benches and shade provide an opportunity to rest, socialize, and enjoy the surroundings. Benches, shade, and site furnishing also create an opportunity to integrate art and sculpture, as well as opportunities for play, such as through swings or other interactive elements.



Wayfinding along the trail will help direct people to common destinations, connections with other trails, or other attractions. It also can help orient people to where they are in the city and provide an indication of how far they have traveled. The system should be consistent with other city wayfinding signs; interpretive signs may also be considered.



Interactive elements along the trail, such as play features or exercise equipment, provide additional opportunities to recreate along the trail. These features support the recreational purpose of the trail system.



Community gardens, habitat restoration, or other opportunities to add more vegetation along the trail can increase comfort along the trail, improve aesthetics, and support a sense of place.



Where applicable, integration with nearby land uses can help the trail be an extension of the area, provide greater visibility on the trail to increase a sense of security, and support travel to destinations through active modes.

Sidepath

Sidepaths are located adjacent and parallel to a roadway. Located within the right-of-way, sidepaths are separated from motor vehicle travel by an unpaved buffer or other physical barrier. Sidepaths accommodate bicycle and pedestrian travel and can help connect share-used paths and other low-stress bicycling facilities. Recommended links in Milpitas should provide for two-way travel and follow design guidance specified in Appendix A.



Supporting Amenities

Unlike shared use paths, sidepaths should primarily serve travel from one point to another. Opportunities for placemaking are available in wayfinding, other signage, and integration with nearby land uses, including parks. Examples of these elements are included below:



Wayfinding supports navigation across the trail system and can support transitions among sidepaths, shared use paths, and the on-street network. The wayfinding system will help orient people to where they are in the system and support a greater sense of comfort in navigating to their destination. Wayfinding will be particularly important for supporting connection to BART and other transit opportunities.



Vegetation can improve comfort along side paths, particularly when located between the path and general purpose travel lanes. In addition to providing additional separation and improved aesthetics of the facility, consider options for bioswales to improve storm water management along the corridor.



Adequate lighting should be included along all trail segments; however, along sidepaths lighting should consider clear visibility at intersections, other conflict points, and the approach to these locations. Lighting selection can be integrated into trail or area branding.



Bike parking should be clearly available near the trail alignment. Consider co-locating with bike repair stations. Not only will these features support trips by bicycle, they can also encourage more people to travel to the park by bike. Consider use of a corral as well as opportunities to provide shelter.



Trail design should consider clear connections to nearby land uses that are distinct from vehicular routes. Consider connections that provide direct access to destinations with minimal exposure to motor vehicles in parking lots or driveways. Bike parking and other end of trip facilities should be located along this route. Also consider crossings or other links to destinations on the opposite side of the roadway and make the preferred route clear through signage and striping.



Consider options to clearly define space if conflict among modes is anticipated. Pavement markings or material selection can clearly mark spaces for pedestrian and spaces for bicycles. This is particularly pertinent where sidepaths connect to nearby land uses.

Trail Spot Improvements

When designing functional, attractive, and inviting trails, the small details matter. Essential elements, including clear access points, wayfinding, trail system information, bike parking, comfort stations, and items like a bike repair station help orient people to the trail system, support their selected activities, and create a welcoming environment for all trail users. The following recommendations include spot improvements that consider both **how people access trails** and **how they navigate barriers**, such as major roadway crossings.

Access points can include both designated trailheads and secondary connections located in neighborhoods or at trail crossings. In all forms, access point make it clear that trail access is permitted at this location. This may include signage, such as a trail name or system information and maps. Access points are recommended wherever the trail crosses a roadway, and new trail connections should be explored where current access is limited.

Expanding opportunities to access the trail is an important component of a comprehensive trail system; with more opportunities to access the trail, more people can benefit from a system of low-stress corridors.

Highly-visible locations, such as parks, or other locations that are anticipated to provide access to a larger number of people should be designated as trailheads. Trailheads offer greater visibility for the trail system and include a wider range of amenities, such as end-of-trip facilities. In some cases, these locations may also support motor vehicle parking to access the trail system.

Spot improvements are grouped into three main categories:

- **Trail Access Improvement:** Opportunities for new connections and access to the trail network, as well as improvements to roadway crossings to prioritize low-stress travel along trails.
- **Trailhead Improvements:** Frequently in existing parks or at key entry points for existing trails, trailhead improvements identify locations where amenities such as restrooms, bicycle storage, maps, and wayfinding can improve user experience accessing the trail network.
- **New trail connections:** These locations represent opportunities for new connections to the trail network. These locations should include amenities such as those listed above for Trailhead Improvements.

These recommendations are depicted in Figure 25. More information about spot improvement elements are included in the Trail Improvement Toolbox beginning on page 105. More detail regarding trail improvements can also be found in Appendix A: Design Guidelines.

FIG. 25 Trail Spot Improvements

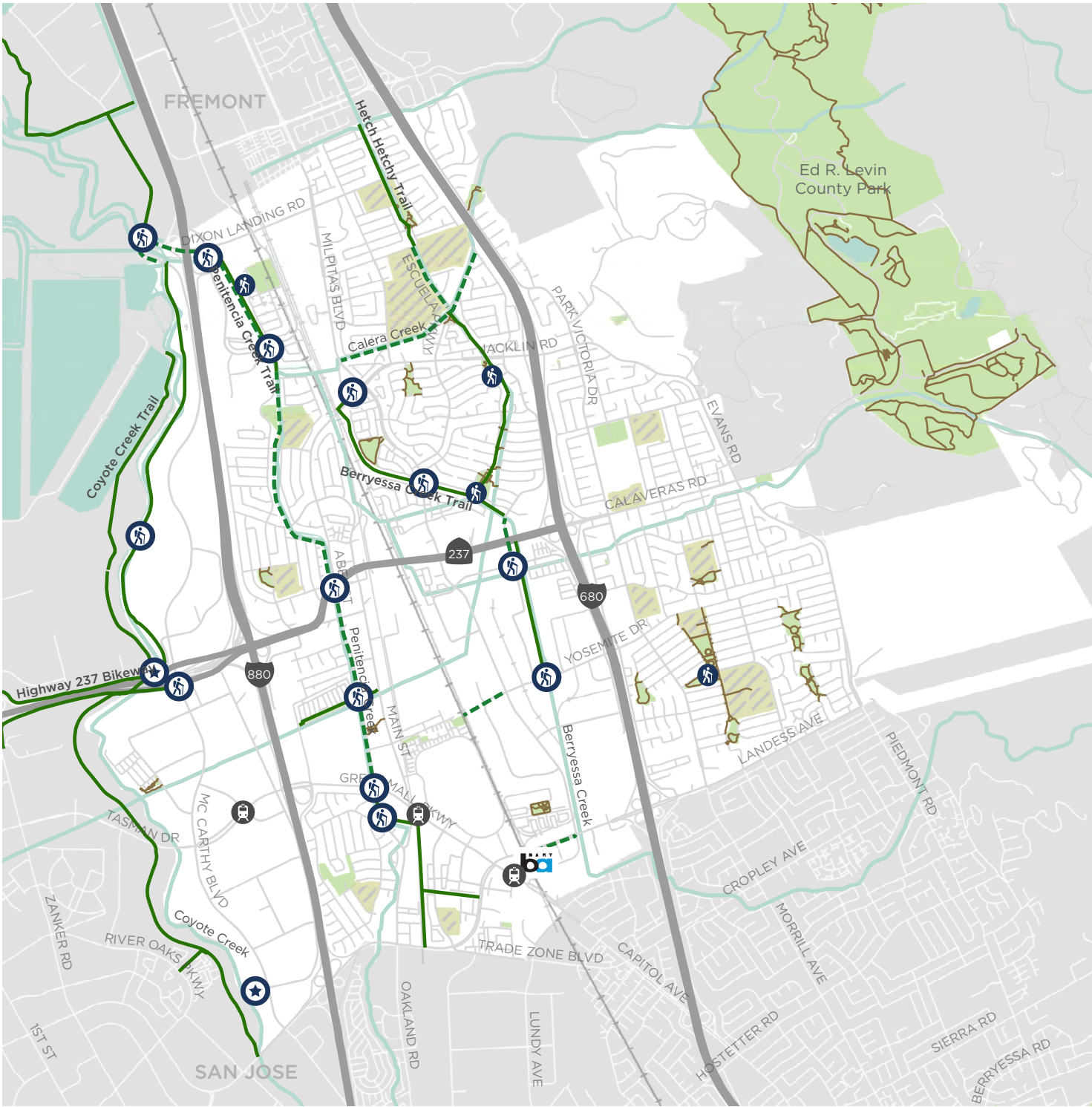
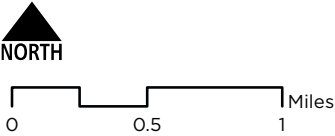


FIGURE 25
TRAIL SPOT
IMPROVEMENTS



TRAIL SPOT IMPROVEMENTS

- New Trail Connection
- Trail Access Improvements
- Trailhead Improvements

TRAILS

- Existing
- Proposed
- Unpaved Trails

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

Trail Improvement Toolbox

Trail Access Improvements



Roadway Crossing

Where trails cross roadways, treatments ranging from pavement markings and signage to signals may be used to support safe crossings. The type of treatment depends on the width, traffic volume, and travel speed of the roadway; more details can be found in Appendix A. Crossings should also consider other features to increase safety and comfort for people walking and biking. Raised crossings, median refuge islands, and/or bulb outs may further prioritize trail users.



Trail Access Point

Access points connect trail users to the network at locations other than a trailhead. Opportunities include major roadway crossings, neighborhoods and parks, or through parcels that connect high-densities of residents and employees directly to the trail network. These location should be well-marked with signs and a clear entry point.



Intersecting Trails

Where high-use corridors connect, elements that clearly define the path of travel and encourage slow speeds can reduce conflict among user groups and improve wayfinding along the trail network.

Trailhead Amenities



Bike Amenities

Bike amenities at entry points to trails can include a bike repair station and short-term or long-term bike parking. These amenities allow people to conveniently stop and store their bikes and repair them if needed



Wayfinding & Signage

Wayfinding and signage can provide trail users with information regarding nearby destinations and rules of the trail to enhance the route's predictability. Wayfinding elements should be consistent across the system and consider how they integrate with on-street and regional wayfinding systems.



Lighting

Lighting enhances visibility and perceptions of safety for trail users at night. Distinct, pedestrian-oriented lighting also adds to the trail's sense of place. Lighting should be installed as trails are implemented to help trail users better navigate the trial system; lighting should also be installed on all existing trails that do not currently have adequate lighting..



Comfort Station

A comfort station provides a place for people to stop and rest at a trail entrance. They can provide shade, seating, garbage cans, restrooms, a water fountain, etc.

Program Recommendations

Programs refer to non-infrastructure efforts that support walking, bicycling, and other mobility options in the city. Programs supplement infrastructure improvements by helping connect residents and visitors to these new ways to get around. Programs can provide education about how to get around by bike or by foot, including route options, safety tips, and how to connect with other modes, like transit. Programs also provide encouragement, whether it's helping connect people through walking or bicycling groups, incentives for trying out other ways to get around, or supporting the choice to walk or bike more generally. In conjunction with the improvements outlined above, the City should consider the following programs:

- Safe Routes to School
- Wayfinding
- Bicycle Parking
- Encouragement and Education Programs
- Shared Mobility Program
- Bicycle and Pedestrian Advisory Committee
- Comprehensive Data Collection, including improved safety and health data, user counts, and infrastructure inventories
- Vision Zero

In order to successfully implement the above program recommendations, investments in City staff, including increasing the number of staff dedicated to bicycle and pedestrian issues, may be required. Dedicated staff are crucial to ensuring the success and longevity of these programs.



SAFE ROUTES TO SCHOOL PROGRAMS ENCOURAGE MORE STUDENTS TO WALK OR BIKE TO SCHOOL THROUGH INFRASTRUCTURE IMPROVEMENTS AND EDUCATION PROGRAMS.

Safe Routes to School: Safe Routes to School connect students with information about how to travel to school safely by foot or by bike. Often implemented in conjunction with an infrastructure program, Safe Routes to School efforts can include celebration of Walk and Bike to School Days, hosting walking school buses and bike rodeos, and teaching students about how to walk and bike safely in their neighborhoods. Safe Routes to School programs can cover a broad range of topics and approaches but generally focus on supporting students in getting to school in a safe and active way.

Santa Clara County, with support from VTA, hosts a range of Safe Routes to School programs and has a number of resources available for schools on their website, including an annual Walk and Bike to School Week celebration. The City of Milpitas should consider implementing a Safe Routes to School program, in coordination with the Milpitas School District and other schools operating in the City. Coordination with the county and VTA can help connect the City with existing resources and funding opportunities.



Wayfinding: Wayfinding systems include signs, kiosks, pavement medallions, and other indicators that direct people walking and bicycling to their destinations. A comprehensive wayfinding system helps people navigate the city confidently and can direct people to preferred routing options.

Signs typically include information such as a destination or district name, an arrow indicating direction of travel, and a measure of distance and/or time to that destination. Kiosks can include a district or city map to help orient people to where they are in the city, the available bike and trail networks, and major destinations.

Wayfinding systems also offer an opportunity to convey city and district identity. For example, different colors or icons can help distinguish one area of the city from another and provide visual cues to people navigating the system. Given Milpitas's potential to connect with local and regional trail systems, it is important to consider how these networks can work together and include complementary signage to support connected travel in the city. Improved wayfinding should also be considered to improve travel to the new BART station and from BART to the bike and trail system.

Adult Bicycling Skills Courses: Bicycle skills courses can help adults who have never received training on how to ride a bike safely or may want a refresher to learn how to more safely and comfortably navigate the city by bike. As bicycle infrastructure increases and bike share is added to the city, this can help support a more vibrant bicycling culture in Milpitas.

The City should explore options for partnership with bicycling courses offered through the League of American Bicyclists, Silicon Valley Bicycle Coalition, or VTA.

Employer-Based Encouragement Programs:

The City should support employers in connecting employees with information about and opportunities to try new transportation options. The opening of the BART station provides additional opportunity for employers to host bicycle challenges, connect experienced riders with novice bicyclists, or participate in Bike to Work Day. The City can provide information or help employers connect with other information that supports these efforts.

Community Walks, Rides, and Education

Events: Milpitas regularly participates in Bike to Work day to celebrate those commuting by bike. Opportunities to host other community walk, rides, or educational events can encourage continued support beyond May. Milpitas should partner with local and regional groups to identify opportunities for new community events.

Comprehensive Data Collection Program:

Data regarding all active transportation facilities and activity should be collected regularly.

Three primary areas for data collection that should be explored and expanded include:

- **Safety:** To better understand crash patterns and who is affected, opportunities to record additional information on crash types and parties should be explored.
- **User Counts:** Implement an annual counts program to track use of existing facilities and identify areas for future facility implementation. Counts programs can rely on permanent automatic counters, temporary counters, or manual counts completed in coordination with local volunteers. Counts should be collected annually, utilizing consistent locations and methodology. The National Bicycle and Pedestrian Documentation project provides information on how to get started.
- **Infrastructure Inventory:** Project implementation and maintenance is best supported when location and quality of assets is known. To better track implementation progress and identify locations for new crosswalks, maintenance needs, or other project opportunities, the city should develop a comprehensive database that documents existing infrastructure, such as: signal locations; crosswalk locations and quality; sidewalk and bikeway location, quality, and width; pedestrian-scale lighting location; traffic calming locations; and similar. The data plan should include considerations for regular updates to the data set and protocols for integrating new projects.

Bicycle and Pedestrian Advisory Committee:

The City should re-convene a Bicycle and Pedestrian Advisory Committee to support the city in implementing programs and infrastructure. This committee, comprised of interested residents and stakeholders, can provide resident oversight on implementation of the Trail, Pedestrian, and Bicycle Master Plan, support the city in understanding identified needs for walking and biking, and provide recommendations to the city on how to best support walking and biking in Milpitas.

Expanded Public Engagement:

The City should explore opportunities to more regularly engage with residents and visitors regarding the active transportation network. Regular opportunities for feedback and event participation can support the City's understanding of resident and visitor needs, challenges, and opportunities for enhancing the active transportation culture in Milpitas.



MANUAL COUNTS COLLECTED BY VOLUNTEERS OR CITY STAFF ALONG KEY CORRIDORS IN THE CITY CAN PROVIDE A BASELINE UNDERSTANDING OF CURRENT BICYCLE AND PEDESTRIAN USE. INTERCEPT SURVEYS CONDUCTED DURING THIS TIME CAN PROVIDE GREATER INSIGHT INTO NEEDED IMPROVEMENTS OVER TIME.

Bicycle Parking: Bicycle parking and related trip end facilities complete the bicycle network. A convenient and secure location to store a bicycle while at a destination is necessary trips made by bike, especially when connecting to transit. While bicycle parking is available in many locations around Milpitas, requests for more parking options was one of the most frequent comments provided during public engagement activities. Figure 21 identifies possible locations for new bike parking opportunities.

Bike parking can provide both short-term and long-term options, and the city should consider the context when selecting and implementing new bike parking locations:

- **Short Term Bicycle Parking:** These parking options support relatively short trips to destinations such as shopping, errands, dining, or recreation. Bicycle racks are the most common type of short-term parking and can be grouped to provide for higher volumes of bicycle parking. Racks provide convenient parking options with moderate levels of security. Selected racks should be consistent with bicycle parking guidelines outlined in VTA's Bicycle Technical Guidelines (2012) and consider rack recommendations as outlined in the Association of Pedestrian and Bicycle Professionals' (APBP) Essentials of Bike Parking manual (2015). The following racks are recommended for use in Milpitas.



INVERTED U RACKS PROVIDE A MORE SECURE AND STABLE OPTION FOR SHORT TERM BIKE STORAGE.



IN LOCATIONS WITH HIGHER DEMAND, BIKE CORRALS CAN CREATE MORE PARKING OPTIONS FOR BICYCLES. IF IMPLEMENTED ON STREET, AS SHOWN ABOVE, THEY ALSO CAN PROVIDE TRAFFIC CALMING AND ENHANCE THE PEDESTRIAN ENVIRONMENT.

- **Long Term Bicycle Parking:** These options support trips where people intend to leave their bicycles for longer periods of time. This can include during the work day, at transit stations as part of a first-last mile connection, or similar. These facilities provide for higher levels of security, may protect bicycles from the elements, and include a number of storage options. Bicycle lockers are an option rented to an individual, with options for longer-term rentals (annual or monthly) or on-demand hourly rentals. BikeLink lockers currently located throughout Milpitas are one example.

Secure parking areas are another common option and feature bike racks located in a secure room or cage. These rooms can be controlled through access cards, keypads, or attendants .

Bike parking options should include locations that accommodate bikes of differing sizes, such as cargo bikes, or supporting e-bikes and charging locations, particularly within secure parking areas.

Milpitas should also review and update its development standards as necessary to encourage greater provision for bicycle parking in new developments.



BICYCLE LOCKERS PROVIDE A SECURE LOCATION FOR INDIVIDUAL BICYCLES FOR LONGER-TERM STORAGE.



SECURE PARKING AREAS, AS SHOWN ABOVE, CAN ACCOMMODATE A GREATER NUMBER OF BICYCLES WITHIN A MORE SECURE, LONGER-TERM STORAGE AREA.

FIG. 26 Proposed Bike Parking Locations

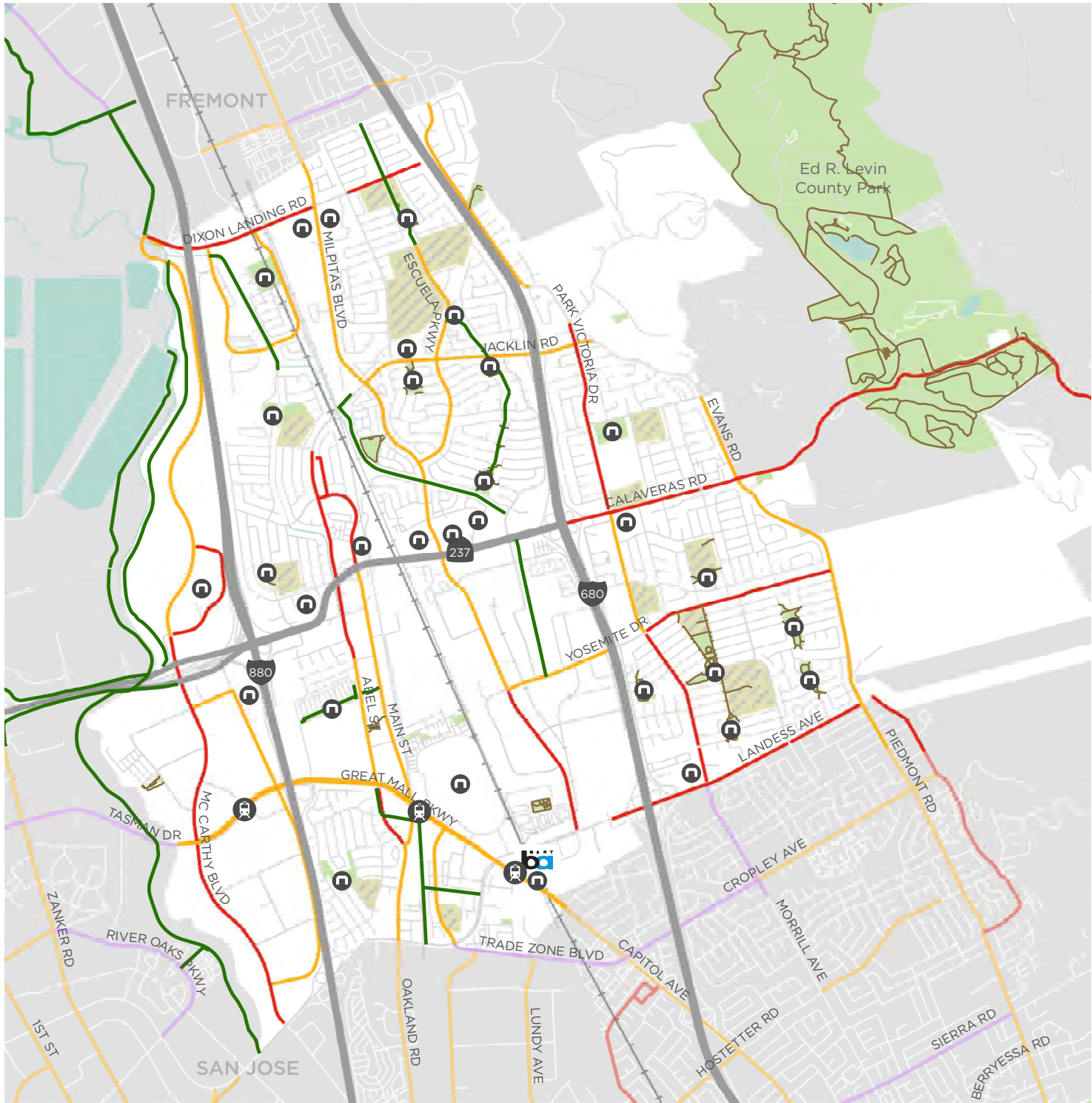
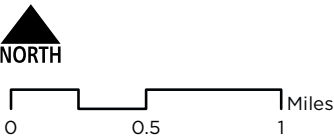


FIGURE 25
PROPOSED BIKE
PARKING LOCATIONS



BIKE PARKING RECOMMENDATIONS

- BIKE PARKING RECOMMENDATIONS
- EXISTING BIKEWAYS
- Class I: Paved Shared Use Path
- Class II: Bike Lane
- Class IIB: Buffered Bike Lane
- Class III: Bike Route
- Unpaved Trails

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Railroad
- Streets
- Water

Policy Recommendations

As biking, walking, and rolling in Milpitas grows, it is important to identify opportunities within City policy and practice to better support development of the active transportation network. The following recommendations consider both the longevity of the City's investment in the active transportation network as well as considerations for improving access and use of the network.

Shared Mobility: Bike and scooter share programs can support first- and last-mile connections between transit and other destinations. As active transportation infrastructure grows along with transit opportunities, the City should explore a bike and/or scooter share program. A successful program will require close coordination with city policy, neighboring jurisdictions, and program vendors to create a program that is responsive to resident and employee needs, consistent with other programs in the region, and meets the City's goals and objectives for the program. A more comprehensive review of program opportunities is found in the next chapter.

Staff Trainings: Both internal and inter-departmental staff trainings can increase understanding of active transportation design and guidance and support a shared understanding of active transportation needs across city staff. In addition to trainings regarding city policy and preferred practice, technical trainings on guidance from the American Association of State Highway and Transportation Officials (AASHTO), National Association of City Transportation Officials (NACTO), Federal Highway Administration

(FHWA), and others can support city staff as Milpitas seeks to support a network that meets the needs of all users.

Facility Design,The City should review and update all relevant policy and design guidance regarding bikeway and sidewalk design, materials, and supporting amenities to be consistent with regional guidance. The City should clearly define opportunities for relevant departments to coordinate on design, implementation, and maintenance of the network so that it can best serve the needs of all users.

Maintenance

Routine maintenance can prolong the life of surface materials, increase the utility of the system, and encourage greater use of the network. This includes maintaining bike lanes, protected facilities, and sidewalks by keeping them clear of debris, surfaces free from obstructions, and crossings well-marked. For trails, maintaining access points, trail surface, and crossings are important components to a well-functioning and effective system that supports trips of all types.

It is recommended that the City develop a routine maintenance schedule and track maintenance over time. These activities should include all components of the bicycle, pedestrian, and trail networks.

In addition to routine maintenance, the City should track more significant maintenance needs and integrate these improvements into annual budgeting. This information should be tracked in a manner consistent with the system inventory recommended as part of this plan.

Complete Streets + Vision Zero

Adopting Complete Streets and Vision Zero Policies can support a more balanced transportation system with a commitment to improving safety of all roadway users. Both policies are identified in the Circulation Element of the General Plan (Goal CIR-1 and Goal CIR-2). Existing streets and any future street reconstruction projects should be reviewed for their compatibility with the goals and objectives of the Complete Streets policy. Education and encouragement programs should integrate Vision Zero principles.

Trail Use

The trail system supports both recreational and transportation trips in Milpitas. With an increasing number of personal e-bikes and e-scooters—as well as the potential for a future shared mobility program—the City should develop clear policy regarding the use of shared use paths by these modes. This guidance should be consistent with county, regional, and state guidance. Information regarding this policy should be made available through educational and encouragement materials, including at trailheads and other key access points. This information can provide guidance to users about trail etiquette and help reduce potential conflicts along the pathway.

Trail Access Points

The City should review and update any relevant policy and design guidance regarding trails and access points. Specifically, the City should establish standards for consistent design of access points that help people better

understand where and how to access trails. The City should coordinate with Valley Water regarding any restrictions or considerations for maintenance activities. Access points should be clearly marked and provide for all ages and abilities access, including compliance with ADA guidelines.

Trail Design, Maintenance, and Operation

The City should review and update any relevant policy and design guidance regarding trail design, materials, and supporting amenities to be consistent with regional guidance. As trails provide for both recreation and transportation uses, the City should clearly define opportunities for relevant departments to coordinate on design, implementation, and maintenance of the network so that it can best serve the needs of all users.



SIGNAGE AT KEY ACCESS POINTS CAN INCLUDE WAYFINDING INFORMATION, OUTLINE GUIDELINES FOR USE, AND PROVIDE INFORMATION REGARDING USER GROUP RIGHT-OF-WAY ON THE TRAIL.

BIKE AND SCOOTER SHARE

Bike and scooter share systems are designed to provide a cost-effective, environmentally-friendly, and convenient travel option for short trips within the city. Although bike share systems have been present in North America for many years, the introduction of e-bikes and more recently e-scooters have led to a rapidly changing and growing industry.

In Milpitas, bike and e-scooter share systems have the opportunity to support connections to transit, major employers, and other destinations. Specifically, these programs can help reduce reliance on private automobiles, extend the reach of transit as a first-last mile connection, and improve access to active transportation options.

Shared Mobility

Bike and e-scooter share, or shared mobility, refer to a system of shared vehicles that are available for short-term rental in the city. These options help residents and visitors connect to transit, reach nearby destinations, or support other short trips that would otherwise be completed by car. Systems may include standard or e-bikes, e-scooters of various shapes and sizes, and a number of options for locking the vehicle at the end of the trip.

Many cities across the Bay Area have implemented shared mobility systems, and as of July 2019, there were close to 300 systems in place across the United States. A review of neighboring and peer systems as well as current industry practices were reviewed to develop recommendations for implementation of a system in Milpitas.

TABLE 10 Shared Mobility Systems in the United States

SYSTEM TYPE	NUMBER
Docked Bike Share	108
Dockless Bike Share	46
E-Scooter	142

Milpitas Program Objectives

In considering a shared mobility system for Milpitas, the City established the following objectives:

- The system should support connection to **transit opportunities** and **major employers**
- The system should establish clear guidelines that **support safety** while increasing use and visibility of active transportation
- The system should follow industry best practices for **equitable access** to shared mobility and provide opportunities for all residents to benefit from the system
- The system should outline a process for program evaluation, including opportunities to expand or modify approach over time.



DESIGNATED PARKING AREAS FOR BIKE SHARE AND SCOOTER SHARE ENCOURAGE COMPLIANCE WITH PARKING REQUIREMENTS, INCLUDING PROVIDING LOCATIONS TO LOCK BIKES AND SCOOTERS.

System Recommendations

Milpitas should implement a one year pilot program for bike and e-scooter share to evaluate the potential for a more robust program. This program will include the following elements:

- **E-Bikes and E-Scooters:** Electric-assist bikes and scooters can support a wider range of potential users reach a wider range of locations.
- **Hybrid System:** The system will feature hubs where parking is encouraged. Hubs will include racks or other locking mechanisms and help increase visibility of the system.
- **Parking Requirements:** The system should require all users to end their trip by locking to a designated fixed object so as to reduce impact to paths of travel.
- **Focused Service Area:** The service area represents the recommended operating locations for bikes and scooters. The recommended service areas can be seen in Figure 22.

Service Area

Service Area selection considered several factors, including potential demand for use, existing infrastructure, and existing network barriers. Potential for demand considered where people live, work, access transit, and shop.

The recommended bike share service area focuses on connections among employers and the BART station in the southern area of Milpitas. Calaveras Boulevard and the two interstates form barriers to safe and comfortable travel and form the boundaries for the pilot program service area. An expansion area covering much of the city is recommended for consideration as understanding of program demand grows and bicycle infrastructure improvements are completed. Hubs are located primarily in parks and other public facilities; additional hubs can be selected in coordination with private property owners.

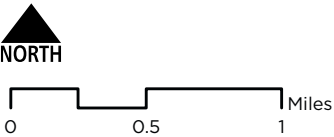
The recommended scooter share service area focuses on two areas of Milpitas: along McCarthy Boulevard north of Tasman Road and in the southeast area of the city, south of Calaveras Road and east of the interstate. These two areas represent differing land use contexts and can provide greater insight into program specifications as the city looks to expand the program.

For both bikes and scooters, Calaveras Boulevard and Montague Expressway are identified as restricted roadways. Details of the service areas and recommended hubs are shown in Figure 22 on the next page.

FIG. 27 Recommended Service Areas and Hub Locations



FIGURE 27
RECOMMENDED SERVICE
AREAS & HUB LOCATIONS



- SHARED MOBILITY**
- Bikeshare Pilot
 - Bikeshare Expansion
 - Scooter Share Pilot
 - Hub Locations
 - Restricted Roadway

- BACKGROUND**
- BART Station
 - Light Rail Station
 - Streets
 - Railroad
 - PublicParks
 - Schools
 - Water

Other Considerations

As the City looks to develop a pilot program and associated permit requirements, specifications for fleet size, safety, maintenance and re-balancing requirements, user education, data sharing, and equity program should be considered. An overview of these recommendations is included below:

- **Pricing Structure:** The system should provide for single trip, day pass, and monthly and annual membership options. Additional fees should also be considered as a mechanism for enforcing parking requirements and service area restrictions.
- **Equity Programs:** Pricing should include income-based discounts, mechanisms for cash payments, and alternative payment structures. Reduced liability and elimination of hidden fees should also be considered. Adoption of the regional Bike Share for All model can support these efforts.
- **Data Sharing:** Milpitas should require vendors to share system data to support program evaluation and compliance. Data should be shared in the Mobility Data Specification (MDS) and General Bike Feed Specifications (GBFS).
- **User Education:** Vendors should provide user education supporting parking requirements, where to operate the vehicle, and other rules of the road.
- **Parking:** Users should be required to lock to designated hubs or other approved fixed objects when at the end of the trip. Vehicle should not obstruct pedestrian pathways.

Further, it is recommended that Milpitas coordinate closely with neighboring jurisdictions and VTA to identify opportunities to partner on program requirements and features. Implementing a consistent program that can exist across city boundaries with San Jose, for example, could support trips made to and from the BART station and other destinations along the city boundaries. Consistency in program elements can increase predictability for system users. Information regarding vendor requirements, city policy, and liability and enforcement should be shared with neighboring jurisdictions.

Collaboration with private employers can further support program goals and use through opportunities to locate hubs on employer campuses and promote programs through employer transportation programs.

IMPLEMENTATION

The following chapter outlines the proposed prioritization strategy for implementation of the Trail, Pedestrian, and Bicycle Master Plan and identifies potential funding sources. This approach is intended to establish a framework that guides implementation over time and can be adjusted to account for future changes as Milpitas continues to grow.

Prioritization

While the Trail, Pedestrian, and Bicycle Master Plan recommends a series of projects that support a complete and connected low-stress network, limited resources require an action plan that identifies which projects may have the greatest impact. The prioritization framework seeks to evaluate projects based on which projects provide the greatest benefit. Projects are evaluated based on measures of both community need and project feasibility:

Community Need evaluates which projects help address safety concerns, improve high stress network links, connect people to destinations, and expand the reach of transit. These factors are intended to represent community values and needs and include consideration of community support through the engagement process.

Project feasibility provides insight into which projects may take additional time and/or resources to complete. For example, projects that require coordination among multiple agencies may require additional time and staff resources, whereas projects that require roadway reconstruction will be more costly. These measures offer a quick assessment of feasibility; however, other factors may also affect project readiness and should be considered as the implementation plan advances over time.

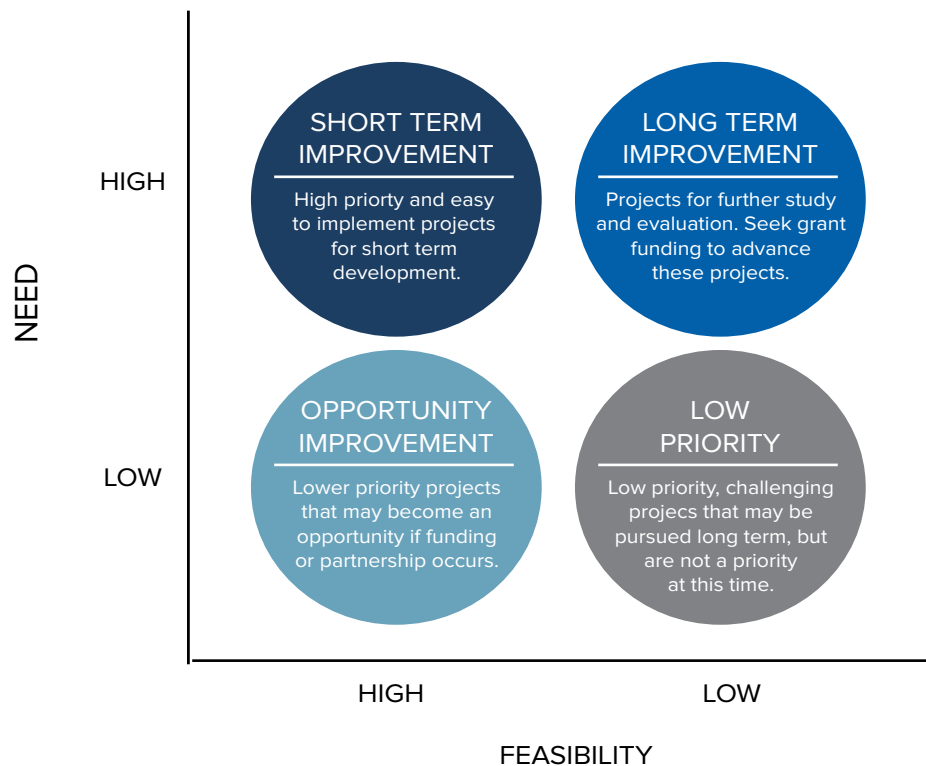
Specific criteria are listed for each project type in the pages that follow.

