



## **GATEWAY ISSUES SUBCOMMITTEE**

### **Executive Summary Report to the Board, August 2010**

The Gateway Issues subcommittee was appointed by the Board in March 2010. The activities of the subcommittee include monthly meetings as well as monthly reports to the Inter Canyon League, both oral and written.

#### **Reasons for Appointment:**

- Community concerns regarding matters of safety and security.
- Canyon communities are the primary “gateway” to the Cleveland National Forest.
- There are hazardous narrow, winding, two-lane roads with no shoulders. This creates dangerous/disruptive conditions for motorist and bicyclist.
- Traffic speed and reckless driving are a danger to children and pets.
- Motorist and cyclist conflicts between visitors and residents.
- Parking (both legal and illegal) conflicts between visitors and residents.
- Fires, fireworks, and other illegal forest activities.
- Noise and public disturbance, particularly at night.

#### **Purpose Statement:**

*It is the purpose of this subcommittee to consider issues of public safety and security brought to our attention, solicit stakeholder opinion, and propose solutions to the Board of the Inter Canyon League. Our goal is to develop closer relationships with County, State, and U.S. Forest Service law enforcement agencies, in an effort to foster and encourage mutual respect and understanding regarding matters of public safety and security for canyon residents, motorists, cyclists, and recreational users of our roads and our National Forest.*

#### **Community Input:**

- This subject has been one of the most discussed topics at recent ICL meetings.
- These safety and security problems have arisen regularly over the past many years.
- Road cyclists and resident motorists conflicts and complaints have increased.
- Children, pets, cyclists, residents, and visitors are at times endangered.
- There has been little progress on a resolution.
- Residents feel that local law enforcement is often not sufficiently responsive.

#### **Tentative Recommendations:**

1. Schedule publicized community meeting(s)
2. Invite management officials of local law enforcement agencies (Sheriff, Highway Patrol, and U.S. Forest Service) to attend future ICL meetings.
3. Invite representatives of forest user groups to future ICL meetings.
4. Ask County officials to review road and traffic conditions and improvements.
5. Suggest “traffic calming” measures (i.e. speed bumps, road signage).
6. Request regular incident reporting, including data, from reporting agencies.
7. Request law enforcement agencies to consider improved frequency of patrols.
8. Consider improvement of communications in the canyons to include cell service and emergency communications.



August 3, 2010

FOR: Board of Directors and Members  
FROM: Gateway Issues Committee  
SUBJECT: PRELIMINARY COMMITTEE REPORT

Committee Background and Purpose:

In early March of this year, in response to complaints made during recent ICL meetings, your Board appointed our Committee to gather input from community residents regarding canyon safety and security, and to make appropriate recommendations to the Board. These complaints, while not new here in the canyons, have now become particularly vocal; and are caused by the fact that our East Orange County canyons are increasingly used as a major “gateway” to the Cleveland National Forest, both day and night; and that our few access roads are narrow and winding two-lane roads, with no bike lanes, shoulders or street lighting.

These factors have resulted in increasing complaints of speeding and other motor vehicle violations (including parking problems), road and mountain biker conflicts with drivers and residents; and of fires and other dangerous and sometimes illegal actions by Forest visitors. There have been reports of a number of serious “incidents”, some resulting in injury and risk of death; and in demands that ICL act to better protect our residents, particularly children and pets; as well as drivers, bikers and other Forest visitors.

The former ICL “Forest Liaison” Committee was merged into our Committee, which was first called the ICL Safety and Security Committee, and subsequently renamed as the “Gateway Issues Committee”. *Arthur Cummins* and *Mike Colgan* were appointed as co-chairs, *Lora Meadows*, *Hank Rodgers* and *Ron Shepston* volunteered to serve on the Committee; and all attendees at ICL meetings are invited to serve and/or to attend Committee meetings. We have held a meeting each month since our March appointment, and have made brief oral reports and sought community input at each monthly ICL meeting.

