

2. Institutional Obstacles

CHAPTER GUIDE

TOPIC: Institutional (as opposed to physical) obstacles that can stand in the way of creating a pedestrian-friendly environment.

AUDIENCE: Locally-elected officials, transportation planners and commissioners, land use planners and planning commissioners, traffic/transportation engineers, and developers.

USES: To help local jurisdictions and others identify institutional barriers to an improved walking environment, as well as to learn about innovative solutions to these barriers.

INTRODUCTION

Staff and elected officials of Alameda County’s 15 jurisdictions recognize the importance of good pedestrian design for the future livability of their communities. They are using new development and streetscape projects as opportunities to improve walkability, and stand-alone pedestrian projects are being funded by countywide, regional, state, and federal sources more than ever before.

But why aren’t these improvements occurring more quickly? Physical barriers throughout Alameda County—from numerous active railroad tracks and high-speed arterials to creeks and canals—certainly pose expensive challenges to local jurisdictions. But even with unlimited financial resources, communities still face challenges to creating hospitable pedestrian environments as a result of a host of less tangible factors.

This chapter summarizes the institutional barriers facing jurisdictions in Alameda County (and beyond) in the pursuit of walkable communities, and some of the solutions agencies have found. These barriers were identified through interviews with planning and

engineering staff working in all 15 Alameda County jurisdictions and fall into the following categories:

- Policies of other public agencies
- Local agency policies & practices
- Lack of multi-modal perspective
- Public awareness
- Funding

Below is a summary of the obstacles in each of these areas that were identified during the development of the Plan.

POLICIES OF OTHER PUBLIC AGENCIES

One of the most common sets of institutional obstacles to improving walkability cited by local agencies are policies of other governmental agencies that affect local conditions. Examples include Caltrans standards that apply to state highways that double as local roads, such as San Pablo Avenue; the need to obtain encroachment permits from other agencies with property within a local jurisdiction; and interpretations of the California Environmental Quality Act (CEQA) requiring traffic “improvements” that prove detrimental to pedestrians, such as dedicated turn lanes and retimed traffic signals.

Obstacle 1: Caltrans policies have historically prohibited certain pedestrian improvements

Until recently, Caltrans policies have had a single focus: to facilitate the movement of motor vehicles. At times, this mission can be at odds with local efforts to improve walkability, particularly where a State highway doubles as a local arterial or as a town’s main street. In the past, Caltrans has rejected proposals for wider sidewalks, bulbouts, street trees and other infrastructure to improve the pedestrian environment on such facilities.

Institutional Obstacles

INSTITUTIONAL OBSTACLES

POLICIES OF OTHER PUBLIC AGENCIES

- Obstacle 1: Caltrans policies have historically prohibited certain pedestrian improvements
- Obstacle 2: Non-local control of right-of-way

LOCAL AGENCY POLICIES & PRACTICES

- Obstacle 3: Local land use policies that hamper walking
- Obstacle 4: Lack of collaboration between city departments
- Obstacle 5: Shortage or absence of staff trained in pedestrian planning
- Obstacle 6: Limited enforcement of traffic laws

LACK OF A MULTI-MODAL PERSPECTIVE

- Obstacle 7: Statewide design standards do not adequately address pedestrian facilities
- Obstacle 8: Traffic calming is not applied systematically
- Obstacle 9: Policies based on prioritizing motor vehicle flow

PUBLIC AWARENESS

- Obstacle 10: Lack of understanding of economic benefits of walking to the community
- Obstacle 11: Fear that pedestrian improvements will bring unintended consequences
- Obstacle 12: Lack of knowledge of the health benefits of walking

FUNDING

- Obstacle 13: Inadequate funding

Another instance where Caltrans' ownership and operation of "local" roads can interfere with the implementation of pedestrian improvements are trail alignments that cross Caltrans facilities at places other than signalized intersections, since such locations rarely meet Caltrans "warrants," or justification, for a new traffic signal. In interviews for this Plan, local jurisdictions did not report any cases where Caltrans has allowed such crossings to occur.