Project Categories

Community need and project feasibility are considered together to determine the overall priority of a project. The results of this evaluation group projects into four main categories, also shown in Figure 28:

- **Short term improvements** are rated high need and high project feasibility; these projects should be prioritized for implementation
- **Long term improvements** are rated high need and low project feasibility . These projects provide community benefit but may require additional funding, study, or agency coordination.
- **Opportunity improvements** are rated low need and high project feasibility. These projects should be considered in coordination with development or as funding becomes available.
- **Low priority projects** are rated low need and low project feasibility. These projects should be pursued in the long term but do not represent an immediate priority for the community.

FIG. 28 *Prioritization Categories*



Project Evaluation

The sections that follow outline the prioritization process used for each project type, including linear bikeway improvements, spot bikeway improvements, and pedestrian spot improvements. Each project type includes more information on how project need was evaluated as well as specific considerations for feasibility. Project need was evaluated based on considerations for safety, connectivity, and public support. Opportunities for project coordination were also considered for spot improvements. Project lists follow each section.

Evaluation Criteria: Pedestrian Spot Improvements

Table 11 and Table 12 list the evaluation criteria for project priority and project feasibility. Projects were scored for each criteria listed in the tables. Project need was determined by the criteria listed in Table 11, while project feasibility was determined using the criteria in Table 12.

TABLE 11 *Project Priority*

CATEGORY	CRITERIA	DESCRIPTION
Connectivity	Connectivity to Transit, Schools, Parks, and Employment Centers	Project provides connections to transit, including frequent local bus, BART, and light rail; schools (adjacent to school or along identified walking route); parks; or employment centers.
Bicycle Improvement	Bicycle Improvement	Project is located coincident with a bicycle improvement, indicating an opportunity for coordination among project types.
SAFETY	Previous Collision	Project provides safety improvement near reported crash location. Collision occurred at the project intersection.
Project Support	Public Support	Project was supported by the public through this Plan's public engagement activities

TABLE 12 *Project Feasibility*

CATEGORY	DESCRIPTION
Agency Coordination	Requires coordination among multiple agencies (water district, state, VTA, etc.)

FIG. 29 Priority Pedestrian Spot Improvements

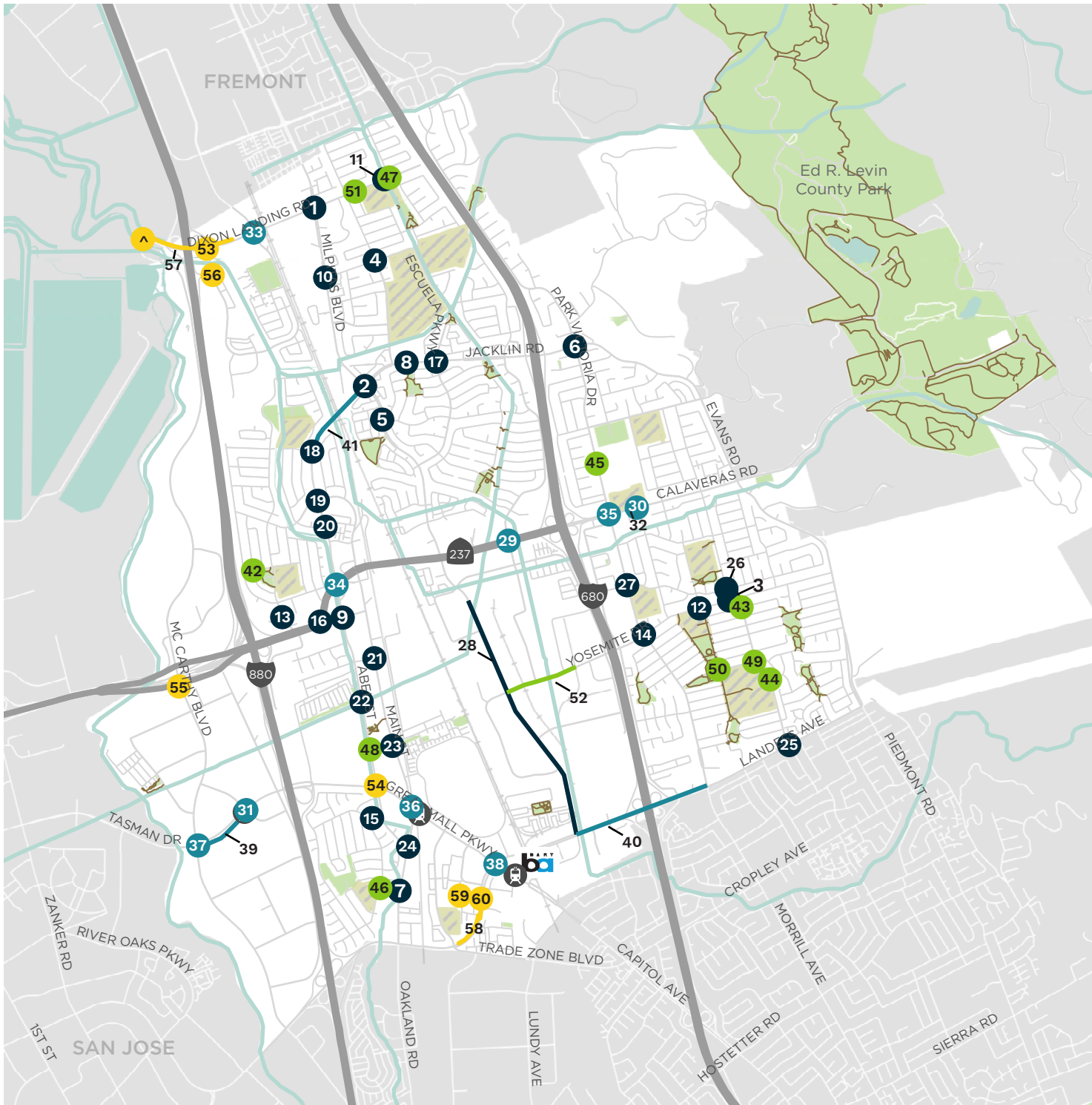
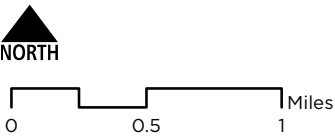


FIGURE 29
PRIORITY PEDESTRIAN
SPOT IMPROVEMENTS



PRIORITY PEDESTRIAN SPOT IMPROVEMENTS

- HIGH NEED, HIGH FEASIBILITY
- HIGH NEED, LOW FEASIBILITY
- LOW NEED, HIGH FEASIBILITY
- LOW NEED, LOW FEASIBILITY

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

Pedestrian Spot Improvement Project List

TABLE 13 *Priority Pedestrian Spot Recommendations: Short Term Improvements*

NUMBER	PROJECT TYPE*	LOCATION	CROSS STREET	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
1	Commercial Signalized	Milpitas Blvd	Dixon Landing Rd	HIGH	HIGH
2	Commercial Signalized	Abel Street	Milpitas Blvd	HIGH	HIGH
3	Neighborhood Unsignalized	Yosemite Dr	S Temple Dr	HIGH	HIGH
4	Neighborhood Unsignalized	Arizona Avenue	Washington Drive	HIGH	HIGH
5	Neighborhood Unsignalized	Milpitas Blvd	Tramway Dr	HIGH	HIGH
6	Commercial Signalized	Jacklin Rd.	Park Victoria Dr	HIGH	HIGH
7	Commercial Signalized	Main St	Cedar Way	HIGH	HIGH
8	Commercial Unsignalized	Jacklin Rd	Foothills Square	HIGH	HIGH
9	Commercial Signalized	Abel St	Serra Way	HIGH	HIGH
10	Neighborhood Signalized	Milpitas Blvd	Washington Dr	HIGH	HIGH
11	Commercial Unsignalized	Dixon Rd	Hetch Hetchy Trail	HIGH	HIGH
12	Neighborhood Unsignalized	Yosemite Dr	Roswell Dr	HIGH	HIGH
13	Neighborhood Unsignalized	Abbott Avenue	Valley Way	HIGH	HIGH
14	Neighborhood Signalized	S Park Victoria	Yosemite Dr	HIGH	HIGH
15	Neighborhood Unsignalized	Capitol Ave	Fallen Leaf Way	HIGH	HIGH
16	Commercial Signalized	Calaveras Blvd	Serra Way	HIGH	HIGH
17	Commercial Signalized	Jacklin Rd	Escuela Parkway	HIGH	HIGH
18	Neighborhood Signalized	Abel St	Redwood Ave	HIGH	HIGH
19	Neighborhood Signalized	Abel St	Marilynn Dr	HIGH	HIGH
20	Neighborhood Signalized	Abel St	Penitencia St	HIGH	HIGH

*For more information regarding Pedestrian Project Types, please see pages 77 and 79.

**For more information regarding Project Categories, please see Figure 28 on page 124.

Pedestrian Spot Improvement Project List

TABLE 13 *Priority Pedestrian Spot Recommendations: Short Term Improvements (continued)*

NUMBER	PROJECT TYPE*	LOCATION	CROSS STREET	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
21	Commercial Unsignalized	Main St	Corning Ave	HIGH	HIGH
22	Commercial Unsignalized	Abel St	Machado Ave	HIGH	HIGH
23	Commercial Signalized	Main St	Curtis Ave	HIGH	HIGH
24	Commercial Signalized	Abel St	Main St	HIGH	HIGH
25	Neighborhood Signalized	Landess Ave	Yellowstone Ave	HIGH	HIGH
26	Neighborhood Unsignalized	Edsel Dr	Temple Dr	HIGH	HIGH
27	Neighborhood Signalized	Park Victoria Dr	Edsel Dr	HIGH	HIGH
28	Sidewalk Gap	Milpitas Blvd	Montague Expwy to Los Coches St	HIGH	HIGH

TABLE 14 *Priority Pedestrian Spot Recommendations: Long Term Improvements*

NUMBER	PROJECT TYPE*	LOCATION	CROSS STREET	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
29	Commercial Signalized	Hillview Dr	Calaveras Blvd	HIGH	LOW
30	Commercial Unsignalized	Calaveras Blvd	Carnegie Dr	HIGH	LOW
31	Commercial Signalized	Tasman Dr	Alder Dr	HIGH	LOW
32	Sidewalk Improvement	Calaveras Blvd	Carnegie Dr to Protected Crossing	HIGH	LOW
33	Commercial Signalized	Dixon Landing Rd	Milmont Dr	HIGH	LOW
34	Commercial Signalized	Abel St	Calaveras Blvd	HIGH	LOW
35	Commercial Signalized	Park Victoria Dr	Calaveras Blvd	HIGH	LOW
36	Commercial Signalized	Main St	Great Mall Parkway	HIGH	LOW

Pedestrian Spot Improvement Project List

TABLE 14 *Priority Pedestrian Spot Recommendations Long Term Improvements (Continued)*

NUMBER	PROJECT TYPE*	LOCATION	CROSS STREET	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
37	Commercial Signalized	Tasman Dr	McCarthy Blvd	HIGH	LOW
38	Commercial Signalized	Great Mall Parkway	Montague Expressway	HIGH	LOW
39	Sidewalk Gap	Tasman Dr	Alder Dr to McCarthy Blvd	HIGH	LOW
40	Sidewalk Improvement	Landess Ave / Montague Expwy	S Park Victoria Dr to Milpitas Blvd	HIGH	LOW
41	Sidewalk Improvement	Abel St	Milpitas Blvd to Redwood Ave	HIGH	LOW

TABLE 15 *Priority Pedestrian Spot Recommendations: Opportunity Improvements*

NUMBER	PROJECT TYPE*	LOCATION	CROSS STREET	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
42	Neighborhood Unsignalized	Smithwood St	Rudyard Dr	LOW	HIGH
43	Neighborhood Unsignalized	Shenandoah Ave	Sequoia Dr	LOW	HIGH
44	Neighborhood Unsignalized	Yellowstone Ave	Westridge Drive	LOW	HIGH
45	Neighborhood Unsignalized	Park Victoria Dr	Park Heights Dr	LOW	HIGH
46	Neighborhood Unsignalized	Fallen Leaf Way	Cedar Way	LOW	HIGH
47	Commercial Unsignalized	Dixon Rd	Vegas Ave	LOW	HIGH
48	Commercial Signalized	Abel St	Curtis Ave	LOW	HIGH
49	Neighborhood Unsignalized	Yellowstone Ave	Sequoia Dr	LOW	HIGH
50	Neighborhood Unsignalized	Yellowstone Ave	Murphy Park	LOW	HIGH
51	Commercial Unsignalized	Dixon Rd	Conway St	LOW	HIGH
52	Sidewalk Gap	Yosemite Dr	Milpitas Blvd to Vista Way	LOW	HIGH

*For more information regarding Pedestrian Project Types, please see pages 77 and 79.

**For more information regarding Project Categories, please see Figure 28 on page 124.

Pedestrian Spot Improvement Project List

TABLE 16 *Priority Pedestrian Spot Recommendations: Low Priority Improvements*

NUMBER	PROJECT TYPE*	LOCATION	CROSS STREET	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
53	Commercial Signalized	Dixon Landing Rd	California Circle	LOW	LOW
54	Commercial Signalized	Abel Street	Great Mall Parkway	LOW	LOW
55	Commercial Signalized	McCarthy Blvd	Highway Ramp	LOW	LOW
56	Commercial Unsignalized	California Circle	Off Ramp	LOW	LOW
57	Sidewalk Gap	Dixon Landing Rd	McCarthy Blvd to Milmont	LOW	LOW
58	Sidewalk Gap	Montague Expressway	Berryessa Creek to Trade Zone Blvd	LOW	LOW
59	Commercial Unsignalized	Berryessa Creek	Coffee Berry Lane	LOW	LOW
60	Commercial Unsignalized	Montague Expressway	Berryessa Creek	LOW	LOW
^	Commercial Signalized	Dixon Landing Rd	McCarthy Blvd		

[^]THE CITY OF MILPITAS SUPPORTS THIS PROJECT; HOWEVER, THE INTERSECTION IS LOCATED OUTSIDE OF CITY LIMITS.

Evaluation Criteria: Linear Bikeway Improvements

Table 17 and Table 18 list the evaluation criteria for project priority and project feasibility. Projects were scored for each criteria listed in the tables. Project need was determined by the criteria listed in Table 17, while project feasibility was determined using the criteria in Table 18.

TABLE 17 *Project Priority*

CATEGORY	CRITERIA	DESCRIPTION
Connectivity	Connectivity to Transit or Schools	Project provides connections to transit (bus, BART, and light rail) or schools. Project should be located within ¼ mile of transit or schools to qualify.
	Connectivity to Parks or Trails	Project provides connections to trails or parks. Project should be located within ¼ mile of a trailhead or park to qualify.
	Connectivity to Employment Centers or Services	Project provides connections to employment or commercial centers. Project should be located within ¼ mile of employment or commercial centers to qualify.
Gap Closure	Gap Closure	Project closes network gap between two existing facilities, or across a challenging crossing. Gap closure should consider neighboring jurisdiction's existing and proposed networks.
SAFETY	Safety	Project provides safety improvement near reported crash location. Collision occurred at the project intersection or along the identified project segment.
	Safety	Project improves a high stress roadway (LTS 3 or 4 network link)
Project Support	Public Support	Project was supported by the public through this Plan's public engagement activities
	Previous Plan	Project identified in previous planning efforts.

TABLE 18 *Project Feasibility*

CATEGORY	DESCRIPTION
Agency Coordination	Requires coordination among multiple agencies (water district, state, VTA, etc.)
Project Complexity	Project requires significant roadway reconfiguration or ROW acquisition.

FIG. 30 Priority Linear Bikeway Improvements

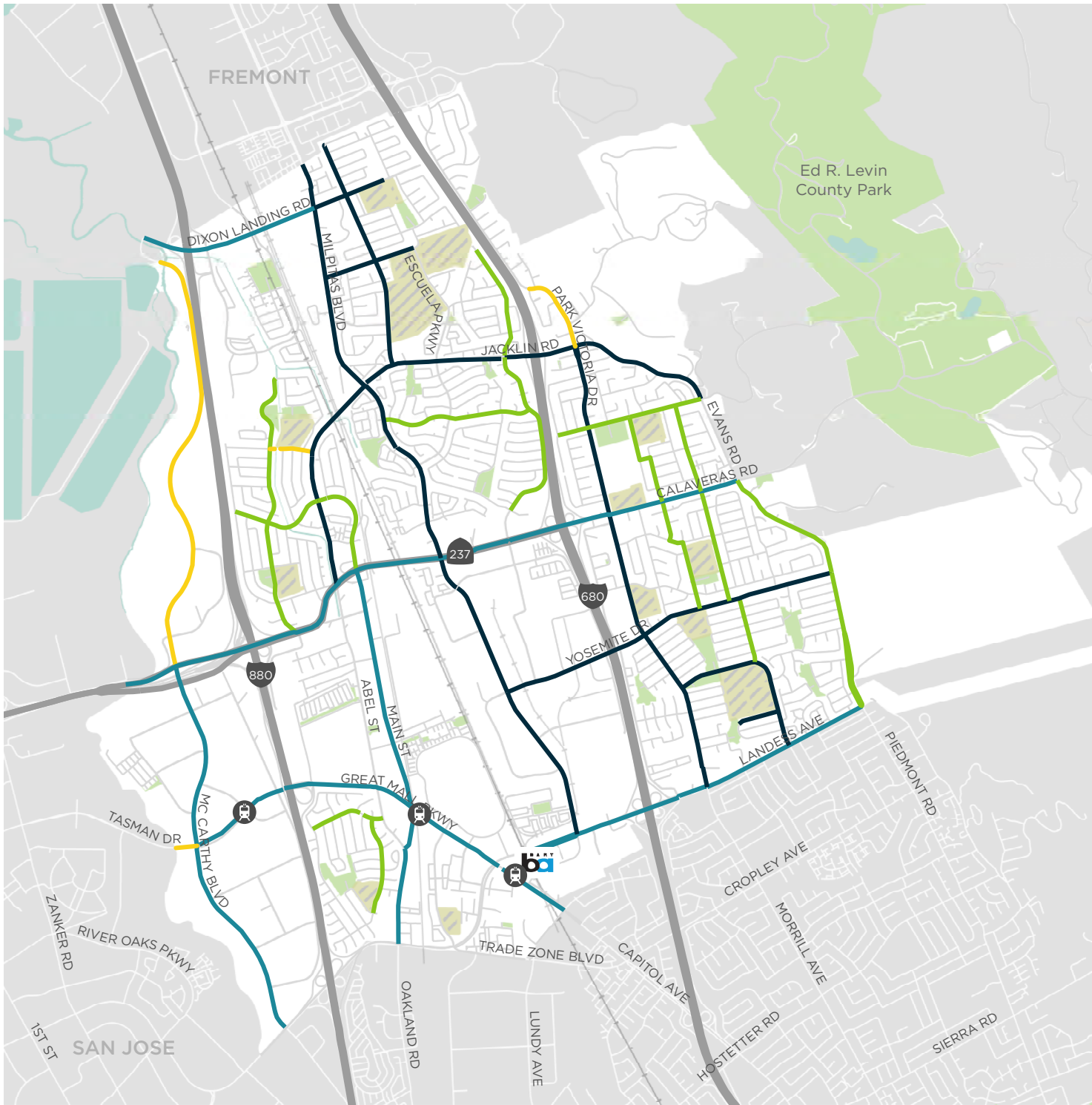
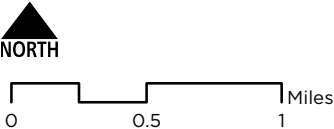


FIGURE 30
PRIORITY
LINEAR BIKEWAY
IMPROVEMENTS



PRIORITY BIKEWAY IMPROVEMENTS

- HIGH NEED, HIGH FEASIBILITY
- HIGH NEED, LOW FEASIBILITY
- LOW NEED, HIGH FEASIBILITY
- LOW NEED, LOW FEASIBILITY

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

Priority Linear Bikeway Improvements

TABLE 19 *Priority Bikeway Recommendations: Short Term Improvements*

ROADWAY	FROM	TO	RECOMMENDED BIKEWAY*	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
Abel Street	Milpitas Blvd	Redwood Ave	Class IV	HIGH	HIGH
Abel Street	Redwood Ave	Calaveras Blvd	Class IIB	HIGH	HIGH
Evans Road	S Park Victoria Dr	Kennedy Dr	Class II	HIGH	HIGH
S Park Victoria Dr	Calaveras Blvd	Landess Ave	Class IIB	HIGH	HIGH
S Park Victoria Dr	Jacklin Rd	Calaveras Blvd	Class IIB	HIGH	HIGH
Milpitas Blvd	City Limit	Jacklin Rd	Class IV	HIGH	HIGH
Jacklin Rd	Milpitas Blvd	S Park Victoria Dr	Class IV	HIGH	HIGH
Milpitas Blvd	Jacklin Rd	Calaveras Blvd	Class IV	HIGH	HIGH
Yosemite Dr	S Park Victoria Dr	Piedmont Rd	Class IIIB	HIGH	HIGH
Yosemite Dr	Milpitas Blvd	S Park Victoria Dr	Class IV	HIGH	HIGH
Arizona Avenue	Buskirk St	Jacklin Rd	Class IIIB	HIGH	HIGH
Yellowstone Ave	S Park Victoria Dr	Landess Ave	Class IIIB	HIGH	HIGH
Washington Dr	Milpitas Blvd	Escuela Parkway	Class IIIB	HIGH	HIGH
Dixon Land Rd	Milpitas Blvd	Hetch Hetchy Trail	Class IV	HIGH	HIGH
Milpitas Blvd	Calaveras Blvd	Yosemite Dr	Class IV	HIGH	HIGH
Milpitas Blvd	Yosemite Dr	Landess Ave	Class IV	HIGH	HIGH
Tahoe Dr	Sinnott Park	Yellowstone Ave	Class IIIB	HIGH	HIGH

*For more information regarding Bikeway Types, please see page 27.

**For more information on Project Categories, please see Figure 28 on page 124.

Priority Linear Bikeway Improvements

TABLE 20 *Priority Bikeway Recommendations: Long Term Improvements*

ROADWAY	FROM	TO	RECOMMENDED BIKEWAY*	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
Calaveras Blvd	McCarthy Blvd	Milpitas Blvd	Class IV	HIGH	LOW
Calaveras Blvd	Milpitas Blvd	Evans Rd	Class IV	HIGH	LOW
Dixon Land Rd	McCarthy Blvd	Milpitas Blvd	Class IV	HIGH	LOW
Landess Ave/ Montague Expressway	Piper Dr	S Park Victoria Dr	Class II	HIGH	LOW
S Main Street	S Abel St	Montague Expressway	Class IV	HIGH	LOW
McCarthy Blvd	Calaveras Blvd	Montague Expressway	Class II	HIGH	LOW
E Capitol Avenue	Montague Expressway	Trimble Rd	Class IV	HIGH	LOW
Great Mall Pkwy	S McCarthy Blvd	Montague Expressway	Class IV	HIGH	LOW
Landess Ave	Piedmont Rd	S Park Victoria Dr	Class IV	HIGH	LOW
S Main Street	Calaveras Blvd	S Abel St	Class IIB	HIGH	HIGH
Landess Ave	S Park Victoria Dr	Piedmont Rd	Class II	HIGH	LOW

Priority Linear Bikeway Improvements

TABLE 21 *Priority Bikeway Recommendations: Opportunity Improvements*

ROADWAY	FROM	TO	RECOMMENDED BIKEWAY*	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
Marylinn Dr/ Main Street	N Abel Street	Calaveras Blvd	Class IIB	LOW	HIGH
Marylinn Drive	Heath Street	N Abel Street	Class IIIB	LOW	HIGH
Kennedy Dr	Wool Dr	Evans Rd	Class IIIB	LOW	HIGH
Hillview Dr	Jacklin Rd	Calera Creek	Class IIIB	LOW	HIGH
Sequoia Dr	Yosemite Dr	Yellowstone Ave	Class IIIB	LOW	HIGH
N Abbott Avenue	San Andreas Dr	Calaveras Blvd	Class IIIB	LOW	HIGH
Tramway Dr	Milpitas Blvd	Hillview Dr	Class IIIB	LOW	HIGH
Fallen Leaf Drive	W Capitol Ave	Greenwood Way	Class IIIB	LOW	HIGH
Temple Dr	Calaveras Blvd	Yosemite Dr	Class IIIB	LOW	HIGH
Temple Dr	Kennedy Dr	Calaveras Blvd	Class IIIB	LOW	HIGH
Piedmont Rd	Yosemite Dr	Landess Ave	Class IIB	LOW	HIGH
Hillview Dr	Jacklin Rd	Calaveras Blvd	Class IIIB	LOW	HIGH
Piedmont Rd	Calaveras Blvd	Yosemite Dr	Class IIB	LOW	HIGH
W Capitol Ave	Starlite Drive	S Abel Street	Class IIIB	LOW	HIGH
Garden Dr/Canton Dr/Roswell Dr	Calaveras Blvd	Yosemite Dr	Class IIIB	LOW	HIGH
Fanyon St/Dennis Ave/Garden Dr	Kennedy Dr	Calaveras Blvd	Class IIIB	LOW	HIGH

*For more information regarding Bikeway Types, please see page 27.

**For more information regarding Project Categories, please see Figure 28 on page 124.

Priority Linear Bikeway Improvements

TABLE 22 *Priority Bikeway Recommendations: Low Priority Improvements*

ROADWAY	FROM	TO	RECOMMENDED BIKEWAY*	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
Redwood Avenue	N Abbott Ave	N Abel Street	Class IIIB	LOW	LOW
McCarthy Blvd	Dixon Landing Rd	237/Calaveras	Class IIB	LOW	LOW
N Park Victoria Dr	Nicklaus Ave	Jacklin Rd	Class II	LOW	LOW
E Tasman Drive	Coyote Creek Trail	McCarthy Blvd	Class IV	LOW	LOW

Evaluation Criteria: Bicycle Spot Improvements

Table 23 and Table 24 list the evaluation criteria for project priority and project feasibility. Projects were scored for each criteria listed in the tables. Project need was determined by the criteria listed in Table 23, while project feasibility was determined using the criteria in Table 24.

TABLE 23 *Project Priority*

CATEGORY	CRITERIA	DESCRIPTION
Connectivity	Connectivity to Transit, Schools, Parks, and Employment Centers	Project provides connections to transit, including frequent local bus, BART, and light rail; schools (adjacent to school or along identified Suggested Walking Route); parks; or employment centers.
Pedestrian Improvement	Pedestrian Improvement	Project is located in a Pedestrian Priority Improvement Area, indicating an opportunity to introduce traffic calming or other safety improvement measures for pedestrian travel.
SAFETY	Previous Collision	Project provides safety improvement near reported crash location. Collision occurred at the project intersection.
Project Support	Public Support	Project was supported by the public through this Plan's public engagement activities

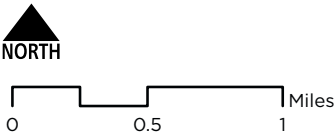
TABLE 24 *Project Feasibility*

CATEGORY	DESCRIPTION
Project Complexity	Project requires significant roadway reconfiguration or ROW acquisition.

FIG. 31 Priority Bicycle Spot Improvements



FIGURE 31
PRIORITY BICYCLE
SPOT IMPROVEMENTS



PRIORITY BIKE SPOT IMPROVEMENTS

- LOW NEED, LOW FEASIBILITY
- HIGH NEED, LOW FEASIBILITY
- LOW NEED, HIGH FEASIBILITY
- HIGH NEED, HIGH FEASIBILITY

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

Priority Bicycle Spot Improvements

TABLE 25 *Priority Bike Spot Recommendations: Short Term Improvements*

PROJECT TYPE*	LOCATION	CROSS STREET	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
Bike Lane Connectivity	Milpitas Boulevard	Jacklin Road	HIGH	HIGH
Bike Lane Connectivity	Dixon Landing Rd	Milpitas Blvd	HIGH	HIGH
Bike Lane Connectivity	Jacklin Road	Arizona Avenue	HIGH	HIGH
Bike Lane Connectivity	Milpitas Boulevard	Calaveras Boulevard	HIGH	HIGH
Bike Lane Connectivity	Abel Street	Marilynn Drive	HIGH	HIGH
Bike Lane Connectivity	Montague Expressway	E Capitol Avenue	HIGH	HIGH
Bike Lane Connectivity	Milpitas Blvd	Washington Dr	HIGH	HIGH
Bike Lane Connectivity	Jacklin Road	Escuela Parkway	HIGH	HIGH
Bike Lane Connectivity	Jacklin Road	Park Victoria Drive	HIGH	HIGH
Bike Lane Connectivity	Park Victoria Drive	Calaveras Boulevard	HIGH	HIGH
Bike Lane Connectivity	Abel Street	Redwood Avenue	HIGH	HIGH
Bike Lane Connectivity	Park Victoria Drive	Edsel Drive	HIGH	HIGH
Bike Lane Connectivity	Park Victoria Drive	Yosemite Drive	HIGH	HIGH
Bike Lane Connectivity	Milpitas Boulevard	Montague Expressway	HIGH	HIGH
Bike Lane Connectivity	Main Street	Great Mall Parkway	HIGH	HIGH
Bike Lane Connectivity	Tasman Drive	McCarthy Boulevard	HIGH	HIGH
Bike Lane Connectivity	Abel St	Main St	HIGH	HIGH

*For more information regarding Bicycle Spot Improvement Types, please see pages 93-94.

**For more information regarding Project Categories, please see Figure 28 on page 124.

Priority Bicycle Spot Improvements

TABLE 26 *Priority Bike Spot Recommendations: Long Term Improvements*

PROJECT TYPE*	LOCATION	CROSS STREET	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
Intersection Connectivity	Calaveras Boulevard	Main Street	HIGH	LOW
Intersection Connectivity	Jacklin Road	Sinclair Freeway	HIGH	LOW
Intersection Connectivity	Calaveras Boulevard	Nimitz Freeway	HIGH	LOW
Intersection Connectivity	Calaveras Boulevard	Sinclair Freeway	HIGH	LOW
Intersection Connectivity	Dixon Landing Rd	Nimitz Freeway	HIGH	LOW

TABLE 27 *Priority Bike Spot Recommendations: Opportunity Improvements*

PROJECT TYPE*	LOCATION	CROSS STREET	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
Bike Lane Connectivity	Park Victoria Drive	Yellowstone Avenue	LOW	HIGH
Bike Lane Connectivity	Capitol Avenue	Trimble Road	LOW	HIGH
Bike Lane Connectivity	Hillview Dr	Calaveras Blvd	LOW	HIGH
Bike Lane Connectivity	Milpitas Boulevard	Yosemite Drive	LOW	HIGH
Bike Lane Connectivity	Milpitas Boulevard	Escuela Parkway	LOW	HIGH

TABLE 28 *Priority Bike Spot Recommendations: Low Priority Improvements*

PROJECT TYPE*	LOCATION	CROSS STREET	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
Intersection Connectivity	Yosemite Drive	Sinclair Freeway	LOW	LOW
Intersection Connectivity	Yosemite Drive	Rail Line	LOW	LOW
Intersection Connectivity	Landess Avenue	Sinclair Freeway	LOW	LOW

Evaluation Criteria: Trail Improvements

Table 29 and Table 30 list the evaluation criteria for project priority and project feasibility. Figure 32 shows the resulting priority trail network. Projects were scored for each criteria listed in the tables. Project need was determined by the criteria listed in Table 29, while project feasibility was determined using the criteria in Table 30.

TABLE 29 *Project Priority*

CATEGORY	CRITERIA	DESCRIPTION
Connectivity	Connectivity to Transit or Schools	Project provides connections to transit (bus, BART, and light trail) or schools. Project should be located within ¼ mile of transit or schools to qualify.
	Connectivity to Parks or Trails	Project provides connections to parks. Project should be located within ¼ mile of a park to qualify.
	Connectivity to Employment Centers or Services	Project provides connections to employment or commercial centers. Project should be located within ¼ mile of employment or commercial centers to qualify.
Gap Closure	Gap Closure	Project closes network gap between two existing facilities, or across a challenging crossing. Gap closure should consider neighboring jurisdiction's existing and proposed networks.
Safety	Previous Collision	Project provides safety improvement and/or alternate routing near reported crash location.
Project Support	Public Support	Project was supported by the public through this Plan's public engagement activities

TABLE 30 *Project Feasibility*

CATEGORY	DESCRIPTION
Project Complexity	Project requires significant roadway reconfiguration, ROW acquisition, or significant construction to overcome existing barriers.

FIG. 32 Priority Trail Improvements



FIGURE 32
PRIORITY TRAIL
IMPROVEMENTS



PRIORITIZED TRAIL
RECOMMENDATIONS

- HIGH NEED, HIGH FEASIBILITY
- HIGH NEED, LOW FEASIBILITY
- LOW NEED, HIGH FEASIBILITY
- LOW NEED, LOW FEASIBILITY

EXISTING TRAILS

- Existing Paths
- Unpaved Trails

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

Priority Trail Improvements

TABLE 31 *Priority Trail Recommendations: Short Term Improvements*

ROADWAY	FROM	TO	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
Penitencia Creek	San Andreas Dr	Calaveras Blvd	HIGH	HIGH
Calera Creek	Milpitas Blvd	Hillview Dr	HIGH	HIGH
Escuela Pkwy	Russell Ln	Roger St	HIGH	HIGH
Hillview Dr / Los Coches St	Berryessa Creek	Berryessa Creek	HIGH	HIGH

TABLE 32 *Priority Trail Recommendations: Long Term Improvements*

ROADWAY	FROM	TO	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
Abel St	Calaveras Blvd	Great Mall Pkwy	HIGH	LOW
Dixon Landing Rd	California Circle	N McCarthy Blvd	HIGH	LOW
Montague Exp	Piper Dr	Milpitas Blvd	HIGH	LOW
N McCarthy Blvd	Dixon Landing Rd	Coyote Creek Trail	HIGH	LOW

**For more information regarding Project Categories, please see Figure 28 on page 124.

TABLE 33 *Priority Trail Recommendations: Low Priority Improvements*

ROADWAY	FROM	TO	PRIORITY CATEGORY**	FEASIBILITY CATEGORY
Yosemite Dr	Parc East	Milpitas Blvd	LOW	LOW
Penitencia Creek	Milmont Dr	California Circle	LOW	LOW

Evaluation Criteria: Trail Spot Improvements

Trail spot improvements should be implemented in coordination with new shared use path development. Proposed trail access improvements or new trailhead improvements located along existing paths should be considered for more immediate development, particularly where the City owns the land. Other locations are considered higher priority due to collision history and the ability of these locations to connect existing trails to destinations and other transportation corridors.

Tables 34 and 35 below outline the criteria for both need and feasibility of Trail Spot Improvement projects; Figure 33 reflects the prioritized spot improvements. Projects were scored for each criteria listed in the tables. Project need was determined by the criteria listed in Table 34, while project feasibility was determined using the criteria in Table 35.