**Following is the “Purpose Statement” adopted by our Committee:**

*It is the purpose of this subcommittee to consider issues of public safety and security brought to our attention, solicit stakeholder opinion, and propose solutions to the Board of the Inter Canyon League. Our goal is to develop closer relationships with County, State and USFS law enforcement agencies, in an effort to foster and encourage mutual respect and understanding regarding matters of public safety and security, for canyon residents, motorists, cyclists and recreational users of our roads and our National Forest.*

## Community and ICL Member Input:

Canyon residents have long complained about these safety and security issues, which have been among the most frequent and loudly discussed matters at recent ICL meetings. Many complaints are about resident-driver conflicts with road bicyclists, but many are also about speeding, traffic, parking, criminal activity and peace disturbance as well, some of them of many years standing. *We hear you.* Following is an *attempted paraphrasing* of the kinds of complaints we have heard during meetings, or in informal discussions with residents:

- My neighbor's dog was just hit and killed, and the driver fled the scene.
- One fast driver flipped his car on SCR, right near my house, blocking traffic for hours.
- You see big, black, skid marks on the road, tracking right into damaged walls and signs.
- My neighbor and little boy were walking on road, in the daytime, and nearly got hit.
- The speed limit is 25 and 30, but these guys are always going like Hell, 50, 60 or more.
- We get loud visitors at night, or real early morning, and organized gang graffiti too.
- Our last big fire, in 2007, was arson, and I still hear fireworks sometimes.
- We get late night fast driving, prowlers near our house, and even heard shooting from cars.
- People park in the Forest parking lot after dark, even though the signs say they can't.
- Even some USFS *approved* activities, i.e. Warriors Society races, start too early -- 5AM!
- Most of the problems are from "flatlanders", up from "down below".
- We know that all the "pot" farming in the Forest brings dangerous people up here too.
- There's no cell phone service in most places up here, so when land lines go out, then what?
- Sheriff, CHP, Fire, EMT and wrecker truck guys say *they* can't even communicate up here.
  
- The *mountain bikers* don't want to stay on the approved trails, they just tear up the hills.
- Rude and arrogant *road cyclists* are the real problem, they act like they own the road.
- How about all the loud *motorcycles*, and the *non-street-licensed electric cars* on our road?
- Road bikers ride side by side and will not pull over to the shoulder so I can pass.
- Some road bikers ride in large, organized, groups; so passing them is impossible.
- If I hit some biker who drifts in front of me, they will say I'm at fault, no matter what.
- Biker and other Forest visitor parking, often illegally, causes access problems for residents.
- The road is too narrow here, and too dark at night, for bikers or even walkers to be safe.
- There are no bike lanes here, and few shoulder areas, so bikes are totally unsafe here.
- There have been serious accidents, and many close calls because of bicycles.
- There are bike lanes on Santiago Canyon Road for miles, why can't they ride there?
- Our narrow roads have double yellow lines, that we can't cross to pass slow bicycles.
- Some other State and County roads don't allow bicycles, and we shouldn't either.
  
- We get no regular incident reports from fire, law enforcement and USFS, for our records.
- If we had incident reports we would have the information we need, and probably a long list.
- Some problems are from a few local "no-goods", whose names should be on that list.
- Contract cities get these reports, we pay taxes and we should get equal attention.
- The agencies don't want to provide reports, because it might increase the demands on them.
- Enforcement agencies just "pass the buck" to the others, saying "not our jurisdiction".
- USFS is not here much and, like the State and County agencies, just talks budget problems.
- I remember, years ago, we were talking about these same damn problems. What's new?
- Seems like we always got some official attention for a little while, then nothing.
- The traffic, both motorist and cycle, is increasing, with increased Forest use.
- With 3+ million people, OC Parks are expanding, bringing us even more future problems.

## Our Committee Actions, Discussions, Tentative Conclusions:

1. We listened at ICL meetings and talked with many of the complaining residents. While most of the concerns were sincere and strongly expressed, it became clear to us that there is a great deal of resident misunderstanding; particularly of road restrictions and bicycle law in California, of cyclist rights, and of the motivation and the problems of the cyclists. The complaints regarding motor vehicle speeding, reckless driving, fire dangers, late night prowlers, noise, criminal activity and parking issues, seem a matter of obtaining sufficient signage and enforcement, which we promised to pursue in our Committee efforts.