SOLUTION 1A: TRANSFER STREET OWNERSHIP TO LOCALITY

Cities have responded in a number of creative ways, including working with Caltrans to swap ownership of a parallel roadway that does not have the need for significant pedestrian facilities. Such an approach has

negative consequences, however: every mile of State highway that is transferred to local ownership, without a corresponding transfer of a local road to the State, reduces the amount of State transportation funding local jurisdictions receive. Such transfers also shift the responsibility for maintenance to the local agency without providing additional funding.

CASE STUDY

LIVERMORE STATE HIGHWAY SWAP

First Street is Livermore's Main Street. Until 2005, First Street was designated as State Route 84 and carried heavy commuter and truck traffic. In order to realize the City of Livermore's plans to create a walkable downtown district, the City negotiated with Caltrans to shift SR 84 to Isabel Avenue. First Street has since been transformed into a pedestrian-friendly street, all truck traffic has been banned and motorists have found parallel arterial routes to the freeway.

SOLUTION 1B: IMPLEMENT CALTRANS' NEW POLICIES

In 2001, Caltrans adopted two policies with the potential to profoundly change the agency's treatment of pedestrians. First, Deputy Directive 64 states that Caltrans "considers the needs of non-motorized travelers in all" of its work. Known as "routine accommodation," this new policy further directs staff to ensure that capital projects incorporate best practices for non-motorized travel and that the transportation system is maintained and operated in ways that recognize the needs of non-motorized travelers.

Also in 2001, Caltrans' director issued a set of "Context Sensitive Solutions," which require the agency to work through a "collaborative, interdisciplinary" process "involving all stakeholders" on its highways, particularly those that function as local streets. Since these two ground-breaking policies were released, some local jurisdictions have perceived a shift in Caltrans' response to proposals for pedestrian improvements, though others have not. It will likely take some time for an agency the size of Caltrans to make this sustained philosophical shift. However, as local jurisdictions and Caltrans engineers alike become more familiar with the new policies and together experience related successes, the potential for these policies to allow the transformation of

main streets across the County and the State will be realized.

Obstacle 2: Other cases of non-local control of right-of-way

Beyond having to work with the State to make roadway improvements, local jurisdictions in Alameda County report challenges in obtaining permission from other public agencies to construct, operate and maintain pedestrian facilities, particularly trails. Examples include policies of the Public Utilities Commission and private railroads that prohibit new at-grade railroad crossings, and hesitance on the part of the Alameda County Flood Control District to allow public access on maintenance roads along County creeks.

SOLUTION 2A: RESPOND TO CONTROLLING AGENCY CONCERNS

By addressing the concerns of these agencies and private companies—concerns which often relate to liability—local agencies have obtained permission to allow public access on trails that were previously closed to the public. Examples of actions that have addressed agency concerns include prohibiting nighttime trail access, and shared or total local acceptance of trail maintenance responsibility.

LOCAL AGENCY POLICIES & PRACTICE

While local jurisdictions often feel constrained by the guidelines of other public agencies, at times it is their own policies and practices that get in the way of efforts to improve walkability. Areas where this can be apparent include land use policies, coordination among city departments, staffing levels, and enforcement of traffic laws.

Obstacle 3: Local land use policies that hamper walking

Examples include zoning that segregates land uses, laws that restrict the development of multi-family housing, strategies that rely on regional auto-oriented shopping as a city’s primary revenue source, and parking requirements.

SOLUTION 3A: DEVELOP AND ADOPT LOCAL PEDESTRIAN MASTER PLANS AND NEW GENERAL PLAN POLICIES THAT PROMOTE WALKABILITY

Creating a pedestrian plan and/or General Plan policies intended to improve walkability can help jurisdictions mitigate the effect of previously adopted policies on walking.

SOLUTION 3B: DEVELOP NEW LOCAL ZONING AND DESIGN STANDARDS

Alameda County jurisdictions are trying to overcome self-imposed institutional barriers to walkability in a number of creative ways. Fremont’s Central Business District Plan emphasizes pedestrian travel through mixed use and higher density development, shorter block lengths, and wider sidewalks. Hayward is trying to encourage shoppers to walk—rather than drive—between new stores by requiring new buildings to front the sidewalk, with parking in the rear. The City of Dublin has re-zoned land adjacent to the Dublin/Pleasanton BART station to allow 1,800 new housing units at densities up to 70 units per acre.

