



Regional Transportation Planning Agency - Local Transportation Commission
Monterey County Service Authority for Freeways & Expressways
Monterey County Regional Development Impact Fee Joint Powers Agency
Email: info@tamcmonterey.org

BICYCLE AND PEDESTRIAN FACILITIES ADVISORY COMMITTEE

Wednesday, August 4, 2021

****6:00 PM****

REMOTE CONFERENCING ONLY

There will be NO physical location of the meeting.

Please see all the special meeting instructions at the end of this agenda

Join meeting online at:

<https://us02web.zoom.us/j/990276709?pwd=QXBRbWF6ajh6M3dOR3hhbGloRlhRZz09>

OR

By teleconference at: +1 669 900 6833

Meeting ID: 990 276 709

Password: 352877

Any person who has a question concerning an item on this agenda may call the Agency Secretary to make inquiry concerning the nature of the item described on the agenda.

1. ROLL CALL

Call to order and self-introductions. Committee bylaws specify that a quorum shall consist of a majority (7) of the number of voting memberships actually filled at that time (13); the existence of any vacancies shall not be counted for purposes of establishing a quorum. If you are unable to attend, please contact the Transportation Agency. Your courtesy to the other Committee members to assure a quorum is appreciated.

2. PUBLIC COMMENTS

Any member of the public may address the Committee on any item not on the agenda but within the jurisdiction of the Committee. Under this item, each member

of the public is allowed three minutes to address concerns. Comments in items on this agenda may be given when that agenda item is discussed. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to Maria at maria@tamcmonterey.org by 5:00 pm the Monday before the meeting, and such comments will be distributed to the Committee before the meeting.

3. BEGINNING OF CONSENT AGENDA

Approve the staff recommendations for items listed below by majority vote with one motion. Any member may pull an item off the Consent Agenda to be moved to the end of the **CONSENT AGENDA** for discussion and action.

- 3.1 APPROVE** minutes of the Bicycle and Pedestrian Facilities Advisory Committee meeting of June 2, 2021.

- Montiel

- 3.2 RECEIVE** copy of letter of support submitted to the City of Monterey from the Committee for the North Fremont Improvement project.

- Jacobsen

At the June 2, 2021 Committee meeting, four committee members were selected to work with staff on a letter of support for the North Fremont Improvement Project. A copy of the resulting correspondence is included as an attachment to this report.

END OF CONSENT AGENDA

- 4. RECEIVE** presentation and **PROVIDE INPUT** on Monterey Bay Air Resources District's E-Bike Incentive Program.

- Alan Romero (MBARD)

The Monterey Bay Air Resources District has requested the Committee's input on the development of the new E-Bike Incentive Program.

- 5. RECEIVE** a presentation on the Canyon Del Rey segment of the Fort Ord Regional Trail and Greenway project.

- Zeller

The Fort Ord Regional Trail and Greenway (FORTAG) project has reached several milestones including certification of the final environmental document, approval of a Master Agreement among the underlying jurisdictions, and completion of the preliminary engineering design. This Phase 1 Segment of the Fort Ord Regional Trail

and Greenway stretches 1.5 miles along the State Route 218 / Canyon Del Rey corridor through Del Rey Oaks and Seaside.

6. **RECEIVE** training on the Brown Act, which sets the rules for the noticing and conduct of public meetings.

- Jacobsen

The Ralph M. Brown Act (Government Code sections 54950-54963, referred to as the "Brown Act") is intended to provide public access to meetings of California local government agencies. Staff will present a training session on the Brown Act to the Committee and speak to pending changes related to exemptions issued during the COVID-19 pandemic.

7. **ANNOUNCEMENTS and/or COMMENTS**
8. **ADJOURN**

ANNOUNCEMENTS

Next Committee meeting:

Wednesday, September 1, 2021 at 6pm

Important Meeting Information

Remote Meetings: On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhances State and Local Governments ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allows local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. As permitted by recently-updated orders from Governor Newsom's office, effective July 28, 2021, the TAMC Board of Directors will begin to reconvene in-person meetings; committee meetings will continue to convene remotely, until further notice. For remote meetings, the public is strongly encouraged to use the Zoom app for best reception. Prior to the meeting, participants should download the Zoom app at:

<https://zoom.us/download>. A link to simplified instruction for the use of the Zoom app is: <https://blog.zoom.us/wordpress/2018/07/03/video-communications-best-practice-guide/>.

Remote Meeting Public Comment: Due to current circumstances, there may be limited opportunity to provide verbal comments during remote meetings. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to maria@tamcmonterey.org by 5:00pm the Monday before the meeting. Such comments will be distributed to the Committee before the meeting. Members of the public participating by Zoom are instructed to be on mute during the proceedings and to speak only when public comment is allowed, after requesting and receiving recognition from the Chair.

Agenda Packet and Documents: Any person who has a question concerning an item on this agenda may call or email the Agency office to make inquiry concerning the nature of the item described on the agenda. Complete agenda packets are on display online at the Transportation Agency for Monterey County website. Documents relating to an item on the open session that are distributed to the Committee less than 72 hours prior to the meeting shall be available for public review at the Agency website. Agency contact information is as follows:

Transportation Agency for Monterey County

www.tamcmonterey.org

Office is closed an all employees are working remotely until further notice

TEL: 831-775-0903

EMAIL: info@tamcmonterey.org

Agenda Items: The agenda will be prepared by Agency staff and will close at noon nine (9) working days before the regular meeting. Any member of the Committee may request in writing an item to appear on the agenda. The request shall be made by the agenda deadline and any supporting papers must be furnished by that time or be readily available.

