

Richard G. Opper
Attorney At Law

Advice
Representation
Mediation

3136 Dumas St.
San Diego, CA 92106
(619) 417-6899

Laurie Berman
Director, Caltrans
1801 30th St,
Sacramento, CA 95816

Via: Certified Mail

January 15, 2019

Re: **Notice of Dangerous Condition**
California Government Code §830.

Dear Director Berman;

I write on behalf of several prominent bicycling associations who desire to put Caltrans on actual notice of conditions that the agency has created which have significantly aggravated the danger of harm and injury to the public from the use of Highway 67 in San Diego County, long a favored route of cyclists enjoying the rural countryside.

This Notice and the accompanying Report will be posted on such media as may be available so that the greatest number of cyclists and other travelers will be able to readily determine that this Notice was served upon the department, which, as a result, can give rise to an action for strict liability pursuant to §835(b) of the Cal. Gov't. Code.

It is the sincerest hope of the authors of this Notice, and the Report on Conditions that accompanies it, that remediation or mitigating measures can be instituted by Caltrans in a timely way so that the dangers created by recent poorly conceived changes to the public right-of-way can be instituted and this long favored bicycle route can be made more protective of cyclists.

Should you have any questions, please don't hesitate to contact the authors of the Report which is attached.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard G. Opper", with a large, sweeping flourish above the name.

Richard G. Opper

Encl: Report on Highway 67 Conditions

cc: Cory Binns, Caltrans Dist. 11 Director

Seth Cutter, Caltrans Dist. 11 Senior Transportation Planner Multimodal Programs

Report on Highway 67 Conditions

January 15, 2019

Concern over the worsened condition of Highway 67 led representatives of several prominent bicycling organizations to cooperate in obtaining the data and writing this report for presentation to Caltrans. Changes made to the [SR 67 roadway configuration](#), completed in fall 2017, have resulted in additional hazardous conditions for bicyclists. This report serves to document these hazards by detailing ten hazardous segments, of which at least two are likely to result in critical injury or fatality if not addressed. Based on reports to the San Diego County Bicycle Coalition, some bicyclists who previously rode this popular corridor as the only public connection between the popular Scripps Poway Parkway and Ramona bicycling areas, have stopped using this route for their own safety. However, this corridor is still heavily traveled, verified by Strava data, presenting a high probability of serious incident. We look forward to working with Caltrans to remove these hazardous conditions so this corridor may be made as safe as or safer for bicyclists than it was prior to fall 2017.

One of the most accurate sources of data for the popularity of SR 67 between Scripps Poway Pkwy and Ramona is the social fitness network service Strava, where cyclists can record and post their recreational or commuting rides. Although this certainly doesn't count all cyclists, it does provide a gauge for which are the most popular routes in San Diego County. The current heatmap – [click here](#) – shows a rolling average over the past two years. Strava shows usage by more than 4,000 cyclists for the SR 67 northern corridor, with most cyclists reporting multiple trips as shown by the thick white line in the heatmap. For details on specific time intervals to show usage before and after SR 67 improvements, Caltrans can refer to <https://metro.strava.com>.

The primary impediments to safety are caused by the addition of shoulder rumble strips throughout the corridor as well as centerline delineators. As noted in the [SR 67 Centerline Project Fact Sheet](#), the goal of the project was to reduce the number of cross-centerline incidents. "The majority of such incidents involved impaired drivers, often under the influence of drugs or alcohol, and/or excessive speed." The writers of this Report want to emphasize that it is counter to the goals of California's Complete Streets Act of 2008 that the safety of bicyclists should be compromised by a minority of drivers driving illegally. The shoulder rumble strips come in two varieties:

1. *Vehicular* rumble strips, which are about 12"x6" with deep grooves reducing the usable shoulder by about 2 ft. These are usually, but not always, used where the shoulder is wider.
2. More bike-friendly rumble *stripes*, which are about 4"x4" with shallower grooves and set in the edge line. Importantly, they have gaps of 10-12 ft about every 40-60 ft as recommended by FHWA/AASHTO guidelines for rumble strips on popular bike routes. These tend to be used where Caltrans planners evidently recognized bicyclist safety may be compromised with the larger vehicular rumble strips.