SOLUTION 3C: REVISE PARKING REQUIREMENTS AT MIXED USE/TRANSIT-ORIENTED DEVELOPMENT

At the regional level, MTC is performing a landmark parking study aimed at overcoming the barrier that parking requirements can pose to new transit-oriented and infill development. The project will identify reformed parking policies and approaches to address the needs of local communities, commuters, businesses, and other stakeholders for mixed use/transit-oriented and infill developments. Also, BART has modified its replacement parking policy for development projects on BART property, from a strict one-to-one requirement to allowing fewer replacement spaces in some situations.

SOLUTION 3D: ENGAGE IN REVENUE-SHARING WITH NEIGHBORING JURISDICTIONS

Since 1978, when California voters passed Proposition 13, the “People’s Initiative to Limit Property Taxation,” local governments have become increasingly dependent on sales tax revenue. One result has been the lure that “big box” retail establishments have on local governments, even in locations (such as transit station areas) that are inappropriate for such development.

In response, recent State legislation permits a limited amount of revenue-sharing among adjacent cities. Such arrangements reduce the attraction that big box retail can have for local governments by allowing such

Institutional Obstacles

establishments to locate where it makes the most sense from both a transportation and land use perspective, and by spreading the resulting sales tax revenue among neighboring jurisdictions.



Obstacle 4: Lack of collaboration between city departments

Beyond policy, the practices of local agencies can inadvertently act as institutional obstacles to walkability. One example is the lack of collaboration between departments within a single jurisdiction.

SOLUTION 4A: INSTITUTIONALIZE INTER-DEPARTMENTAL COLLABORATION

Although departmental segregation is the norm in most local jurisdictions, there are Alameda County examples of institutionalized collaboration intended to allow specialized staff to learn from each other. For instance, each week Livermore’s engineering and planning staff hold combined team meetings so they can approach upcoming planning efforts and construction projects with the broadest possible perspective. The County of Alameda has held several inter-agency coordination meetings regarding walkability issues, including jointly performing walking audits (see *Programs and Plans* section of *Costs and Revenue* chapter).

Obstacle 5: Shortage or absence of staff trained in pedestrian planning

With the exception of the City of Oakland, no city in Alameda County has full-time staff dedicated to pedestrian planning. Without personnel who are assigned to the task of improving walkability, pedestrian needs can be overlooked in the transportation and land use planning processes. The effect of these oversights can

be missed opportunities to provide walking facilities in conjunction with larger projects.

SOLUTION 5A: PROVIDE TRAINING FOR LOCAL PLANNERS AND ENGINEERS ON THE PRINCIPLES OF WALKABILITY

Although most communities do not have dedicated pedestrian planning or engineering staff, all employ professionals who—with adequate training—can bring the skills of a pedestrian professional to their own work.

Caltrans and the California Department of Health Services jointly fund a program to educate staff and others on the fundamentals of creating walkable communities. A group of people in California have been trained as “Walkability Experts,” whom local jurisdictions can hire to help engineers, planners, police officers, fire-fighters, school district officials, senior center staff, transit providers, elected officials, community-based organizations and other groups identify ways to improve pedestrian conditions in a particular neighborhood. A typical session includes a presentation of pedestrian planning principles, a walking tour of the neighborhood, a group mapping and action-plan development activity, and tools to identify probable funding sources. In 2003, Cherryland and East Oakland took advantage of this program. Other Alameda County communities have used this program as well.

SOLUTION 5B: CREATE GRANT-FUNDED POSITIONS

There is sufficient interest in the fledgling field of pedestrian planning that cities can likely attract qualified pedestrian professionals, even if these jobs are not permanent. In some cases, foundations may be willing to fund such a position for a particular objective, such as developing a pedestrian master plan or a specific plan in a particular neighborhood.

Obstacle 6: Limited enforcement of traffic laws

Law enforcement officials who do not cite jay-walkers are inadvertently teaching pedestrians that this behavior is acceptable, which ultimately results in dangerous situations. Similarly, by neglecting to ticket drivers who do not yield the pedestrian right-of-way, police officers are communicating that walking is not important.

SOLUTION 6A: TRAIN LAW ENFORCEMENT PROFESSIONALS

Programs are needed that reinforce the importance of local police enforcement of existing traffic laws, thereby furthering their city’s efforts to improve walkability by

creating an environment that is safe for pedestrians, particularly those with disabilities. This obstacle is not solely an education issue: many police departments are understaffed and often, understandably, prioritize violent crime.