Alternative Agenda Format and Auxiliary Aids: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals requesting a disability-related modification or accommodation, including auxiliary aids or services, may contact Transportation Agency staff at 831-775-0903. Auxiliary aids or services include wheelchair accessible facilities, sign language interpreters, Spanish language interpreters, and printed materials in large print, Braille or on disk. These requests may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting and should be made at least 72 hours before the meeting. All reasonable efforts will be made to accommodate the request.

CORRESPONDENCE, MEDIA CLIPPINGS, & REPORTS

Correspondence

Media Clipping

M 1. RECEIVE media clippings attached online.

Reports - No items this month.



Memorandum

To: Bicycle and Pedestrian Facilities Advisory Committee
From: Maria Montiel, Administrative Assistant
Meeting Date: August 4, 2021
Subject: **Draft June Minutes**

RECOMMENDED ACTION:

APPROVE minutes of the Bicycle and Pedestrian Facilities Advisory Committee meeting of June 2, 2021.

ATTACHMENTS:

- ▣ Draft June Minutes

TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)
Bicycle and Pedestrian Facilities Advisory Committee
Draft Minutes of June 2, 2021
Held remotely via Zoom due to COVID-19 pandemic

Voting Members	OCT 20	NOV 20	JAN 21	FEB 21	MAR 21	APR 21	MAY 21	JUN 21
Eric Petersen, District 1	P	P	P	P	P	P	P	-
Pete Scudder – District 2 <i>(David Tavarez)</i>	P	-	-	-	-	-	-	P
Mike Novo – District 3, Chair	P	P	P	P	P	P	P	P
Jeff Wriedt, District 4 <i>(Frank Henderson)</i>	P(A)	P	P	P	P	E	P	E
Martin Wegenstein, District 5, Vice Chair <i>(Jeff Lindenthal)</i>	P	P	P	P(A)	P(A)	P	P	P
D. L. Johnson, Carmel-By-The Sea	P	-	P	-	P	E	P	P
Celine Pinet, Del Rey Oaks	-	-	P	P	-	P	P	P
Gonzales - Vacant	-	-	-	-	-	-	-	-
Ernest Gallardo, Greenfield	P	P	P	P	P	P	P	P
Michael LeBarre, King City	P	P	P	P	P	P	P	P
Hans Hofmann Jr, Marina	P	P	P	P	P	P	P	P
Gino Garcia, Monterey <i>(Abby Ostovar)</i>	P (A)	P (A)	-	-	-	P (A)	-	P
Natalie Popovich, Pacific Grove <i>(Jung Hwa Kim)</i>	-	-	-	P	P	E	P	P
Chris Flescher, Salinas <i>(Mark Lasnik)</i>	P	P	P	P	P	P	P	P
Elizabeth (Libby) Sofer, Sand City	P	-	P	P	P	P	P	P
Ralph Wege, Seaside	P(A)	P(A)	P	P	P	P	P	P
Soledad - Vacant	-	-	-	-	-	-	-	-
Sloan Campi, Monterey Salinas Transit	-	-	-	-	-	-	P	P
Vera Noghera, Velo Club of Monterey <i>(Alex Capelli)</i>	P	P	-	P	P	P	P	P
Grant Leonard, N. County Recreation & Park District	-	P	P	P	P	E	P	P
Vacant - Salinas Public Works	-	-	-	-	-	-	-	-
Vacant – Monterey County Public Works	-	-	-	-	-	-	-	-
Caltrans - District 5	-	-	-	-	-	-	-	-
Miranda Taylor, AMBAG <i>(Will Condon)</i>	P	P	P	P	P	-	P	P
Matthew McCluney - CSUMB	P	P	P	P	P	P	P	P

E – Excused
P(A) – Alternate
VC – Video Conference
TC – Teleconference

TRANSPORTATION AGENCY STAFF	OCT 20	NOV 20	Jan 21	FEB 21	MAR 21	APR 21	MAY 21	JUN 21
Debbie Hale, Executive Director	E	-	E	E	E	E	-	-
Todd Muck, Deputy Executive Director	E	-	P	E	E	E	-	P
Ariana Green, Senior Transportation Planner	E	-	-	-	-	-	P	-
Maria Montiel, Administrative Assistant	P	P	P	P	P	P	P	P
Mike Zeller, Principal Transportation Planner	-	-	-	-	-	-	-	-
Madilyn Jacobsen, Transportation Planner	P	P	P	P	P	P	P	P
Laurie Williamson, Senior Engineer	P	P	P	P	P	-	-	P
Christina Watson, Principal Transportation Planner	-	-	-	-	-	-	-	-
Tracy Burke, Go831 Program Coordinator	P	-	-	-	-	-	-	-

OTHERS PRESENT:

Mari Lynch	Public	Paola Berthoin	Public
Ross Clark	Central Coast Wetlands Group	Heather Adamson	AMBAG
Fernanda Roveri	City of Monterey	Andy Offenbacher	Public
Jessica Perez	Public	Mateo Lozano	Public
Dave Schmatz	Public		

1. Chair Mike Novo called the meeting to order at 6:00 p.m. A quorum was established, and self-introductions were made.

2. **PUBLIC COMMENTS**

Madilyn Jacobsen, Transportation Planner, introduced new members Pete Scudder representing District 2 and Gino Garcia representing the City of Monterey.

Mari Lynch, member of public, recapped recent outreach and coordination she completed on bicycle resources and expressed concern about the bulb-outs on Casa Verde.

Paola Berthoin, member of public, requested an update Highway 1 bike lanes between Ocean Avenue and Carpenter.