TABLE 34 *Project Need*

CATEGORY	DESCRIPTION
Connectivity to Parks or Trails	Project supports connections to existing trails, paths, and parks.
Previous Collision	Project provides safety improvement and/or alternate routing near reported crash location.
Public Support	Project was supported by the public through this Plan's public engagement activities

TABLE 35 *Project Feasibility*

CATEGORY	DESCRIPTION
Project Complexity	Project requires coordination among multiple agencies, acquisition of ROW, or other

FIG. 33 Priority Trail Spot Improvements

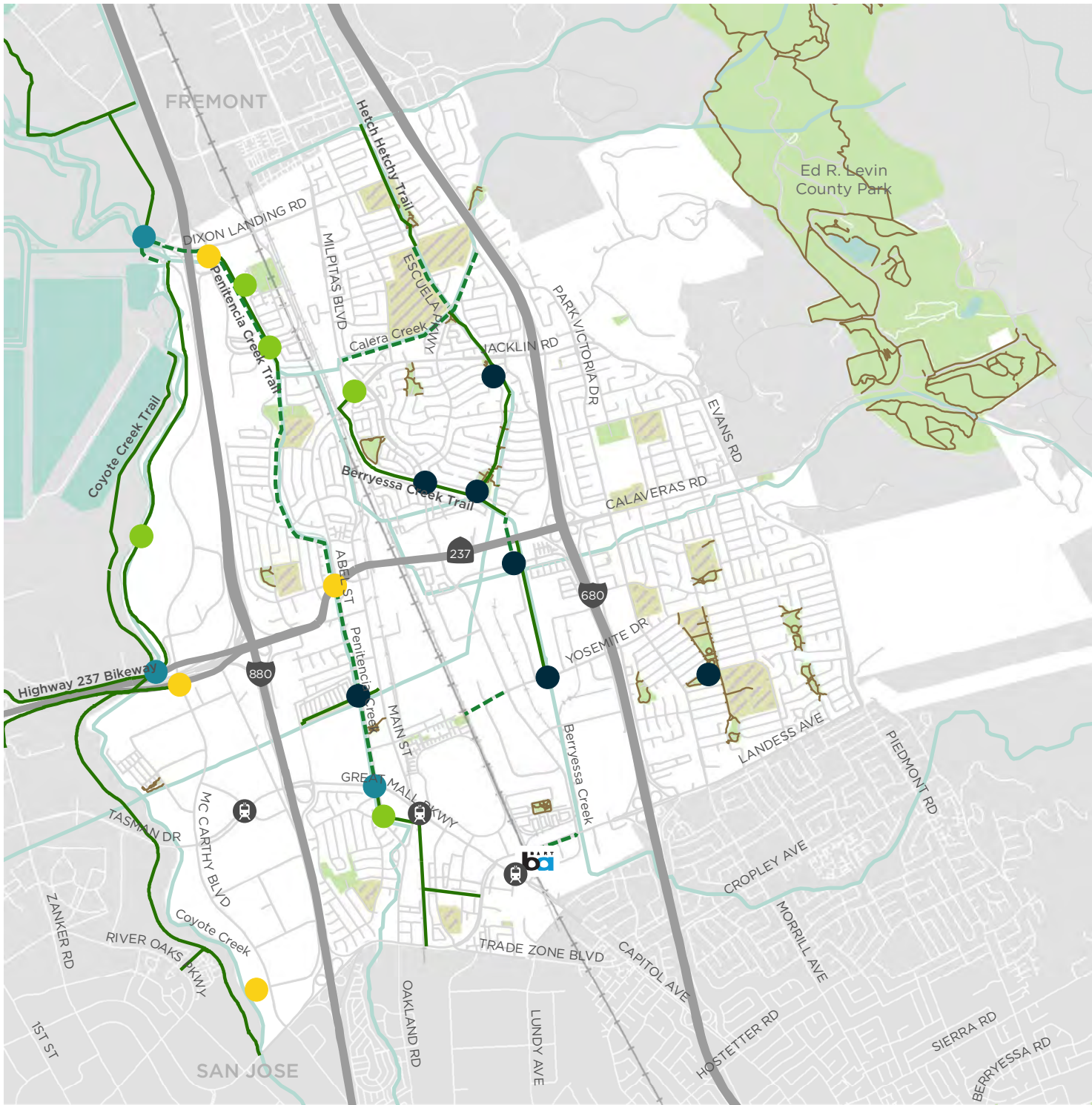
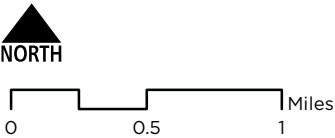


FIGURE 33
PRIORITY TRAIL
SPOT IMPROVEMENTS



PRIORITIZED TRAIL
SPOT RECOMMENDATIONS

- HIGH NEED, HIGH FEASIBILITY
- HIGH NEED, LOW FEASIBILITY
- LOW NEED, HIGH FEASIBILITY
- LOW NEED, LOW FEASIBILITY

TRAILS

- Existing
- - - Proposed
- Unpaved Trails

BACKGROUND

- BART Station
- Light Rail Station
- Schools
- Public Parks
- Water

Priority Trail Spot Improvements

TABLE 36 *Priority Spot Recommendations: Short Term Improvements*

TYPE*	LOCATION	CROSS STREET	NEED CATEGORY**	FEASIBILITY CATEGORY
Trail Access Improvements	Berryessa Creek	Yosemite Dr	HIGH	HIGH
Trail Access Improvements	Berryessa Creek	N Milpitas Blvd	HIGH	HIGH
Trailhead Improvements	Hetch Hetchy Trail	Oliver W. Jones Park	HIGH	HIGH
Trailhead Improvements	Robert E. Browne Park	Yellowstone Ave	HIGH	HIGH
Trailhead Improvements	Hetch Hetchy Trail	Paseo Refugio	HIGH	HIGH
Trail Access Improvements	S Hillview Dr	Los Coches St	HIGH	HIGH
Trail Access Improvements	Tom Evatt Park	S Abel St	HIGH	HIGH

TABLE 37 *Priority Spot Recommendations: Long Term Improvements*

TYPE*	LOCATION	CROSS STREET	NEED CATEGORY**	FEASIBILITY CATEGORY
Trail Access Improvements	N McCarthy Blvd	Dixon Landing Rd	HIGH	LOW
New Trail Connection	Coyote Creek	Alviso Milpitas RD	HIGH	LOW
Trail Access Improvements	S Abel St	Great Mall Pkwy	HIGH	LOW

*For more information regarding Trail Spot Improvement Types, please see page 103.

**For more information regarding Project Categories, please see Figure 28 on page 124.

TABLE 38 *Priority Spot Recommendations: Opportunity Improvements*

TYPE*	LOCATION	CROSS STREET	NEED CATEGORY**	FEASIBILITY CATEGORY
Trail Access Improvements	Penitencia Creek	W Capitol Ave / S Abel St	LOW	HIGH
Trail Access Improvements	Coyote Creek	McCarthy Creekside Industrial Center	LOW	HIGH
Trailhead Improvements	Penitencia Creek	Alegra Terrace / Dixon Landing Park	LOW	HIGH
Trail Access Improvements	Abel St/Jacklin Rd	Milpitas Blvd	LOW	HIGH
Trail Access Improvements	Penitencia Creek	Milmont Dr/ California Circle	LOW	HIGH

TABLE 39 *Priority Spot Recommendations: Low Priority Improvements*

TYPE*	LOCATION	CROSS STREET	NEED CATEGORY**	FEASIBILITY CATEGORY
Trail Access Improvements	Penitencia Creek	California Circle	LOW	LOW
New Trail Connection	Coyote Creek	Barber Ln	LOW	LOW
Trail Access Improvements	Penitencia Creek	Calaveras Blvd	LOW	LOW
Trail Access Improvements	Coyote Creek	S McCarthy Blvd	LOW	LOW

Funding Opportunities

The following section identifies potential funding opportunities as part of the Trail, Pedestrian, and Bicycle Master Plan. The document identifies potential funding opportunities from local, regional, and state sources. The funding opportunities are briefly introduced along with the agency or organization that administers each source. Finally, a table is provided (Table 27) that clearly summarizes all of the funding sources as well as their purpose. This section will help guide the implementation of the recommendations provided in the Trail, Pedestrian, and Bicycle Master Plan.

Local and Regional Funding Sources

Transportation Fund for Clean Air (BAAQMD & VTA)

Assembly Bill 434 established a \$4 vehicle registration surcharge in the Bay Area counties to be used on projects that reduce vehicle emissions, including bicycle and pedestrian projects. Funds can also be used as a match for competitive state or federal programs.

Funds are administered by the Bay Area Air Quality Management District (BAAQMD) and Santa Clara Valley Transportation Authority (VTA).

One Bay Area Grant (MTC)

The second round of the One Bay Area Grant program provides \$916 million for projects through 2021-2022 and is divided into a regional program managed by MTC and a county program administered by the nine Bay Area Congestion Management Agencies. Projects are focused in the Priority Development Areas and can invest in bicycle, pedestrian, Safe Routes to School, and transportation planning projects.

Funds are administered by the Metropolitan Transportation Commission (MTC) and Santa Clara Valley Transportation Authority (VTA).

Transportation Development Act Article 3 (MTC & VTA)

Transportation Development Act Article 3 provides annual funding to counties for bicycle and pedestrian projects, which are reviewed by the City or County Bicycle Advisory Committee.

Funds are administered by the Metropolitan Transportation Commission (MTC) and programmed by the Santa Clara Valley Transportation Authority (VTA).

Measure B (MTC)

Measure B is a one-half cent sales tax in Santa Clara County to fund transportation projects and is expected to raise \$250 million for bicycle and pedestrian improvements.

Funds are administered by Metropolitan Transportation Commission (MTC).

Regional Measure 3 (MTC)

Regional Measure 3 uses toll revenue from the Bay Area's seven state-owned toll bridges, which can be used for safe routes to transit projects.

Funds are administered by Metropolitan Transportation Commission (MTC).

Vehicle Emissions Reductions Based at Schools (MTC & VTA)

The Vehicle Emissions Reduction Based at Schools (VERBS) has a goal of reducing greenhouse gases by promoting walking, biking, transit, and carpooling to school with an additional focus on reducing collisions. These funds come from the Metropolitan Transportation Commission's Climate Initiative

Safe Routes to School Program and are allocated to each county based on school enrollment.

Funds are administered by the Metropolitan Transportation Commission (MTC) and Santa Clara Valley Transportation Authority (VTA).

Lifeline Transportation Program (MTC & VTA)

The Lifeline Transportation Program uses state and federal money to fund community-based transportation projects in low-income neighborhoods that address a gap or barrier identified in local transportation plans.

Funds are administered by the Metropolitan Transportation Commission (MTC) and the Santa Clara Valley Transportation Authority (VTA).

Transportation for Livable Communities (MTC & VTA)

MTC allocates funding to cities, counties, or transit operators for projects in Priority Development Areas that promote transit-oriented development. These projects can include multi-modal streetscape improvements.

Funds are administered by the Metropolitan Transportation Commission (MTC).

Climate Initiative Grants (MTC)

MTC uses federal funds for two competitive grant programs aimed at funding innovative ways to reduce greenhouse gas emissions in the Bay Area. The two grants include innovative grants, funding high-impact projects of \$1 million or more, and Safe Routes to Schools Creative Grants, which allocates \$500,000 to implement and evaluate creative emissions-reducing safe routes to school projects.

Funds are administered by the Metropolitan Transportation Commission (MTC).

Priority Development Area Planning Program (MTC)

MTC provides grants to cities and counties to develop plans for areas surrounding future rail stations, which must include multi-modal connectivity.

Funds are administered by the Metropolitan Transportation Commission (MTC).

Program for Arterial System Synchronization (MTC)

MTC provides financial and technical assistance to cities and counties to improve and coordinate signal timing across jurisdictions on multi-city corridors.

Funds are administered by the Metropolitan Transportation Commission (MTC).

State Funding Sources

Active Transportation Program (CTC)

The California Transportation Commission's Active Transportation Program provides annual funding to public agencies, schools, nonprofit organizations and others for active transportation projects, programs, and plans.

Funds are administered by the California Transportation Commission (CTC).

California Office of Traffic Safety (CA OTS)

Fixing America's Surface Transportation (FAST) Act allocates five percent of Section 405 funds to addressing non-motorized safety, which can include law enforcement training related to pedestrian and bicycle safety, enforcement campaigns, and public education and awareness campaigns.

Funds are administered by the California Office of Traffic Safety (CA OTS)

Sustainable Transportation Planning Grant Program (Caltrans & VTA)

Caltrans Sustainable Transportation Planning Grants funds plans that align with state goals outlined in the Regional Transportation Plan Guidelines adopted by the California Transportation Commission as well as fund projects that address deficiencies in the state highway system. *Funds are administered by Caltrans.*

Highway Safety Improvement Program (Caltrans)

Caltrans Sustainable Transportation Planning Grants funds plans that align with state goals outlined in the Regional Transportation Plan Guidelines adopted by the California Transportation Commission as well as fund projects that address deficiencies in the state highway system. *Funds are administered by Caltrans.*

Solutions for Congested Corridors Program (CTC)

The California Transportation Commission provides funds to regional transportation planning agencies for projects on high-traffic corridors in order to improve congestion and the environment. These projects can include bicycle and pedestrian enhancements. *Funds are administered by Caltrans.*

Urban Greening Grant (CA NRA)

Urban Greening Grants fund green infrastructure projects that include the goal of reducing commute vehicle miles traveled through the construction of bicycle or pedestrian infrastructure and trails. *Funds are administered by the California Natural Resources Agency.*

Local Partnership Program (CTC)

The Local Partnership Program provides local and regional agencies that have passed sales tax measures, developer fees or other transportation-imposed fees to fund a wide variety of transportation improvement projects including roadway rehabilitation and construction, transit capital and infrastructure, bicycle and pedestrian improvements, and green infrastructure. *Funds are administered by the California Transportation Commission.*

Road Maintenance & Rehabilitation Program (State Controller’s Office)

The Road Maintenance and Rehabilitation Program (RMRP) provides funds cities and counties to address deferred maintenance on state highways and local road systems for both design and construction efforts and can include active transportation-related maintenance projects. *Funds are administered by the State’s Controller’s Office.*

State Highway Operation and Protection Program (Caltrans)

State Highway Operation and Protection funds projects that maintain and enhance the state highway system through a wide variety of infrastructure improvements including bicycle and pedestrian projects. *Funds are administered by Caltrans.*

**FTA 5310 - Enhanced Mobility of Seniors
& Individuals with Disabilities Program
(Caltrans)**

This program provides funds to non-profit corporations and public agencies for projects that improve mobility for seniors and individuals with disabilities, particularly related to public transportation. *Funds are administered by Caltrans.*

**Wildlife Conservation Board Public Access
Program (WCB)**

State Highway Operation and Protection provides funds to public agencies and nonprofits for projects that promote wildlife-oriented recreation and can include trail and trailhead construction. *Funds are administered by the Wildlife Conservation Board.*

TABLE 40 *Funding Sources*

	PEDESTRIAN INFRASTRUCTURE	BICYCLE INFRASTRUCTURE	TRAILS	SAFE ROUTES TO SCHOOL	SAFE ROUTES TO TRANSIT	PROGRAMS	PLANS / STUDIES
LOCAL & REGIONAL PROGRAMS							
Transportation Fund for Clean Air (BAAQMD & VTA)	x	x	x	x	x		
One Bay Area Grant (MTC)	x	x	x	x	x		
Transportation Development Act Article 3 (MTC & VTA)	x	x	x	x	x		
Measure B (MTC)	x	x	x	x	x	x	x
Regional Measure 3 (MTC)					x		
Vehicle Emissions Reductions Based at Schools (MTC & VTA)	x	x	x	x	x		
Lifeline Transportation Program (MTC & VTA)	x	x	x	x	x	x	
Transportation for Livable Communities (MTC & VTA)	x	x	x	x	x		
Climate Initiative Grants (MTC)	x	x	x	x	x		
Priority Development Area Planning Program (MTC)							x
Program for Arterial System Synchronization (MTC)							
STATE PROGRAMS							
Active Transportation Program (CTC)	x	x	x	x	x	x	
California Office of Traffic Safety (CA OTS)							x
Sustainable Transportation Planning Grant Program (Caltrans & VTA)							x
Highway Safety Improvement Program (Caltrans)	x	x		x	x		
Solutions for Congested Corridors Program (CTC)	x	x	x				
Urban Greening Grant (CA NRA)	x	x	x	x	x		
Local Partnership Program (CTC)	x	x		x	x		
Road Maintenance & Rehabilitation Program (State Controller's Office)	x	x		x	x		
State Highway Operation and Protection Program (Caltrans)	x	x		x	x		
FTA 5310 - Enhanced Mobility of Seniors & Individuals with Disabilities Program (Caltrans)	x				x		
Wildlife Conservation Board Public Access Program (WCB)			x				

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THE CITY OF MILPITAS

Design Guidelines

Trail, Pedestrian, and Bicycle Master Plan

Public Draft February 2021



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INTRODUCTION

This Design Guide presents a toolbox of current design guidance and standards to implement bicycle and pedestrian improvements. It has been developed to complement the City's Trail, Pedestrian, and Bicycle Master Plan and reflects other nationally recognized efforts to promote pedestrian and bicycle safety and comfort. The information assembled here is not, however, a substitute for a more thorough evaluation by a professional engineer prior to implementation of facility improvements with considerations to physical, right of way, and other constraints.

Guidance Basis

The sections that follow serve as an inventory of pedestrian and bicycle design treatments and provide guidelines for their development. These treatments and design guidelines are important because they represent the tools for creating a pedestrian- and bicycle-friendly, accessible community. The design guidance offered here are reflected in the following national and state sources.

NATIONAL GUIDANCE

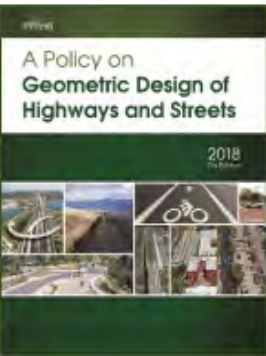


The National Association of City Transportation Officials’ (NACTO) [Urban Bikeway Design Guide \(2012\)](#) and [Urban Street Design Guide \(2013\)](#) are collections of nationally recognized street design standards, and offers guidance on the current state of the practice designs.

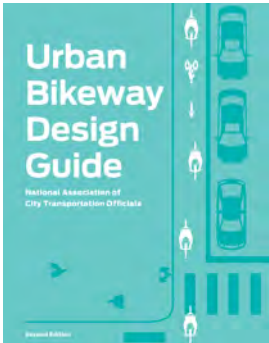


[Separated Bike Lane Planning and Design Guide \(2015\)](#) is the latest national guidance on the planning and design of separated bike lane facilities released by the Federal Highway Administration (FHWA). The resource documents best practices as demonstrated around the U.S., and offers

ideas on future areas of research, evaluation and design flexibility.



[A Policy on Geometric Design of Highways and Streets \(2018\)](#) provides national guidance on the design of highways and streets. The 7th edition of the “The Green Book” offers an updated framework for geometric design that is more flexible, multimodal, and performance based than in previous editions.



The National Association of City Transportation Officials’ (NACTO) [Urban Bikeway Design Guide \(2012\)](#) provides cities with state-of-the-practice solutions that can help create complete streets that are safe and enjoyable for bicyclists. The designs were developed by cities for cities,

since unique urban streets require innovative solutions. In August 2013, the Federal Highway Administration issued a memorandum officially supporting use of the document.

CALIFORNIA GUIDANCE



The California Manual on Uniform Traffic Control Devices (CAMUTCD) (2014) is an amended version of the FHWA MUTCD 2009 edition modified for use in California. While standards presented in the CA MUTCD substantially conform to the FHWA MUTCD, the state of California

follows local practices, laws and requirements with regards to signing, striping and other traffic control devices.



Main Street, California: A Guide for Improving Community and Transportation Vitality (2013) reflects California's current manuals and policies that improve multimodal

access, livability and sustainability within the transportation system. The guide recognizes the overlapping and sometimes competing needs of main streets.

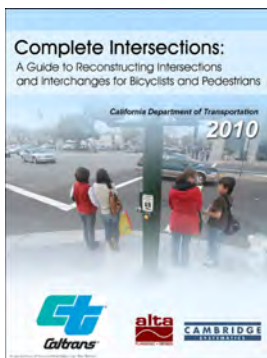


The California Highway Design Manual (HDM) (Updated 2015) establishes uniform policies and procedures to carry out highway design functions for the California Department of Transportation.



The Caltrans Memo: Design Flexibility in Multimodal Design (2014) encourages flexibility in highway design. The memo stated that "Publications such as the National Association of City Transportation Officials (NACTO) "Urban Street Design Guide" and "Urban Bikeway Design

Guide," ... are resources that Caltrans and local entities can reference when making planning and design decisions on the State highway system and local streets and roads."



Complete Intersections: A Guide to Reconstructing Intersections and Interchanges for Bicyclists and Pedestrians (2010) is a reference guide presents information and concepts related to improving conditions for bicyclists and pedestrians at major

intersections and interchanges. The guide can be used to inform minor signage and striping changes to intersections, as well as major changes and designs for new intersections.



Caltrans Design Information Bulletin 89-01 provides enhanced guidance for two-way separated bikeways, with added information on transit stops and separated bikeways adjacent to street parking. It also provides a discussion of maintenance using Caltrans equipment.

Facility Selection: Bicycle User Type

The current AASHTO Guide to the Development of Bicycle Facilities encourages designers to identify their rider type based on the trip purpose (Recreational vs Transportation) and on the level of comfort and skill of the rider (Causal vs Experienced). A user-type framework for understanding a potential rider's willingness to bike is illustrated in the figure below. Developed by planners in Portland, OR* and supported by research**, this classification identifies four distinct types of bicyclists.

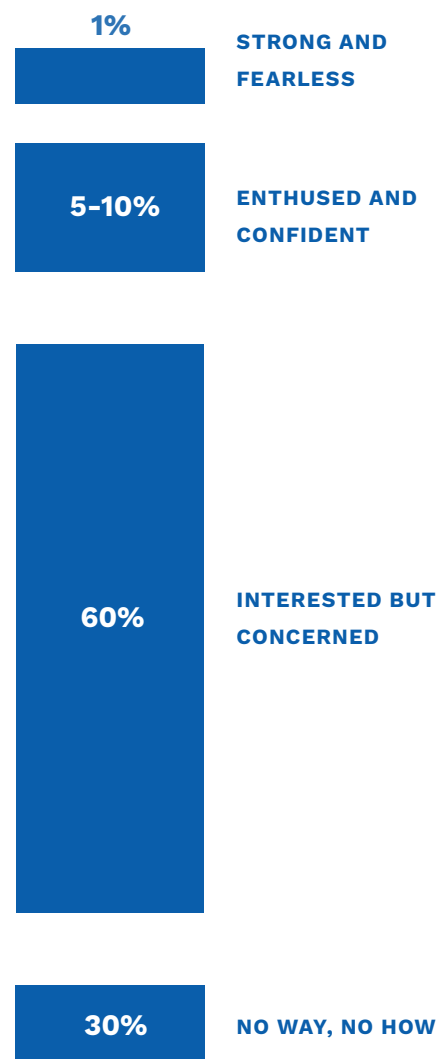
Strong and Fearless – This group is willing to ride a bicycle on any roadway regardless of traffic conditions. Comfortable taking the lane and riding in a vehicular manner on major streets without designated bicycle facilities.

Enthusied and Confident - This group of people riding bicycles who are riding in most roadway situations but prefer to have a designated facility. Comfortable riding on major streets with a bike lane.

Interested but Concerned – This group is more cautious and has some inclination towards bicycling, but are held back by concern over sharing the road with cars. Not very comfortable on major streets, even with a striped bike lane, and prefer separated pathways or low traffic neighborhood streets.

No Way, No How – This group comprises residents who simply aren't interested at all in bicycling and may be physically unable or don't know how to ride a bicycle, and they are unlikely to adopt bicycling in any way.

TYPICAL DISTRIBUTION OF BICYCLIST TYPES



* Roger Geller, City of Portland Bureau of Transportation. *Four Types of Cyclists*. <http://www.portlandonline.com/transportation/index.cfm?a=237507>. 2009.

** Dill, J., McNeil, N. *Four Types of Cyclists? Testing a Typology to Better Understand Bicycling Behavior and Potential*. 2012.

Facility Selection: Comfort

In order to provide a bikeway network that meets the needs of the Milpita's "Interested but Concerned" residents (who comprise the majority of the population), bikeways must be low-stress and comfortable. By using a metric called Level of Traffic Stress (LTS), specific facility types can be matched to the needs of people who bicycle in Milpitas. Generally, "Interested but Concerned," users will only bicycle on LTS 1 or LTS 2 facilities.

LEVELS OF TRAFFIC STRESS (LTS)

LTS LEVEL	DESCRIPTION	WHAT TYPE OF BICYCLISTS WILL RIDE ON THIS LTS FACILITY?		
		STRONG & FEARLESS	ENTHUSIASTIC & CONFIDENT	INTERESTED BUT CONCERNED
LTS 1	Presents the lowest level of traffic stress; demands less attention from people riding bicycles, and attractive enough for a relaxing bicycle ride. Suitable for almost all people riding bicycles, including children trained to ride in the street and to safely cross intersections.	YES	YES	YES
LTS2	Presents little traffic stress and therefore suitable to most adults riding bicycles, but demands more attention than might be expected from children.	YES	YES	SOMETIMES
LTS3	More traffic stress than LTS2, yet significantly less than the stress of integrating with multilane traffic.	YES	SOMETIMES	NO
LTS4	A level of stress beyond LTS 3. Includes roadways that have no dedicated bicycle facilities and moderate to higher vehicle speeds and volumes OR high speed and high volume roadways WITH an exclusive riding zone (lane) where there is a significant speed differential with vehicles.	YES	NO	NO

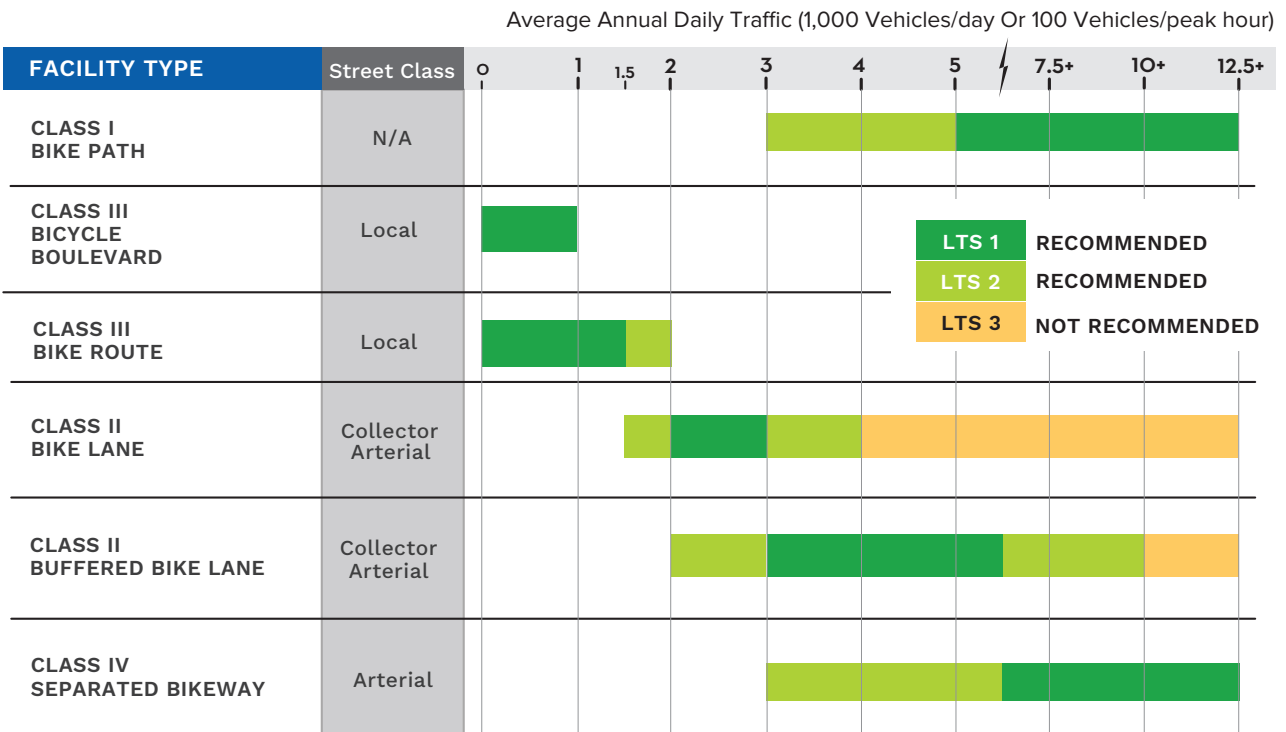
Facility Selection: Bikeways

Selecting the best bikeway facility type for a given roadway can be challenging, due to the range of factors that influence bicycle users' comfort and safety. There is a significant impact on cycling comfort when the speed differential between bicyclists and motor vehicle traffic is high and motor vehicle traffic volumes are high. This page can help determine when a Class IV Bikeway is most appropriate relative to other facility types.

Facility Selection Table

As a starting point to identify a preferred facility, the chart below can be used to determine the recommended type of bikeway to be provided in particular roadway speed and volume situations. To use this chart, identify the appropriate daily traffic volume on the existing or proposed roadway, and locate the facility types indicated by those key variables.

Other factors beyond volume which affect facility selection include traffic speed, traffic mix of automobiles and heavy vehicles, the presence of on-street parking, intersection density, surrounding land use, and roadway sight distance. These factors are not included in the facility selection chart below, but should always be considered in the facility selection and design process.



(Average Daily Vehicles, per 1,000)

Design Needs of Pedestrians

The CA MUTCD recommends a normal walking speed of 3.5 ft per second when calculating the pedestrian clearance interval at traffic signals. The walking speed can drop to 3 ft per second for areas with older populations and persons with mobility impairments. While the type and degree of mobility impairment varies greatly across the population, the transportation system should accommodate these users to the greatest reasonable extent.

Types of Pedestrians

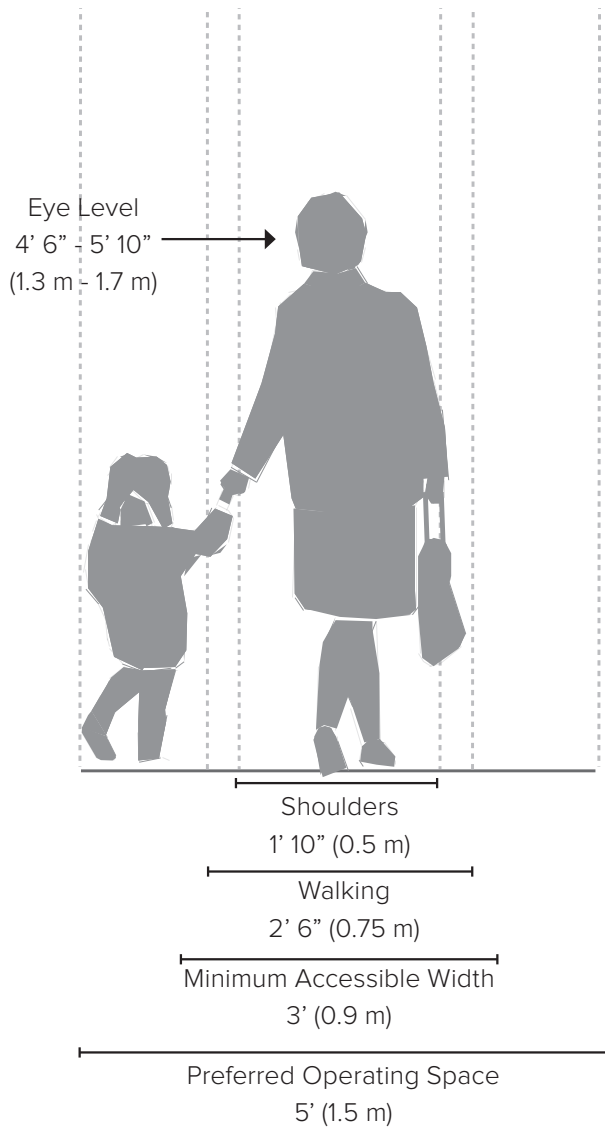
Pedestrians have a variety of characteristics and the transportation network should accommodate a variety of needs, abilities, and possible impairments. Age is one major factor that affects pedestrians' physical characteristics, walking speed, and environmental perception. Children have low eye height and walk at slower speeds than adults. They also perceive the environment

differently at various stages of their cognitive development. Older adults walk more slowly and may require assistive devices for walking stability, sight, and hearing.

Disabled Pedestrian Design Considerations

The table below summarizes common physical and cognitive impairments, how they affect personal mobility, and recommendations for improved pedestrian-friendly design.

IMPAIRMENT			DESIGN SOLUTION		
Physical Impairment Necessitating Wheelchair and Scooter Use	Difficulty propelling over uneven or soft surfaces.		Firm, stable surfaces and structures, including ramps or beveled edges.		
	Cross-slopes cause wheelchairs to veer downhill or tip sideways.		Cross-slopes of less than two percent.		
	Require wider path of travel.		Sufficient width and maneuvering space.		
Physical Impairment Necessitating Walking Aid Use	Difficulty negotiating steep grades and cross slopes; decreased stability and tripping hazard.		Cross-slopes of less than two percent. Smooth, non-slippery travel surface.		
	Slower walking speed and reduced endurance; reduced ability to react.		Longer pedestrian signal cycles, shorter crossing distances, median refuges, and street furniture.		
Hearing Impairment	Less able to detect oncoming hazards at locations with limited sight lines (e.g. driveways, angled intersections, channelized right turn lanes) and complex intersections.		Longer pedestrian signal cycles, clear sight distances, highly visible pedestrian signals and markings.		
Vision Impairment	Limited perception of path ahead and obstacles; reliance on memory; reliance on non-visual indicators (e.g. sound and texture).		Accessible text (larger print and raised text), accessible pedestrian signals (APS), guide strips and detectable warning surfaces, safety barriers, and lighting.		
Cognitive Impairment	Varies greatly. Can affect ability to perceive, recognize, understand, interpret, and respond to information.		Signs with pictures, universal symbols, and colors, rather than text.		



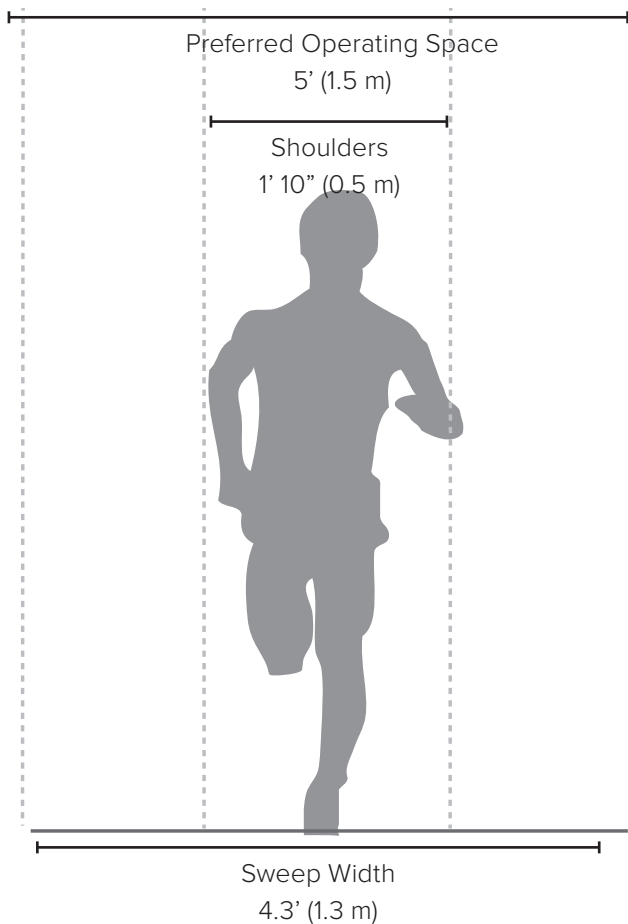
PEDESTRIAN CHARACTERISTICS BY AGE

AGE	CHARACTERISTICS
0-4	Learning to walk Requires constant adult supervision Developing peripheral vision and depth perception
5-8	Increasing independence, but still requires supervision Poor depth perception
9-13	Susceptible to "darting out" in roadways Insufficient judgment Sense of invulnerability
14-18	Improved awareness of traffic environment Insufficient judgment
19-40	Active, aware of traffic environment
41-65	Slowing of reflexes
65+	Difficulty crossing street Vision loss Difficulty hearing vehicles approaching from behind

Source: AASHTO. *Guide for the Planning, Design, and Operation of Pedestrian Facilities*, Exhibit 2-1. 2004.