SOLUTION 6B: CONDUCT POLICE STINGS

Local police departments, including those in the cities of Alameda and Oakland, have deployed police officers to enforce pedestrian right-of-way and speed laws in high-visibility locations where vehicle/pedestrian interactions are consistently problematic. In addition to sensitizing police officers to pedestrian crossing issues, such activities help create public awareness through enhanced media coverage of the pedestrian right-of-way and educate individual drivers.

LACK OF A MULTI-MODAL PERSPECTIVE

The needs of motor vehicles, buses, bicycles and pedestrians are often, inarguably, different. Every city in Alameda County has locations where conflicting needs are apparent: bulb-outs that make turning difficult for trucks; traffic signal timing that allows pedestrians insufficient time to cross; and trails with inadequate width to separate bicyclists and pedestrians. Although these are examples of physical barriers to improved walkability, institutional obstacles are often at their root. Examples include design standards that prioritize motor vehicle traffic, inconsistent application of traffic engineering methods that can benefit pedestrians, and data analysis methodologies that are based on the primary importance of the automobile.

Obstacle 7: Statewide design standards do not adequately address pedestrian facilities

The design standards that local traffic engineers typically turn to are those issued by Caltrans and the Federal Highway Administration. Although these publications contain standards for sidewalk design and pedestrian signal phasing, they are primarily written with motor vehicles in mind and have few guidelines for pedestrian facilities. Straying from these state- and federally-sanctioned standards is, in many cases, not considered an option, due to liability concerns.

SOLUTION 7A: DEVELOP LOCAL MULTI-MODAL DESIGN GUIDELINES

Locally-adopted roadway and development standards or guidelines that pertain to all modes can offer the key to creating walkable communities by serving as easy-to-use reference guides for local traffic engineers; avoiding the need to work out potential inter-departmental conflicts on a case-by-case basis; and bringing together best practices to minimize conflicts between users. Such standards can, but need not, be written in conjunction with local pedestrian master plans.

Although the design standards that local traffic engineers typically turn to contain standards for sidewalk design and pedestrian signal phasing, they are primarily written with motor vehicles in mind, and have few guidelines for pedestrian facilities.

Because standards are flexible and constantly being updated, local documents offer the added opportunity to provide information about traditional roadway standards when they change. A current example of a changing standard is the Manual of Uniform Traffic Control Devices (MUTCD), which is in the final stages of incorporating, as a recommendation, longer pedestrian-signal green times.

Beyond providing a resource for traffic engineering staff, the process of developing local design standards offers different departments within a single city the opportunity to discuss their individual needs with respect to roadway design. Such citywide conversations are essential for developing solutions that acknowledge

Institutional Obstacles

the needs of each division of city government, while addressing the needs of all transportation modes. Examples include finding ways to accommodate bicycle lanes on roads with bulbouts; fire trucks on traffic-calmed streets; and bus stop shelters on narrow sidewalks.

Another way in which local design guidelines can help improve walkability relates to trails. Often, local opposition to new trails is prompted by fears that such facilities will attract criminal activity. Developing local trail design standards—by working with neighborhood groups and by referring to national examples—allows cities and park districts to design trail projects that are less isolated, more inviting, and safer than some older trail examples.

The companion *Toolkit* to this Plan lists local, state and national examples of design standards that can serve as a template for the development of local documents.



Obstacle 8: Traffic calming is not applied systematically

Traffic calming—streetscape improvements that slow motor vehicles and provide a more conducive environment for non-motorized traffic—has become popular in recent years and is becoming more accepted by trained traffic engineers. In the past, pedestrian refuge islands, raised crosswalks, bulbouts and the like were perceived, for the most part, to degrade automobile level of service to an unacceptable degree.

SOLUTION 8A: STUDY THE INTENDED AND UNINTENDED EFFECTS OF TRAFFIC CALMING

Research that shows the effect of well-designed traffic-calming projects on local traffic helps local jurisdictions weigh the costs and benefits to all modes of making these

improvements and can help cities plan and design appropriate local systems. For instance, there are many examples of traffic calming projects that have improved automobile level of service such as those that restrict turning movements.

