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**From:** Alex Kamas [REDACTED]  
**Sent:** Sunday, September 10, 2023 10:17 AM  
**To:** TEPublicComment  
**Subject:** CC 23-167

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I'm glad that the city is increasing their focus on trash placement and am pleased with the recommendations about increased enforcement and education for improper placement of trash.

That being said, I wish the report discussed the impact improper trash placement can have on bikers and others using bike lanes. A person riding a scooter was killed after somebody improperly placed yard waste in the bike lane. Garbage bins and yard waste in bike lanes creates dangerous situations where bikers have to either maneuver into car lanes or cannot use bike lanes at all. This creates an even more hazardous environment for bikers.

The city should ensure education and proactive enforcement of laws and rules regarding trash placement for both residents and trash collection companies.

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**From:** Jordan Moldow [REDACTED]  
**Sent:** Monday, September 11, 2023 12:17 AM  
**To:** TEPublicComment; City Clerk  
**Cc:** District3; The Office of Mayor Matt Mahan; District4; District 6; city.auditor  
**Subject:** Public Comment - Item (d) 2. File # CC 23-167 "Integrated Waste Management Enforcement Program Audit Report. (City Auditor)" - Transportation and Environment Committee 9/11/2023

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Public Comment from Jordan Moldow (95112; District 3) regarding Item (d) 2. File # CC 23-167 "Integrated Waste Management Enforcement Program Audit Report. (City Auditor)" - Transportation and Environment Committee 9/11/2023:

I am happy with some of the findings and recommendations in the report. However, I am disappointed that the report completely omits a huge public safety problem: illegal/improper trash set-outs in bike lanes. There should be additional recommendations added to the report, to address education (both with San Jose city staff; and with residents and workers) and enforcement of trash set-out regulations as they pertain to bike lanes. Trash collection protocols along bike lanes may also need to be corrected.

This report is a good first step, and I'm glad that the City Auditor did this work. I'm especially supportive of Findings I and II, and Recommendations 1, 2, and 5. However, there are huge gaps in the analysis, given that the report does not once mention bike lanes, nor does it show pictures of trash in bike lanes (examples of this are extremely easy to come by every pickup day), nor does it mention people who have been directly injured or killed by illegal trash set-outs in bike lanes. Illegal dumping is for sure a health hazard that should be tackled, but the endemic of illegal set-outs is directly placing the lives of every cyclist at risk on a daily basis. Until the city takes serious steps to course correct, I suspect the city may be liable for implicitly encouraging these dangerous conditions. The report does mention set-outs a few times, but largely ignores and downplays it, despite being admitted as the #2 complaint.

To illustrate the problem, please acknowledge this needless traffic death:

- > On May 15, 2023, at approximately 10:53 PM, patrol Officers responded to the intersection of Lundy Avenue and Rosebriar Way for a report of a person down in the roadway. The preliminary investigation revealed the following:
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  - > An adult male riding a motorized scooter was traveling southbound on Lundy Avenue in the bike lane when it struck a brush pile. The male rider was ejected from the scooter. The victim was transported to a local hospital with life-threatening injuries. On May 17, 2023, the male was pronounced deceased.
  - >
  - > This is the 15th fatal collision, and the 16th traffic death of 2023.

Courtesy of SJPD <https://www.sjpd.org/Home/Components/News/News/1234/262>

This may sound like a random accident, but we in the San Jose cycling community know that this was a preventable tragedy that unfortunately represents business-as-usual for San Jose waste management, and we need immediate change before more lives are needlessly lost.

It is a nearly daily occurrence for San Jose cyclists (and other micromobility users: scooter riders, "hoverboard" riders, roller bladers, etc.) to find bike lanes blocked by: brush piles, residential trash bins, commercial dumpsters, and more. Non-cyclists might not consider this a problem, since cyclists can exit the bike lane to go around the obstacle. This couldn't be further from the truth. Brush piles and trash bins are often dark and non-reflective and low to the ground, and at night might be invisible to cyclists until the moment they collide with the obstacle, as occurred with this tragedy. Such collisions can cause serious injury or death. When cyclists do see the obstacles, they may leave the bike lane to avoid it. This puts cyclists at significantly higher risk of vehicle collisions, especially when drivers don't notice the obstacle and aren't expecting the cyclist to veer into the car lane. For a good overview of the problem and solutions, see <https://gettingaroundsac.blog/2016/03/11/trashing-the-bike-lanes/> .

Trash set-outs, including brush piles, residential trash bins, and commercial dumpsters, must adhere to [CVC 21211\(b\)](#) ("No person may place [...] any other object upon any bikeway or bicycle path [...] which impedes or blocks the normal and reasonable movement of any bicyclist") as well as [Section 9.10.430 paragraph C. of San Jose's Municipal Code](#) ("No person shall place any garbage container in any place or in any manner such that the container impedes normal vehicular traffic [...] to public rights-of-way."). Unfortunately, many San Jose residents, workers, and city staff seem ignorant or indifferent to these regulations and to the safety of cyclists.