3. **BEGINNING OF CONSENT AGENDA**

M/S/C Wegenstein / LeBarre/ unanimous
 Abstain: Pete Scudder and Gino Garcia

3.1 Approved minutes of the Bicycle and Pedestrian Facilities Advisory Committee meeting of May 5, 2021.

END OF CONSENT AGENDA

4. **CALIFORNIA HIGHWAY PATROL REPORT ON BICYCLE AND PEDESTRIAN CRASHES – ITEM
MOVED TO A LATER MEETING**

The Committee did not receive a report on bicycle and pedestrian collisions – the item was postponed for a later meeting.

5. **CASTROVILLE TO THE COAST PROJECT**

The Committee received a presentation on the Castroville to the Coast project from guest presenter Ross Clark, representing the Central Coast Wetlands Group.

The Committee had the following comments and input on the Castroville to the Coast project:

- Support for connecting to other existing bike and pedestrian trails, including connections to Monterey Bay Recreation Trail, and State Parks trails
- Importance of coordination with California State Parks and U.S. Fish and Wildlife
- Preference expressed for North Side or South Side route options with support for Molera Route if needed
- Support for coordination with farmers on their concerns
- Encourage beautification of the trail with lighting and benches
- Consider coordination with law enforcement and long-term maintenance of the trail
- Consider decomposed granite for wheelchair accessible design

6. **SEA LEVEL RISE DISCUSSION**

The Committee received a presentation on recent Sea Level Rise planning efforts from Fernanda Roveri of the City of Monterey and Heather Adamson from the Association of Monterey Bay Area Governments.

The Committee had the following comments and input on the City of Monterey Transportation Adaptation Plan:

- Consider more innovation on walkability and bike ability
- Consider looking beyond vehicle capacity to fully embrace multi-modality
- Consider building a pedestrian bridge
- Consider examining cost of relocating businesses and residents
- Discuss with individuals in the Netherlands about how Dutch agencies address sea level rise
- Consider comprehensive integration of transit into concepts

The Committee had the following comments and input on Central Coast Highway 1 Climate Resiliency Study:

- Consider Highway 1 design to realign the power station
- Include bicycle safety in design alternatives

7. **CIVIL GRAND JURY REPORT ON THE NORTH FREMONT PROJECT**

M/S/C Wegenstein / Popovich / unanimous

Abstain: Sloan Campi, Grant Leonard and Gino Garica

The Committee provided direction to staff with regards to the Committee's request to respond to the Civil Grand Jury's report of the North Fremont Improvement Project.

The Committee selected four members to develop a Letter of Support of the North Fremont Improvement Project which could be sent to the City of Monterey and the media. The following

committee members volunteered to work with TAMC staff, D.L. Johnson, Vera Noghera, Ralph Wege and Celine Pinet.

Madilyn Jacobsen, Transportation Planner, clarified that the next step is for the selected Committee members work with staff on the Letter of Support from the Committee for transmission to the City of Monterey.

8. ANNOUNCEMENTS AND/OR COMMENTS

Committee member Ralph Wege noted observations of signage posted in a Del Rey Oaks neighborhood posing objection to the FORTAG tunnel. Todd Muck, Deputy Executive Director, responded that TAMC is hosing various on-site walking visits on the project that the public is welcome to join to discuss the project.

Mari Lynch, member of public, noted that Santa Cruz County received funding for a specialized foundation grant on Pajaro and Las Lomas Oaks to provide bicycle education.

Paola Berthoin, member of public, asked if Caltrans is going to do anything along Highway 1 in Carmel. Todd Muck, Deputy Executive Director, responded that TAMC staff has reached out but has not heard response from Caltrans about the project and staff will try and get Caltrans to attend an upcoming meeting to discuss further.

Madilyn Jacobsen announced that there will be no meetings in July and noted that the next Committee meeting is August 4, 2021

Committee member Grant Leonard noted that TAMC Executive Director is retiring in August. Todd Muck, Deputy Executive Director, mentioned that Executive Director Debbie Hale is out of town and noted that she will be attending the August meeting to say goodbye.

9. ADJOURNMENT

Chair Novo adjourned the meeting at 8:19 p.m.



Memorandum

To: Bicycle and Pedestrian Facilities Advisory Committee
From: Madilyn Jacobsen, Transportation Planner
Meeting Date: August 4, 2021
Subject: **Letter of Support for North Fremont Improvements**

RECOMMENDED ACTION:

RECEIVE copy of letter of support submitted to the City of Monterey from the Committee for the North Fremont Improvement project.

SUMMARY:

At the June 2, 2021 Committee meeting, four committee members were selected to work with staff on a letter of support for the North Fremont Improvement Project. A copy of the resulting correspondence is included as an attachment to this report.

FINANCIAL IMPACT:

The Transportation Agency provided over \$2.3 million to the North Fremont Improvement Project as part of its state-funded Transportation Development Act and Regional Surface Transportation programs.

DISCUSSION:

During announcements at the May 5th, 2021 Bicycle and Pedestrian Facilities Advisory Committee meeting, Committee member Eric Peterson requested staff agendaize a discussion about supporting the North Fremont Improvement Project, following the Civil Grant Jury report that criticized the project. Staff agendaized the item for discussion at the June 2, 2021 meeting.

During the June 2, 2021 Committee meeting, the Committee provided direction to staff and selected four Committee members to prepare and submit a letter of support to the City of Monterey for the project. The selected Committee members worked with staff to prepare the letter of support and the resulting correspondence is included as an **attachment** to this item.