2. We reviewed the history of these kinds of safety and security complaints here in the Canyons, and of past actions taken. We discussed such earlier ICL actions as creation of Canyon Watch; and efforts to establish and improve cellular service in the Canyons and the Forest, as a safety communications issue. There have been newspaper articles for years about the very same problems that are subject of some of the recent complaints:

*“ The Gate and Debate Are Open at Silverado Entrance to Forest”, LA Times 6-7-97; “In Silverado, Open Season...The canyon residents seek safety patrols after a gate to the forest is reopened...”, OC Register 6-7-97; “Silverado gate no open-and-shut case...Community people complain of gangs and fire hazard...”, OC Register 6-7-97; “Isolated Canyons’ Allure Can Pose Risks...The recent savage attack on two boys and two girls in Orange County show the danger of being cut off from help...”, LA Times 7-22-01; “Someone set 7 fires in Trabuco area; pot farm found nearby...when marijuana farms are found in the area firefighting efforts can be hampered because of the dangers associated with the farms [Cleveland National Forest Spokesman Brian] Harris said, including armed guards...”, OC Register 6-17-09; “In California Forests, Marijuana Growers Thrive”, NY Times 8-22-09.*

As to mountain biker and parking issues: *“...Unauthorized Recreational Access...with 266 hits on our equipment: 51.9% Mountain Bikers...Unauthorized Night Access with lights and night equipment...78.3% Mountain Bikers...Off trail Use of Posted Closed Areas - Illegal Trail and Restorations Sites...79.4% Mountain Bikers...statistics from one area [North Irvine Ranch] that is more patrolled and managed then most of the others...The problem is seriously out of control...”, Warrior’s Society News, 1-25-10; “No parking signs have been replaced on the Modjeska Grade road...due to residents concerns about safety...Mountain bikers mistakenly think that the residents have animosity towards them but this not the case. This is a very dangerous road due to frequent “racing” going on there and the narrowness of the road...some mountain bikers have been extremely disrespectful towards the residents and this behavior is not acceptable...Supervisor Bill Campbell has been trying to find a solution to the parking issues but the options...are limited...”, Warrior’s Society Weekly News, 3-01-10; “...Forest Service has let us know they’ve had problems with people going off-trail...please pick up trash left in parking areas...problem ... with people leaving trash where they have parked or on private property...”, Warrior’s Society Weekly News, 3-09-10.*

3. We invited prominent road bicyclists to a meeting, aired the community grievances with them, and heard their points. One of these was a U.S. Olympics team competitor, and another a leader of a road cyclist group, both of whom ride the Canyon roads regularly for training. They explained why our roads are so desirable for this activity, and access so limited here in urban OC. They expressed their own concerns with the dangers of motorist-cycle conflicts and accidents. They seemed very cooperative and constructive, had some thoughtful suggestions; and indicated sincere desire to meet with residents to help resolve complaints.

4. We reviewed California law regarding bicycles and road use by cyclists, particularly *California Vehicle Code Sections 21200 through 21212* which govern use of bicycles on roads and highways; as well as the DMV's *Safety Tips for Bicyclists and Motorists (FFDL-37)*. There is also an interesting legal review (by a cyclist advocate) that is often cited: *Bicycles and the Law: The Case of California (1995)*, with 132 footnotes and case citations, at <http://www.cabobike.org/articles/bicycles-and-the-law/>.

As to road availability, *CVC, Section 21* states “...no local authority shall enact or enforce any ordinance on the matters covered by this code, unless expressly authorized herein...”. As a result of this, and of related case law, bicycles may apparently travel on *all* California roads except those specifically prohibited (by *State law*), which prohibitions now apply *only* to some freeways and freeway segments; and, uniquely by local ordinance, sometimes to sidewalks. *CVC Section 21200* states “...(a) Every person riding a bicycle upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle...”.

As to “lane sharing” of autos with cyclists, *CVC Section 21202 (a)* provides that “...Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations...”; BUT then the Section goes on to cite a number of exceptions, including “...(3) When reasonably necessary to avoiding conditions including, but not limited to...” “...substandard width lanes...too narrow for a bicycle and a vehicle to travel safely side by side within the lane...”. The DMV publication noted above even says “...When to Take the Traffic Lane. If there is no shoulder or bicycle lane and the traffic lane is narrow, ride closer to the center of the lane. This will prevent motorists from passing you when there is not enough room...”.