Design Needs of Runners

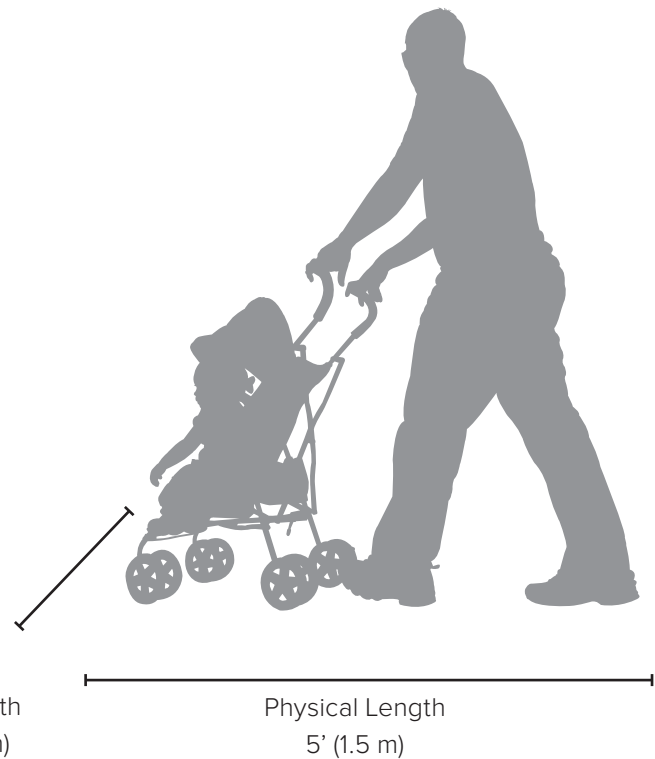
Running is an important recreation and fitness activity commonly performed on shared use paths. Many runners prefer softer surfaces (such as rubber, bare earth or crushed rock) to reduce impact. Runners can change their speed and direction frequently. If high volumes are expected, controlled interaction or separation of different types of users should be considered.



Design Needs of Strollers

Strollers are wheeled devices pushed by pedestrians to transport babies or small children. Stroller models vary greatly in their design and capacity. Some strollers are designed to accommodate a single child, others can carry 3 or more. Design needs of strollers depend on the wheel size, geometry and ability of the adult who is pushing the stroller.

Strollers commonly have small pivoting front wheels for easy maneuverability, but these wheels may limit their use on unpaved surfaces or rough pavement. Curb ramps are valuable to these users. Lateral overturning is one main safety concern for stroller users.



Design Needs of Wheelchair Users

As the American population ages, the age demographics in Milpitas may also shift, and the number of people using mobility assistive devices (such as manual wheelchairs, powered wheelchairs) will increase.

Manual wheelchairs are self-propelled devices. Users propel themselves using push rims attached to the rear wheels. Braking is done through resisting wheel movement with the hands or arm. Alternatively, a second individual

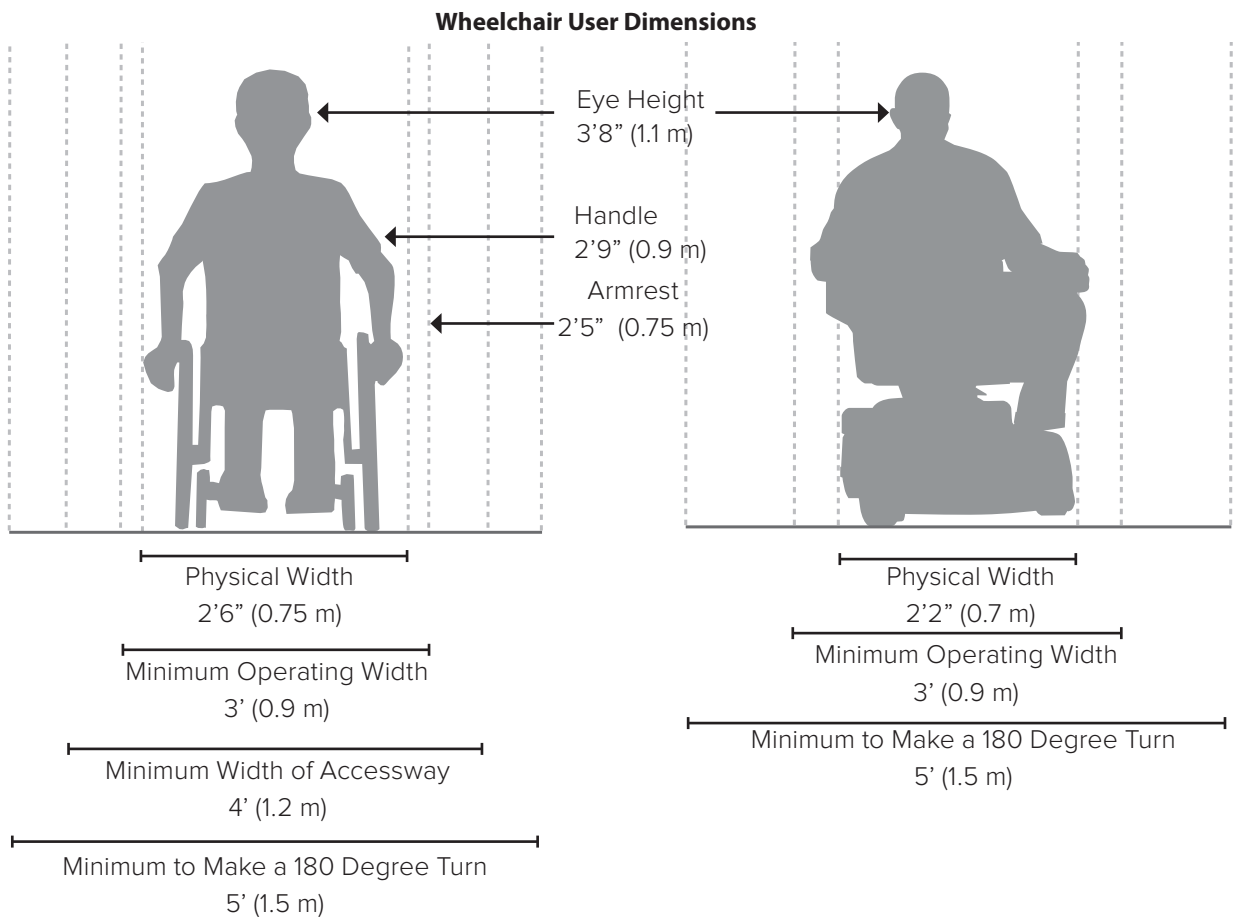
can control the wheelchair using handles attached to the back of the chair.

Power wheelchairs use battery power to move the wheelchair. The size and weight of power wheelchairs limit their ability to negotiate obstacles without a ramp. Various control units are available that enable users to control the wheelchair movement, based on their ability (e.g., joystick control, breath controlled, etc).

Maneuvering around a turn requires additional space for wheelchair devices. Providing adequate space for 180 degree turns at appropriate locations is an important element of accessible design.

WHEELCHAIR USER DESIGN CONSIDERATIONS

Effect on Mobility	Design Solution
Difficulty propelling over uneven or soft surfaces.	Firm, stable surfaces and structures, including ramps or beveled edges.
Cross-slopes cause wheelchairs to veer downhill.	Cross-slopes of less than two percent.
Require wider path of travel.	Sufficient width and maneuvering space.



Design Needs of Bicyclists

The facility designer must have an understanding of how bicyclists operate and how their bicycle influences that operation. Bicyclists, by nature, are much more affected by poor facility design, construction and maintenance practices than motor vehicle drivers. By understanding the unique characteristics and needs of bicyclists, a facility designer can provide quality facilities and minimize user risk.

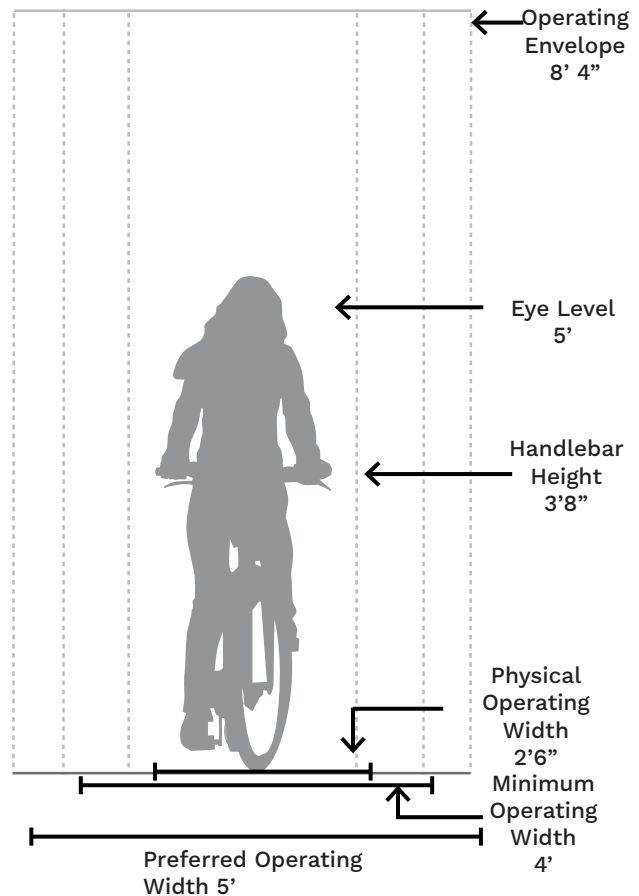
Bicycle as a Design Vehicle

Similar to motor vehicles, bicyclists and their bicycles exist in a variety of sizes and configurations. These variations occur in the types of vehicle (such as a conventional bicycle, a recumbent bicycle or a tricycle), and behavioral characteristics (such as the comfort level of the bicyclist). The design of a bikeway should consider reasonably expected bicycle types on the facility and utilize the appropriate dimensions.

The Bicycle Rider figure illustrates the operating space and physical dimensions of a typical adult bicyclist, which are the basis for typical facility design. Bicyclists require clear space to operate within a facility. This is why the minimum operating width is greater than the physical dimensions of the bicyclist. Bicyclists prefer five feet or more operating width, although four feet may be minimally acceptable.

In addition to the design dimensions of a typical bicycle, there are many other commonly used pedal-driven cycles and accessories to consider when planning and designing bicycle facilities. The most common types include tandem bicycles, recumbent bicycles, and trailer accessories.

BICYCLE RIDER - TYPICAL DIMENSIONS

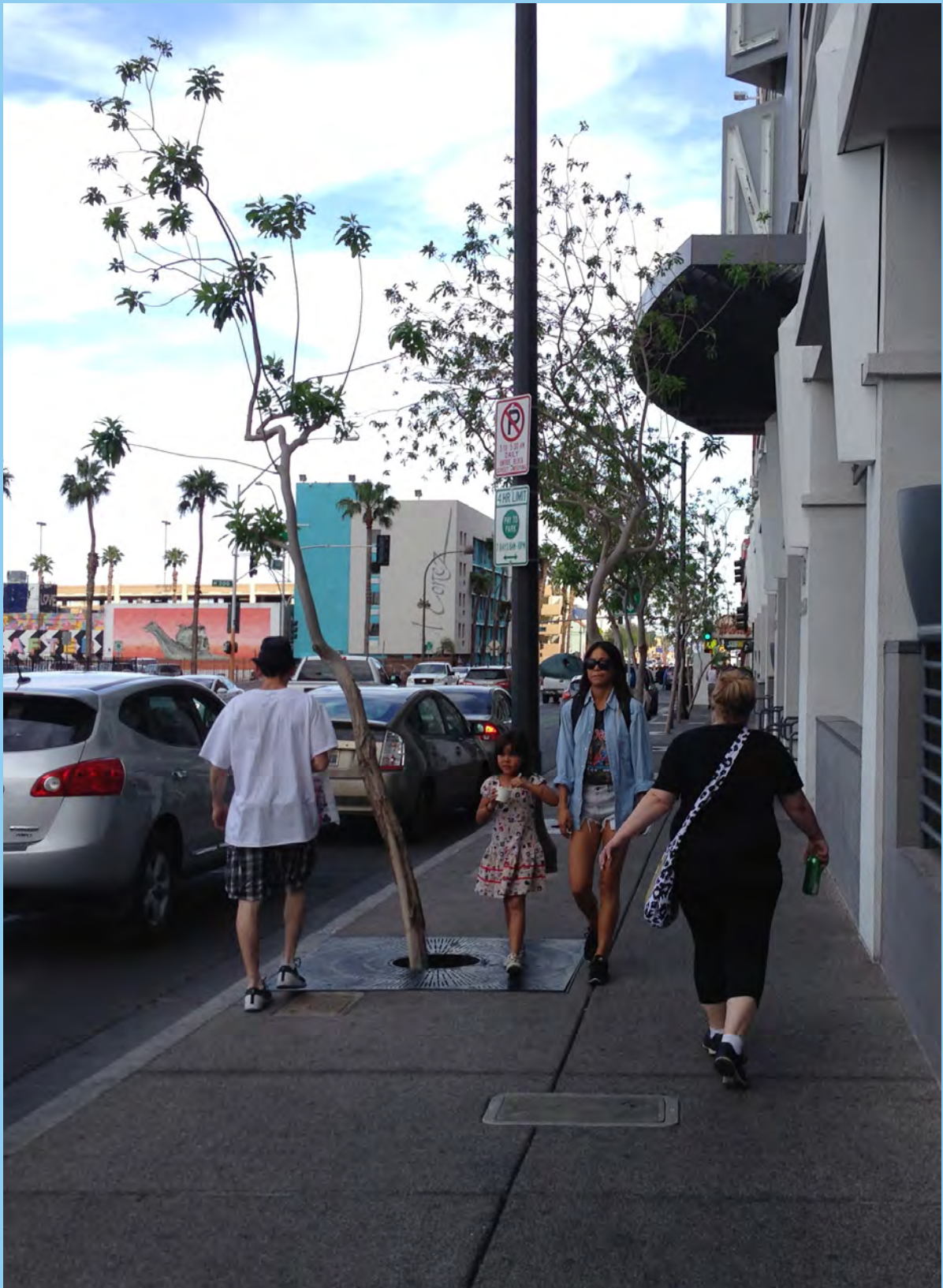


BICYCLE AS DESIGN VEHICLE - DESIGN SPEED EXPECTATIONS

BICYCLE TYPE	FEATURE	TYPICAL SPEED
Upright Adult Bicyclist	Paved level surfacing	8-12 mph*
	Crossing Intersections	10 mph
	Downhill	+ 20 mph
	Uphill	5 -12 mph
Recumbent Bicyclist	Paved level surfacing	18 mph

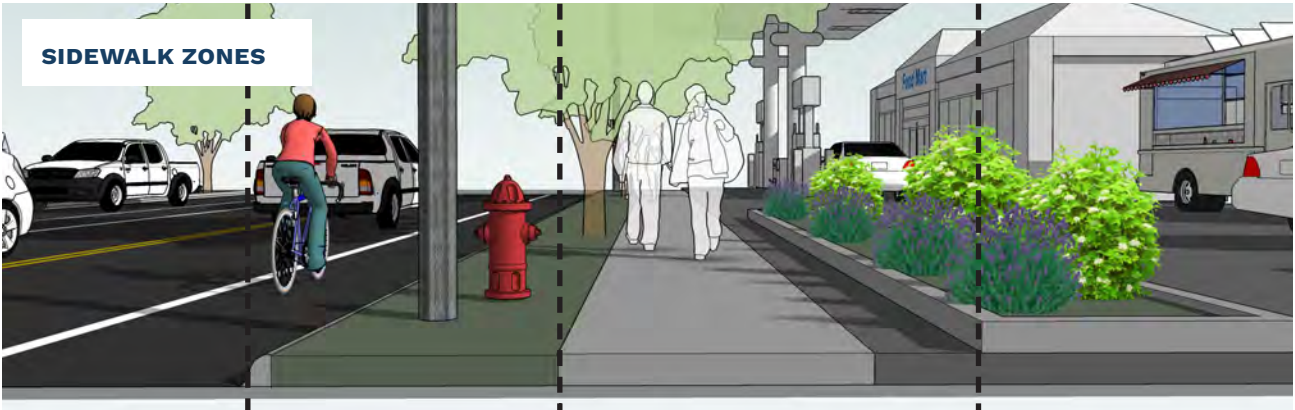
* Typical speed for causal riders per AASHTO 2013.

PEDESTRIAN FACILITIES



Sidewalk Zones & Widths

Sidewalks are the most fundamental element of the walking network, as they provide an area for pedestrian travel separated from vehicle traffic. Providing adequate and accessible facilities can lead to increased numbers of people walking, improved accessibility, and the creation of social space.

SIDEWALK ZONES 			
ENHANCEMENT ZONE	BUFFER ZONE	PEDESTRIAN THROUGH ZONE	FRONTAGE ZONE
The enhancement zone can act as a flexible space to further buffer the sidewalk from moving traffic, and may be used for a bike lane. Curb extensions, cafe seating, and/or bike parking may occupy this space where appropriate. In the enhancement zone there should be a 6 inch wide curb.	The buffer zone, also called the furnishing or landscaping zone, buffers pedestrians from the adjacent roadway, and is also the area where elements such as street trees, signal poles, signs, and other street furniture are properly located.	The pedestrian through zone is the clear area intended for pedestrian travel. This zone should be entirely free of permanent and temporary objects. Wide through zones are needed in downtown areas or where pedestrian flows are high.	The frontage zone allows pedestrians a comfortable “shy” distance from the building fronts. It provides opportunities for window shopping, to place signs, planters, or chairs.

STREET CLASSIFICATION	ENHANCEMENT ZONE/PARKING LANE	BUFFER ZONE	PEDESTRIAN THROUGH ZONE	FRONTAGE ZONE
Local Streets	Varies	4 - 6 ft	6 ft	N/A
Downtown and Pedestrian Priority Areas	Varies	4 - 6 ft	12 ft	2.5 - 10 ft
Arterials and Collectors	Varies	4 - 6 ft	6 - 8 ft	2.5 - 5 ft

Typical Uses

- Wider sidewalks should be installed near schools, at transit stops, in downtown areas, or anywhere high concentrations of pedestrians exist.
- At transit stops, an 8 ft by 5 ft clear space is required for accessible passenger boarding/alighting at the front door location per ADA requirements.
- Sidewalks should be continuous on both sides of urban commercial streets, and should be required in areas of moderate residential density (1-4 dwelling units per acre).
- When retrofitting gaps in the sidewalk network, locations near transit stops, schools, parks, public buildings, and other areas with high concentrations of pedestrians should be the highest priority.

Materials and Maintenance

Sidewalks are typically constructed out of concrete and are separated from the roadway by a curb or gutter and sometimes a landscaped boulevard. Less expensive walkways constructed of asphalt, crushed stone, or other stabilized surfaces may be appropriate. Ensure accessibility and properly maintain all surfaces regularly. Surfaces must be firm, stable, and slip resistant. Colored, patterned, or stamped concrete can add distinctive visual appeal.

Approximate Cost

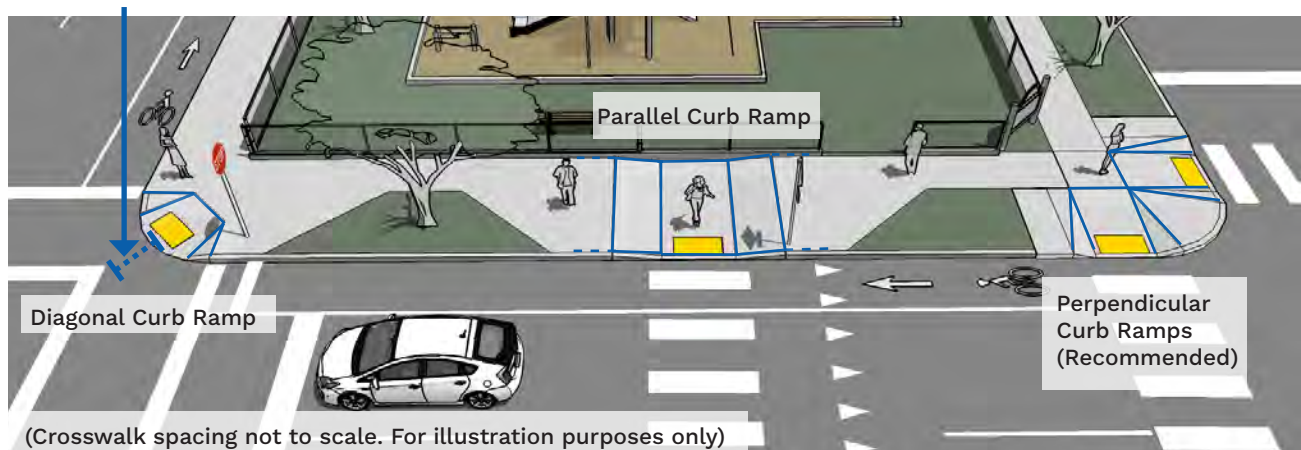
Cost of standard sidewalks range from about \$25 per square foot for concrete sidewalk. This cost can increase with additional right-of-way acquisition or addition of landscaping, lighting or other aesthetic features. As an interim measure, an asphalt concrete path can be placed until such time that a standard sidewalk can be built. The cost of asphalt path can be less than half the cost of a standard sidewalk.

Curb Ramps

Curb ramps are the design elements that allow all users to make the transition from the street to the sidewalk. A sidewalk without a curb ramp can be useless to someone in a wheelchair, forcing them back to a driveway and out into the street for access. There are a number of factors to be considered in the design and placement of curb ramps.

Diagonal ramps shall include a clear space of at least 48" within the crosswalk for user maneuverability

Curb ramps shall be located so that they do not project into vehicular traffic lanes, parking spaces, or parking access aisles. Three configurations are illustrated below.



Typical Use

Curb ramps must be installed at all intersections and midblock locations where pedestrian crossings exist, as mandated by federal legislation (1973 Rehabilitation Act and ADA 1990). All newly constructed and altered roadway projects must include curb ramps. In addition, existing facilities must be upgraded to current standards when appropriate.

The edge of an ADA compliant curb ramp shall

be marked with a tactile warning device (also known as truncated domes) to alert people with visual impairments to changes in the pedestrian environment. Contrast between the raised tactile device and the surrounding infrastructure is important so that the change is readily evident to partially sighted pedestrians. These devices are most effective when adjacent to smooth pavement so the difference is easily detected.

Design Features

- The level landing at the top of a ramp shall be at least 4 feet long and at least the same width as the ramp itself. The slope of the ramp shall be compliant to current standards.
- If the ramp runs directly into a crosswalk, the landing at the bottom will be in the roadway.
- If the top landing is within the sidewalk or corner area where someone in a wheelchair may have to change direction, the landing must be a minimum of 5'-0" long (in the direction of the ramp run) and at least as wide as the ramp, although a width of 5'-0" is preferred.

Materials and Maintenance

It is critical that the interface between a curb ramp and the street be maintained adequately. Asphalt street sections can develop potholes at the foot of the ramp, which can catch the front wheels of a wheelchair.

Approximate Cost

The cost is approximately \$5,000-\$10,000 per curb ramp depending on drainage and right-of-way.

Further Considerations

Where feasible, separate directional curb ramps for each crosswalk at an intersection should be provided rather than having a single ramp at a corner for both crosswalks. Although diagonal curb ramps might save money, they orient pedestrians directly into the traffic zone, which can be challenging for wheelchair users and pedestrians with visual impairment. Diagonal curb ramp configurations are not recommended.

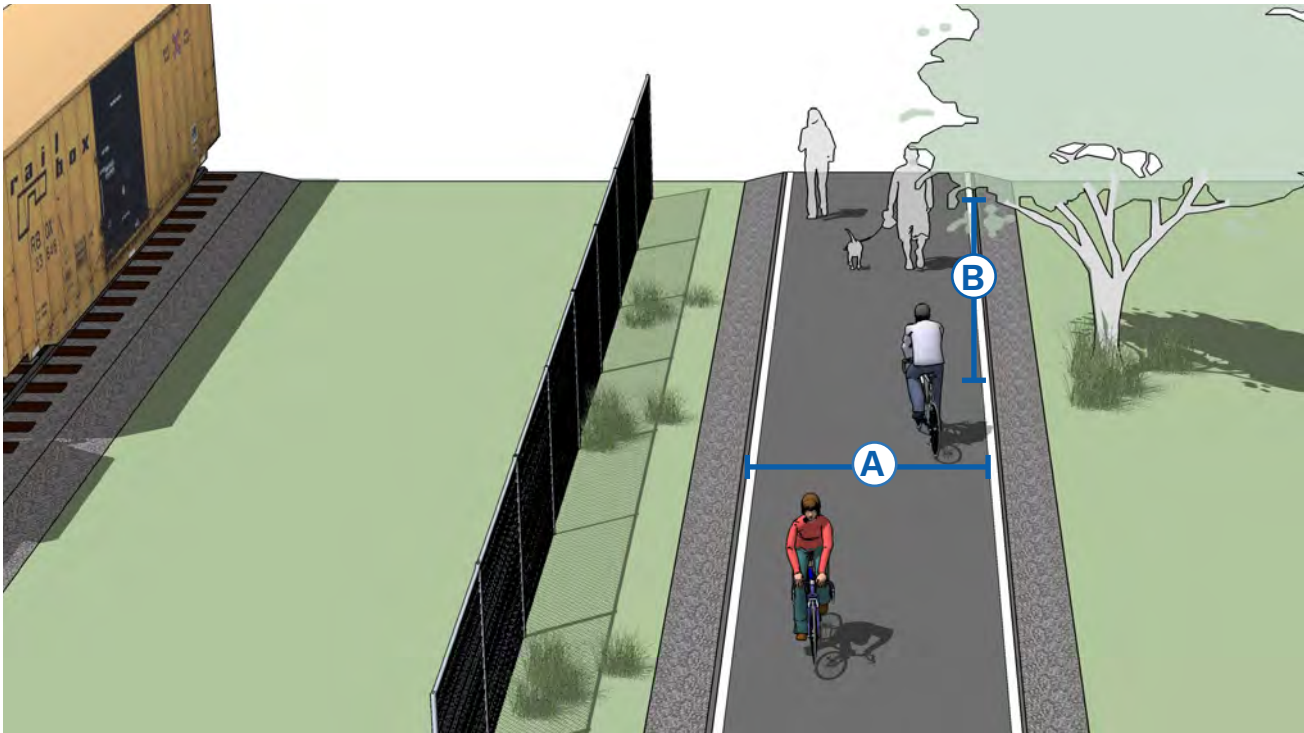
Curb return radii need to be considered when designing directional ramps. While curb ramps are needed for use on all types of streets, the highest priority locations are in downtown areas and on streets near transit stops, schools, parks, medical facilities, shopping areas.

CLASS I BIKEWAYS: BIKE PATHS



Class I Bikeway: Shared Use Path

A shared use path provides a travel area separate from motorized traffic for bicyclists, pedestrians, skaters, wheelchair users, joggers, and other users. Shared use paths are desirable for bicyclists of all skill levels preferring separation from traffic. Bicycle paths should generally provide directional travel opportunities not provided by existing roadways. Most shared use paths are designed for two-way travel.



Typical Use

- In waterway corridors, such as along canals, drainage ditches, rivers, and creeks.
- In abandoned rail corridors (commonly referred to as Rails-to-Trails or Rail-Trails).
- In active rail corridors, trails can be built adjacent to active railroads (referred to as Rails-with-Trails).
- In utility corridors, such as powerline and sewer corridors.
- Along roadways.

Design Features

- A** 12 ft is recommended for heavy use situations with high concentrations of multiple users. A separate track (5' minimum) can be provided for pedestrian use.
- 10 ft is recommended in most situations and will be adequate for moderate to heavy use.
- 8 ft is the minimum width (with 2' ft shoulders) allowed for a two-way bicycle path and is only recommended for low traffic situations. (Caltrans Design Manual)

Lateral Clearance

- A 2 ft or greater shoulder on both sides of the path should be provided. An additional ft of lateral clearance (total of 3') is required by the CAMUTCD for the installation of signage or other furnishings.

Overhead Clearance

- B»** Clearance to overhead obstructions should be 8 ft minimum, with 10 ft recommended.

Striping

- » When striping is required, use a 4 inch dashed yellow centerline stripe with 4 inch solid white edge lines.
- » Solid centerlines can be provided on tight or blind corners and transitions, and on the approaches to roadway crossings.

Further Considerations

Under most conditions, centerline markings are not necessary. Centerline markings should only be used if necessary for clarifying user positioning or preferred operating procedure: Solid line = No Passing; Dashed line = Lane placement

Paths with a high volume of bidirectional traffic should include a centerline. This can help communicate that users should expect traffic in both directions and encourage users to travel on the right and pass on the left.

Where there is a sharp blind curve, painting a solid yellow line with directional arrows reduces the risk of head-on collisions.

Small scale signs should be used in path environments (CAMUTCD 9B.02).

Terminate the path where it is easily accessible to and from the street system, preferably at a trailhead, controlled intersection or at the beginning of a dead-end street.

Use of bollards should be avoided when possible. If bollards are used at intersections and access points, they should be colored brightly and/or supplemented with reflective materials to be visible at night.

Shared Use Paths along Levees

Waterway corridors are often ideally suited for shared use paths. The relatively clear, level surface of the top of a levee or canal provides an ideal location for a shared use path.

Typical Application

Along levees.

Design Features

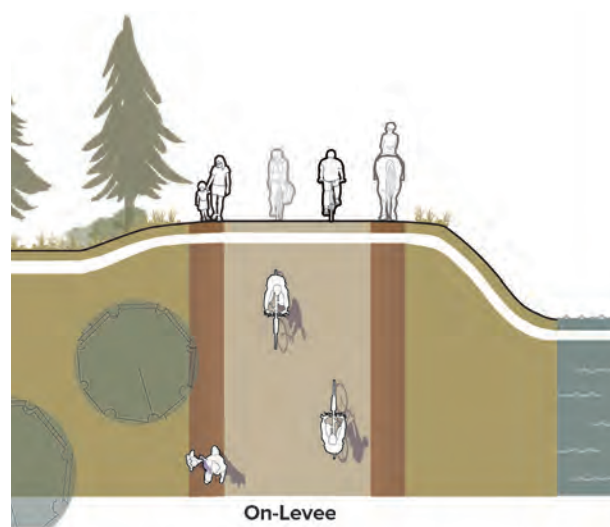
Shared use paths adjacent to levees or waterways should meet or exceed general design practices. If additional width allows, wider paths and landscaping are desirable.

Where the path is adjacent to levees, ditches, or slopes steeper than 1 vertical :3 horizontal (1:3), a wider separation should be considered. A 5-foot separation from the edge of the path to the top of slope is desirable under these circumstances. Where a slope of 1:2 or greater exists within 5 feet of a path and the fill is greater than 10 feet, a physical barrier such as dense shrubbery, railing, or chain link fence should be provided along the top of slope.

Access to a trail on top of a levee would likely require ramps or boardwalk to provide ADA compliance.

Public access to levees may be undesirable. Hazardous materials, deep water or swift current, steep, slippery slopes, and debris all may constitute risks for public access. Appropriate fencing may be desired to keep path users within the designated travel way. Creative design of fencing is encouraged to make the path facility feel welcoming to the user.

Any access point to the path should be well-defined with appropriate signage designating the pathway as a bicycle facility and prohibiting motor vehicles.



Further Considerations

It is not desirable to place the pathway in a narrow corridor between two fences for long distances, as this creates personal security issues, prevents users who need help from being seen, prevents path users from leaving the path in an emergency, and impedes emergency response. ([AASHTO Bike Guide p.5-6](#))

Public access to the shared use path may be prohibited during the following events:

- Levee maintenance activities
- Inclement weather or the prediction of storm conditions

Shared Use Paths along Ditches & Drains

The corridors created by ditches and drains offer excellent shared use path development and bikeway gap closure opportunities. They are typically long and linear in nature and can generally offer a continuous pathway with few conflicts with other transportation modes.

Typical Application

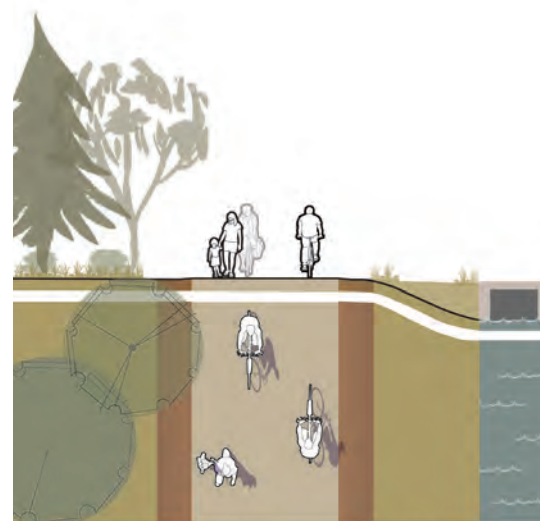
Along flood control channels such as ditches and drains.

Design Features

Shared use paths adjacent to waterways should meet or exceed general design practices. If additional width allows, wider paths and landscaping are desirable.

Public access to flood control channels may be undesirable. Hazardous materials, deep water or swift current, steep, slippery slopes, and debris all may constitute risks for public access. Appropriate fencing may be desired to keep path users within the designated travel way. Creative design of fencing is encouraged to make the path facility feel welcoming to the user.

Any access point to the path should be well-defined with appropriate signage designating the pathway as a bicycle facility and prohibiting motor vehicles.



On-Ditch/Drain Service Road

Further Considerations

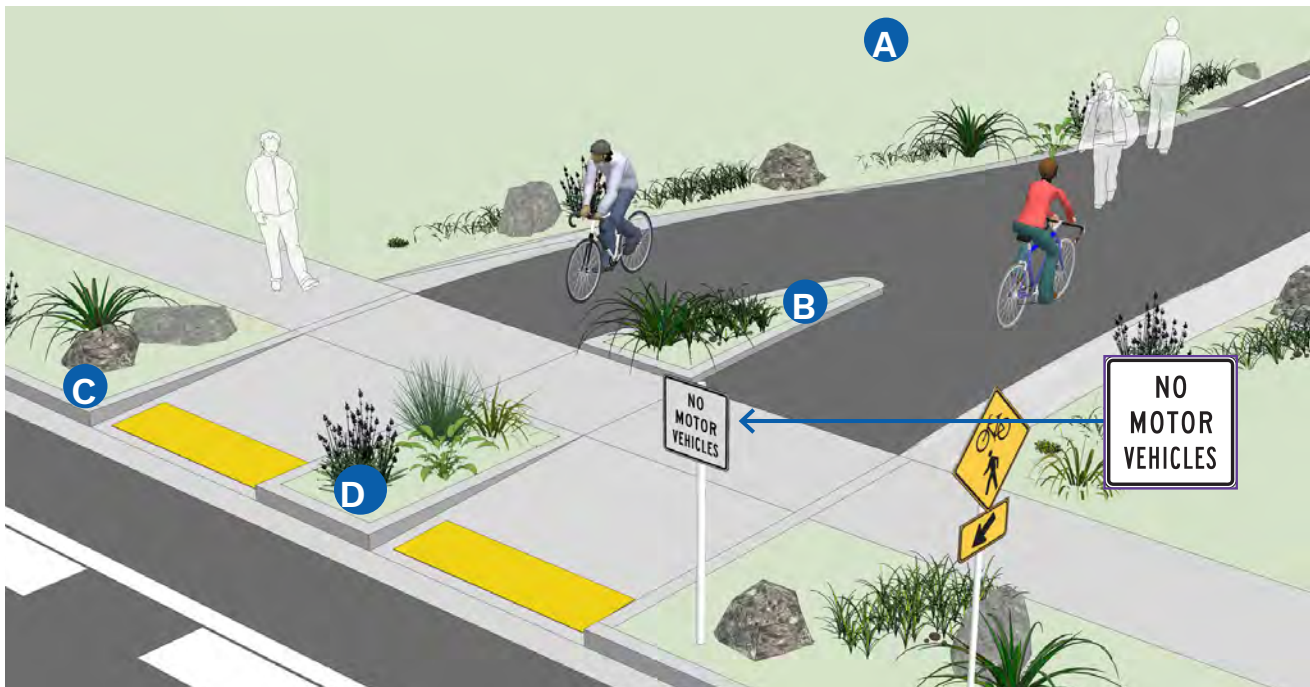
It is not desirable to place the pathway in a narrow corridor between two fences for long distances, as this creates personal security issues, prevents users who need help from being seen, prevents path users from leaving the path in an emergency, and impedes emergency response. (AASHTO Bike Guide p.5-6)

Public access to the shared use path may be prohibited during the following events:

- Flood control channel maintenance activities
- Inclement weather or the prediction of storm conditions

Bollard Alternatives

Bollards are physical barriers designed to restrict motor vehicle access to the multi-use path. Unfortunately, physical barriers are often ineffective at preventing access, and create obstacles to legitimate trail users. Alternative design strategies use signage, landscaping and curb cut design to reduce the likelihood of motor vehicle access.



Typical Application

- Bollards or other barriers should not be used unless there is a documented history of unauthorized intrusion by motor vehicles.
- If unauthorized use persists, assess whether the problems posed by unauthorized access exceed the risks and issues posed by bollards and other barriers.

Design Features

- A** “No Motor Vehicles” signage (R5-3) may be used to reinforce access rules.
- B** At intersections, split the path tread into two sections separated by low landscaping.
- C** Vertical curb cuts should be used to discourage motor vehicle access.
- D** Low landscaping preserves visibility and emergency access.