In the Committee's role as an advisory body, the bylaws indicate the Committee operates as a forum for communication between public and private agencies, users, and providers. The bylaws further indicate that the Committee may communicate freely with elected or appointed bodies, public or private agencies or individuals to obtain input or opinions regarding bicycle and pedestrian planning proposals. Copies of all correspondence originating with the Committee must be included in the TAMC and Technical Advisory Committee agenda packets.

ATTACHMENTS:

- ▣ TAMC BPC to Mayor Roberson - Support for North Fremont Improvements



TAMC Bicycle and Pedestrian Facilities Advisory Committee

June 16, 2021

Mayor Clyde Roberson
City of Monterey
580 Pacific Street
Monterey, CA 93940

Subject: Support for North Fremont Improvements

Dear Mayor Roberson:

As the Transportation Agency for Monterey County's (TAMC) Bicycle and Pedestrian Facilities Advisory Committee, we are writing to express support of the City of Monterey's North Fremont Improvement Project.

As TAMC's Bicycle and Pedestrian Facilities Advisory Committee, one of our responsibilities includes reviewing and providing feedback on local bicycle and pedestrian project designs. The North Fremont Improvement Project was brought for discussion to our Committee during its development at the November 4th, 2015 and March 1st, 2017 meetings. Additionally, our Committee has played a role in approving TAMC's investment of Regional Surface Transportation Program funds which contributed \$1,933,000 in competitive funding to the project.

The Committee supports the North Fremont Improvement Project for many reasons. Listed below are some specific elements that we support:

- Direct bicycle and pedestrian safety improvements that support all levels of mobility for both cyclists and pedestrians
- New ADA compliant ramps and curb extensions that reduce the crossing distance for pedestrians
- Improved safety for handicap access to the surrounding businesses
- Reduced frequency of jaywalking
- Excellent traffic lighting that is safe for bicycles, pedestrians and vehicles
- Added sense of security from the fencing
- Avoidance of 47 driveways that bicycles and pedestrians otherwise would have needed to cross.

In addition to these reasons, we recognize that this design was a cost-effective solution to redevelop the North Fremont corridor with added bicycle and pedestrian safety enhancements. Bicycle lanes on both sides of the road would not have worked for this corridor. The design of this project is supporting the North Fremont Business District as it allows for the same level of automobile traffic, while enhancing pedestrian and bicycle access and reducing parking demand on the businesses.

The City of Monterey was the first City in California to have a Class IV bike lane in the median, but we predict they will not be the last. This design may be one of the solutions to get bicyclists safely and quickly across cities nationwide.

The North Fremont Improvement Project is an exemplary, innovative project that gives bicyclists and pedestrians a safer and faster way to travel through the city. This project brings us one step closer to a network of connected safe travel options for bicyclists and pedestrians. Construction is scheduled to start in 2023 for a segment of the 28-mile Fort Ord Regional Trail and Greenway project starting at Fremont and Del Rey Oaks Boulevard. The “gap” closure project next to Laguna Grande park currently under design by the city will be an excellent connection between the N Fremont center median bicycle lanes and this segment of the Fort Ord Regional Trail and Greenway project.

The Committee looks forward to future fluid and accessible pedestrian and bicycle facility connections.

Thank you,



Mike Novo

Chair, TAMC Bicycle and Pedestrian Facilities Advisory Committee

CC: Madilyn Jacobsen, Staff to TAMC Bicycle and Pedestrian Facilities Advisory Committee
TAMC Technical Advisory Committee
TAMC Board of Directors



Memorandum

To: Bicycle and Pedestrian Facilities Advisory Committee
From: Madilyn Jacobsen, Transportation Planner
Meeting Date: August 4, 2021
Subject: E-Bike Incentive Program

RECOMMENDED ACTION:

RECEIVE presentation and **PROVIDE INPUT** on Monterey Bay Air Resources District's E-Bike Incentive Program.

SUMMARY:

The Monterey Bay Air Resources District has requested the Committee's input on the development of the new E-Bike Incentive Program.

FINANCIAL IMPACT:

No impact to the Agency. The E-Bike Incentive Program will reduce the acquisition cost for members of the public to purchase an electric bike.

DISCUSSION:

The Monterey Bay Air Resources District is responsible for air monitoring, permitting, enforcement, long-range air quality planning, regulatory development, education and public information activities related to air pollution, as required by the California and federal Clean Air Acts. An Air District Board member recently requested that District staff develop a proposal for a program to provide rebates to the public for the purchase of an e-bike.

On March 17, 2021 the Monterey Bay Air Resource District adopted a resolution authorizing the Air Pollution Control Officer to apply a portion of the AB 2766 annual revenues towards funding and implementing the District's Motor Vehicle Emission Reduction Grant Program. This year, the Electric Vehicle Incentive Program component was expanded to include an incentive for e-bikes along with the ongoing incentives for light-duty electric and plug-in hybrid vehicles.

Air District staff has developed a proposal for a program to provide rebates for the purchase of an E-Bike. The purpose is to incentivize purchases of zero-emission electric motorized bicycles, which have the potential to replace motor vehicles for transportation purposes.

At their June 16, 2021 meeting, Air District staff received the following direction regarding the E-Bike Incentive Program:

- Incentives will be limited to \$1000 with one bike per applicant
- Eligible applicants must be verified as low-income only by an independent third-party
- Purchases must be from local established E-bike retailers

Air District staff is seeking input from the Committee to inform development of the E-Bike Incentive Program. The

final E-Bike Incentive Program will be presented to the Air District's Board of Directors at their August 18, 2021 meeting for consideration.