Obstacle 9: Policies based on prioritizing motor vehicle flow

In some instances, efforts to protect the environment through the California Environmental Quality Act (CEQA) can have unintended consequences to pedestrian travel. By assuming that free-flowing motor vehicle traffic is always best for the environment, the Act can inadvertently hinder walking and bicycling. Local goals prioritizing motor vehicle flow exacerbate this situation. While fewer cars idling in traffic does mean cleaner air, most jurisdictions do not recognize that the net effect on air quality may be negative when keeping traffic moving requires impediments to pedestrian travel. Examples of the deleterious effects of mitigations for the projected traffic of proposed development projects include dedicated turn lanes, which create wider roads for pedestrians to cross; and retimed traffic signals, which often cause pedestrians to wait longer to cross. In all cases, a balance is needed between environmental and human protections.

Efforts to protect the environment through the California Environmental Quality Act (CEQA) can have unintended consequences to pedestrian travel.

Trip generation rates, which are used to project the number of vehicle trips that will result from a particular development, are the basis for these mitigations. These rates were developed before the advent of concepts such as transit-oriented development, in-fill and walkable communities. They assume that all new development generates as much automobile traffic as suburban-style, auto-oriented developments.

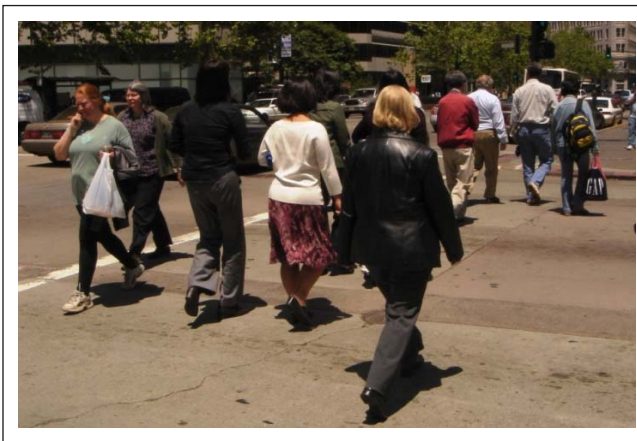
The primary goal of California's county-level congestion management agencies is to minimize traffic congestion on key countywide facilities, measured using a standard called "Level of Service" (LOS). LOS standards prioritize transportation projects that maintain traffic flow, which can sometimes come at the expense of walkability.

SOLUTION 9A: CITE RESEARCH THAT SHOWS WHERE PEDESTRIAN IMPROVEMENTS ALSO HAVE BENEFITS FOR OTHER MODES

In the short term, comments on individual CEQA environmental documents can refer to studies that document the relationship between improving motor vehicle traffic flow and deterring pedestrians and bicyclists, as well as research that looks at the circumstances under which non-motorized trips can be expected to replace auto trips, and the resulting effect on air quality (see companion *Toolkit*). This information could be shared with municipalities and environmental consultants.

SOLUTION 9B: REVISE TRIP GENERATION RATES

A current effort by the Association of Bay Area Governments and the Institute of Transportation Engineers is contributing to the development of revised trip generation rates to reflect the reduced number of auto trips that result from compact, mixed-use development that is oriented to nearby public transit. This work has the potential to reduce the extent of auto-oriented mitigations that such new development would typically be required to provide. In a separate effort, proponents of walkable communities in Sacramento are working with environmental groups to find acceptable ways to exempt this type of development from CEQA altogether, perhaps modeled on CEQA’s existing exemption for affordable housing projects.



SOLUTION 9C: RELAX LOS STANDARDS IN CERTAIN DISTRICTS

In recognition of the inevitability of higher congestion levels in denser areas, some Bay Area cities, including Oakland, allow less stringent LOS thresholds in designated pedestrian districts. This is currently the case for downtown Oakland.

SOLUTION 9D: DEVELOP MODE-SPECIFIC LEVEL OF SERVICE STANDARDS

The City of Seattle is investigating the replacement of LOS measures with Quality of Service (QOS) in order to put all modes on a level playing field. Each mode’s QOS is determined by a different measure. For instance, transit is measured by the percent of the posted speed limit buses can travel; bicycle QOS is measured by compatibility index and comfort level; and pedestrian mode is measured by perceived safety. Only transit QOS measures have been adopted. The data on which pedestrian and bicycle measures would be based, is costly and difficult to obtain.