Screening/Barrier Separation Types

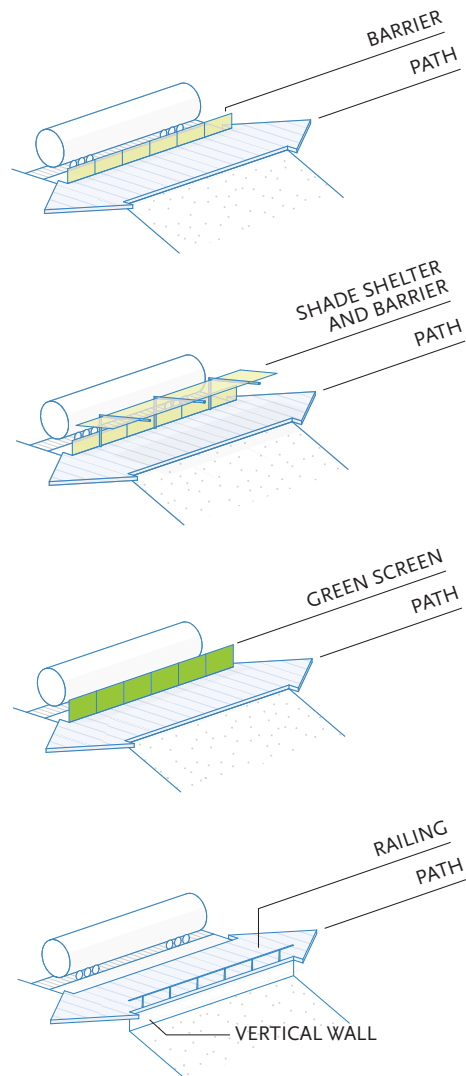
Urban trails typically transverse through a range of channel configurations, path types, and adjacent land uses. As a result, a toolkit of options is required in order to apply appropriate edge conditions to the unique circumstances along the path. Edge conditions comprise the range of treatments used to transition from the path of travel to space adjacent to the path. Edge conditions include shoulder buffers, screening, barriers, railing, and other visual and tactile cues to indicate the path of travel.¹ These treatments keep users from venturing off the path, protect users from hazards, delineate the path of travel where users are separated by direction, mode or speed, and enhance the comfort and attractiveness of the pathway.

Design Features

Shoulders should be a minimum of 2 feet wide 3 feet preferred) and constructed of the same material as the path or another durable surface.² Shoulders should be sloped at 2% to 5% away to reduce ponding and minimize debris on the path.² Three feet minimum is required where signage or other furnishings will be installed.³ A shoulder of at least 1 foot should be provided between the path and any fencing or barrier. Where the shoulder serves as a pedestrian path, a maximum cross slope of 2% is required to remain compliant with ADA regulations.

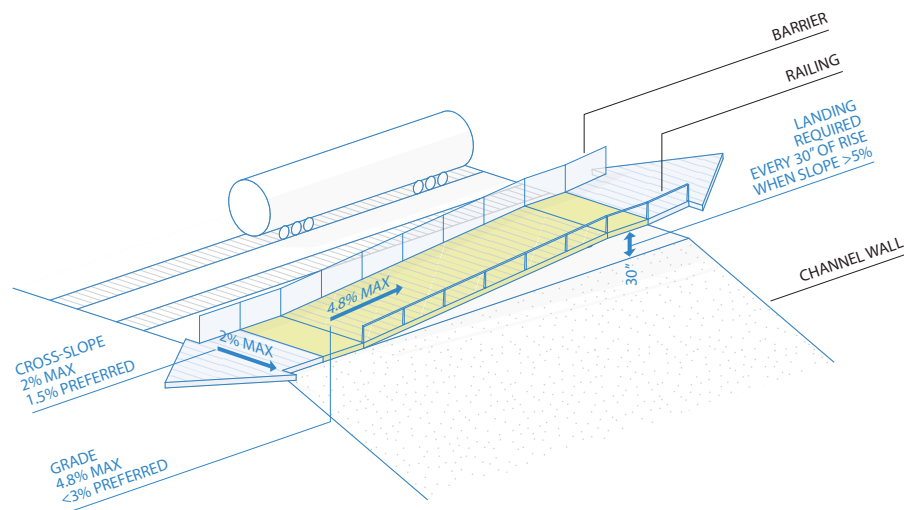
BARRIERS AND RAILINGS

Fences, walls, and railings will likely be a recurring element along the path to provide separation between the path and the channel edge, rail lines, and private property. In some areas, railings and/ or security fences will be on both sides of the path. For overcrossing structures, barrier and fence types are prescribed by Caltrans (e.g. Type 26 and Type 732 barriers)².



Ramps

Many urban trails with connections to the on-street network feature extensive vertical transitions and ramping due to the existing conditions of the corridor. A common example is having to pass over/ under an existing road or to ramp over adjacent rail lines to connect to an access point. At other locations it may be necessary to ramp up or down depending on the presence of physical obstacles, such as utility towers or existing structures. Vertical transitions are also necessary to satisfy minimum vertical clearance requirements for overcrossings and undercrossings.

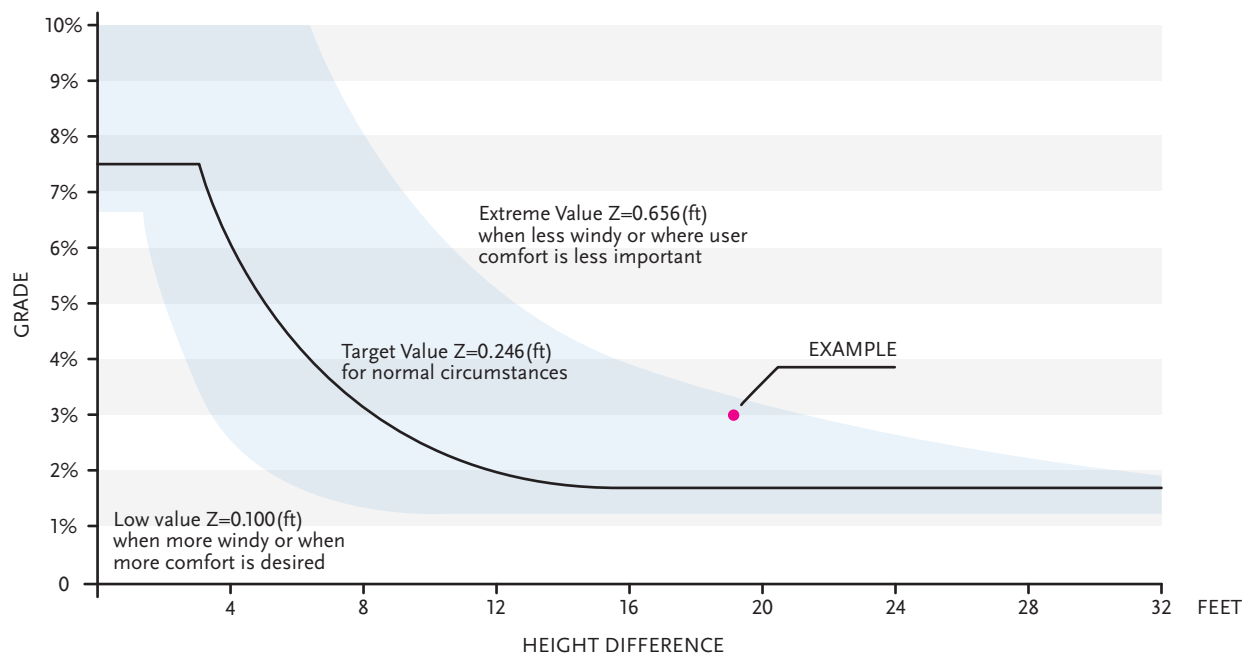


Design Features

The complexity of ramp design and construction will vary depending on the grade change, physical location of access points, the scale and orientation of path connectors, the proximity to competing structures (horizontal and vertical clearances), and budget. Compact ramp designs feature both horizontal and vertical transitions to facilitate comfortable transitions in constrained spaces. These include U-, S-, or Z-shaped ramps and spiraled ramps.

SLOPE/GRADE

Running slopes under 5% are typically employed along pathways as they do not qualify as a ramp and therefore are not subject to the ramp requirements set forth by ADAAG. Slopes of 4.8% are generally employed to account for inconsistencies in the construction process and ensure slopes do not exceed 5%. For ramps, the Slope Bandwidth formula¹ can be used to evaluate the relationship between factors such as average slope, elevation change, wind level, and user comfort. It is assumed that the longer and steeper a ramp, the more difficult path users will find it to traverse. A cross slope of 1.5% is preferred for drainage and accessibility, but may go up to 2% in constrained conditions.



However, the average slope of a ramp impacts user comfort significantly more than ramp length. The difficulty the user experiences while using a ramp can be calculated as the square of the average slope multiplied by its length, formulated as:

$$Z = (H/L)^2 \times L = H^2/L$$

or as the square of the height difference divided by its length, formulated as:

$$G = H/L = Z/H$$

where H = elevation change, L = length,

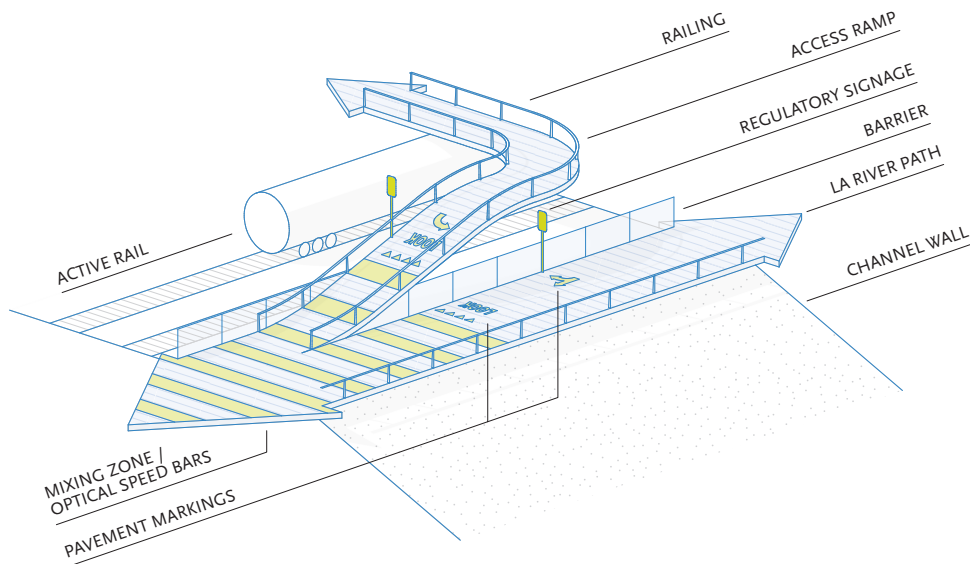
G = average slope, Z = difficulty for users.

The Slope Bandwidth graph shows that target ramp slopes that are believed to be comfortable for the average person bicycling should be between 1.75% and 7.5%. The lower limit slope is between 1.25% and 6.67% and the upper limit maximum slope is 10%. The steeper the slope, the shorter the distance it may be employed to maintain the same relative level of ease or difficulty to the user.

1 Dutch Design Manual for Bicycle and Pedestrian Bridges ipv Delft, 2015
Additional Resources
Caltrans HDM, 200, 300
UPRR and BNSF Guidelines for Railroad Grade Separation Projects, 4, 5
SCRRA Grade Separation Guidelines, 7

Path Transitions

Transitions occur where the path meets a roadway or railway, where one path typology meets another, such as when an elevated path transitions into an at-grade path or where separated path segments transition into shared environments. Transitions may also include horizontal shifts to avoid physical obstacles such as utility towers or other structures.



Design Features

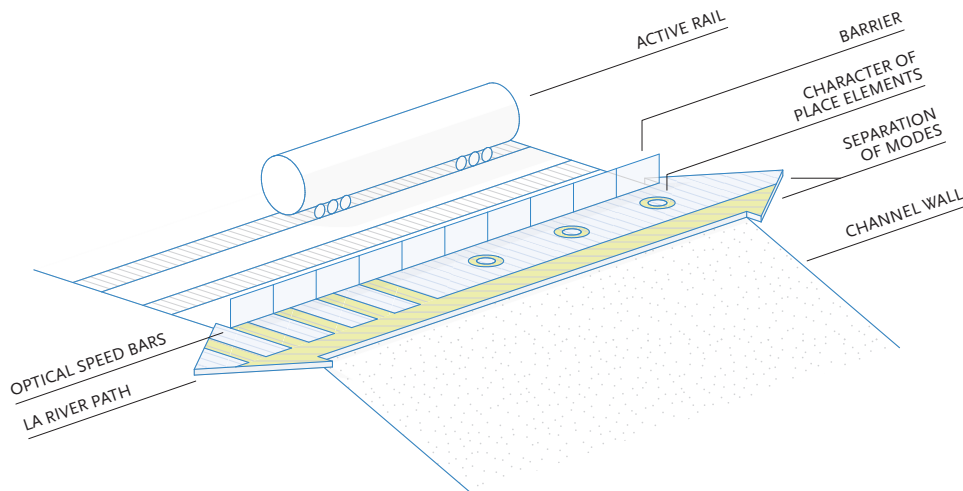
TYPOLGY TRANSITIONS

Design elements used to alert path users include pavement markings such as optical speed bars, zebra stripe crosswalks with yield/stop markings, and “LOOK” legends and arrows. Other visual indications include bike and pedestrian directional markings, centerlane striping, and the use of colored pavement to visually narrow or indicate a change in environment.

Tactile indications include speed humps, tactile speed bars, and the use of multiple surface types, such as concrete, asphalt, and pavers.

Advisory, regulatory, and/or wayfinding signage are should be considered at transition points. Physical treatments to alert and guide path users include traffic calming measures such as vertical and horizontal deflection.

Path Illumination is an important design element that must be considered along the path, but is especially important in transition zones.



MIXING ZONES

Mixing zones are necessary where physical space constraints do not allow for separated modes, or at locations along the path where a high level of cross-traffic is expected. Mixing zones need to provide clear indication to all users that a transition is occurring in advance of the change, so that path users can adjust their speeds and awareness appropriately to proceed carefully into the mixing zone (see Path Fundamentals: Sight Distances).

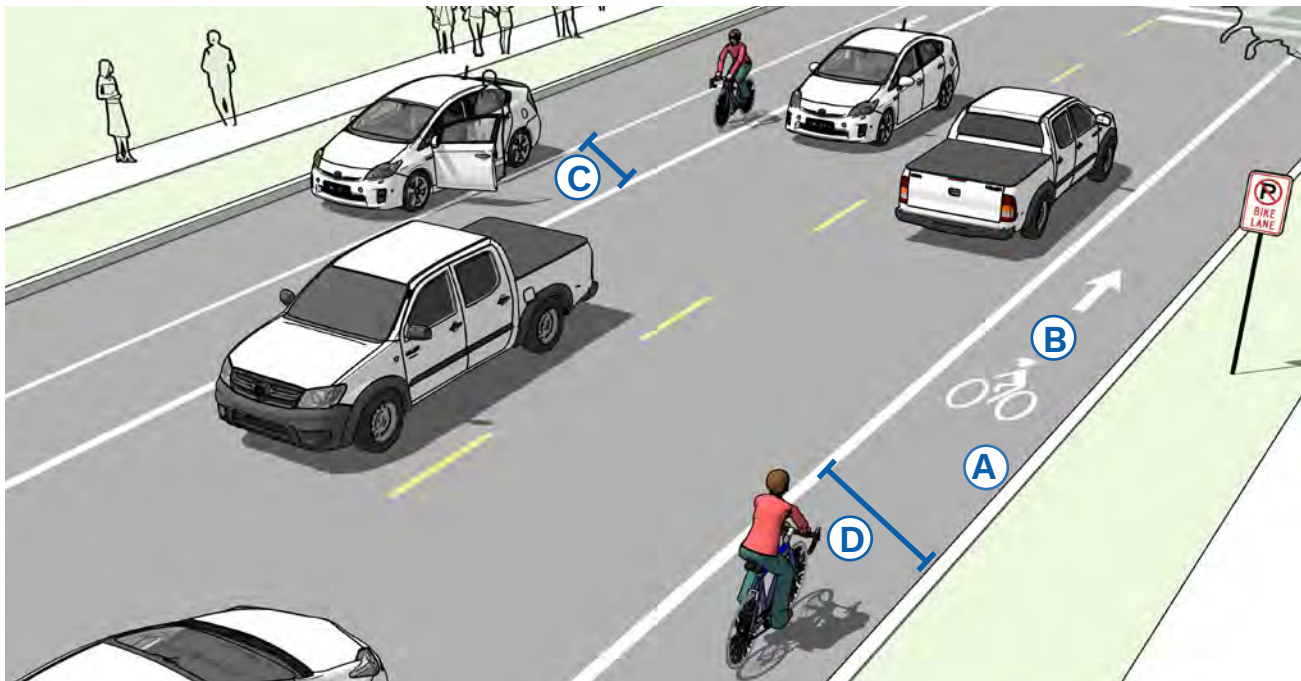
Advanced warning can be accomplished with advisory signage, pavement markings, and the use of contrasting surface treatments (e.g. pavers/inlays with contrasting tones/textures, striping, or a combination of these treatments). These design elements help to guide path users safely through the mixing zone by alerting users to the change in conditions and thus reducing the speed differential.

CLASS II BIKEWAYS: BIKE LANES



Class II Bikeways: Bicycle Lanes

On-street bike lanes (Class II Bikeways) designate an exclusive space for bicyclists through the use of pavement markings and signs. The bike lane is located directly adjacent to motor vehicle travel lanes and is used in the same direction as motor vehicle traffic. Bike lanes are typically on the right side of the street, between the adjacent travel lane and curb, road edge or parking lane.



Typical Use

- Bike lanes may be used on any street with adequate space, but are most effective on streets with moderate traffic volumes $\geq 6,000$ ADT ($\geq 3,000$ preferred).
- Bike lanes are most appropriate on streets with lower to moderate speeds ≥ 25 mph.
- Appropriate for skilled adult riders on most streets.
- May be appropriate for children when configured as 6+ ft wide lanes on lower-speed, lower-volume streets with one lane in each direction.

Design Features

- (A) Mark inside line with 6" stripe. (CA MUTCD 9C.04) Mark 4" parking lane line or "Ts".¹
- (B) Include a bicycle lane marking (CA MUTCD Figure 9C-3) at the beginning of blocks and at regular intervals along the route. (CA MUTCD 9C.04)
- (C) 6 foot width preferred adjacent to on-street parking, (5 foot min.)
- (D) 5–6 foot preferred adjacent to curb and gutter (4 foot min.) or 4 feet more than the gutter pan width.

¹ Studies have shown that marking the parking lane encourages people to park closer to the curb. FHWA. Bicycle Countermeasure Selection System. 2006.

Further Considerations

On high speed streets (≥ 40 mph) the minimum bike lane should be 6 feet. (HDM 301.2)

It may be desirable to reduce the width of general purpose travel lanes in order to add or widen bicycle lanes. (HDM 301.2 3)

On multi-lane streets, the most appropriate bicycle facility to provide for user comfort may be buffered bicycle lanes or physically separated bicycle lanes.

MANHOLE COVERS AND GRATES:

- Manhole surfaces should be manufactured with a shallow surface texture in the form of a tight, nonlinear pattern
- If manholes or other utility access boxes are to be located in bike lanes within 50 ft. of intersections or within 20 ft. of driveways or other bicycle access points, special manufactured permanent nonstick surfaces are required to ensure a controlled travel surface for cyclists breaking or turning.
- Manholes, drainage grates, or other obstacles should be set flush with the paved roadway. Roadway surface inconsistencies pose a threat to safe riding conditions for bicyclists. Construction of manholes, access panels or other drainage elements should be constructed with no variation in the surface. The maximum allowable tolerance in vertical roadway surface will be 1/4 of an inch.

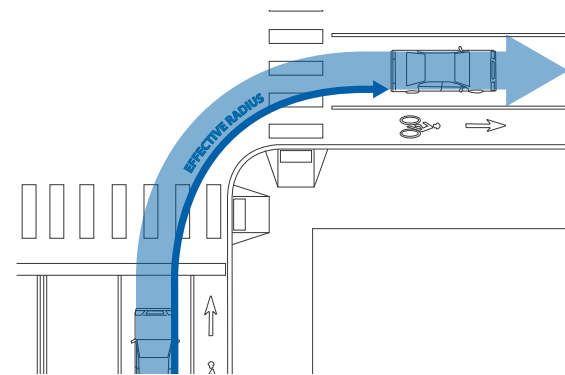
Materials and Maintenance

Bike lane striping and markings will require higher maintenance where vehicles frequently traverse over them at intersections, driveways,



Standard Class II Bike Lane

PLACE BIKE LANE SYMBOLS TO REDUCE WEAR



Bike lane word, symbol, and/or arrow markings (CAMUTCD Figure 9C-3) shall be placed outside of the motor vehicle tread path in order to minimize wear from the motor vehicle path. (NACTO 2012)

parking lanes, and along curved or constrained segments of roadway.

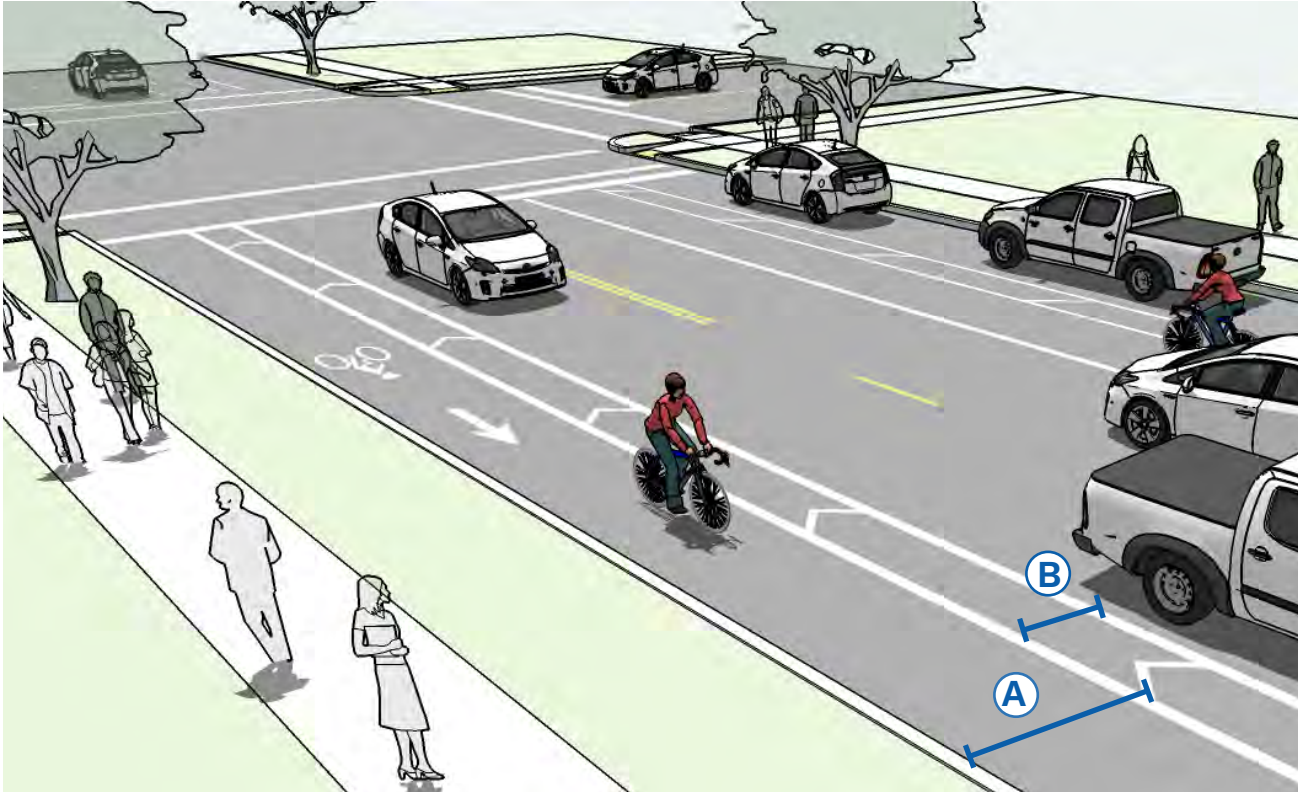
Bike lanes should also be maintained so that there are no pot holes, cracks, uneven surfaces or debris.

Approximate Cost

The cost for installing bicycle lanes will depend on the implementation approach. Typical costs are \$80,000 per mile for restriping bike lanes on both sides of the road.

Class II Bikeways: Buffered Bicycle Lanes

Buffered bike lanes are conventional bicycle lanes paired with a striped buffer space, separating the bicycle lane from the adjacent motor vehicle travel lane and/or parking lane.



Typical Use

- Anywhere a conventional bike lane is being considered.
- While conventional bike lanes are most appropriate on streets with lower to moderate speeds (≥ 25 mph), buffered bike lanes are appropriate on streets with higher speeds (≥ 25 mph) and high volumes or high truck volumes (up to 6,000 ADT).
- On streets with extra lanes or lane width.
- Appropriate for skilled adult riders on most streets.

Design Features

- A** The minimum bicycle travel area (not including buffer) is 5 feet wide.
- B** Buffers should be at least 2 feet wide. If buffer area is 4 feet or wider, white chevron or diagonal markings should be used. **(CA MUTCD 9C-104)**
 - For clarity at driveways or minor street crossings, consider a dotted line.
 - There is no standard for whether the buffer is configured on the parking side, the travel side, or a combination of both.



Buffered bike lane transitions into dotted green and white lane markings to indicate conflict point



The use of pavement markings delineates space for cyclists to ride in a comfortable facility.

Further Considerations

- Color may be used within the lane to discourage motorists from entering the buffered lane.
- A study of buffered bicycle lanes found that, in order to make the facilities successful, there needs to also be driver education, improved signage and proper pavement markings.¹
- On multi-lane streets with high vehicles speeds, the most appropriate bicycle facility to provide for user comfort may be physically separated bike lanes.
- NCHRP Report #766 recommends, when space is limited, installing a buffer space between the parking lane and bicycle lane where on-street parking is permitted rather than between the bicycle lane and vehicle travel lane.²

¹ Monsere, C.; McNeil, N.; and Dill, J., "Evaluation of Innovative Bicycle Facilities: SW Broadway Cycle Track and SW Stark/Oak Street Buffered Bike Lanes. Final Report" (2011). Urban Studies and Planning Faculty Publications and Presentations.

² National Cooperative Highway Research Program. Report #766: Recommended Bicycle Lane Widths for Various Roadway Characteristics.

Materials and Maintenance

Bike lane striping and markings will require higher maintenance where vehicles frequently traverse over them at intersections, driveways, parking lanes, and along curved or constrained segments of roadway.

Bike lanes should be maintained so that there are no pot holes, cracks, uneven surfaces or debris.

Approximate Cost

The cost for installing buffered bicycle lanes will depend on the implementation approach. Typical costs are a \$80,000 to \$425,000 per mile. However, the cost of large-scale bicycle treatments will vary greatly due to differences in project specifications and the scale and length of the treatment.

CLASS III BIKEWAYS: BIKE ROUTES



Class III Bikeway: Bicycle Boulevard

A Bicycle Boulevard is a low-speed, low-volume roadway that has been modified, as needed, to enhance comfort and convenience for people bicycling. It provides better conditions for bicycling while maintaining the neighborhood character and neighborhood and emergency vehicle access. Bicycle Boulevards are intended to serve as the primary low-stress bikeway network, providing direct, and convenient routes across Milpitas. Key elements of Bicycle Boulevards are unique signage and pavement markings, traffic calming and diversion features to maintain low vehicle volumes, and convenient major street crossings.



Typical Use

- Parallel with, and in close proximity to major thoroughfares (1/4 mile or less) on low-volume, low-speed streets.
- Follow a desire line for bicycle travel that is ideally long and relatively continuous (2-5 miles).
- Avoid alignments with excessive zigzag or circuitous routing. The bikeway should have less than 10% out of direction travel compared to shortest path of primary corridor.
- Local streets with traffic volumes of fewer than 1,500 vehicles per day. Utilize traffic calming to maintain or establish low volumes and discourage vehicle cut through / speeding.



Design Features

- » Signs and pavement markings are the minimum treatments necessary to designate a street as a bicycle boulevard.
- » Implement volume control treatments based on the context of the bicycle boulevard, using engineering judgment. Motor vehicle volumes should not exceed 1,500 vehicles per day.
- » Intersection crossings should be designed to enhance comfort and minimize delay for bicyclists, following crossing treatment progression to achieve Level of Traffic Stress 1 or 2.

Further Considerations

- » Bicycle boulevards are established on streets that improve connectivity to key destinations and provide a direct, low-stress route for bicyclists, with low motorized traffic volumes and speeds, designated and designed to give bicycle travel priority over other modes.
- » Bicycle boulevard retrofits to local streets are typically located on streets without existing signalized accommodation at crossings of collector and arterial



roadways. Without treatments for bicyclists, these intersections can become major barriers along the bicycle boulevard.

- » Traffic calming can deter motorists from driving on a street. Anticipate and monitor vehicle volumes on adjacent streets to determine whether traffic calming results in inappropriate volumes. Traffic calming can be implemented on a trial basis.

Materials and Maintenance

Bicycle boulevards require few additional maintenance requirements to local roadways. Signage, signals, and other traffic calming elements should be inspected and maintained according to local standards.

Approximate Cost

Costs vary depending on the type of treatments proposed for the corridor. Simple treatments such as wayfinding signage and markings are most cost-effective, but more intensive treatments will have greater impact at lowering speeds and volumes, at higher cost. Costs can range from \$75,000/mile on the simple end to \$140,000/mile for significant horizontal deflection and diversion.

Class III Bikeway: Traffic Calming

Traffic calming devices cause drivers to slow down by constricting the roadway space or by requiring careful maneuvering. Such measures may reduce the design speed of a street, and can be used in conjunction with reduced speed limits to reinforce the expectation of lowered speeds.



Application

- Neighborhood bikeways should have a maximum posted speed of 25 mph. Use traffic calming to maintain an 85th percentile speed below 22 mph.
- Maintain a minimum clear width of 14 feet with a constricted length of at least 20 feet in the direction of travel.
- Horizontal speed control measures should not infringe on bicycle space. Where possible, provide a bicycle route outside of the element so bicyclists can avoid having to merge into traffic at a narrow pinch point.
- Horizontal traffic calming devices cause drivers to slow down by constricting the roadway space or by requiring careful maneuvering. Such measures may reduce the design speed of a street, and can be used in conjunction with reduced speed limits to reinforce the expectation of lowered speeds.

Design Features

VERTICAL TRAFFIC CALMING

- Speed humps are raised areas usually placed in a series across both travel lanes. A 14' long hump reduces impacts to emergency vehicles. Speed humps can be challenging for bicyclists, gaps can be provided in the center or by the curb for bicyclists and to improve drainage. Speed humps can also be offset to accommodate emergency vehicles.
- Speed lumps or cushions have gaps to accommodate the wheel tracks of emergency vehicles.
- Speed tables are longer than speed humps and flat-topped. Raised crosswalks are speed tables that are marked and signed for a pedestrian crossing.
- For all vertical traffic calming, slopes should not exceed 1:10 or be less steep than 1:25. Tapers should be no greater than 1:6 to reduce the risk of bicyclists losing their balance. The vertical lip should be no more than a 1/4" high.



Speed hump with traffic circle sign.

HORIZONTAL TRAFFIC CALMING

- Maintain a minimum clear width of 20 feet (or 28 feet with parking on both sides), with a constricted length of at least 20 feet in the direction of travel.
- Chicanes are a series of raised or delineated curb extensions, edge islands, or parking bays on alternating sides of a street forming an “S”-shaped curb, which reduce vehicle speeds by requiring motorists to shift laterally through narrowed travel lanes.
- Pinchpoints are curb extensions placed on both sides of the street, narrowing the travel lane and encouraging all road users to slow down. When placed at intersections, pinchpoints are known as chokers or neckdowns. They reduce curb radii and further lower motor vehicle speeds.
- Traffic circles are raised or delineated islands placed at intersections that reduce vehicle speeds by narrowing turning radii and the travel lane. Traffic circles can also include a paved apron to accommodate the turning radii of larger vehicles like fire trucks or school buses.

Further Consideration

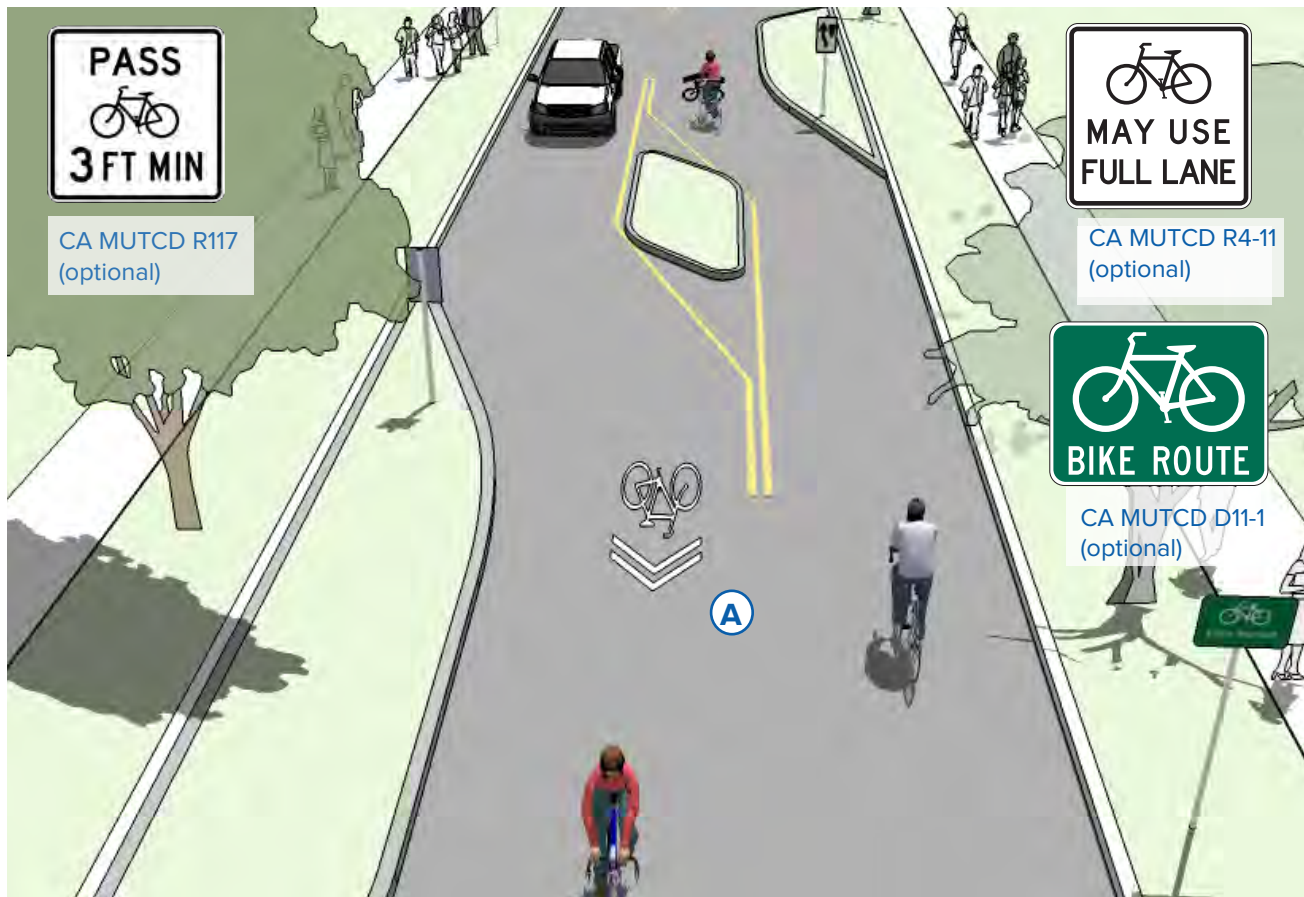
- Benefits of speed management include:
- Improves conditions for bicyclists, pedestrians, and residents along the neighborhood bikeway.
- Reduced travel speeds decrease the number of passing events between bicyclists and motor vehicles, reducing exposure risks.
- Reduced travel speeds result in reduced injury severity in the event of a collision.
- Emergency vehicle response times should be considered where vertical deflection is used. Because emergency vehicles have a wider wheel base than passenger cars, speed lumps/cushions allow them to pass unimpeded while slowing most other traffic.