The rumble strips alone provide danger for bicyclists as the vibration can cause accessories and other parts to be ejected from the bike, the rider may lose steering control, tires may deflate, debris tends to

build up in the shoulder, and crashes may occur in the worst case. The combination with the centerline delineators, though, is the primary reason for the most extremely dangerous conditions.

While this document identifies ten hazardous segments, the two worst segments warrant particular discussion. These are roughly between Chapparral Way and Ellie Lane, where there is only one travel lane northbound and southbound (#2 and #8 in Table 1 below). There the cyclist often has *at most* 3 ft. of usable shoulder, rumble stripes in the edge line, and a guardrail on the right. Vehicles traveling at high speed, on the other hand, are trapped on the left by centerline delineators, so that they may wander onto the shoulder and their drivers can no longer move left when safe to do so to give cyclists safe passing distance. Drivers of large vehicles and trucks must often violate the 3 ft bicycle passing law when passing a cyclist who is trying to ride in the shoulder. Although legal for the cyclist in these areas to leave the shoulder and control the full sub-standard width lane (< 14 ft wide), the significant speed differential between vehicular and bicycle traffic makes this both impractical and extremely dangerous. It is impossible to traverse the northern section of SR 67 between Archie Moore Rd and Scripps Poway Pkwy, in either direction, without biking through this extreme danger zone. It seems clear the intent of the shoulder treatments was to assume that cyclists would ride in the shoulder, but it is arguably illegal to make SR 67 effectively unavailable by making that an extremely dangerous option.

For the best way that anyone, especially someone who doesn't ride bikes on SR 67, to get a feel for these new hazards, we have prepared a video with fore and aft cameras of cyclists riding this corridor, southbound from Archie Moore Rd to Scripps Poway Pkwy, then riding back northbound back to Archie Moore. The video is less than ten minutes to cover the hazardous segments only, so to completely understand current conditions, we feel it must be viewed by Caltrans personnel – [click here](#).

The video highlights the ten hazardous segments, which are described in Table 1. The hazard level assigned to each segment is defined in Table 2. Table 3 is a suggestion of possible remediation measures in order of short term to long term order, but ideally Caltrans should provide the optimal solution. Finally, in the Appendix, you will find a single snapshot of the worst area on each segment (which can be as long as 0.4 mi) as well as precise geolocation using standard GIS coordinates and a satellite map view for orientation.

We look forward to a response and suggest this be added to the agenda of the upcoming Feb 13 Caltrans District 11 Bicyclist and Pedestrian Advisory (BPAC) meeting, which we plan to attend. We also would like to present slides at that meeting which covers the same material as this report, in PowerPoint format.

Sincerely,

Handwritten signature of Karl Rudnick in black ink.

Karl Rudnick,
North County Cycle Club of San Diego and San Diego County Bicycle Coalition Board

Handwritten signature of Andy Hanshaw in black ink.

Andy Hanshaw,
Executive Director, San Diego County Bicycle Coalition

Handwritten signature of Jim Baross in black ink.