WEB ATTACHMENTS:

The following resource provides a helpful definition of e-bikes under California law: https://www.calbike.org/wp-content/uploads/2018/09/AB_1096_-_Info_for_Agencies-1.pdf



Memorandum

To: Bicycle and Pedestrian Facilities Advisory Committee
From: Michael Zeller, Principal Transportation Planner
Meeting Date: August 4, 2021
Subject: Fort Ord Regional Trail and Greenway - SR 218 Canyon Del Rey Segment Update

RECOMMENDED ACTION:

RECEIVE a presentation on the Canyon Del Rey segment of the Fort Ord Regional Trail and Greenway project.

SUMMARY:

The Fort Ord Regional Trail and Greenway (FORTAG) project has reached several milestones including certification of the final environmental document, approval of a Master Agreement among the underlying jurisdictions, and completion of the preliminary engineering design. This Phase 1 Segment of the Fort Ord Regional Trail and Greenway stretches 1.5 miles along the State Route 218 / Canyon Del Rey corridor through Del Rey Oaks and Seaside.

FINANCIAL IMPACT:

The Segment 1 final design tasks will be funded out of \$600,000 in state Senate Bill 1 Local Partnership Program funds and \$1.376 million in local Measure X funds. The right-of-way tasks will be paid from \$1.198 million in state Active Transportation grant funds. Construction will be funded through a future allocation of \$9.1 million in state Active Transportation grant funds. Other segments will proceed to final design and construction as matching funds for Measure X (which sets aside a total of \$20 million for the entire trail) are obtained.

DISCUSSION:

The vision for the Fort Ord Regional Trail & Greenway (FORTAG) is to create a multimodal route designed to accommodate people of all ages and abilities that connects communities in and around the former Fort Ord to each other and to education, employment, community and recreation centers. It will serve as a safe pedestrian and bicycle corridor connecting the cities of Seaside, Marina, Del Rey Oaks, Monterey and unincorporated community residents to California State University Monterey Bay, the Fort Ord National Monument, and the Monterey Bay Sanctuary Scenic Trail. The Final Environmental Impact Report for the proposed 28-mile paved trail was certified by the Transportation Agency Board on March 25, 2020. A Master Agreement was approved by the Transportation Agency and the underlying jurisdictions in June 2020.

On August 2020, the California Transportation Commission approved the allocation of \$1.198 million in Senate Bill 1 Active Transportation Program funds for right-of-way acquisition for Phase 1 of the SR 218 / Canyon Del Rey Segment of the FORTAG. The Commission also approved the allocation of \$600,000 in Senate Bill 1 Local Partnership Program funds for the preparation of final design plans, specifications and estimates for construction of this first trail segment.

Phase 1 of the Canyon Del Rey/State Route 218 Segment involves construction of the trail through the City of Del Rey Oaks from Fremont Boulevard to Del Rey Woods Elementary in the City of Seaside. From Fremont Boulevard, the

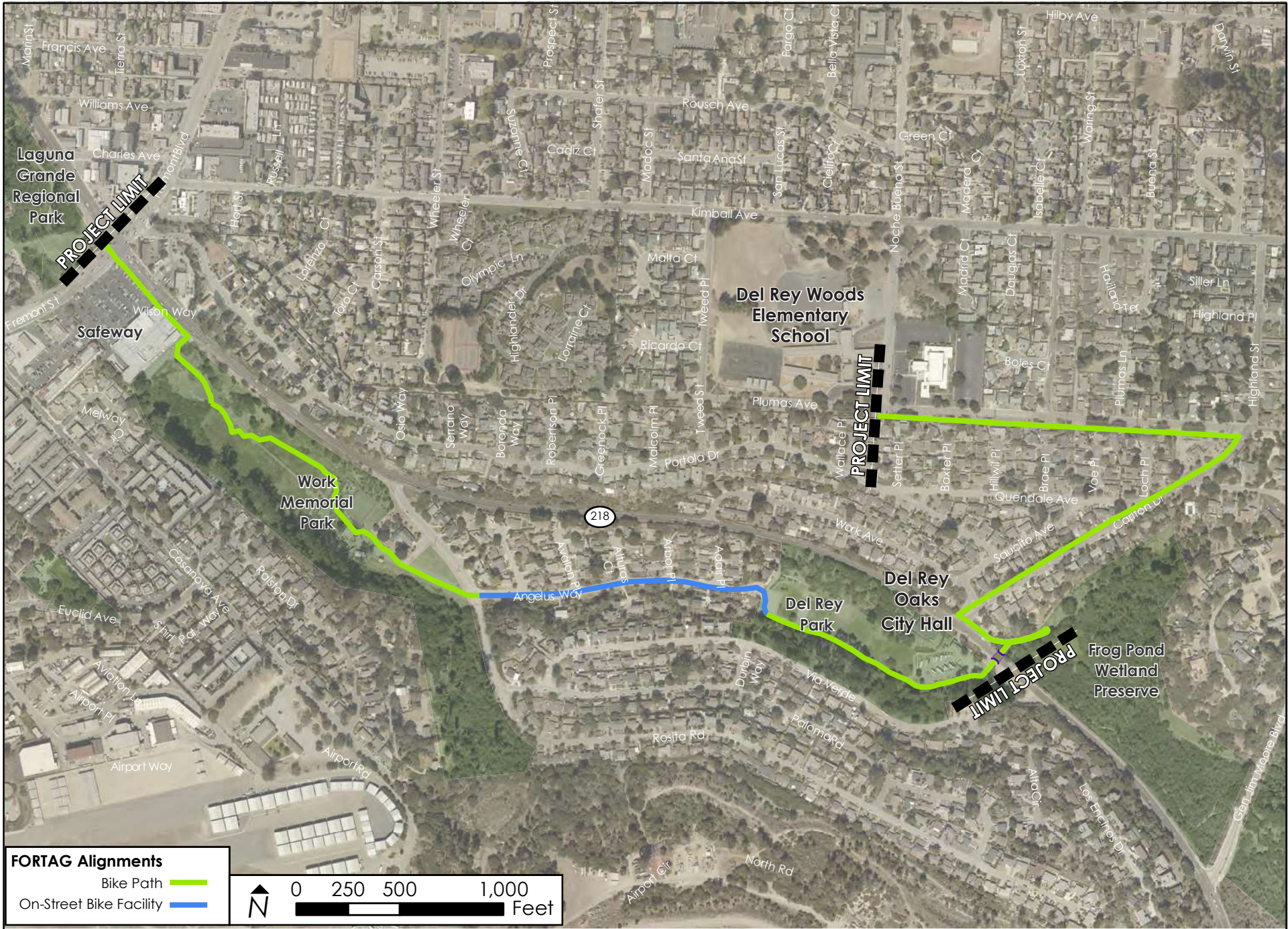
trail will run along State Route 218 and then move behind Safeway through Work Memorial Park traveling around the tennis courts and towards Angelus Way. There are no improvements proposed along Angelus Way based on feedback from the community. The trail will pick up again at Del Rey Park and travel towards State Route 218 along the existing trail. A tunnel under Canyon Del Rey Boulevard will connect near Del Rey Oaks City Hall and the Frog Pond. A raised pathway will be constructed to connect trail users from the tunnel to Carlton Drive at an accessible grade. The trail will extend northeast up Carton Drive to Plumas Avenue. Along Carlton Drive the trail will consist of a new 12-foot wide multi-use sidewalk on the west side of the road. Along Plumas Avenue the trail will follow the existing PG&E easement up to Del Rey Woods Elementary. The tunnel landing and the raised pathway are the only project elements to be constructed within the Frog Pond as part of Phase 1.