References

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Class III Bikeway: Shared Lane Markings

Shared Lane Marking (SLM) or “Sharrow” stencils are used in California as an additional treatment for Bike Route facilities and are currently approved in conjunction with on-street parking. The CA MUTCD approved pavement marking can serve a number of purposes, such as making motorists aware of the need to share the road with bicyclists, showing bicyclists the direction of travel, and, with proper placement, reminding bicyclists to bike further from parked cars to prevent collisions with drivers opening car doors.



Typical Use

- Shared Lane Markings are not appropriate on paved shoulders or in bike lanes, and should not be used on roadways that have a posted speed greater than 35 mph.
- Shared Lane Markings should be implemented in conjunction with BIKES MAY USE FULL LANE signs (R4-11).

Design Features

- A** Placement in the center of the travel lane is preferred in constrained conditions.
- Markings should be placed immediately after intersections and spaced at 250 foot intervals thereafter.
- When placed adjacent to parking, markings should be outside of the “door zone”. Minimum placement is 11 feet from the curb face.



Sharrows also serve as positional guidance and raise bicycle awareness where there isn't space to accommodate a full-width bike lane. Center lane markings may or may not be necessary depending on travel lane widths. Narrower two way residential streets (less than 22 ft between parked cars) have a natural traffic calming effect without center turn lanes.

Further Considerations

Consider modifications to signal timing to induce a bicycle-friendly travel speed for all users.

Though not always possible, placing the markings outside of vehicle tire tracks will increase the life of the markings and the long-term cost of the treatment.

A green thermoplastic background can be applied to further increase the visibility of the shared lane marking.

A "Pass Bicycle 3 FT MIN" sign (R117(CA)) can be installed to indicate to drivers the required passing distance per California Vehicle Code section 21760.

Materials and Maintenance

Shared lane markings should be inspected annually and maintained accordingly, especially if located on roadways that feature high vehicle turning movements, or bus, or truck traffic. They can be placed in the center of the lane of travel to reduce wear from vehicles.

Approximate Cost

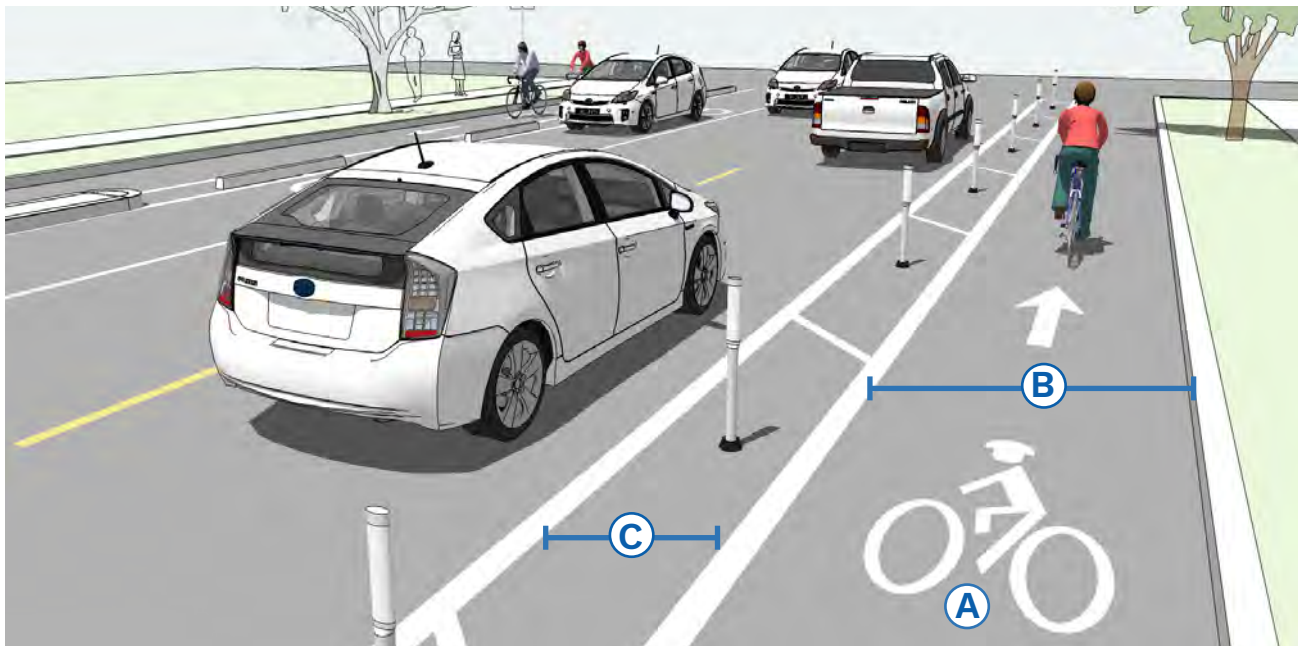
Sharrows typically cost \$200 per each marker for a lane-mile cost of \$4,200, assuming the CA MUTCD guidance of sharrow placement every 250 feet in each direction.

CLASS IV BIKEWAYS: PROTECTED BIKE LANES



Class IV Bikeway: One-Way Separated

One-way separated bikeways, also known as protected bikeways or cycle tracks, are on-street bikeway facilities that are separated from vehicle traffic. Physical separation is provided by a barrier between the bikeway and the vehicular travel lane. These barriers can include flexible posts, bollards, parking, planter strips, extruded curbs, or on-street parking. Separated bikeways using these barrier elements typically share the same elevation as adjacent travel lanes, but the bikeway could also be raised above street level, either below or equivalent to sidewalk level.



Typical Use

- Along streets on which conventional bicycle lanes would cause many bicyclists to feel stress because of factors such as multiple lanes, high bicycle volumes, high motor traffic volumes (9,000-30,000 ADT), higher traffic speeds (25+ mph), high incidence of double parking, higher truck traffic (10% of total ADT) and high parking turnover.
- Along streets for which conflicts at intersections can be effectively mitigated using parking lane setbacks, bicycle markings through the intersection, and other signalized intersection treatments.

Design Features

- A** Pavement markings, symbols and/or arrow markings must be placed at the beginning of the separated bikeway and at intervals along the facility based on engineering judgment to define the bike direction. ([CA MUTCD 9C.04](#))
- B** 7 foot width preferred in areas with high bicycle volumes or uphill sections to facilitate safe passing behavior (5 foot minimum). ([HDM 1003.1\(1\)](#))
- C** 3 foot minimum buffer width adjacent to parking lines (2 foot minimum when adjacent to travel lanes), marked with 2 solid white ([DIB 89, 2015](#)).



Parked cars serve as a barrier between bicyclists and the vehicle lane. Barriers could also include flexible posts, bollards, planters, or other design elements Source: Bike East Bay.

Further Considerations

Separated bikeway buffers and barriers are covered in the CAMUTCD as preferential lane markings ([section 3D.01](#)) and channelizing devices ([section 3H.01](#)). If the buffer area is 4 feet or wider, white chevron or diagonal markings should be used ([section 9C.04](#)). Curbs may be used as a channeling device, see the section on islands ([section 3I.01](#)). Grade-separation provides an enhanced level of separation in addition to buffers and other barrier types.

- Where possible, physical barriers such as removable curbs should be oriented towards the inside edge of the buffer to provide as much extra width as possible for bicycle use.
- A retrofit separated bikeway has a relatively low implementation cost compared to road reconstruction by making use of existing pavement and drainage and using a parking lane as a barrier.
- Gutters, drainage outlets and utility covers should be designed and configured as not to impact bicycle travel.

For clarity at major or minor street crossings, consider a dotted line ([CA MUTCD Detail 39A - Bike Lane Intersection Line](#)) for the buffer boundary where cars are expected to cross.

- Special consideration should be given at transit stops to manage bicycle and pedestrian interactions.

Materials and Maintenance

Bikeway striping and markings will require higher maintenance where vehicles frequently traverse over them at intersections, driveways, parking lanes, and along curved or constrained segments of roadway. Green conflict striping (if used) will also generally require higher maintenance due to vehicle wear.

Bikeways should be maintained so that there are no pot holes, cracks, uneven surfaces or debris.

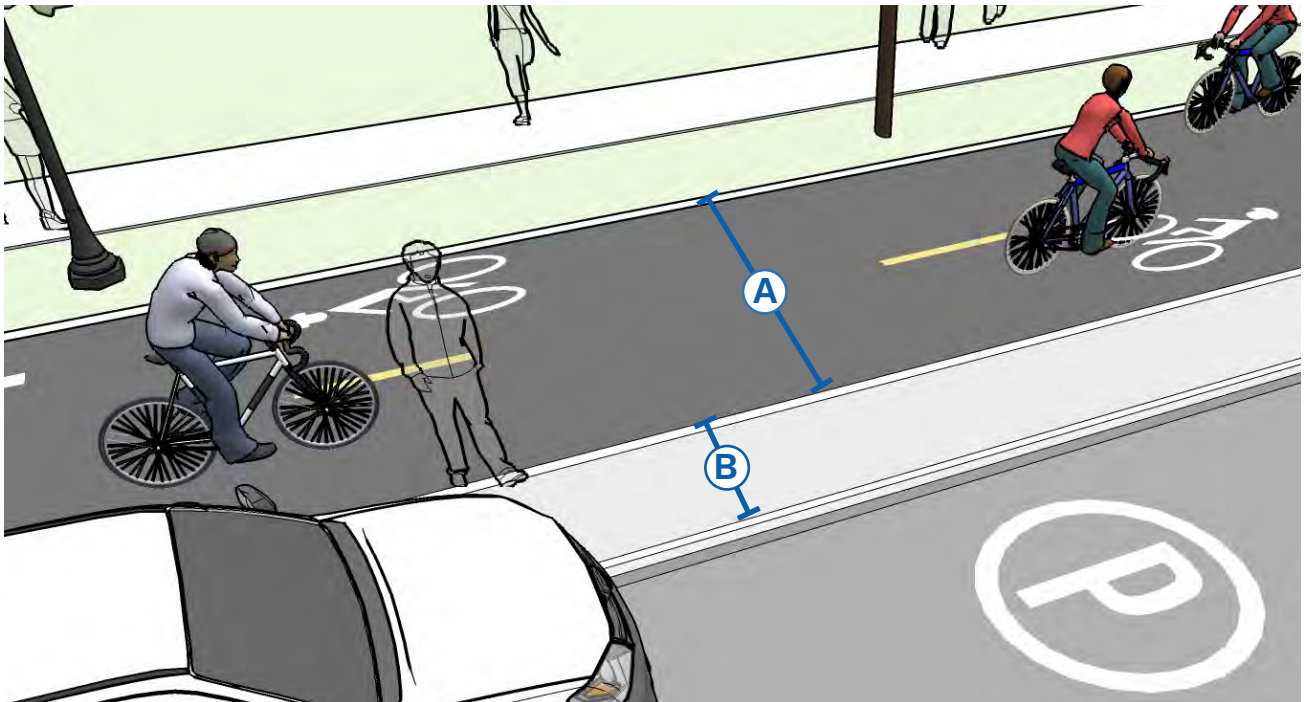
Access points along the facility should be provided for street sweeper vehicles to enter/exit the separated bikeway,

Approximate Cost

Separated bikeway construction costs can vary drastically depending on the type of separation used, the amount of new curb and gutter, stormwater mitigation, and crossing treatments. On the lower end of the scale, construction of a striped parking protected bikeway without delineators or other vertical elements can cost as little as \$250,000 to \$350,000 per mile.

Class IV Bikeway: Two-Way Separated

Two-Way Separated Bikeways are bicycle facilities that allow bicycle movement in both directions on one side of the road. Two-way separated bikeways share some of the same design characteristics as one-way separated bikeways, but often require additional considerations at driveway and side-street crossings, and intersections with other bikeways.



Typical Use

- Works best on the left side of one-way streets.
- Streets with high motor vehicle volumes and/or speeds
- Streets with high bicycle volumes.
- Streets with a high incidence of wrong-way bicycle riding.
- Streets with few conflicts such as driveways or cross-streets on one side of the street.
- Streets that connect to shared use paths.

Design Features

- A** 12 foot operating width preferred (10 ft minimum) width for two-way facility.
 - In constrained locations an 8 foot minimum operating width may be considered ([HDM 1003.1\(1\)](#)).
- B** Adjacent to on-street parking a 3 foot minimum width channelized buffer or island shall be provided to accommodate opening doors ([NACTO, 2012](#)) ([CA MUTCD 3H.01, 3I.01](#)).
 - A separation narrower than 5 feet may be permitted if a physical barrier is present. ([AASHTO, 2013](#))

TWO-WAY SEPARATED BIKEWAY



A two-way facility can accommodate cyclists in two directions of travel.

- Additional signalization and signs may be necessary to manage conflicts.

Further Considerations

- On-street bikeway buffers and barriers are covered in the CA MUTCD as preferential lane markings ([section 3D.01](#)) and channelizing devices, including flexible delineators ([section 3H.01](#)). Curbs may be used as a channeling device, see the section on islands ([section 3I.01](#)).
- A two-way separated bikeway on one way street should be located on the left side.
- A two-way separated bikeway may be configured at street level or as a raised separated bikeway with vertical separation from the adjacent travel lane.
- Two-way separated bikeways should ideally be placed along streets with long blocks and few driveways or mid-block access points for motor vehicles.
- See Caltrans Design Information Bulletin No. 89 for more details.

Materials and Maintenance

Bikeway striping and markings will require higher maintenance where vehicles frequently traverse over them at intersections, driveways, parking lanes, and along curved or constrained segments of roadway. Green conflict striping (if used) will also generally require higher maintenance due to vehicle wear.

Bikeways should be maintained so that there are no pot holes, cracks, uneven surfaces or debris.

Access points along the facility should be provided for street sweeper vehicles to enter/exit the separated bikeway.

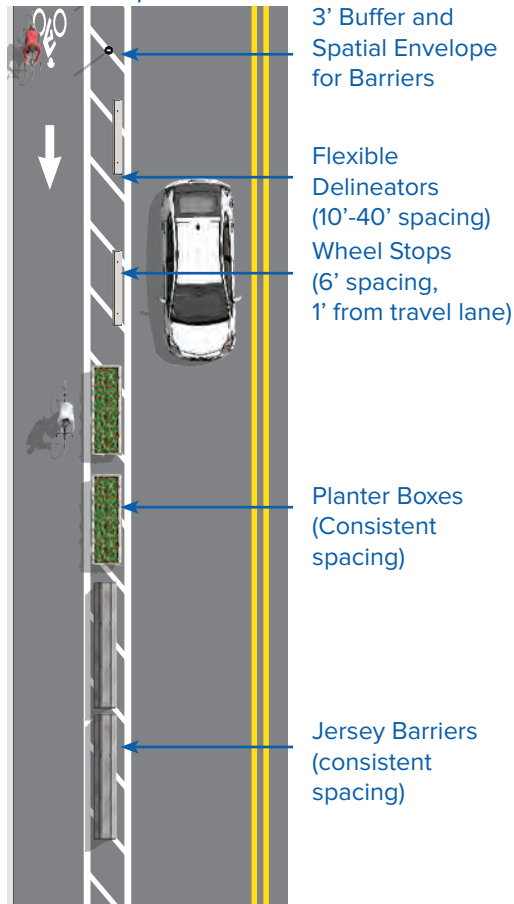
Approximate Cost

Separated bikeway construction costs can vary drastically depending on the type of separation used, the amount of new curb and gutter, stormwater mitigation, and crossing treatments. On the lower end of the scale, construction of a striped parking protected bikeway with delineators or other vertical elements can cost as little as \$310,000 per mile.

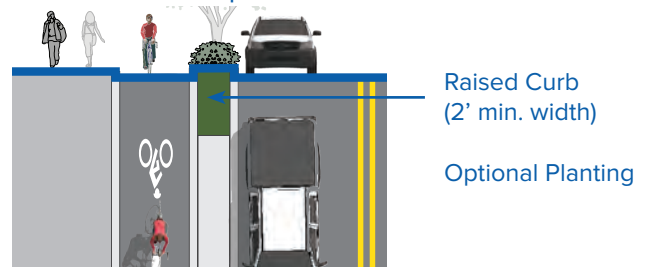
Class IV Separated Bikeway Barriers

Separated bikeways may use a variety of vertical elements to physically separate the bikeway from adjacent travel lanes. Barriers may be robust constructed elements such as curbs, or may be more interim in nature, such as flexible delineator posts.

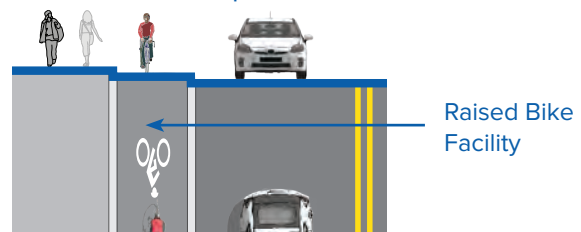
Barrier Separation



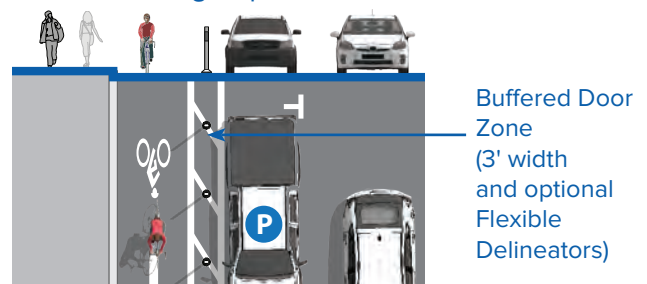
Media Separation



Grade Separation



Parking Separation



Typical Use

APPROPRIATE BARRIERS FOR RETROFIT PROJECTS:

- Parked Cars
- Flexible delineators
- Bollards
- Planters
- Parking stops

APPROPRIATE BARRIERS FOR RECONSTRUCTION PROJECTS:

- Curb separation
- Medians
- Landscaped Medians
- Raised separated bike lane with vertical or mountable curb
- Pedestrian Refuge Islands



Raised separated bikeway configurations around driveways and transit stops

Design Features

- Maximize effective operating space by placing curbs or delineator posts as far from the through bikeway space as practicable.
- Allow for adequate shy distance of 1 to 2 feet from vertical elements to maximize useful space.
- When next to parking allow for 3 feet of space in the buffer space to allow for opening doors and passenger unloading.
- Parking should be prohibited within 30 feet of the intersection to improve visibility.

Materials and Maintenance

Separated bikeways protected by concrete islands or other permanent physical separation, can be swept by smaller street sweeper vehicles.

Access points along the facility should be provided for street sweeper vehicles to enter/exit the separated bikeway.

Further Considerations

- Separated bikeway buffers and barriers are covered in the CA MUTCD as preferential lane markings (**section 3D.01**) and channelizing devices (**section 3H.01**). Curbs may be used as a channeling device, see the section on islands (**section 3I.01**).
- With new roadway construction a raised separated bikeway can be less expensive to construct than a wide or buffered bicycle lane because of shallower trenching and sub base requirements.
- The presences of landscaping in medians, planters and safety islands increases comfort for users and enhances the streetscape environment.

Approximate Cost

Separated bikeway barrier material costs can vary greatly, depending on the type of material, the scale, and whether it is part of a broader construction project.

SUPPORTING FACILITIES



Bike Parking

Bicyclists expect a safe, convenient place to secure their bicycle when they reach their destination. This may be short-term parking of 2 hours or less, or long-term parking for employees, students, residents, and commuters.



Typical Application

- Bike racks provide short-term bicycle parking and is meant to accommodate visitors, customers, and others expected to depart within two hours. It should be an approved standard rack, appropriate location and placement, and weather protection.
- On-street bike corrals (also known as on-street bicycle parking) consist of bicycle racks grouped together in a common area within the street traditionally used for automobile parking. Bicycle corrals are reserved exclusively for bicycle parking and provide a relatively inexpensive solution to providing high-volume bicycle parking. Bicycle corrals can be implemented by converting one or two on-street motor vehicle parking spaces into on-street bicycle parking. Each motor vehicle parking space can be replaced with approximately 6-10 bicycle parking spaces.
- Bicycle lockers are intended to provide long-term bicycle storage for employees, students, residents, commuters, and others expected to park more than two hours. Long-term facilities protect the entire bicycle, its components and accessories against theft and against inclement weather, including snow and wind-driven rain.
- A Secure parking Area for bicycles, also known as a BikeSPA or Bike & Ride (when located at transit stations), is a semi-enclosed space that offers a higher level of security than ordinary bike racks. Accessible via key-card, combination locks, or keys, BikeSPAs provide high-capacity parking for 10 to 100 or more bicycles. Increased security measures create an additional transportation option for those whose biggest concern is theft and vulnerability.



Bike Racks and Bike Lockers



Secure Parking Area

Design Features

BIKE RACKS

- 2 feet minimum from the curb face to avoid 'dooring.'
- 4 feet between racks to provide maneuvering room.
- Locate close to destinations; 50 feet maximum distance from main building entrance.
- Minimum clear distance of 6 feet should be provided between the bicycle rack and the property line.

BIKE CORRALS

- Bicyclists should have an entrance width from the roadway of 5-6 feet.
- Can be used with parallel or angled parking.
- Parking stalls adjacent to curb extensions are good candidates for bicycle corrals since the concrete extension serves as delimitation on one side.

BIKE LOCKERS

- Minimum dimensions: width (opening) 2.5 feet; height 4 feet; depth 6 feet.
- 4 foot side clearance and 6 foot end clearance.
- 7 foot minimum distance between facing lockers.

SECURE PARKING AREA

- Closed-circuit television monitoring with secure access for users.
- Double high racks & cargo bike spaces.
- Bike repair station with bench and bike tube and maintenance item vending machine.
- Bike lock "hitching post" – allows people to leave bike locks.

Construction Costs

Costs can vary based on the design and materials used. Bicycle rack costs can range from approximately \$60 to \$3,600, depending on design and materials used. On average the cost is approximately \$660. Bicycle lockers costs range from \$1,280 to \$2,680, and secure parking areas are approximately \$250,000

Wayfinding Sign Types

The ability to navigate through a city is informed by landmarks, natural features and other visual cues. Signs throughout the city should indicate to bicyclists the direction of travel, the locations of destinations and the travel time/distance to those destinations. A bicycle wayfinding system consists of comprehensive signing and/or pavement markings to guide bicyclists to their destinations along preferred bicycle routes.

Typical Application

- Wayfinding signs will increase users' comfort and accessibility to the bicycle systems.
- Signage can serve both wayfinding and safety purposes including:
- Helping to familiarize users with the bicycle network
- Helping users identify the best routes to destinations
- Helping to address misperceptions about time and distance
- Helping overcome a "barrier to entry" for people who are not frequent bicyclists (e.g., "interested but concerned" bicyclists)

Design Features

- Confirmation signs indicate to bicyclists that they are on a designated bikeway. Make motorists aware of the bicycle route. Can include destinations and distance/time but do not include arrows.
- Turn signs indicate where a bikeway turns from one street onto another street. These can be used with pavement markings and include destinations and arrows.
- Decisions signs indicate the junction of two or more bikeways and inform bicyclists of

the designated bike route to access key destinations. These include destinations, arrows and distances. Travel times are optional but recommended.

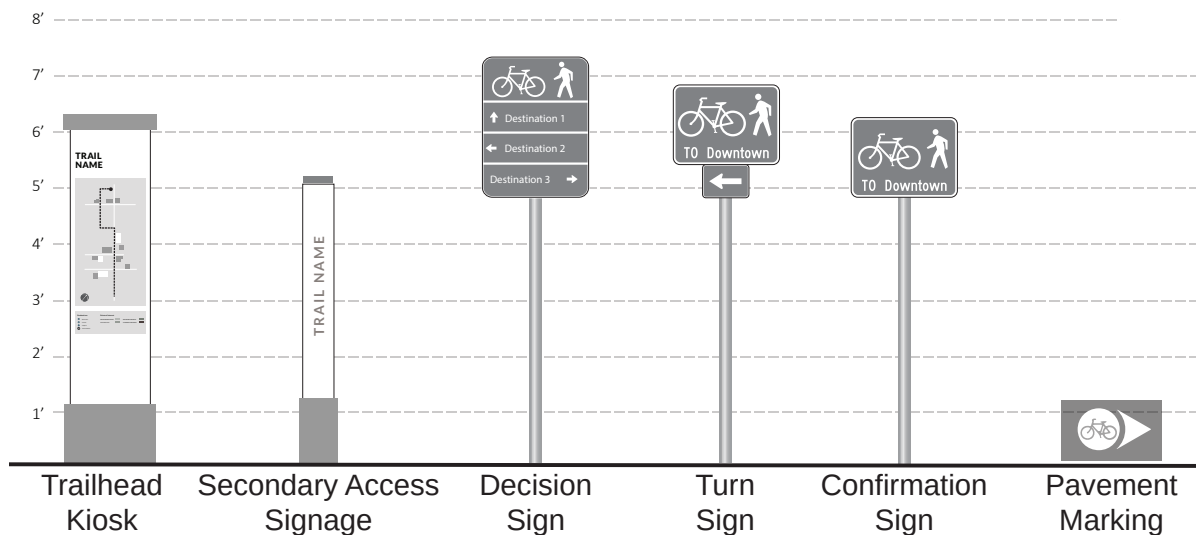
Further Considerations

- Bicycle wayfinding signs also visually cue motorists that they are driving along a bicycle route and should use caution. Signs are typically placed at key locations leading to and along bicycle routes, including the intersection of multiple routes.
- Too many road signs tend to clutter the right-of-way, and it is recommended that these signs be posted at a level most visible to bicyclists rather than per vehicle signage standards.
- A community-wide bicycle wayfinding signage plan would identify:
- Sign locations
- Sign type – what information should be included and design features
- Destinations to be highlighted on each sign – key destinations for bicyclists
- Approximate distance and travel time to each destination

- Green is the color used for directional guidance and is the most common color of bicycle wayfinding signage in the US, including those in the CAMUTCD.
- Check wayfinding signage along bikeways for signs of vandalism, graffiti, or normal wear and replace signage along the bikeway network as-needed.

Approximate Cost

Trail wayfinding signs range from \$500-\$2000.



ENHANCED CROSSING TREATMENTS



Marked Crosswalks

A marked crosswalk signals to motorists that they must stop for pedestrians and encourages pedestrians to cross at designated locations. Installing crosswalks alone will not necessarily make crossings safer especially on multi-lane roadways. At mid-block locations, crosswalks can be marked where there is a demand for crossing and there are no nearby marked crosswalks.

Typical Application

All crosswalks should be marked at controlled intersections. At uncontrolled intersections, crosswalks should be marked under the following conditions:

- At a complex intersection, to orient pedestrians in finding their way across.
- At an offset intersection, to show pedestrians the shortest route across traffic with the least exposure to vehicular traffic and traffic conflicts.
- At an intersection with visibility constraints, to position pedestrians where they can best be seen by oncoming traffic.
- At an intersection within a school zone on a walking route.

Design Features

- The crosswalk should be located to align as closely as possible with the through pedestrian zone of the sidewalk corridor
- The landing at the top of a ramp shall be at least 4 feet long and at least the same width as the ramp itself.
- The ramp shall slope no more than 8.33%, with a maximum cross slope of 2.0%.
- If the ramp runs directly into a crosswalk, the landing at the bottom will be in the roadway.
- If the ramp lands on a dropped landing within the sidewalk or corner area where someone in a wheelchair may have to change direction, the landing must be a minimum of 5'-0" long and at least as wide as the ramp itself.



Further Considerations

Continental crosswalk markings should be used at crossings with high pedestrian use or where vulnerable pedestrians are expected, including: school crossings, across arterial streets for pedestrian-only signals, at mid-block crosswalks, and at intersections where there is expected high pedestrian use and the crossing is not controlled by signals or stop signs. High-visibility crosswalks are not appropriate for all locations. See intersection signalization for a discussion of enhancing pedestrian crossings.

Because the effectiveness of marked crossings depends entirely on their visibility, maintaining marked crossings should be a high priority. Thermoplastic markings offer increased durability than conventional paint.

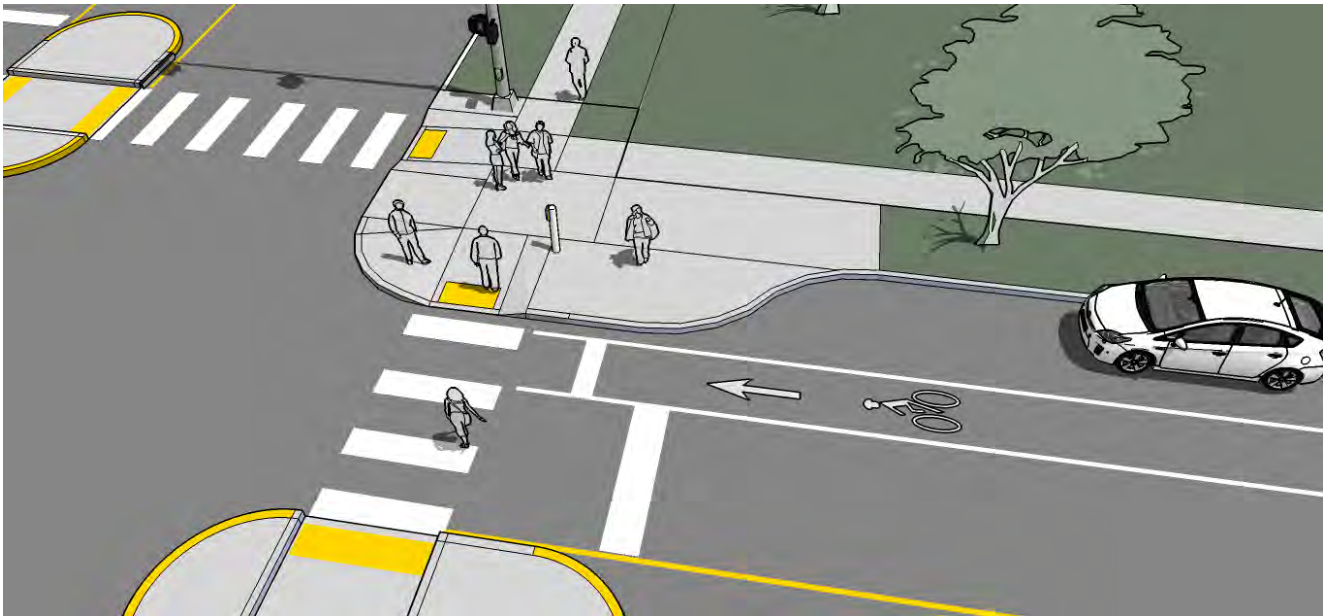
in order to require a three-stage pedestrian crossing. Intersections with three-stage crossings lead to arduous and increased crossing distances, pedestrian frustration, encourages jaywalking, and exhibits modal bias favoring motor vehicle level-of-service over other modes.

Approximate Cost

Standard transverse marked crosswalks range from approximately \$1,500 to \$3000 per intersection leg. High-visibility crosswalks, such as Continental-style crossings, can range from \$2,500 to \$5,000 per intersection leg

Curb Extensions

Curb extensions minimize pedestrian exposure during crossing by shortening crossing distance and giving pedestrians a better chance to see and be seen before committing to crossing.



Typical Application

- Within parking lanes appropriate for any crosswalk where it is desirable to shorten the crossing distance and there is a parking lane adjacent to the curb.
- May be possible within non-travel areas on roadways with excess space.
- Particularly helpful at midblock crossing locations.
- Curb extensions should not impede bicycle travel in the absence of a bike lane.
- When a bike lane is present, the curb extensions should terminate one foot short of the parking lane to maximize bicyclist safety.
- Reduces pedestrian crossing distance by 6-8 ft.
- Planted curb extensions may be designed as a bioswale for stormwater management.

Design Features

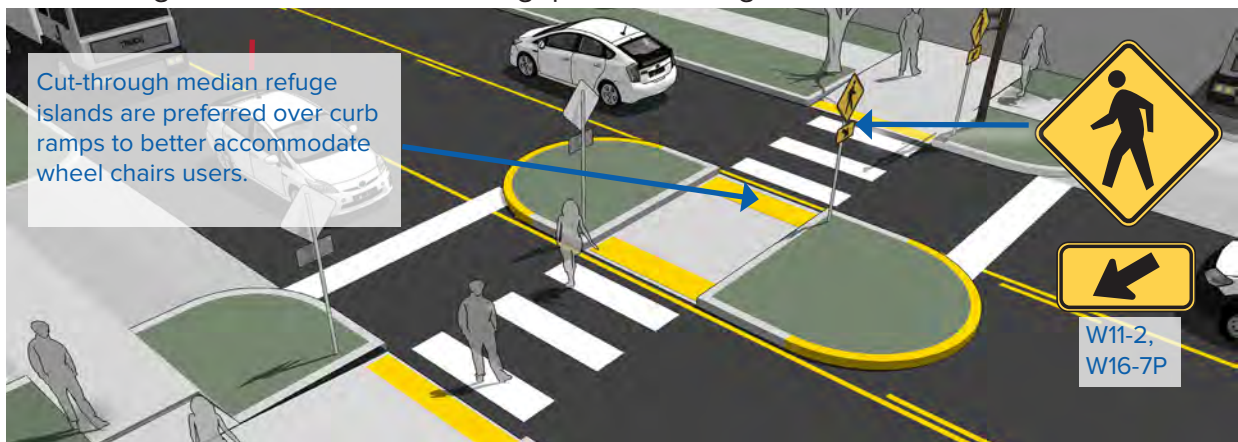
- For purposes of efficient street sweeping, the minimum radius for the reverse curves of the transition is 10 ft and the two radii should be balanced to be nearly equal.

Approximate Cost

The cost of a curb extension can range from \$10,000 to \$40,000 depending on the design and site condition, with the typical cost approximately \$13,000. .

Median Refuge Islands

Median refuge islands are located at the mid-point of a marked crossing and help improve pedestrian access by increasing pedestrian visibility and allowing pedestrians to cross one direction of traffic at a time. Refuge islands minimize pedestrian exposure at mid-block crossings by shortening the crossing distance and increasing the number of available gaps for crossing.



Typical Use

- Refuge islands can be applied on any roadway with a left turn center lane or median that is at least 6' wide (to accommodate wheelchair users) and at least 20' long (40' minimum preferred). Islands are appropriate at signalized or unsignalized crosswalks.
- The refuge island must be accessible, preferably with an at-grade passage through the island rather than ramps and landings.
- Provide double centerline marking, reflectors, and "KEEP RIGHT" signage (CA MUTCD R4-7a) in the island on streets with posted speeds above 25 mph.

Design Features

- Median refuge islands can be installed on roadways with existing medians or on multi-lane roadways where adequate space exists

- Median Refuge Islands should always be paired with crosswalks, and should include advance pedestrian warning signage when installed at uncontrolled crossings.
- On multi-lane roadways, consider configuration with active warning beacons for improved yielding compliance.

Materials and Maintenance

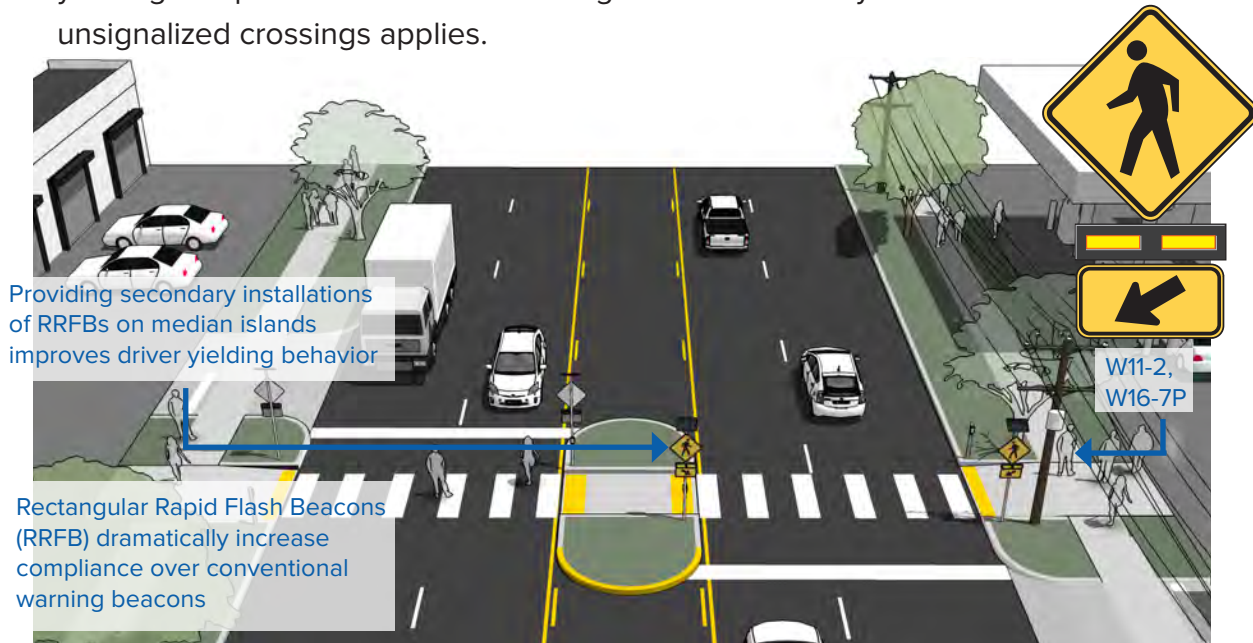
Refuge islands may require frequent maintenance of road debris. Trees and plantings in a landscaped median must be maintained so as not to impair visibility, and should be no higher than 1 foot 6 inches.