Jim Baross,
President, California Association of Bicycle Organizations

Table 1. Hwy 67 Top 10 hazards between Archie Moore Rd and Scripps Poway Parkway

#	Description	Video location	Hazard Level	Possible Fixes	Latitude deg N	Longitude deg W	Nearest Street
1	Grate squeeze right of rumble strips southbound just before Ramona Summit	1:12	3	7,5,6	33.0007	116.9582	Rockhouse Rd
2	Downhill southbound 1 lane, rumble <i>stripes</i> , squeeze at guardrail, super narrow shoulder, centerline delineators, EXTREMELY DANGEROUS.	1:42	1	1,8,2,4,6	32.9901	116.9794	Chapparral Way
3	Downhill southbound, approaching Scripps Poway Parkway, becomes 2 lanes, rumble strips, at guardrail NO room to ride. MUST control the #2 lane	3:28	2	2,4,5,3,6	32.9612	116.9727	Platinum Pl
4	Downhill northbound from Scripps Poway Parkway, dangerous narrow shoulder right of rumble <i>stripes</i>	4:23	2	8,2,4,5,3,6	32.9580	116.9708	Scripps Poway Pkwy
5	Uphill northbound, half way between Scripps Poway Parkway and Poway Rd, super narrow rumble strip trap at guardrail	5:30	2	8,2,4,5,3,6	32.9683	116.9705	Iron Mountain Dr
6	Uphill northbound 2 lanes, rumble strips, before Poway Rd, extremely narrow shoulder	6:15	2	8,2,4,5,3,6	32.9724	116.9711	Dos Hermanos Rd
7	At Poway Rd northbound, through cyclists trapped by rumble strips right of right turn lane to trailhead parking	7:08	3	7	32.9774	116.9729	Poway Rd
8	Uphill northbound, 1 lane, rumble <i>stripes</i> , center delineators, narrow shoulders, EXTREMELY DANGEROUS.	8:00	1	1,8,2,4,6	32.9867	116.9762	Ellie Lane
9	Approaching Ramona Summit northbound, 2 lanes, rumble strips, narrow shoulder with drains and debris	8:40	2	8,2,4,5,3,6	32.9983	116.9628	Cloudy Moon Dr
10	Approaching Archie Moore northbound, rumble strips trap left turning cyclists	9:27	3	7	33.0113	116.9542	Archie Moore Rd

Table 2. Hazard Level Definitions

Hazard Level	Description
1	Extremely dangerous. High probability of critical injury or fatality at usage levels prior to 2017.
2	Severe. Moderate probability of critical injury or fatality if bicyclists ride shoulder right of rumble strips.
3	Moderate. Extreme vibration can eject accessories such as water bottles, pumps, bike computers attached to bike. Rider may lose control of bicycle.

Table 3. Actions to Reduce Hazard Level

Fix #	Description
1	Remove centerline delineators.
2	Add sharrows on roadway and regulatory (CVC 21202) Bikes May Use Full Lane signage.
3	Remove vehicular rumble strips (12"x6", deep grooves) taking up to 2' of shoulder and, where off the road crashes are a hazard, only use rumble <i>stripes</i> , 4"x4" shallower grooves set in edge line, 10'-12' gaps every 40'-60'.
4	Add signs such as: 3 ft law (regulatory), Pass Bikes with Caution (warning), etc. Currently there is NO signage even suggesting to motorists that bicyclists may be present on this popular corridor.
5	Narrow travel lanes to ~11', especially rightmost lane on sections with 2 lanes.
6	Widen the roadway to accommodate shoulders wide enough for rumble <i>stripes</i> and bicyclists. If wide enough, install bike lanes with rumble <i>stripes</i> on left edge.
7	Remove all rumble strips at intersections for turning and through cyclists to move to the best road position for their destination.
8	More frequent maintenance to keep area right of rumble strips free of debris and glass.

Appendix. Snapshot and Precise Geolocation of Hazard Areas with Local Map View

The snapshot corresponds to the video location in Table 1. The geolocation points (blue dot on map) of each of the 10 hazards precisely locate the worst point on a narrow shoulder segment – in 3 GIS coordinate systems. In most instances, the hazard continues for up to 0.2 mi on either side of the geolocated point. These figures are ordered per Table 1.

Figure 1. Grate squeeze right of rumble strips southbound, narrow shoulder, just before Ramona Summit.