There seems no legal requirement that cyclists ride on the shoulder of any road nor, except for stopping at stop signs and stop lights, that they stop and dismount in favor of motorists attempting to pass. Cyclists “taking the lane” on narrow roads like ours is even encouraged by the California law, as a bicyclist safety measure. We could find no legal guidance regarding motorists crossing double yellow lines on a two-lane road, as on Silverado Canyon Road, in order to pass a slow cyclist; and this would likely be a traffic violation. It appears that motorists in that situation are expected to stay behind a slow cyclist, until the cyclist finds it safe to pull far enough to the right side of the road to permit safe passing. This may not be the law as many motorists and canyon residents might wish it to be; but cyclists have a very effective and organized political presence, and the laws now reflect this.

5. We contacted law enforcement agencies, and went on some “ride-alongs” with patrol level officers; discussing our issues and learning of their problems, limitations and concerns. The officers’ complaints were mostly about limited manpower, large patrol territories, and communications problems in our remote areas. The CHP officers, while sympathetic, said that “crossing double yellow” merely to pass a cyclist (or other auto), rather than to turn into roads or driveways as permitted by law, is not only extremely dangerous on our narrow roads, but would likely be a citable violation. From this patrol level input, we determined that we should further meet and discuss some of the policy issues, such as possible improvement in: (1) regular, consistent and detailed incident reporting, (2) patrol schedules, (3) improved signage, (4) “traffic calming” measures, and (5) emergency communications; with management level personnel of the enforcement agencies, and with elected officials.

## Tentative Proposals and Expected Outcomes:

Having completed our initial Committee activities, we now propose that the ICL Board approve the following continued actions by our Committee; and/or, alternatively, that the Board directly pursue our recommendations, acting either as the Board or with additional other committee appointments and efforts:

1. That the Board schedule a *well-publicized* ICL meeting where these Committee efforts and proposals can be presented and discussed, and where we might further inform canyon residents of legal and practical constraints, particularly as to motorist-biker issues; and of opportunities for improvements in safety and security in the Canyons. Arranging a larger local venue, such as the Church, may be necessary. Once we have the general approval of residents and of your Board, we can pursue proposed further discussion of possible specific improvements, with law enforcement management and County officials.
2. That the Board invite management level personnel of the County Sheriff, CHP, OCFA and USFS, and of representatives of our County Supervisors office, to attend the meeting where our Report will be first presented; that these personnel be provided copies of this Report well in advance of the meeting; and that the attendees be asked to prepare for likely questions. That the Board also ask that management representatives of the agencies attend future ICL meetings, at least periodically, for improved communication.
3. That representatives of 4-wheeler, motorcycle, mountain and road bicycle and other local Forest user groups be advised of monthly ICL meetings, and invited to attend and participate.
4. That the Board consider new, or renewed, efforts to obtain effective cellular phone service in the Canyons, and in the surrounding Forest. This is a major community safety issue, and there are new Federal incentives and funds for improvement of communications in rural areas. We believe that these opportunities should be aggressively pursued. *Verizon Wireless* has previously indicated some possible accommodation, but efforts for this have lagged, and *Verizon's* interest has flagged, apparently for purely financial reasons.
5. That the ICL formally ask the County of Orange to review road, traffic and parking conditions in the Canyons, and to suggest any and all possible solutions for improvement.
6. That the ICL suggest to the County that, in their review, improved signage and, possibly, "traffic calming measures", such as stop signs and speed bumps, should be considered.
7. That the Board formally ask the Sheriff, CHP, OCFA and USFS for both regular reporting to the ICL, of statistics (i.e. numbers), and of all specific incidents requiring agency response.
8. That the ICL ask the enforcement agencies to review and consider possible improvement of Canyon patrols, both as to frequency and as to timing; and to report to the Board the current schedules, and their findings as to possible changes and improvements.
9. That the ICL consider possible enhancement of *Canyon Watch* activities, observation patrol scheduling, etc.; including possibilities for formalized recruiting, training and scheduling of volunteer Canyon participants.

RESPECTFULLY SUBMITTED: *THE ICL GATEWAY ISSUES COMMITTEE*