Approximate Cost

The approximate cost to install a median refuge island ranges from \$10,000 to \$40,000, depending on the design, site conditions, landscaping, and whether the median can be added as a part of a larger street reconstruction project or utility upgrade.

Rectangular Rapid Flashing Beacons (RRFB)

Rectangular Rapid Flash Beacons (RRFB) are a type of active warning beacon used at unsignalized crossings. They are designed to increase motor vehicle yielding compliance on multi-lane or high-volume roadways. Guidance for marked/unsignalized crossings applies.



Typical Use

RRFBs are typically activated by pedestrians manually with a push button, or can be actuated automatically with passive detection systems.

RRFBs shall not be used at crosswalks controlled by YIELD signs, STOP signs, or traffic control signals.

RRFBs shall initiate operation based on user actuation and shall cease operation at a predetermined time after the user actuation or, with passive detection, after the user clears the crosswalk.

Materials and Maintenance

RRFBs should be regularly maintained to ensure that all lights and detection hardware are functional.

Design Features

Guidance for marked/unsignalized crossings applies.

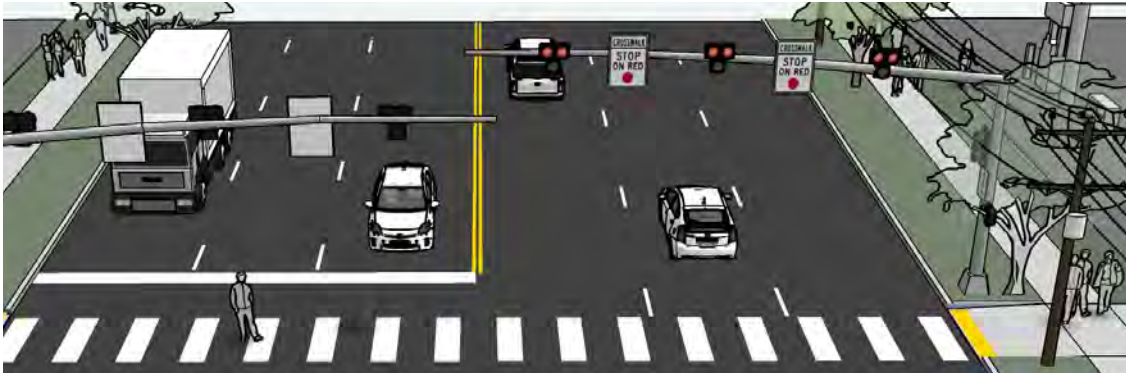
- A study of the effectiveness of going from a no-beacon arrangement to a two-beacon RRFB installation increased yielding from 18 percent to 81 percent. A four-beacon arrangement raised compliance to 88%. Additional studies of long term installations show little to no decrease in yielding behavior over time.
- See FHWA Interim Approval 21 (IA-21) for more information on device application standards.

Approximate Cost

RRFBs range in price from \$14,000 to \$50,000 for a solar powered unit depending on the location, width of the road and other factors.

Pedestrian Hybrid Beacon (HAWK)

Hybrid beacons or High-Intensity Activated Crosswalk (HAWK) beacons are used to improve unsignalized intersections or midblock crossings of major streets. It consists of a signal head with two red lenses over a single yellow lens on the major street, and a pedestrian signal head for the crosswalk. The signal is only activated when a pedestrian and/or bicyclist is present, resulting in minimal delay for motor vehicle traffic.



Typical Use

HAWK beacons are only used at marked mid-block crossings or unsignalized intersections. They are typically activated with a pedestrian pushbutton at each end. If a median refuge island is used at the crossing, another pedestrian pushbutton can be located on the island to create a two-stage crossing.

Design Features

- Hybrid beacons may be installed without meeting traffic signal control warrants if roadway speed and volumes are excessive for comfortable pedestrian crossings.
- If installed within a signal system, signal engineers should evaluate the need for the hybrid signal to be coordinated with other signals.

HAWK beacons should be installed at least 100 feet from side streets or driveways that are controlled by STOP or YIELD signs. Parking and other sight obstructions should be prohibited for at least 100 feet in advance of and at least 20 feet beyond the marked crosswalk to provide adequate sight distance. ([CA MUTCD 4F](#))

Further Considerations

- HAWK beacons may also be actuated by infrared, microwave, or video detectors.
- Each crossing, regardless of traffic speed or volume, requires additional review by a registered engineer to identify sight lines, potential impacts on traffic progression, timing with adjacent signals, capacity, and safety.
- The installation of HAWK beacons should also include public education and enforcement campaigns to ensure proper use and compliance.

Materials and Maintenance

Hybrid beacons are subject to the same maintenance needs and requirements as standard traffic signals. Signing and striping need to be maintained to help users understand any unfamiliar traffic control.

Approximate Cost

Hybrid beacons are more expensive than other beacons, ranging in costs from \$50,000 to \$130,000, but are generally less expensive than full signals.

Bike Detection and Actuation

Bicycle detection and actuation is used to alert the signal controller of bicycle crossing demand on a particular approach. Proper bicycle detection should meet two primary criteria: accurately detects bicyclists and provides clear guidance to bicyclists on how to actuate detection (e.g., what button to push, where to stand).

Typical Application

- At signalized intersections within bicycle lanes or general purpose travel Lanes
- At signalized intersections within left turn lanes used by bicyclists
- At signalized intersections within separated bike lanes.
- In conjunction with active warning beacons and pedestrian hybrid beacons.
- having to maneuver to the side of the road to trigger a push button.
- Loops should be sensitive enough to detect bicycles should be supplemented with pavement markings to instruct bicyclists how to trip them.
- The CAMUTCD provides guidance on stencil markings and signage related to signal detection.

Design Features

PUSH BUTTON ACTUATION

- User-activated button mounted on a pole facing the street.
- The location of the device should not require bicyclists to dismount or be rerouted out of the way or onto the sidewalk to activate the phase. Signage should supplement the signal to alert bicyclists of the required activation to prompt the green phase.

LOOP DETECTORS

- Loop detectors are bicycle-activated and installed within the roadway to allow the presence of a bicycle to trigger a change in the traffic signal. This allows the bicyclist to stay within the lane of travel without

VIDEO DETECTION

- Video detection systems use digital image processing to detect a change in the image at a location. These systems can be calibrated to detect bicycle, although there may be detection issues during poor lighting and weather conditions.
- Remote Traffic Microwave Sensor Detection (RTMS)
- RTMS is a system which uses frequency modulated continuous wave radio signals to detect objects in the roadway. This method marks the detected object with a time code to determine its distance from the sensor.
- The RTMS system is unaffected by temperature and lighting, which can affect standard video detection.



User-activated button mounted on a pole



Bicycle loop detection

Further Considerations

- Bicycle loops and other detection mechanisms can also provide bicyclists with an extended green time before the light turns yellow so that bicyclists of all abilities can reach the far side of the intersection.
- User comprehension of the bicycle detector Pavement markings is low, although some treatments show promise in increasing proper usage. Researchers at Portland State University found that 23.5% of bicyclists correctly positioned themselves over the stand-alone marking, use increased to 34.8% when the marking was paired with a R10-22 sign, and increased further to 48.4% when installed over a green background .

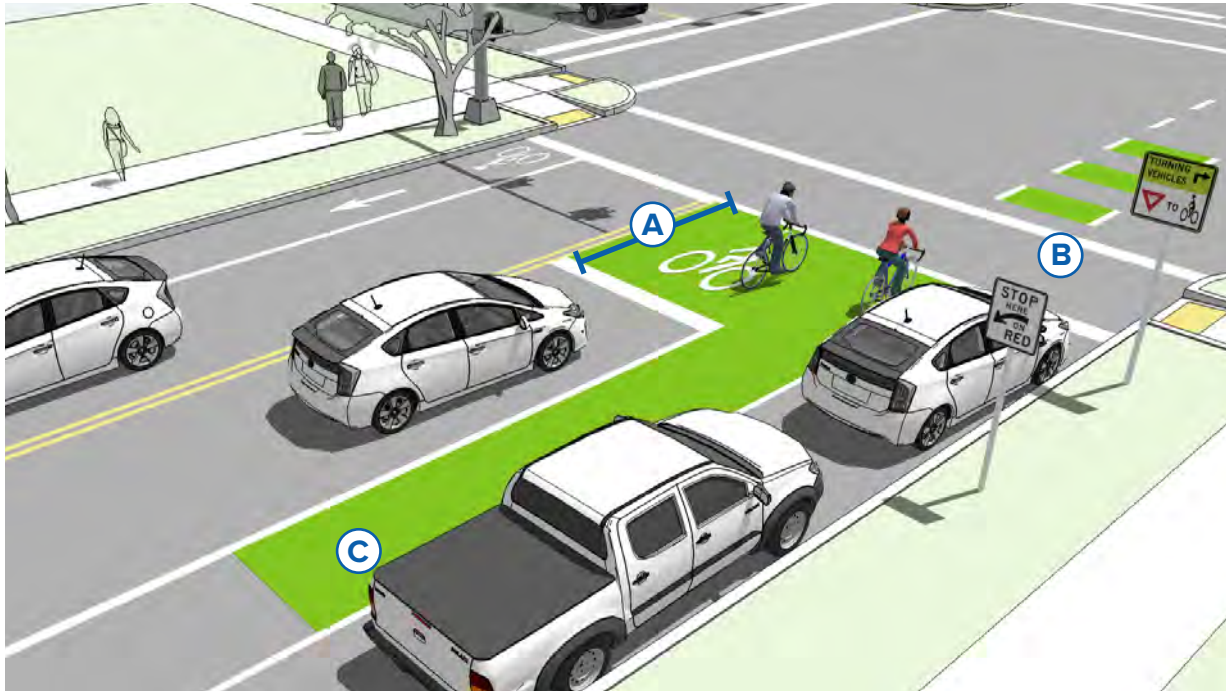
Approximate Cost

Costs vary depending on the type of technology used, but bicycle loop detectors embedded in the pavement are \$2,000 on average, and can range from \$1,500 to \$3,000

Video detection camera system costs range from \$20,000 to \$25,000 per intersection.

Bicycle Box

A bicycle box is an experimental treatment, designed to provide bicyclists with a safe and visible space to get in front of queuing traffic during the red signal phase. Motor vehicles must queue behind the white stop line at the rear of the bike box. On a green signal, all bicyclists can quickly clear the intersection. This treatment is currently under experiment, and has not been approved by Caltrans.



Typical Use

- At potential areas of conflict between bicyclists and turning vehicles, such as a right or left turn locations.
- At signalized intersections with high bicycle volumes.
- At signalized intersections with high vehicle volumes.
- Not to be used on downhill approaches to minimize the right hook threat potential during the stale green signal phase.

Design Features

- (A)** 14 foot minimum depth from back of crosswalk to motor vehicle stop bar. **(NACTO, 2012)**
- (B)** A “No Turn on Red” (**CA MUTCD R10-11**) or “No Right Turn on Red” (**CA MUTCD R13A**) sign shall be installed overhead to prevent vehicles from entering the Bike Box. (Refer to CVC 22101 for the signage) A “Stop Here on Red” (**CA MUTCD R10-6**) sign should be post mounted at the stop line to reinforce observance of the stop line.
- (C)** A 50 foot ingress lane should be used to provide access to the box.
 - Use of green colored pavement is recommended.



A bike box allows for cyclists to wait in front of queuing traffic, providing high visibility and a head start over motor vehicle traffic.

Further Considerations

- This treatment positions bicycles together and on a green signal, all bicyclists can quickly clear the intersection, minimizing conflict and delay to transit or other traffic.
- Pedestrian also benefit from bike boxes, as they experience reduced vehicle encroachment into the crosswalk.
- Bike boxes are currently under experiment in California. Projects will be required to go through an official Request to Experiment process. This process is outlined in Section 1A.10 in the CAMUTCD, and jurisdictions must receive approval prior to implementation.

Materials and Maintenance

Bike boxes are subject to high vehicle wear, especially turning passenger vehicles, buses, and heavy trucks. As a result, bike boxes with green coloring will require more frequent replacement over time. The life of the green coloring will depend on vehicle volumes and turning movements, but Thermoplastic is generally a more durable material than paint.

Approximate Cost

Costs will vary due to the type of paint or thermoplastic used and the size of the bike box, as well as whether the treatment is added at the same time as other road treatments.

Typical costs range from \$1.20/sq. ft. installed for paint to \$14/sq. ft. installed for Thermoplastic.

Two-Stage Turn Boxes

Two- stage turn boxes offer bicyclists a safe way to make turns at multi-lane signalized intersections from a physically separated or conventional bike lane.

On separated bike lanes, bicyclists are often unable to merge into traffic to turn due to physical separation, making the provision of two-stage turn boxes critical.

Typical Application

- Streets with high vehicle speeds and/or traffic volumes.
- At intersections of multi-lane roads with signalized intersections.
- At signalized intersections with a high number of bicyclists making a left turn from a right side facility.
- Preferred treatment to assist turning maneuvers on bike lanes, instead of requiring bicyclists to merge to make a vehicular left turn.
- Required for protected bikeways to assist left turns from a right side facility, or right turns from a left side facility.

Design Features

- The two-stage turn box shall be placed in a protected area. Typically this is within the shadow of an on-street parking lane or protected bike lane buffer area and should be placed in front of the crosswalk to avoid conflict with pedestrians.
- 8 foot x 6 foot preferred dimensions of bicycle storage area (6 foot x 3 foot minimum).
- Bicycle stencil and turn arrow pavement markings shall be used to indicate proper bicycle direction and positioning. (NACTO, 2012)

Further Considerations

- Consider providing a “No Turn on Red” (CAMUTCD R10-11) on the cross street to prevent motor vehicles from entering the turn box.
- This design formalizes a maneuver called a “box turn” or “pedestrian style turn.”
- Some two-stage turn box designs are considered experimental by FHWA and is not currently under experiment in California.
- Design guidance for two-stage turns apply to both bike lanes and separated bike lanes.
- Two-stage turn boxes reduce conflicts in multiple ways; from keeping bicyclists from queuing in a bike lane or crosswalk and by separating turning bicyclists from through bicyclists.
- Bicyclist capacity of a two-stage turn box is influenced by physical dimension (how many bicyclists it can contain) and signal phasing (how frequently the box clears.)



Materials and Maintenance

Turn boxes may subject to high vehicle wear, especially turning passenger vehicles, buses, and heavy trucks. As a result, bike boxes with green coloring will require more frequent replacement over time. The life of the green coloring will depend on vehicle volumes and turning movements, but Thermoplastic is generally a more durable material than paint.

Approximate Cost

Costs will vary due to the type of paint used and the size of the two-stage turn box, as well as whether the treatment is added at the same time as other road treatments.

Typical costs range from \$1.20/sq. ft. installed for paint to \$14/sq. ft. installed for Thermoplastic.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Discussion regarding desired service levels to inform the FY 2021-22 Budget Development and Prioritization of Additional Workplan Items
Category:	Leadership and Support Services
Meeting Date:	02/02/2021
Staff Contact:	Ashwini Kantak, 408-586-3053 and Walter C. Rossmann, 408-586-3111
Recommendation:	Discuss and provide input regarding desired service levels to inform the FY 2021-22 Budget Development and Prioritization of Additional Workplan Items.

Background:

On January 26, 2021 the Council kicked off the annual budget process with the preliminary budget study session. At the study session, staff presented the Preliminary FY 2022-31 Ten-Year General Fund Financial Forecast (Forecast), the budget community engagement plan, reports on accomplishments, workplans, operational challenges and budget considerations by City Service Areas (CSA) and requested prioritization of additional workplan items.

Per the Forecast, staff projects a \$7.5 million shortfall for FY 2021-22 and \$4.1 million for FY 2022-23 with a structural deficit of \$4.0 million for the next two years. Per the Council approved COVID-19 Response Strategies and Guidelines, the structural deficit needs to be eliminated within the next two fiscal years.

Analysis:

Due to the comprehensive staff presentations, Council had insufficient time to discuss staff's budget considerations and the prioritization of additional workplan items. Therefore, these discussions are continued to the February 2nd City Council meeting.

FY 2021-22 Proposed Budget – Review of Budget Considerations

In order to solve the structural deficit of approximately \$4 million, staff presented budget considerations by CSA for Council input (attached). Since the majority of the General Fund expenditures are personnel costs (86%), these budget considerations focus heavily on reducing staffing levels across CSAs. Further, 55% of the FY 2021-22 Base Budget is allocated to fund public safety services. Although, as discussed at the January 26 Study Session, the community's top priority is public safety, the budget considerations to close the projected deficits include delaying the implementation of services and temporarily reducing staffing in the Fire and Police Departments.

At the February 2nd Council meeting, staff will summarize the budget considerations from the Study Session and request Council input on service levels changes in order to develop the FY 2021-22 Proposed Budget. To prepare for the discussion, below are some questions for your consideration:

1. Based on information about staff's budget considerations, do you have any feedback for staff as we develop the proposed FY 2021-22 budget?
2. As we evaluate reducing some community facing programs such as community events, recreation classes, or passport service, based on anticipated service demand, past community interest, or duplication of services, is there anything specific you would like us to consider?
3. As we evaluate delaying the planned roll-out of any new programs or services, is there anything specific

you would like us to consider?

City Council Requests

In preparation of eminent staff level reductions, consistent with the Council approved COVID-19 Response Strategies and Guidelines, staff instituted a hiring freeze except for essential positions needed to deliver critical services to the community and to respond to the pandemic and its economic and financial impact. Holding positions vacant has impacted service delivery across the organization and reduced capacity to respond to Council Agenda item requests received during City Council meetings.

Therefore, staff seeks feedback on Council Agenda item requests recently referred by Council consensus. In preparation for this discussion, attached, please find a list of Council Agenda item requests.

Based on a request by Councilmember Chua and direction from the full Council at the January 19th Council Meeting, the agenda item requests are categorized by the four-hour staff time rule and identify the responsible department(s) and City Council priority area(s). Since many of these requests have not yet been discussed in detail, staff has made an attempt to note alignment with Council priority areas to the extent possible, but recognize that these will need to be updated based on input from the Councilmembers making the specific requests. Council priority areas for requests submitted via the agenda item request forms to the past Rules Subcommittee have been noted in the list. Additionally, in the attached list, staff is presenting all Council requests by topic, Councilmember requestor, date of request, staff involvement beyond four hours, department lead, Council priority area and item status.

The items have been grouped into four categories differentiated by level of effort and status of the agenda request as outlined below:

Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.

Group 2 – Items that have not been initiated but will require less than 4 hours of staff work

Group 3 – Items that are currently underway and/or already included in workplan

Group 4 – Items that have been completed or withdrawn

For this agenda item, staff will bring forward Group 1 items (listed on the spreadsheet) for discussion with the Council and will seek Council feedback with the following questions:

1. Which items would Council like staff to bring back for prioritization in March, with additional information on estimated costs and resource needs?
2. Which items, if any, would Council like to defer to FY 2022-23 given the City's fiscal situation and reduced staff capacity?
3. Which items, if any, would Council like to not pursue at this time given the City's fiscal situation and reduced staff capacity?

For items that Council would like additional information on, staff will develop cost estimates and resource requirements and bring forward to Council in March, for prioritization. Based on the direction from the prioritization session, staff will further evaluate funding and resource impacts on existing services, if any, and will bring those forward as part of the Proposed FY 2021-2022 Budget study session in May.

Fiscal Impact:

Not applicable

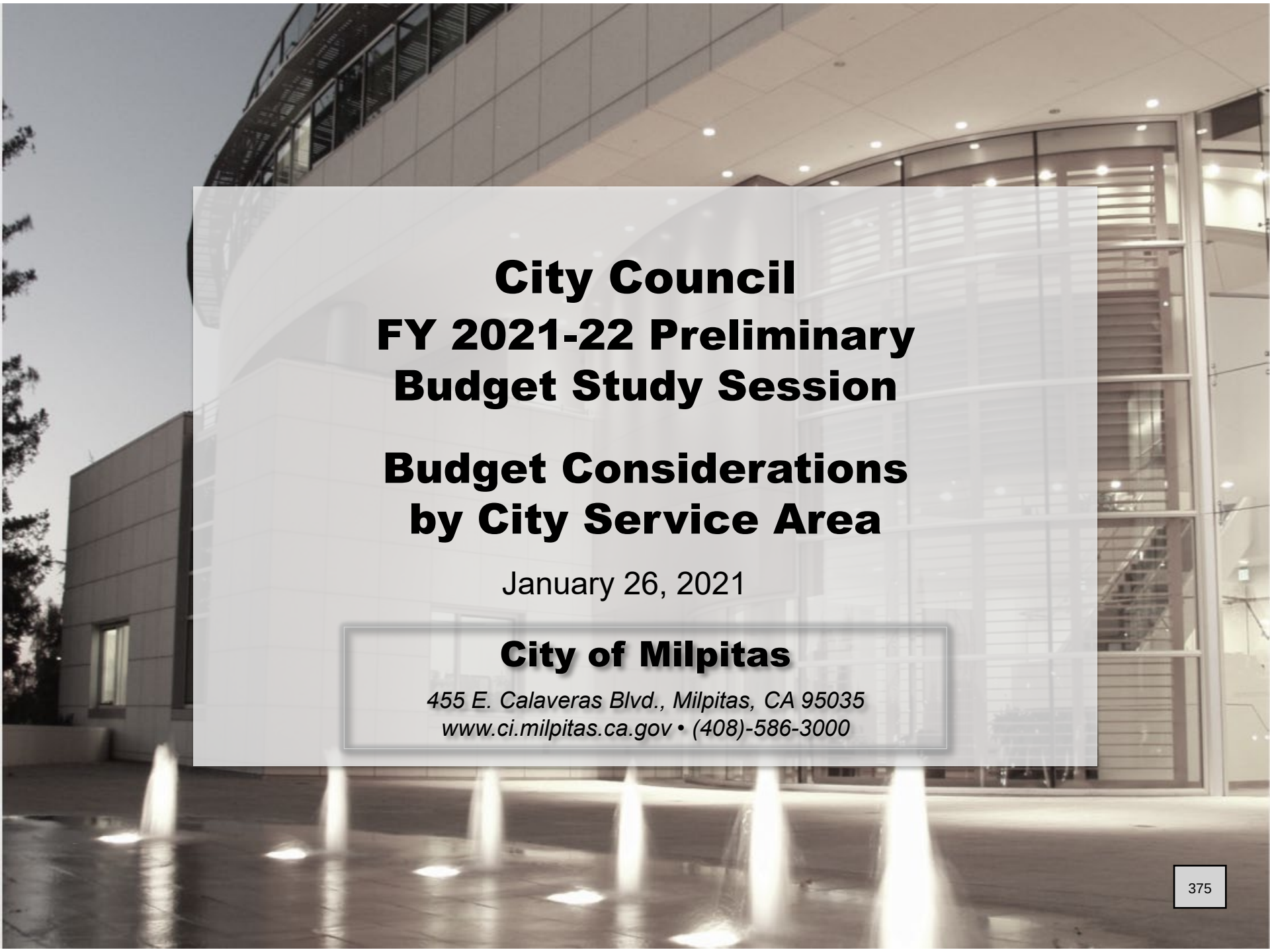
Recommendation:

Discuss and provide input regarding desired service levels to inform the FY 2021-22 Budget Development and Prioritization of Additional Workplan Items.

Attachments:

Budget Considerations by CSA

List of Agenda Item Requests



City Council FY 2021-22 Preliminary Budget Study Session

Budget Considerations by City Service Area

January 26, 2021

City of Milpitas

455 E. Calaveras Blvd., Milpitas, CA 95035
www.ci.milpitas.ca.gov • (408)-586-3000

Public Safety

- Temporarily reduce staffing in Fire Prevention
- Delay the deployment of the ambulance
- Temporarily reduce staffing in Police with minimal operational impact
- Identify additional funding (approx. \$300,000) to procure Police/Fire/EOC Mobile Command and alternative Dispatch Center Vehicle (75% of funding has been identified)



Community Services and Sustainable Infrastructure

- Align contract class offerings, Sports Center programs and Senior Center programs to anticipated lower demand
- Discontinue some community events, based on community interest and attendance
- Cancel 2021 4th of July celebration due to COVID-19 gathering restrictions
- Continue to fund at the current amount, could result in reduced library hours due to decreased funding levels from the County
- Temporarily reduce staffing capacity in Facility Maintenance and Recreation



Community Development

- Reduce staff capacity in Land Development
- Potentially reduce staff capacity in Planning
- Reduce temporary staff funding in Planning
- Eliminate the career-entry building safety program
- Consider establishing a Business Improvement District (BID) for Main Street infrastructure improvements, branding (historic district), etc.



Leadership and Support Services

- Reduce staff capacity for risk, debt and investment management
- Reduce temporary staff funding in Finance
- Temporarily reduce analytical staff capacity in Information Technology
- Temporarily reduce administrative capacity in Human Resources
- Potentially reduce administrative staff capacity in the Offices of the City Manager and City Clerk
- Suspend Passport Services
- Potentially reduce funding for contractual services
- Based on Council direction, add funding for a citywide implicit bias training



City Council Priorities



Community Wellness and Open Space

Continue to provide parks and amenities for people of all ages and abilities to enjoy higher levels of physical and mental health.



Economic Development and Job Growth

Continue to strengthen our economic foundations that support community prosperity and opportunity while ensuring a sustainable and livable city.



Environment

Promote a sustainable community and protect the natural environment.



Governance and Administration

Continue to streamline processes for enhanced service and remain committed to long-term fiscal discipline and financial stewardship.



Neighborhoods and Housing

Continue to explore innovative approaches to incentivize affordable housing projects, collaborate with key stakeholders to care for our most vulnerable populations, and support and engage neighborhoods through dedicated programs and services.



Public Safety

Continue to invest in police and fire protection, in partnership with our community.



Transportation and Transit

Continue to seek and develop collaborative solutions to meet the transportation challenges facing our community and our region.

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.							
1	Return of Worker Recall Protection	Dominguez	1/19/2021	Yes	CMO, CAO		Target date for discussion 3/2/2021
2	Vaccine distribution plan - add testing locations and expedite mass vaccine distribution	Phan	1/19/2021	Yes	CMO, Fire		Discuss at a future Council meeting
3	Discuss impacts fees for Midtown	Montano	1/5/2021	Yes	CMO, Planning, Engineering, Finance		Work on Specific Plan anticipated to start in summer 2021
4	Amend Accessory Dwelling Units (ADU) ordinance to address unpermitted ADUs	Chua	1/5/2021	Yes	Planning, Building/ Housing		Target date: 3/16/2021
5	Revise Community Garden Strategy	Dominguez	1/5/2021	Yes	Rec. & Comm. Services		Target date: 3/2/2021
6	Pollination protection	Dominguez	1/5/2021	Yes	CMO		Target date: 2/2/2021
7	Schedule and host a "Milpitas Business Expo" in late 2021	Chua	12/15/2020	Yes	Econ. Dev.		Target date for event in late 2021
8	Form "Beautify Milpitas" subcommittee - for a future Task Force or Commission	Chua	12/15/2020	Yes	CMO, PW		Similar to item 20 - work to be initiated after the pandemic

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.							
9	Amend ordinance to remove affordable housing in-lieu fee	Chua	12/15/2020	Yes	Building/ Housing, CAO		Agendized on 1/5/21, CC direction to agendize for further meeting.
10	Consider "Old Town" Main St. revitalization, funding, economic dev., improve area	Montano	12/15/2020	Yes	CMO, Planning, Engineering, Finance		Same as item 3 - plan to initiate work on this plan in summer 2021
11	Ordinance to ban vaping in the City	Montano	12/15/2020	Yes	Planning, Rec. & Comm. Services, CAO		Similar to item 23
12	Economic Development Corporation (EDC)	Montano	12/15/2020 and 01/05/2021	Yes	CMO, Econ. Dev.		Target date: 1/26/2021
13	Propose building height limits in area east of Milpitas Blvd.	Tran	12/15/2020	Yes	Planning		Target date for Council discussion mid 2021
14	Review City policy on speed bumps	Tran	12/15/2020	Yes	Engineering		To be brought to Transportation Subcommittee
15	Consider satellite consular offices (post Covid)	Montano	6/2/2020	Yes	CMO		To be brought forward post COVID
16	Establish a Day Worker Program	Montano	6/16/2020	Yes	CMO		Mayor & Vice Mayor to brainstorm in future

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 1 – Items that have not been initiated; will require more than four hours of staff time; and may require additional funding or resources.							
17	Discuss a "safety first" or other event in lieu of National Night Out (per CAC)	Phan (Nuñez)	10/20/2020	Yes	Building/ Housing, Police		On 1/15, voted to 2021 @ Public Safety month, new Police Chief
18	Consider using "Milpitas Hills" for City branding	Dominguez	10/20/2020	Yes	Econ. Dev.		To Econ. Dev. Commission first. Return later to City Council
19	Discussion/staff report on Beautify Milpitas, graffiti abatement, resources	Montano	6/30/2020	Yes	CMO, PW		8/18/20: Directed staff to develop program requiring min. staff resource & return to CC
20	Consider change in term limits for Mayor + Councilmembers	Montano	6/16/2020	Yes	CMO, CAO		8/4/2020: Voted 3 -2 to pursue in 2021, after 2020 election
21	Community Workforce Agreement (PLA)	Nuñez	2/18/2020	Yes	CMO, CAO, Engineering		8/4/2020: directed staff to come to Council with negotiated agreement, will need further
22	No on possible ban on vaping, yes on restricting smoking in multi-unit bldgs	Montano	1/7/2020	Yes	Planning, Rec. & Comm. Services, CAO		Ordinance pending. Discussed 3/03/2020 Affirmed 6/02/2020

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 2 – items that have not been initiated but will require less than 4 hours of staff time							
23	Update on trash problems in homeless camps	Chua	1/19/2021	No	PW	  	Staff will provide Info Memo; Info Memo sent 1/24/2021
24	BMR Homes sub-lease option during COVID-19	Chua	1/19/2021	No	CAO, Building and Housing		Staff will provide Info Memo
25	PG&E power outage plan presentation to Council	Tran	1/19/2021	No	CMO		To be agendized for a future meeting
26	Update on planning grant for ADU marketing.	Chua	1/5/2021	No	Planning		Target date: 3/16/2021
27	Establish "ADU Mondays"	Chua	1/5/2021	No	Planning, Building/ Housing		Target date: 3/16/2021
Group 3 – items that are currently underway and/or already included in workplan							
28	Emergency power resources during COVID-19	Phan	1/19/2021	N/A	Recreation, Fire		Staff is working on this
29	Plan to put utility fines into a fund to help small businesses in the City	Montano	12/15/2020	N/A	Finance		Target date: 2/2/21

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 3 – items that are currently underway and/or already included in workplan							
30	Performance Evaluation (Contract) of City Attorney	Tran	1/5/2021	N/A	Council, CAO		For 2/2/2021 closed session item
31	Postponement (not waiver) of City business fees towards spring	Tran	1/5/2021	N/A	Finance		Target date: 2/2/2021
32	Discussion of Minute Man as City's image, when City branding comes back	Phan	8/18/2020	N/A	CMO		Discuss when report on "Community Identify and Brand Study" is on CC agenda in 2021
33	Bring back update report & discuss status of playing fields for girls' softball in Milpitas	Dominguez	10/20/2020	N/A	CMO, Recreation		To City/Schools Subcomm. then CC. See C. Montano 10/14 Bobby Sox softball memo
34	Require implicit bias training for City Council, Commissioners & staff	Dominguez	6/16/2020	N/A	HR		Approved 8/18/2020
35	Responsible Construction Ordinance	Phan	2/4/2020	N/A	CAO, Building and Housing		8/4/2020: City Atty shall return with draft Ord.
36	Request for Dumpster Days	Tran	1/7/2020	N/A	PW		5/12/2020 in FY 2020-21 budget. At 1/5/21 Council meeting, Mayor requested for program to roll out in spring

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 3 – items that are currently underway and/or already included in workplan							
37	Consider Community Museum and Park on Main St.	Nuñez, Phan	8/20/2019	N/A	CMO		to Rules 8/23/2019; linked to item 77, in progress status refers to potential land acquisition
Group 4 – items that have been completed or withdrawn							
38	Form a Historical Commission	Montano	6/2/2020	N/A			Already part of PRCRC. Commission discussed on 01-05-2021, no change
39	Opportunity to share ideas for US census & on City "sponsored" events	Dominguez	9/1/2020	N/A			12/01: remove census topic, move events to CC retreat 2021; at 1/12 retreat Council direction to cease
40	Update "My Milpitas" App for COVID-19 information	Phan	1/5/2021	N/A			Updated App to provide links
41	Expedite process for Measure F Oversight Committee	Chua	12/15/2020	N/A			Staff explained planned process, appts. to be brought to Council in Feb. 2021
42	Report from staff on 2nd federal stimulus package - action plan on funds	Chua	12/15/2020	N/A			Info Memo sent to Council on 12/23/2020
43	Form a Homelessness Task Force	Tran	12/15/2020	N/A			Approved by Council on 1/5/21

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 4 – items that have been completed or withdrawn							
44	Consider change in Commission structure, on term limits	Tran	12/15/2020	N/A			Completed on 1/19/2021
45	Consider adding state certification NEC for electrical work done in the City (safety)	Dominguez	6/30/2020	N/A			Not needed, staff is certified
46	Mayor shall recommend a Milpitas resident to serve on VTA Bike Committee	Dominguez	11/17/2020	N/A			12/15/20: resident Kristal Caidoy appointed to VTA BPAC
47	Vote on County 2020-2025 Plan to end Homelessness	Dominguez	11/17/2020	N/A			12/1/20 adopted Resolution in support
48	Revisit contract provisions of executive staff (CM + CA) best working environment	Phan	11/10/2020	N/A			Discussed @ Closed Session 11/17/2020
49	Revisit CC Housing Subcommittee, consider dismantling ; bring items to Council	Dominguez	11/10/2020	N/A			12/01/20: Did not vote to eliminate Subcommittee
50	Emergency request to cap rents on small businesses (tenants) in Milpitas	Dominguez	10/6/2020	N/A			On 12/01/20. Not supported
51	Discuss budget reductions in next FY with input from residents, employees	Nuñez	10/6/2020	N/A			On 10/20/2020, to 11/10, 11/17

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 4 – items that have been completed or withdrawn							
52	Discuss potential litigation - re: govts' action on Jamboree-Project Homekey	Tran	10/6/2020	N/A			Multiple Closed Sessions - Oct. 2020
53	Resolution on financial status of the City, steps to be taken	Nuñez	8/18/2020	N/A			Resolution adopted 9/01/2020
54	Read "Code of Conduct" aloud prior to each City Council meeting	Montano	6/2/2020	N/A			Approved 8/18/2020. City Attorney began this practice 9/01/20
55	Celebrate Mexican Independence Day annually on September 16	Montano	6/2/2020	N/A			Approved on consent 8/18/2020
56	Discussion of campaign finance reform and/or Open Government Ordinance	Phan	6/30/2020	N/A			Withdrawn @ 8/4/2020 CC meeting
57	List of city charges/costs that could be waived for small businesses	Dominguez	6/16/2020	N/A			6/30/2020 info memo
58	Emergency item for next agenda: extend tenant eviction protections	Dominguez	6/16/2020	N/A			Withdrawn, covered by other govt
59	Discussion on possible tax measures	Tran, Phan	4/21/2020	N/A			Done on 5/15/2020

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 4 – items that have been completed or withdrawn							
60	Support for Laura's Law	Phan	2/4/2020	N/A			Supported @ 5/19/2020 council meeting
61	Resolution in support of elimination of discrimination v. women	Dominguez	1/7/2020	N/A			5/19/2020 Reso. Adopted 8/04/2020 Ord. adopted
62	Adopt Resolution similar to County's re: xenophobia, discrimination	Dominguez	4/21/2020	N/A			Added to the consent calendar and adopted Resolution on 5/5/2020
63	Support community distribution of masks	Dominguez	4/7/2020	N/A			Councilmembers supported at the 4/21/2020 Special Council meeting
64	Proclamation and support for face coverings	Montano	4/7/2020	N/A			4/21/2020. CC directed City Manager to issue regs
65	Establish Milpitas coronavirus testing site	Phan	4/7/2020	N/A			Completed
66	Discuss having 4th of July parade	Nuñez	2/18/2020	N/A			No longer under discussion
67	Parade for MHS Trojans Football	Tran, City Manager	1/21/2020	N/A			1/28/2020

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 4 – items that have been completed or withdrawn							
68	Report on speed cameras like Fremont (radar displays) - no enforcement	Phan	1/7/2020	N/A			1/28/2020, 3/24/2020, 4/14/2020
69	Street/traffic calming update	Nuñez	1/7/2020	N/A			3/3/2020
70	Report on parking in The Pines	Nuñez	1/7/2020	N/A			2/18/2020
71	Info. on new SB 50 (housing, transit bill)	Phan	1/7/2020	N/A			Sent memo to City Council
72	Establish Railroad quiet zone	Tran, Montano	9/17/2019	N/A		  	Received City Engineer Report on 11/17/2020
73	Rename portion of Dixon Landing Rd., as Barack Obama Boulevard	Nuñez, Phan	8/20/2019	N/A		 	Deferred indefinitely
74	Maintain Dagupan, P.I. as a Sister City	Tran, Montano	9/17/2019	N/A		 	Approved the renewed MOU continuing the Sister City relationship on 12/17/2019

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

No.	Topic	Requested By	Date Requested	Requires more than 4 hours of additional staff time	Department/ Office	Council Priority Area(s)	Status
Group 4 – items that have been completed or withdrawn							
75	Add Green Bike Lanes	Tran, Montano	9/17/2019	N/A		 	Included in CIP
76	Rename Augustine Park to include "Sunnyhills"	Tran, Montano	9/17/2019	N/A		 	Approved on 2/4/2020
77	Community Theatre, perhaps with MUSD	Nuñez, Phan	8/20/2019	N/A		 	Discussed @ CIP Study Session on 4/14/2020; councilmembers asked outdoor amphitheater to be placed into the tail end of 5 year CIP
78	Policy for Proclamations and Commendations	Nuñez, Phan	8/20/2019	N/A			Withdrawn 6/2/2020
79	Policy for Social Media	Nuñez, Phan	8/20/2019	N/A			Withdrawn 6/2/2020; policy already approved by Council

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**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

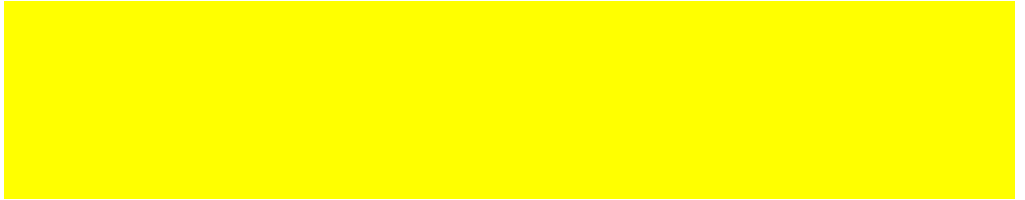
**MILPITAS CITY COUNCIL
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CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Discussion and Direction regarding Financial Support for Utility Payments for Businesses and Delay of Payment for Annual Fees charged to Businesses
Category:	Leadership and Support Services
Meeting Date:	2/2/2021
Staff Contact:	Walter C. Rossmann, 408-586-3111
Recommendation:	Discussion and Direction regarding Financial Support for Utility Payments for Businesses and Delay of Payment for Annual Fees charged to Businesses

Background:

At the December 15, 2020 City Council meeting, the City Council, based on Vice Mayor Montano's suggestion, directed staff by consensus to bring back for discussion utility payment support options for businesses. Further, at the January 5, 2021 City Council meeting, the City Council, based on Mayor Tran's suggestion, directed staff by consensus to bring back for discussion a delay of payment of annual business related fees such as the business license tax and the annual Fire Permit fees.