A multi-agency review panel recommended and the TAMC Board approved GHD, Inc. to perform the engineering and right-of-way work. With the consultant team on board, the Agency has been conducting public workshops and site walks coordination with Caltrans, the Monterey Peninsula Regional Park District, and the cities of Del Rey Oaks and Seaside to gather input on how the trail will ultimately look and feel. A project website was also established to collect public comment using an interactive map. A final public workshop will be held in August 2021 (date to be determined).

Final design and right-of-way certification are anticipated for completion by Summer/Fall 2022. Construction is scheduled to start thereafter in 2023. Concurrently, the Agency is pursuing grant funds for other segments of the FORTAG, which will proceed to final design and construction as matching funds are obtained.

ATTACHMENTS:

- FORTAG - SR218 / Canyon Del Rey Segment Map



FORTAG - Canyon Del Rey/SR 218 Segment - Phase 1





Memorandum

To: Bicycle and Pedestrian Facilities Advisory Committee
From: Madilyn Jacobsen, Transportation Planner
Meeting Date: August 4, 2021
Subject: **Brown Act Public Meetings Training**

RECOMMENDED ACTION:

RECEIVE training on the Brown Act, which sets the rules for the noticing and conduct of public meetings.

SUMMARY:

The Ralph M. Brown Act (Government Code sections 54950-54963, referred to as the "Brown Act") is intended to provide public access to meetings of California local government agencies. Staff will present a training session on the Brown Act to the Committee and speak to pending changes related to exemptions issued during the COVID-19 pandemic.

FINANCIAL IMPACT:

None.

DISCUSSION:

The Ralph M. Brown Act (Government Code sections 54950-54963), referred to as the "Brown Act", is intended to provide public access to meetings of California local government agencies.

In order to achieve this objective, governmental bodies subject to the requirements of the Brown Act must provide public notice of their meetings, post agendas of the subjects to be discussed at those meetings, and provide public access to those meetings. Public notice of every meeting subject to the Brown Act is required, and access is mandatory unless the meeting is held in closed session under a specific exception contained in the Brown Act.

The Institute for Local Government identifies that the underlying philosophy of the open government laws is that public agency processes should be as transparent as possible, as transparency is vital in promoting trust in government. Advisory Bodies formally created by the governing body, such as the Bicycle and Pedestrian Facilities Advisory Committee, are subject to the open meeting laws. As such, the rules of the Brown Act apply to the Committee.

California's open government laws require public officials to:

- A. Conduct meetings of public bodies openly, except for limited circumstances under which the law allows the public's business to be conducted privately in closed session.
- B. Allow the public to participate in meetings of public bodies through a public comment process.

C. Allow inspection and copying of public records, except when non-disclosure is authorized by law.

Under the Brown Act, public officials may only discuss and act on items included on the posted agenda for a meeting. However, they or staff may briefly respond to questions or statements during public comment that are unrelated to the agenda items. Public officials may also request staff look into a matter or place a matter on the agenda for a subsequent meeting.

An **attachment** is provided with additional details on the ABCs of Open Government Laws.

Brown Act Exemptions During COVID-19

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhanced State and Local Governments ability to respond to the COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. This Executive Order has allowed for local legislative bodies to hold meetings via teleconference and to make meeting accessible electronically, in order to protect public health.

Following successful vaccination efforts and other measures to control the spread of COVID-19, the Governor has gradually begun to rescind measures that were implemented to protect public health. The Governor issued Executive Order N-07-21 on June 11, 2021 which formally rescinded the Stay-at-Home Order and issued Executive Order N-08-21 which sets the date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance of the Brown Act.

During the meeting, staff will speak to the plans for the future Bicycle & Pedestrian Facilities Advisory Committee meetings for Fall 2021.