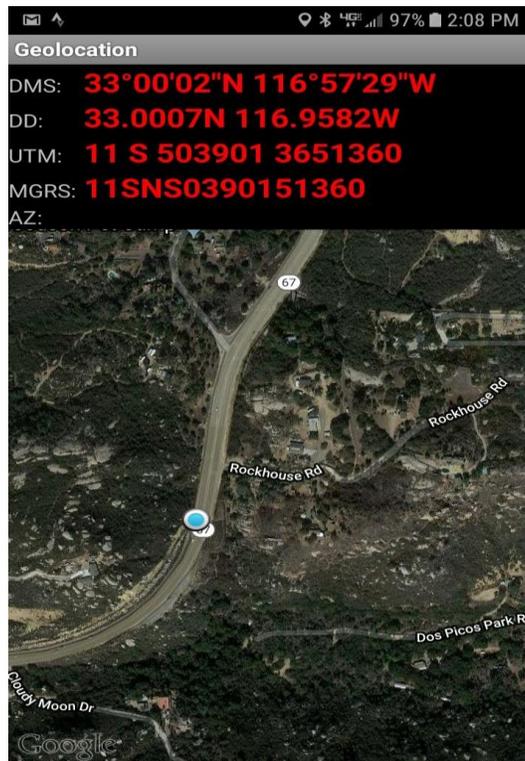


Figure 2. Downhill southbound 1 lane, rumble strips, squeeze at guardrail, super narrow shoulder, centerline delineators, EXTREMELY DANGEROUS.

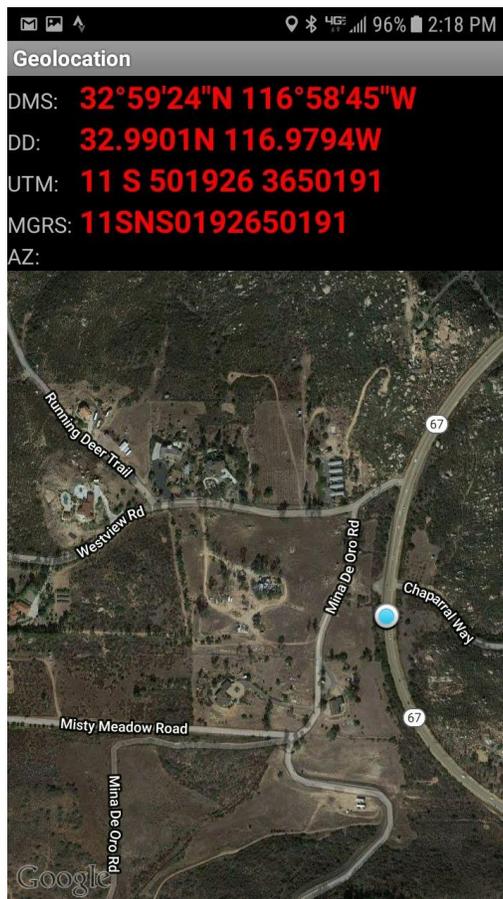


Figure 3. Downhill southbound approaching Scripps Poway Parkway, becomes 2 lanes, rumble strips, at guardrail NO room to ride. MUST control the #2 lane

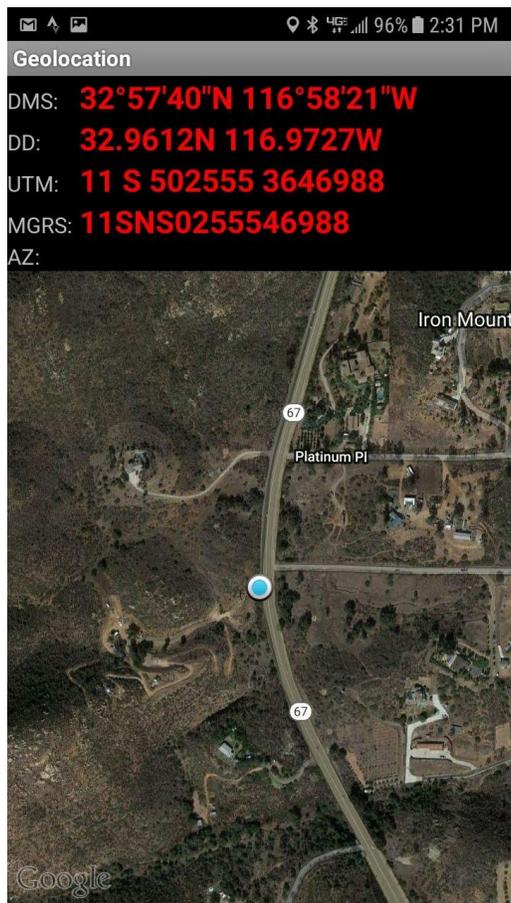


Figure 4. Downhill northbound from Scripps Poway Parkway, dangerous narrow shoulder right of vehicular rumble strips