Analysis:

To facilitate Council policy discussion, staff is providing information on the relevant charges and taxes, established subsidy programs for City residents, as applicable, presents relevant data, information from the City Attorney and impacts to the General Fund.

Financial Support for Utility Payments for Businesses

Per the City's Municipal Code, staff is required to discontinue water service to non-residential customers whose account is more than 63 days delinquent. An account becomes delinquent if the bill is not paid within 15 days of the date of the invoice. However, due to the Pandemic, Governor Gavin Newsom issued an Executive Order limiting the ability to shut off water service due to non-payment. This action has resulted in less than \$1,000 of late fees collected for the first six months of the current fiscal year. During the last two pre-COVID-19 fiscal years, the average collection amount was approx. \$170,000.

Regardless of the discontinuance of water service, the City does levy penalties for non-payment per the City's Municipal Code. Per Section VIII-1-6.10 titled "Discontinuance of Residential and Non-Residential Service," prior to discontinuance of non-residential services, a penalty fee equal to five percent of the amount then due shall be imposed if payment is not received 21 days after mailing of the bill and the account is deemed delinquent. If payment has not been received by the 49th day of delinquency, an additional late fee equal to five percent of the amount then due shall be imposed.

For residential utility customers, the Milpitas Assistance Program (MAP) provides assistance of \$11.26 per every 8-week billing cycle for qualifying residents paid through water utility late fees. The MAP is supported with late fees because utility funds cannot be used for subsidizing utility charges. Late fees, like all fines, are a revenue source to the General Fund. Therefore, any rate assistance provided are a General Fund expenditure. During the first six months of the current fiscal year, approx. 300 residential customers received assistance amounting to nearly \$7,000. A similar program does not exist for businesses. However, for all utility customers, staff offers a payment plan and waives late payment fees once per year.

The City has approximately 2,500 commercial accounts. As of 1/25/2021, 42 of the 2,500 commercial accounts, less than 2%, have not paid their bill within the 21 days after issuance. Nine commercial customers, less than 0.5% of all customers, have an outstanding balance which is older than 63 days. The average outstanding utility balance of these nine customers is approximately \$4,200. The outstanding amounts for delinquent commercial accounts in excess of 63 days range from \$176 to \$24,200.

If Council wishes to consider providing a similar program than the MAP to businesses, staff would have to develop a program including appropriate criteria regarding eligibility. Given the current reduced staff capacity, the workload impact would have to be evaluated in context of other Council priorities. Further, as stated above, any assistance provided would have a General Fund impact.

Delay payment of annual business related fees

Annually, businesses are required to pay a business license tax and the Fire Permit fee and related fees such as a processing fee, AB 1379 State fee increase disability access and compliance with construction-related accessibility requirements and a permit automation fee. The vast majority of these annual payments are due by January 1 of every year. For the January 1, 2021 due date, 3,293 invoices for payment of the business license tax and related fees were issued. The average business license tax and related fees billed for payment amounts to \$116.90. For the same due date, 1,030 invoices for payment of the business license tax, fire permit and related fees were issued. The average business license tax, fire permit and related fees billed for payment amounts to \$753.10. As of Jan. 14, payment for a third of all business license invoices and a fourth of all Business License/Fire permits invoices have been received. Staff will provide updated data at the February 2nd City Council meeting regarding the status of payment since the due date for payment without incurring penalties is January 30, 2021.

Per the City's Municipal Code, Section III-1-21 titled "Penalties for Failure to Pay Business License Tax When Due" states that, "For failure to pay a license tax when due, the license tax collector shall add a penalty of 10% of said license tax on the last day of each month after the due date thereof, providing that the amount of such penalty to be added shall in no event exceed 100% of the amount of the license tax due." For the annual Fire Permit, the fee is annually set by Council through the adoption of the City's Master Fee Schedule. Per Chapter 300, Section 2, fees for the annual fire permit is due and payable by December 31st of each year. Every annual permit fee that is not paid within a period of thirty (30) days from December 31 is declared to be delinquent, and a penalty of 100% is added to the fee.

In order to extend the time for payments due without assessing penalties for business tax and fire permit fees, different approvals are required by the Council. To extend the time for payment of business license tax without the assessment of penalties, Council will have to approve a resolution to defer or waive the penalties on the business license tax. In order to extend the time for payment of the annual Fire Permit or waive related penalties, staff would have to bring forward an ordinance to amend the Municipal Code as there is no current authority within the Code to extend the time for payment or waive related penalties.

If Council wishes to consider waiving penalties for outstanding payments, staff recommends doing so retroactively to January 31 and no later than May 31 to incentivize payment within the current fiscal year. As mentioned above legal resources would be required to prepare a resolution and ordinance changes, which may impact other priority items. Further, any delay of payment for the business license tax and annual permit fees to the end of the current fiscal year will result in loss of interest earned in the General Fund. Given the current interest environment, this impact is expected to be minimal. However, if FY 2020-21 estimated revenues are not received by mid-August, the loss in revenue may have to be offset with the use of reserves.

Policy Alternatives:

Not applicable

Fiscal Impact:

Any payment assistance for utility bills will have an impact to the General Fund. The impact to the General Fund regarding any delay of payment for the business license tax and annual permit fees to the end of the current fiscal year is loss of interest earned on the moneys received timely. Given the current interest

environment, this impact is expected to be minimal. However, if FY 2020-21 estimated revenues are not received by mid-August, the loss in revenue may have to be offset with the use of reserves.

California Environmental Quality Act:

Not applicable.

Recommendation:

Discussion and Direction regarding Financial Support for Utility Payments for Businesses and Delay of Payment for Annual Fees charged to Businesses



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Recommendations from Mayor Tran for Appointments and Removal for City Commissions
Category:	Reports of Mayor and Councilmembers
Meeting Date:	2/2/2021
Staff Contact:	Mayor Tran, 408-586-3029
Recommendation:	Receive Mayor Tran's recommendations and approve recommendations for final appointment by the Mayor for the Planning Commission, 2) Approve recommendations for final appointment by the Mayor for the Science, Technology and Innovation Commission, and 3) Approve recommendation for removal by the Mayor for the Economic Development and Trade Commission.

Background:

The City of Milpitas has 12 Commissions, with the members appointed by the Mayor and confirmed by the City Council, that advise the Milpitas elected officials on a variety of community interest and policy areas. Mayor Tran is making the following recommendations for new appointments to Commissions and removal of one Commissioner.

Planning Commission

1. Newly appoint Lawrence "Larry" Ciardella to serve as a commissioner with a term to expire in December 2023 (seat currently held by Commissioner Ricardo Ablaza whose term respectfully ended December 2020)
2. Newly appoint Alexander Galang to serve as a commissioner with a term to expire in December 2021.

Science, Technology, and Innovation Commission

1. Newly appoint Albert Alcorn to serve as a commissioner with a term to expire in January 2024 (seat currently held by Commissioner Urvishkumar Mehta whose term respectfully ended January 2021).
2. Move Alternate No.1 Rajani Nair to serve as a commissioner with a term to expire in January 2024 (seat currently held by Commissioner Nasir Lalani whose term respectfully ended January 2021).

Economic Development and Trade Commission

1. Remove Victor San Vicente as a commissioner from a seat with a term that expires in April 2021.

Analysis:

Any resident interested in serving on a City Commission must submit a commission application to the City. Additionally, appointees to the Planning Commission must be registered voters in Milpitas and may not hold any other public office or employment in the government of the City of Milpitas.

The City Clerk's Office confirms each applicant's residency and current voter registration (if applicable).

All recommended commissioner appointments have been reviewed and confirmed by the City Clerk's office.

Fiscal Impact:

There is no fiscal impact associated with this item.

Recommendation:

Receive Mayor Tran's recommendations and approve recommendations for final appointment by the Mayor for the Planning Commission, 2) Approve recommendations for final appointment by the Mayor for the Science, Technology and Innovation Commission, and 3) Approve recommendation for removal by the Mayor for the Economic Development and Trade Commission.

Attachments:

All current applications on file:

- Planning Commission
- Science, Technology and Innovation Commission



CITY OF MILPITAS PLANNING COMMISSION APPLICATION

City Clerk's Office
MAR 04 2020
RECEIVED

Thank you for your interest in serving on the City of Milpitas Planning Commission. The Planning Commission advises the City Council on matters related to land use, development, and planning permit decisions. Milpitas Municipal Code requires a Planning Commissioner to be a resident of the City of Milpitas and a registered voter. Planning Commissioners typically serve three-year terms and may serve up to three consecutive terms.

This Application is intended to provide basic information about your background and experience in relation to the work of the Planning Commission. City staff and members of the City Council will review this information and make recommendations to the Mayor for possible appointment to the Planning Commission. In addition to this Application form, applicants are required to complete the attached Supplemental Questionnaire.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

☒ Mr. ☐ Mrs./Ms.

Milpitas Resident? YES

Registered voter? YES

✓
mz
3/04

Personal Information:

BADAL CHODHARI
Name: First Middle Last
864 DEL RIO CT
Address: Number Street (apt. # if needed) Milpitas, CA 95035
408-836-0090 BADALC@GMAIL.COM
Phone Number(s) E-mail Address
SENIOR VICE PRESIDENT SYMANTEL / NORTON LIFELOCK
Occupation Present Employer
350 ELLIS ST. MOUNTAIN VIEW - CA 650-527-4862
Business Address Business Phone

Education:

College, Professional, Vocational, or other schools attended

Major Subject

Certificate or Degree?

MICHIGAN STATE UNIVERSITY	BUSINESS SYSTEMS	MBA
SCHOOL OF PLANNING & ARCHITECTURE	PLANNING/ARCHITECTURE	B.Arch

Experience:

Briefly describe any personal experience or work in the community that you believe would be an asset to your service on the Planning Commission (additional information may be attached):

- ARCHITECT, PRACTICED FOR 7 YEARS, CAN COME UP TO SPEED QUICKLY
- TECH COMPANY EXEC - WIDE EXPERIENCE & BACKGROUND
- BOARD EXPERIENCE - SERVED IN NON PROFITS - SEE CV ATTACHED
- PLANNING/ANALYTICAL BACKGROUND - HANDLED LARGE BUDGETS/COS

I hereby certify that all statements contained in this application are true and that I am a registered voter and a resident of the City of Milpitas. If appointed, I have enough time to devote to this responsibility and will attend the required meetings.

Ranesh Choudhary
Signature

Jan 16th, 2020
Date

Note: All Commission Applications are Public Record. Applications will be kept on file by the City Clerk for one year.

Please Mail or drop off your completed application and supplemental questionnaire to:

City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035

Phone: (408) 586-3001 - Fax: (408) 586-3030 - E-mail (mlavelle@ci.milpitas.ca.gov)



PLANNING COMMISSION APPLICATION SUPPLEMENTAL QUESTIONNAIRE

(Please type or print responses below or use a separate sheet of paper).

1. Why are you interested in serving on the Planning Commission?

PLAY A MORE ACTIVE ROLE IN COMMUNITY, GIVE BACK TO COMMUNITY. LEVERAGE MY PLANNING, ARCHITECTURAL & MANAGEMENT SKILLS FOR THE CITY

2. What do you think are important skills or attributes for a Planning Commissioner, and why?

- EMPATHY, GOOD COMMUNICATION SKILLS, CONNECTION WITH PEOPLE
- ABILITY TO SIEVE THROUGH LARGE AMOUNTS OF DATA
- ANALYTICAL FRAME OF MIND
- DESIRE TO SERVE

3. How will your personal or work experience contribute to your role as a Planning Commissioner?

- WORKED AS PLANNER AND ARCHITECT FOR 7 YEARS
- EXTENSIVE MANAGEMENT EXPERIENCE LEADING 1000+ ORGS AND MANAGING LARGE BUDGETS, PLANNING FOR FUTURE EXPANSIONS

4. From your viewpoint, what are the most pressing land use or development issues in Milpitas?

- RAPID URBANIZATION WITH LAGGING INFRASTRUCTURE
- BUSINESS & GROWTH NEEDS BALANCED AGAINST RESIDENTIAL
- UNIQUE OPPORTUNITY & ROLE IN BAY AREA ECONOMY DUE TO LOCATION & DEMOGRAPHICS

5. How would you typically prepare for a Planning Commission meeting?

- GO THROUGH MATERIAL PREPARED BY CITY PLANNING STAFF
- IN ADVANCE SEEK CLARIFICATIONS IF NEEDED
- IDENTIFY DATA ELEMENTS CRUCIAL FOR DECISION
- TALK TO STAKEHOLDERS AS NEEDED

6. What do you see as the different roles of City staff, the Planning Commission, and City Council?

CITY STAFF: PREPARES PROPOSALS FOR DEVELOPMENT, FRAMES DECISIONS
PROVIDES DATA, ADVISE COACH AND ACT AS THE CONDUCTOR

PLANNING COMMISSION: REPRESENT COUNCIL, ACT AS VOICE OF PEOPLE/DEVELOPERS

CITY COUNCIL: ULTIMATE AUTHORITY ON DECISIONS, GUIDES CITY DEVELOPMENT



CITY OF MILPITAS PLANNING COMMISSION APPLICATION

City Clerk's Office

JAN 07 2021

RECEIVED

Thank you for your interest in serving on the City of Milpitas Planning Commission. The Planning Commission advises the City Council on matters related to land use, development, and planning permit decisions. Milpitas Municipal Code requires a Planning Commissioner to be a resident of the City of Milpitas and a registered voter. Planning Commissioners typically serve three-year terms and may serve up to three consecutive terms.

This Application is intended to provide basic information about your background and experience in relation to the work of the Planning Commission. City staff and members of the City Council will review this information and make recommendations to the Mayor for possible appointment to the Planning Commission. In addition to this Application form, applicants are required to complete the attached Supplemental Questionnaire.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

☒ Mr. ☐ Mrs./Ms.

Milpitas Resident? yes 52 years Registered voter? yes yes

Personal Information:

Name: First Lawrence (Larry) Middle John Last Ciardella
Address: Number 634 Street (apt. # if needed) Santos Ct Milpitas, CA 95035 milpitas Ca 95035

Phone Number(s) Cell 408.712.9710 House 408.262.9097 E-mail Address Ciardella J @ AOL.Com

Occupation Retired Garden Supply owner Present Employer

Business Address Business Phone 650-321-5913

Education:

College, Professional, Vocational, or other schools attended	Major Subject	Certificate or Degree?
<u>College of San Mateo</u>	<u>Business</u>	<u>—</u>
<u>US Air Force Fire School</u>	<u>firefighting</u>	<u>yes</u>

Experience:

Briefly describe any personal experience or work in the community that you believe would be an asset to your service on the Planning Commission (additional information may be attached):

My Experience as a garden supply owner for over 45 years. My work on the County Board of Supervisors, Hillside Ordinance Review Committee for 1 1/2 years. In the 90's as a planning Commissioner for 5 years, then again in the 2000's for 12+ years.

I hereby certify that all statements contained in this application are true and that I am a registered voter and a resident of the City of Milpitas. If appointed, I have enough time to devote to this responsibility and will attend the required meetings.

Signature

12/30/2020
Date

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City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035

Phone: (408) 586-3001 – Fax: (408) 586-3030 – E-mail (mlavelle@ci.milpitas.ca.gov)



PLANNING COMMISSION APPLICATION SUPPLEMENTAL QUESTIONNAIRE

(Please type or print responses below or use a separate sheet of paper).

1. Why are you interested in serving on the Planning Commission?

Spending 17+ years as a Planning Commissioner, it was very rewarding to approve the projects, see it go up and then visiting the project once completed.

2. What do you think are important skills or attributes for a Planning Commissioner, and why?

I feel I will bring the experience as a planning Comm. for so many years, besides the history I can bring to the Commission.

3. How will your personal or work experience contribute to your role as a Planning Commissioner?

My work as a garden supply owner understanding the landscape planning.

4. From your viewpoint, what are the most pressing land use or development issues in Milpitas?

The most pressing land use & development issues are Balancing the housing, business, and Traffic.

5. How would you typically prepare for a Planning Commission meeting?

Normally I would pick up the packet and read online and study the project and drive by the site.

6. What do you see as the different roles of City staff, the Planning Commission, and City Council?

City staff's roles are to bring the project to us looking at land use etc. Planning Commission either approve or deny the project. City Council: if Approved or denied, they get the last word.



CITY OF MILPITAS PLANNING COMMISSION APPLICATION

City Clerk's Office
DEC 10 2020
RECEIVED

Thank you for your interest in serving on the City of Milpitas Planning Commission. The Planning Commission advises the City Council on matters related to land use, development, and planning permit decisions. Milpitas Municipal Code requires a Planning Commissioner to be a resident of the City of Milpitas and a registered voter. Planning Commissioners typically serve three-year terms and may serve up to three consecutive terms.

This Application is intended to provide basic information about your background and experience in relation to the work of the Planning Commission. City staff and members of the City Council will review this information and make recommendations to the Mayor for possible appointment to the Planning Commission. In addition to this Application form, applicants are required to complete the attached Supplemental Questionnaire.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

☒ Mr. ☐ Mrs./Ms.

Milpitas Resident? YES

Registered voter? YES

Personal Information:

Name: ALEXANDER D GALANG
First Middle Last

Address: 2191 WELLINGTON MILPITAS, CA. 95035
Number Street (apt. # if needed) Milpitas, CA 95035

Phone Number(s) (408) 205-9916 E-mail Address dr3live@aol.com

Occupation DENTIST Present Employer ALEX D. GALANG DMD INC.

Business Address 830 HILLVIEW CT #150 MILPITAS CA 95035 Business Phone (408) 934-7676

Education:

College, Professional, Vocational, or other schools attended	Major Subject	Certificate or Degree?
<u>CENTRO ESCOLAR UNIVERSITY</u>	<u>DENTISTRY</u>	<u>DOCTOR OF DENTAL MEDICINE</u>

Experience:

Briefly describe any personal experience or work in the community that you believe would be an asset to your service on the Planning Commission (additional information may be attached):

FORMER PARKS RECREATION COMMISSION 1997-2000
FORMER PLANNING COMMISSION 2000-2010

I hereby certify that all statements contained in this application are true and that I am a registered voter and a resident of the City of Milpitas. If appointed, I have enough time to devote to this responsibility and will attend the required meetings.

[Signature]
Signature

12-5-2020
Date

Note: All Commission Applications are Public Record. Applications will be kept on file by the City Clerk for one year.

Please Mail or drop off your completed application and supplemental questionnaire to:

City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035

Phone: (408) 586-3001 - Fax: (408) 586-3030 - E-mail (mlavelle@ci.milpitas.ca.gov)



PLANNING COMMISSION APPLICATION SUPPLEMENTAL QUESTIONNAIRE

(Please type or print responses below or use a separate sheet of paper).

1. Why are you interested in serving on the Planning Commission?

AS A FORMER PLANNING COMMISSIONER,
I WOULD LIKE TO RETURN AND CONTINUE
TO GIVE BACK TO OUR COMMUNITY

2. What do you think are important skills or attributes for a Planning Commissioner, and why?

I HAVE THE ABILITY TO ANALYZE
APPLICATION'S COMPLIANCE WITH THE
GENERAL PLAN, LAND-USE, VARIANCES

3. How will your personal or work experience contribute to your role as a Planning Commissioner?

I'VE BEEN PLANNING COMMISSIONER FOR
10 YEARS. AS A MEMBER I HAVE THE SKILL,
THE KNOWLEDGE TO BE AN EFFECTIVE PLANNING
COMMISSIONER.

4. From your viewpoint, what are the most pressing land use or development issues in Milpitas?

- MORE AFFORDABLE HOUSING
- PROTECT THE HILLSIDES
- MORE GRANNY HOMES
- LESS TRAFFIC

5. How would you typically prepare for a Planning Commission meeting?

- SELF STUDY OF STAFF REPORTS
- BE READY TO ASK QUESTIONS TO
STAFF AND DEVELOPERS

6. What do you see as the different roles of City staff, the Planning Commission, and City Council?

CITY STAFF:

- PREPARE'S REPORT INCLUDING CEQA ACT
(CALIFORNIA ENVIRONMENTAL QUALITY ASSESSMENT)
- ALSO INCLUDED ARE TRAFFIC, NOISE, SMELL

PLANNING COMMISSION

- EVALUATES INPUT FROM STAFF, CONSULTANTS, AND DEVELOPERS
- MAKES RECOMMENDATIONS TO THE CITY COUNCIL

CITY COUNCIL

- REVIEWS and ANALYZE APPLICATIONS
- DECIDES WHETHER TO APPROVE OR DENY APPLICATIONS



CITY OF MILPITAS PLANNING COMMISSION APPLICATION

✓ registered voter (X)

City Clerk's Office
DEC 18 2020
RECEIVED

Thank you for your interest in serving on the City of Milpitas Planning Commission. The Planning Commission advises the City Council on matters related to land use, development, and planning permit decisions. Milpitas Municipal Code requires a Planning Commissioner to be a resident of the City of Milpitas and a registered voter. Planning Commissioners typically serve three-year terms and may serve up to three consecutive terms.

This Application is intended to provide basic information about your background and experience in relation to the work of the Planning Commission. City staff and members of the City Council will review this information and make recommendations to the Mayor for possible appointment to the Planning Commission. In addition to this Application form, applicants are required to complete the attached Supplemental Questionnaire.

PLEASE PROVIDE COMPLETE INFORMATION (in black ink)

☒ Mr. ☐ Mrs./Ms. Milpitas Resident? Yes Registered voter? Yes

Personal Information:

Solomon	Titus	Langley JR
Name:	First	Middle Last
830 Terra Bella Drive		
Address:	Number	Street (apt. # if needed) Milpitas, CA 95035
408 757 8154		slangley33@comcast.net
Phone Number(s)	E-mail Address	
Executive Manager	Analog Devices Inc.	
Occupation	Present Employer	
1630 McCarthy Blvd	408 432-1900	
Business Address	Business Phone	

Education:

College, Professional, Vocational, or other schools attended	Major Subject	Certificate or Degree?
DeVry	Electrical Engineering	Bachelor

Experience:

Briefly describe any personal experience or work in the community that you believe would be an asset to your service on the Planning Commission (additional information may be attached):

I have served as an executive manager in high-tech companies for more than 30 years.

My current position is President of Simplay Labs, a division of Analog Devices Inc.

I have had direct responsibility for teams in India, China, Japan, Korea and US. My experiences with multiple cultures will benefit community services. In addition, I have served as a Deacon in my church for 5 years.

I hereby certify that all statements contained in this application are true and that I am a registered voter and a resident of the City of Milpitas. If appointed, I have enough time to devote to this responsibility and will attend the required meetings.

_____ Signature	December 12, 2020 _____ Date
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Note: All Commission Applications are Public Record. Applications will be kept on file by the City Clerk for one year.

Please Mail or drop off your completed application and supplemental questionnaire to:

City Clerk, 455 E. Calaveras Blvd., Milpitas, CA 95035

Phone: (408) 586-3001 – Fax: (408) 586-3030 – E-mail (mlavelle@ci.milpitas.ca.gov)



PLANNING COMMISSION APPLICATION SUPPLEMENTAL QUESTIONNAIRE

(Please type or print responses below or use a separate sheet of paper).

1. Why are you interested in serving on the Planning Commission?

I would like to be a participating member in the community where I have lived since 1990.

Planning Commission allows participation at the leading edge, to help guide the city that is my home.

2. What do you think are important skills or attributes for a Planning Commissioner, and why?

Problem solving and working in a team environment are two important skills required to reach acceptable decisions.

My abilities to think critically and independently; listen carefully and fully, decide affirmatively and quickly; work jointly and cooperatively; read thoroughly and closely and focus within the framework of the general plan and applicable context and skills I have used in my personal and business involvements.

3. How will your personal or work experience contribute to your role as a Planning Commissioner?

I use a methodical approach to problem solving. Asking the necessary question and analyzing the facts before stating my opinions are skills that I use in my professional life.

My experience working with multi-cultural teams will translate to working with the Planning Commission.

4. What do you feel are the most pressing land use or development issues in Milpitas?

I have no opinion on this topic but I pledge to continually strive to improve my land use knowledge if selected.

However, balancing various stakeholder interest and vantage points within the context of the City's General Plan and land use documents in one of my initial thoughts.

Ushering the City land use under the guidance of the documented General Plan.

5. How would you typically prepare for a Planning Commission meeting?

Read materials based on the agenda including the General Plan and Zoning Ordinance and discussion points.

Depending on my knowledge of the topic, I will perform external research as required and getting clarifications prior to meetings when required.

6. What do you see as the different roles of City staff, the Planning Commission, and City Council?

City staff provides the Planning commission with information and professional recommendations required to make independent decisions.

Commission role is to review information provided by the staff based on specific projects and independent decisions.

City Council are elected representatives of the residents chartered to govern and make critical decisions on all matters in the Council's realm.

COMMISSION APPLYING FOR:

Science, Technology and Innovation Commission

Title

Mr.

Name

Albert Alcorn

Address Type

Residence

Address

2383 Mattos Dr

City

Milpitas

Postal/Zip Code

95035

E-Mail Address

albertalcorn@yahoo.com

City Clerk's Office
MAY 28 2020
RECEIVED

Present Employer

Inphi

Occupation

Test & Validation Engineer

Education: If Youth Advisory Commission applicant, indicate your grade/school:

BSEE

College, Professional, Vocational, or other schools attended

Cal Poly San Luis Obispo

Major Subject

Electrical Engineering

Degree

BSEE

List community organizations to which you belong or have belonged (additional information may be attached).**Name of Organization**

Telecommunications Commission

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).**Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):**

I currently work in the networking semiconductor industry as a test & validation engineer.

Date

May 28, 2020

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.

Albert Alcorn

Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION APPLYING FOR:

Science, Technology and Innovation Commission

Name

Abhijit Pandey

Address Type

Residence

Address

884 Coventry Circle

City

Milpitas

Postal/Zip Code

95035

Mobile Number

(408) 442-8271

E-Mail Address

abhijitpandey@gmail.com

City Clerk's Office

NOV - 2 2020

RECEIVED

Present Employer

Netgear

Occupation

Cybersecurity --Engineering

**Education: If Youth Advisory Commission
applicant, indicate your grade/school:**

MS,MBA

**College, Professional, Vocational, or other
schools attended**

UC-Davis

Degree

MBA

List community organizations to which you belong or have belonged (additional information may be attached).**If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).****Date**

Nov 01, 2020

I have sufficient time to devote to this
responsibility and will attend the required
meetings if I am appointed to fill a future vacancy.
I hereby certify that all statements contained in
this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION APPLYING FOR:

Science, Technology and Innovation Commission

Name

DINESH POKHREL

Address Type

Residence

Address

2021 N MILPITAS BLVD APT 304

City

MILPITAS

Postal/Zip Code

95035

Mobile Number

(410) 868-3801

E-Mail Address

POKHRELD@OUTLOOK.COM

City Clerk's Office

JUL 22 2020

RECEIVED

Present Employer

ALBERTSONS COMPANIES

Occupation

SENIOR QA LEAD

Education: If Youth Advisory Commission applicant, indicate your grade/school:

BACHELORS DEGREE

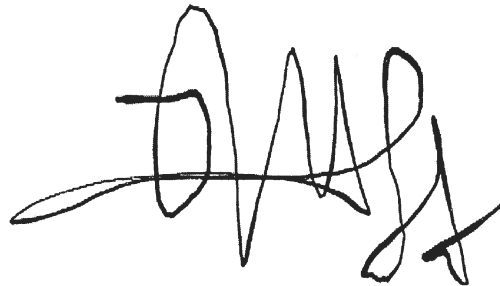
List community organizations to which you belong or have belonged (additional information may be attached).

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Date

Jul 21, 2020

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



Appointments to Commissions or Committees are made by the Mayor with the concurrence of the City Council. Applications not acted upon will expire after one year from the date submitted unless renewed by the applicant. Once submitted, your application will be submitted to the City Clerk.

NOTE: ALL COMMISSION APPLICATIONS ARE PUBLIC RECORD

COMMISSION APPLYING FOR:

Science, Technology and Innovation Commission

Name

Dong Rick Qiu

Address Type

Residence

Address

238 Buskirk St

City

Milpitas

Postal/Zip Code

95035

Mobile Number

(408) 420-8173

E-Mail Address

ricqiu@gmail.com

City Clerk's Office
SEP 23 2020
RECEIVED

Present Employer

Malwarebytes, Inc

Business Address (Optional)

3979 Freedom Circle

City

Santa Clara

Postal / Zip code

95054

Occupation

Sr. PMM, Cybersecurity and Consumer Privacy

College, Professional, Vocational, or other schools attended

UC Irvine

Major Subject

Computer Engineering

List community organizations to which you belong or have belonged (additional information may be attached).**Name of Organization**

San Jose Masonic Center Hall Association

Member

Secretary

Name of Organization

San Jose Scottish Rite Foundation

Member

Treasurer

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

Extremely knowledgeable in IT and semiconductor technology with over 20 years of professional experience. Have spent the last 4 years as a champion for consumer privacy. Have 3 years experience as treasurer for non-profits with strong fiduciary roles. Track record of success leading groups to achieve huge goals.

Date

Sep 22, 2020

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



COMMISSION APPLYING FOR:

Science, Technology and Innovation Commission

Name

Jason Wong

Address Type

Residence

Address

1446 Saratoga Dr

City

Milpitas

Postal/Zip Code

95035

Mobile Number

(408) 824-0923

E-Mail Address

jw2377@cornell.edu

City Clerk's Office

DEC -7 2020

RECEIVED

Present Employer

Roblox

Business Address (Optional)

1446 Saratoga Dr

City

Milpitas

Postal / Zip code

95035

Occupation

Product Manager

Education: If Youth Advisory Commission applicant, indicate your grade/school:

Masters, Bachelors

College, Professional, Vocational, or other schools attended

Cornell University

Major Subject

Computer Science, Applied Economics and Management

Degree

Masters, Bachelors

List community organizations to which you belong or have belonged (additional information may be attached).

Name of Organization

Chess for Kids

Member

Founder

If application is for Veterans Commission, indicate branch and service in any U.S. military organization (retired or active duty).

Briefly describe the personal qualifications you possess which you believe would be an asset (additional information may be attached):

I believe that I have the critical thinking skills to understand all stakeholders within the Milpitas economy, and to ultimately improve it.

Date

Dec 05, 2020

I have sufficient time to devote to this responsibility and will attend the required meetings if I am appointed to fill a future vacancy. I hereby certify that all statements contained in this application are true.



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MILPITAS CITY COUNCIL AGENDA PREVIEW LIST

FEBRUARY 16, 2021

CLOSED SESSION

Wastewater Facility Update

INVOCATION (assigned to Vice Mayor Montano)

PRESENTATION – none

CONSENT CALENDAR

1. Receive City Council calendar for February and March 2021 (City Clerk)
2. Approve City Council meeting minutes of January 26 and February 2, 2021 (Dep. City Clerk)
3. Adopt a Resolution Granting Acceptance of City Improvements Constructed by Valley Water District as part of the Lower Berryessa Creek Flood Protection Work, and Authorize Reimbursement to District for costs of City Improvements Completed, Project No. 3452 (Steve Erickson)
4. Approve and Authorize the City Manager to Execute the Five-Year Professional Services Agreement with JPMorgan Chase Bank, N.A. to Provide Comprehensive Banking Services. (Walter C. Rossmann)

COMMUNITY SERVICES

5. Park Master Plan Fee and Cost Recovery Presentation

LEADERSHIP

6. Presentation of Community Survey Results from FM3 Consultants (Walter C. Rossmann)
7. Mid-Year Budget (Walter C. Rossmann)

REPORTS

8. Review list of Future Agenda Items Requested by City Councilmembers (Mayor & CC / City Clerk)

PREVIEW NEXT AGENDA

9. Preview list of items for March 2, 2021 (City Clerk)