ATTACHMENTS:

- ABCs of Open Government Laws

The ABCs of Open Government Laws

The underlying philosophy of the open government laws is that public agency processes should be as transparent as possible. Such transparency is vital in promoting public trust in government.

This concept of governmental transparency is so important to the public that some 83 percent of voters supported adding it to California's constitution by adopting Proposition 59 in 2004.

California's open government laws require public officials to:

A

Conduct meetings of public bodies openly, except for limited circumstances under which the law allows the public's business to be conducted privately in closed sessions.

B

Allow the public to participate in meetings of public bodies through a public comment process.

C

Allow inspection and copying of public records, except when non-disclosure is authorized by law.

This pamphlet summarizes these three requirements in general terms.

Local officials are also encouraged to consult with their agency attorneys for information about how these requirements apply in any given situation or more information about this area of the law.

The Institute is able to make this resource available to local officials and others as a result of much appreciated financial support from:



The Institute is grateful for this firm's ongoing commitment to public service ethics and public service ethics education.

All decisions regarding the final content of this pamphlet were the Institute's.

A Conducting the Public's Business in Public

General Rules

- Elected and most appointed local-agency bodies – which include many advisory committees – must conduct their business in open and public meetings.
- A “meeting” is any situation involving a majority of a public body in which agency business is transacted or discussed. In other words, a majority of the body cannot talk privately about a matter of agency business no matter how the communication occurs, whether by telephone or e-mail, or at a local coffee shop.
- The public must be informed of 1) the time and place of and 2) the issues to be addressed at each meeting. In general, public officials may only discuss and act on items included on the posted agenda for a meeting. The agenda must be posted at least 72 hours in advance of a regular meeting and written in a way that informs people of what business will be discussed. Many local agencies are required to post agendas on their websites (if they have one). Members of the public may request a copy of the agenda packet be mailed to them at the time the agenda is posted or upon distribution to the governing body. Some agencies also maintain e-mail lists to distribute agendas and related materials.

Key Things to Know

- **Advisory Bodies.** Advisory bodies formally created by the governing body are subject to the open meeting laws. In some cases, committees of less than a quorum of the public body are also subject to these laws.
- **Serial Meetings.** Avoid unintentionally creating a “serial” meeting—a series of communications that result in a majority of the body's members discussing, deliberating, or taking action on a matter of agency business.

A Conducting the Public's Business in Public

- **Permissible Gatherings.** Not every gathering of members of a public body outside a noticed meeting violates the law. For example, a violation would not occur if a majority of the members attend the same educational conference or attend a meeting not organized by the local agency as long as members do not discuss among themselves agency business except as part of the gathering. Nor is attendance at a social or ceremonial event in itself a violation. The basic rule to keep in mind is a majority of the members cannot gather *and* discuss agency business except at an open and properly noticed meeting.
- **Closed Sessions.** The open meeting laws include provisions for private discussions under very limited circumstances. The reasons for holding the closed session must be noted on the agenda and different disclosure requirements apply to different types of closed sessions.
- **Posting and Following the Agenda.** In general, public officials may only discuss and act on items included on the posted agenda for a meeting. However, they or staff may briefly respond to questions or statements during public comments that are unrelated to the agenda items. Officials can also request staff to look into a matter or place a matter on the agenda for a subsequent meeting. Only under unexpected circumstances can matters that are not on the agenda be discussed or acted upon.

Consequences of Non-Compliance with Open Meeting Requirements

- **Nullification of Decision.** Many decisions that are not made according to the open meeting laws are voidable. After asking the agency to cure the violation, either the district attorney or any interested person may sue to have the action declared invalid.
- **Criminal Sanctions.** Additionally, members of the body who intentionally violate the open meeting laws may be guilty of a misdemeanor. The penalty for a misdemeanor conviction is imprisonment in county jail for up to six months, a fine of up to \$1,000 or both.

Example

If two members of a five-member public body consult outside of a public meeting (which is not in and of itself a violation) about a matter of agency business and then one of those individuals consults with a third member on the same issue, a majority of the body has consulted on that issue. Note the communication does not need to be in person and can occur through a third party. For example, sending or forwarding e-mail can be sufficient to create a serial meeting, as can a staff member's polling the body's members in a way that reveals the members' positions to one another.

- **Taping or Recording of Meetings Is Allowed.** Anyone attending a meeting may photograph or record it with an audio or video recorder unless the governing body makes a finding that the noise, illumination, or obstruction of view will disrupt the meeting. Any meeting tape or film made by the local agency becomes a public record that must be made available to the public for at least 30 days.
- **Sign-In Must Be Voluntary.** Members of the public cannot be required to register their name or satisfied any other condition for attendance. If an attendance list is used, it must clearly state that signing the list is voluntary.

- **Other Measures.** Either the district attorney or any interested person may sue to remedy past and prevent future violations of the open meeting laws. Another remedy, under certain circumstances, is for a court to order that all closed sessions be tape-recorded. Regulations of public participation beyond those allowed by applicable statutory and constitutional principals can be a civil rights violation.
- **Attorneys' Fees and Costs.** Attorneys' fees and costs may be awarded to those who successfully challenge open meeting violations.

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General Rules

- **Democracy in Action.** The public has a right to address the public body at any meeting. A public official's role is to both hear and evaluate these communications.
- **The Public's Right to be Heard.** Generally, every regular meeting agenda must provide an opportunity for the public to address the public body on any item within the body's jurisdiction. If the issue of concern is one pending before the body, the opportunity must be provided before or during the body's consideration of that issue.

Open-Government-Is-Good-Politics Note

The media are highly vigilant in monitoring compliance with open government requirements—and quick to report on perceived violations.