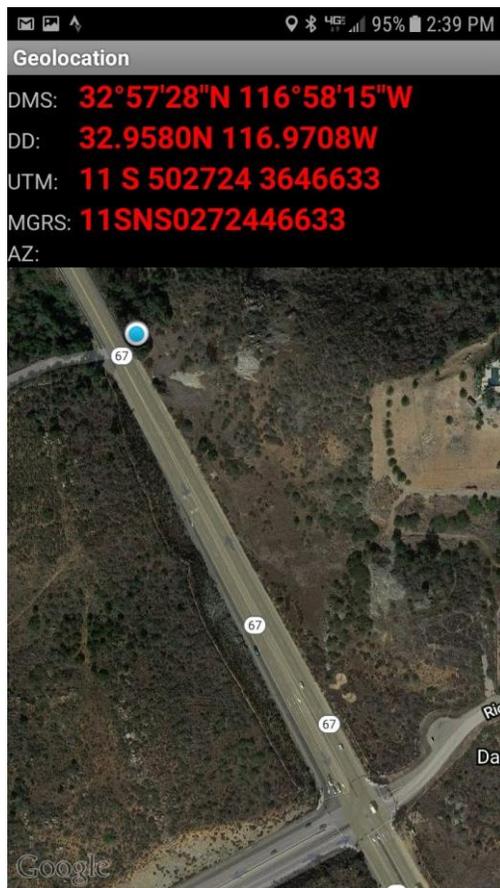


Figure 5. Uphill northbound, half way between Scripps Poway Parkway and Poway Rd, super narrow rumble strip trap at guardrail.

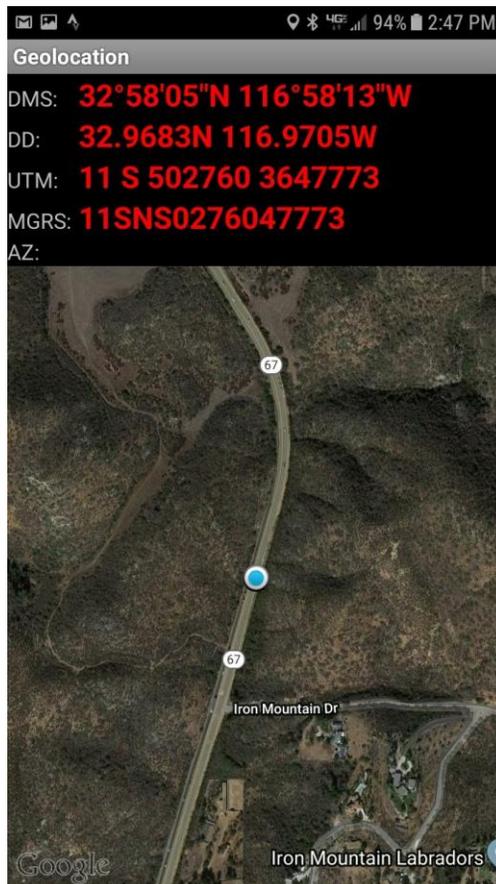


Figure 6. Uphill northbound 2 lanes, rumble strips, before Poway Rd, extremely narrow shoulder.