SOLUTION 9E: CHOOSE NOT TO MITIGATE TRAFFIC IMPACTS UNDER CEQA

CEQA requires disclosing the anticipated impacts of a particular project, but does not require the mitigation of these impacts. Public agencies are often reluctant to disclose negative impacts without proposing solutions for political reasons. However, studies have shown, for example, that a certain degree of congestion may actually make some places more vibrant and livable, not less. If pedestrian improvements were made in conjunction with such disclosures, perhaps this would be an easier position to take.

PUBLIC AWARENESS

Lack of knowledge of the benefits of pedestrian facilities and walking in general can lead members of the public to object to pedestrian improvements.

Obstacle 10: Lack of understanding of economic benefits of walking to the community

Many businesses advocate for policies that facilitate auto access, such as free parking and new freeway interchanges, and underestimate the economic impact of walk-in customers. Purchases made by pedestrians generate revenue for business owners, as well as sales tax for the community.

SOLUTION 10A: DEVELOP DATA THAT SHOWS REVENUE GENERATED BY WALK-IN CUSTOMERS.

All walk-by traffic helps retail businesses, regardless of how pedestrians reach the commercial district. Surveys are needed to document the value of pedestrian improvements to local businesses. This work would

Institutional Obstacles

assess the importance of unplanned purchases by pedestrians, which occur more frequently than with shoppers who drive, particularly in congested shopping districts.



Obstacle 11: Fear that pedestrian improvements will bring unintended consequences

Residents in parts of many of the County's unincorporated areas, for instance, fear that new sidewalks will eliminate parking in front of their homes. Others object to sidewalks on the basis that they will displace mature trees in their path.

SOLUTION 11A: WORK WITH PROPERTY OWNERS

Alameda County has worked with concerned property owners to ensure that parking is retained and that sidewalk design accommodates existing trees whenever possible. In response to residents' opposition to a new trail behind their homes, Dublin held public meetings that resulted in the City buying and planting trees on neighboring properties.

Obstacle 12: Lack of knowledge of the health benefits of walking

If local officials and residents don't understand how walking as transportation can improve personal health and environmental quality, then they may not demand good pedestrian facilities. Without this pressure, other

budgetary priorities will likely take precedence, resulting in less funding for pedestrian improvements.

SOLUTION 12A: PUBLIC EDUCATION

Public awareness of the benefits of walking is needed and these efforts clearly need to extend beyond the general public to elected decision-makers. Safe Routes to School programs are a good example of a type of publicly-sponsored education campaign that encourages physical activity and puts pressure on local governments to improve walking facilities in the vicinity of schools. The Kaiser Foundation's "Thrive" campaign uses billboards and other mass marketing techniques to educate the public about the benefits of regular physical activity. Such efforts can spur local residents to demand facilities that will allow them to meet this public health objective.

FUNDING

Obstacle 13: Inadequate funding

Even during periods of generous transportation funding, pedestrian projects are rarely at the top of any agency's funding lists. But during economic downturns, it is especially difficult to fund such improvements.

SOLUTION 13A: UTILIZE NEW FUNDING SOURCES

There are more sources now that will fund pedestrian projects than ever before (see *Funding* chapter of the companion *Toolkit*). For instance, the recently passed federal transportation bill—SAFETEA-LU—includes provisions for bicycle and pedestrian projects in five distinct funding programs.

SOLUTION 13B: DEVELOP CREATIVE FUNDING ARRANGEMENTS

Public agencies can enter into creative funding partnerships or pursue non-traditional sources of funding. For instance, the County of Alameda has obtained one of the 3M Corporation's quarterly grants for feedback speed signs—electronic messages that show drivers how fast they are going—and the City of Emeryville uses funds from Alameda County's "StopWaste.org" Recycled Product Procurement Program to construct bus stop benches.

SOLUTION 13C: DEVELOP FACILITY PERFORMANCE STANDARDS

Pedestrian facility performance standards use measures, such as the level of pedestrian use or the number of pedestrian injuries, to allow pedestrian projects to be compared more directly to other projects competing for scarce non-motorized transportation funds.