Key Things to Know

- **Anonymous Speech Must Be Permitted.** Members of the public cannot be required to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card, or identify themselves "for the record," but must respect a speaker's desire for anonymity.
- **Reasonable Time Limits May Be Imposed.** Local agencies may adopt reasonable regulations to ensure everyone has an opportunity to be heard in an orderly manner. For example, some agencies impose a uniform time limit on each person providing public comments on an issue.
- **Dealing with Dissension.** The chair cannot stop speakers from expressing their opinions or their criticism of the body. If an individual or group willfully interrupts a meeting and order cannot be restored, the room may be cleared. Members of the media must be allowed to remain and only matters on the agenda can be discussed.

General Rules

- Public agencies must generally make their records available for inspection by the public. Disclosure is the rule; withholding is the exception. In addition, there are a number of state laws that require affirmative disclosure of certain kinds of information (for example, by posting the information on the agency's website).

Key Things to Know

- **Agenda and Meeting Materials.** Copies of the agenda materials and other documents not exempt from disclosure distributed to the body must be available to the public. Any nonexempt materials prepared by the local agency must be available for public inspection at the meeting. Materials prepared and distributed by some other person must be made available after the meeting.
- **Scope of Access.** The public has the right to see nonexempt materials that are created as part of the conduct of the people's business. These materials include any writing that was prepared, owned, used, or retained by a public agency. This can include documents, computer data, e-mails, facsimiles, and photographs.
- **Presumption and Exceptions.** Written materials are presumed to be a public record unless an exception applies. There are a number of exceptions. For example, personnel records are typically exempt from disclosure because their release may violate an employee's privacy rights.

The public's right of access to public records is broadly construed and applies to many documents that public officials might otherwise assume are protected from disclosure.

Consequences of Violation

Anyone can sue the agency to enforce his or her right to access public records subject to disclosure. If the agency loses or otherwise produces the records as the result of the lawsuit, it must pay costs and attorneys fees.

It is important to note that the requirements discussed in this pamphlet are legal minimums for local government transparency in decision-making. Local agencies can provide for greater transparency.

In thinking about how an agency might provide for greater transparency, questions local agency officials might ponder include the following:

- 1 How can the agency make public information more readily available and easily understandable by the public in order to promote public trust and confidence in the agency and demonstrate the agency's commitment to transparency?
- 2 Are there kinds of information that are already publicly available in some form, but could be made available more conveniently to the public (for example, through voluntarily posting the information on the agency's website or including links on the agency's website to where information is available on other websites)?
- 3 What kinds of information might be of interest to a cross-section of the public relating to the agency's operations and decision-making processes? Are there ways this information can be made available without individual members of the public having to ask for it?

Ongoing consideration of these kinds of questions enables a local agency's officials to engage in collective discussion and decision-making about ways in which their agency can set its sights higher than the minimum requirements of the law.

A Note on Civility in Public Discourse

For communities to be able to work through difficult issues, it's important that people be able to express differing opinions about what best serves the public's interests in a respectful and civil manner.

This includes focusing on the *merits* of one's position. Even if people disagree about what's best for the community in this situation, it doesn't mean that those holding different views are bad people. Treat others with the same respect as one would like to be treated. Questioning others' motives or intelligence, being hostile, engaging in name-calling or making threats undermines one's effectiveness.

No matter how passionate one is about an issue, the goal is to conduct oneself in a way that will add to one's credibility and standing as a thoughtful member of the community.

California's open government laws are complex and extensive. Consult the following resources for more information on these laws.

- Understanding the *Basics of Public Service Ethics: Transparency Laws*, available at www.ca-ilg.org/Understanding-Public-Service-Ethics-Laws (includes discussions of other kinds of disclosure laws, in addition to Open Meeting Law and Public Records Act).
- *Open and Public IV: A User's Guide to the Ralph M. Brown Act, 2d Edition*, 2010. Available on the League of California Cities website at www.cacities.org or by calling 916.658.8200.
- *The People's Business: A Guide to the California Public Records Act*, 2008. Available on the League of California Cities website at www.cacities.org or by calling 916.658.8200.

Local officials should also consult their agency counsel with questions.

The Attorney General also offers guides on these laws; they are available from the Attorney General's website: http://ag.ca.gov/publications/2003_Intro_BrownAct.pdf (Brown Act Guide) and http://ag.ca.gov/publications/2003_Intro_BrownAct.pdf (Public Records Act).



The Institute for Local Government promotes good government at the local level with practical, impartial, and easy-to-use resources for California communities.

ILG is the research and education affiliate of the California State Association of Counties, the League of California Cities and the California Special Districts Association.

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Memorandum

To: Bicycle and Pedestrian Facilities Advisory Committee
From: Madilyn Jacobsen, Transportation Planner
Meeting Date: August 4, 2021
Subject: **Media Clippings**

RECOMMENDED ACTION:

RECEIVE media clippings attached online.

DISCUSSION:

Local News

- [Patrice Vecchione, Walkabout town: The complexities of creating a neighborhood trail](#) (Monterey Herald)
- [A public workshop on the FORTAG plan reveals a small city's divide](#) (Weekly)
- [Listening to your constituents is never a bad thing](#) (Weekly)
- [Students in South County will have decorated sidewalks in the fall](#) (Weekly)
- [Colorful sidewalks in South County map safest routes to school](#) (KION - video link)

Other News of Interest

- ['Mr. Barricade rides to stardom on TikTok](#) (Mercury News)
- [Legislative Update: Bikes at Stops Signs, Jaywalking, and Camera Enforcement on Buses](#) (Streetsblog)