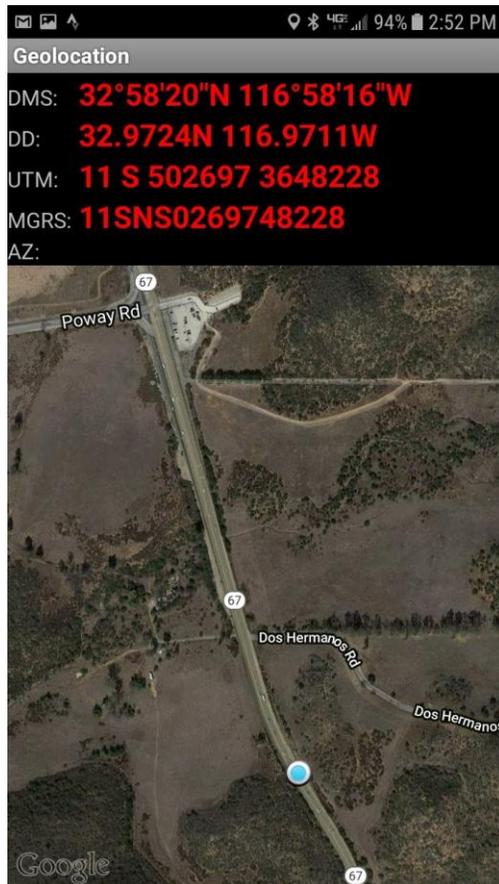


Figure 7. At Poway Rd northbound, through cyclists trapped by rumble strips right of right turn lane to trailhead parking

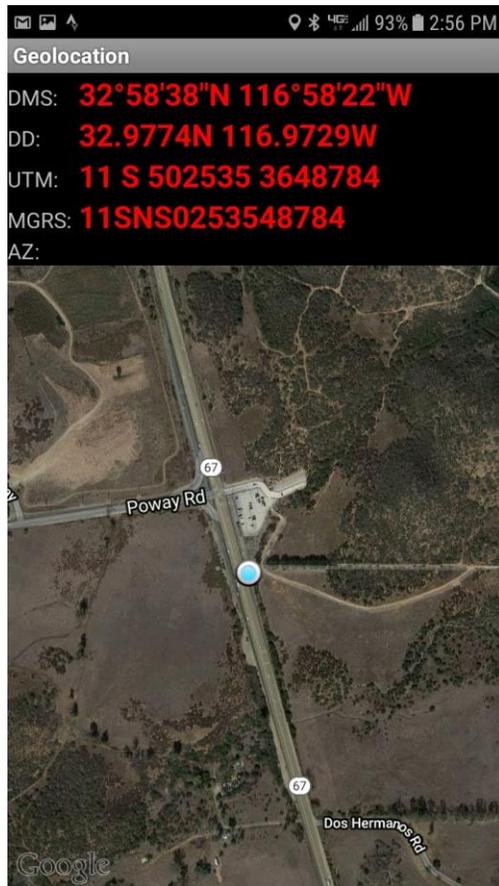


Figure 8. Uphill northbound, 1 lane, rumble strips, center delineators, narrow shoulders, EXTREMELY DANGEROUS.



Figure 9. Approaching Ramona Summit northbound, 2 lanes, rumble strips, narrow shoulder with drains and debris.

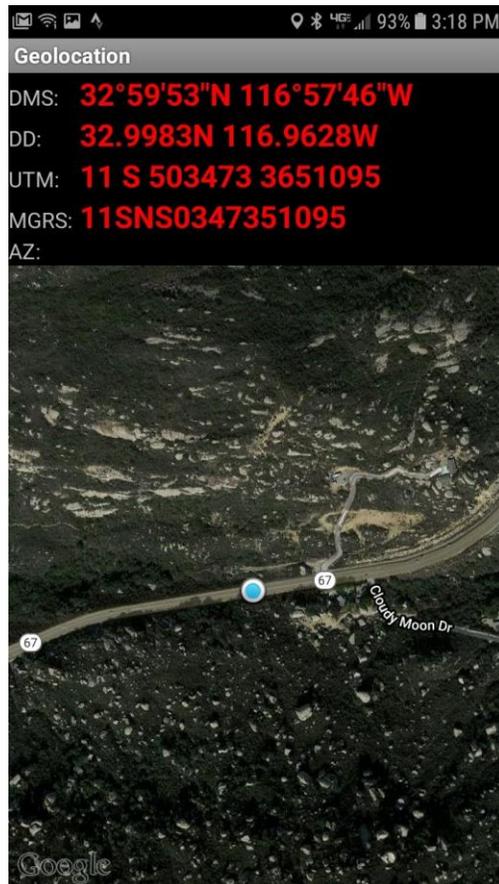


Figure 10. Approaching Archie Moore northbound, rumble strips trap left turning cyclists.