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Until the city starts seriously enforcing its own rules (as well as state law [CVC 21211\(b\)](#)), I suspect that the city might be liable for these dangerous bike lane conditions, since the city's inaction is implicitly saying that these life-threatening conditions do not need to be corrected. Furthermore, I often find that, at the end of a trash collection day, empty trash bins can still be found in bike lanes. Though I've never been able to directly witness this, it seems highly likely to me that the city's trash collection trucks are placing trash containers back into the bike lanes. If this is true, it means that the city itself is in violation of state law [CVC 21211\(b\)](#) and [Section 9.10.430 paragraph C. of San Jose's Municipal Code](#).

I urge the City Auditor, the T&E Committee, and the IWM division not to accept only the current Findings and Recommendations, but to propose additional Findings and Recommendations that can begin to rectify this dangerous and illegal situation in our bike lanes. I hope that the city can act decisively to prevent any more tragic deaths from occurring due to trash obstacles in bike lanes.

Thank you,  
Jordan Moldow  
District 3  
Zip code 95112 (Japantown)

P.S. Trash is far from the only obstacle that creates hazards within bike lanes. IWM cannot, by itself, bring about fully safe bike lanes; that will also require SJPd and Code Enforcement to enforce other bike lane regulations that have nothing to do with waste management. But IWM can, by itself, make significant progress, given how many bike lane obstacles are trash.

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**Subject:** Re: Public Comment - Item (d) 2. File # CC 23-167 "Integrated Waste Management Enforcement Program Audit Report. (City Auditor)" - Transportation and Environment Committee 9/11/2023

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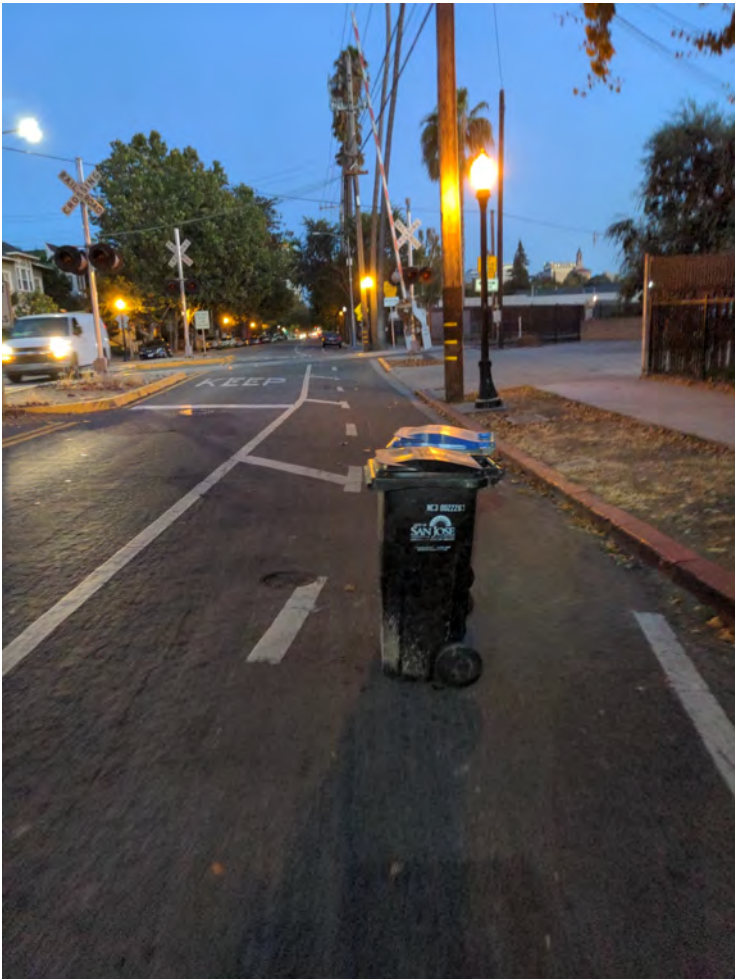
[External Email]

Exhibit A: Trash bins and dumpsters placed in the bike lanes on 4th St, along the former Viva Calle, just a few hours of the end of the event. Earlier in the day we had a great, safe open street, and by the end of the day that same street is now a death trap for cyclists.















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**To:** TEPublicComment; City Clerk  
**Cc:** District3; The Office of Mayor Matt Mahan; District4; District 6; city.auditor  
**Subject:** Re: Public Comment - Item (d) 2. File # CC 23-167 "Integrated Waste Management Enforcement Program Audit Report. (City Auditor)" - Transportation and Environment Committee 9/11/2023

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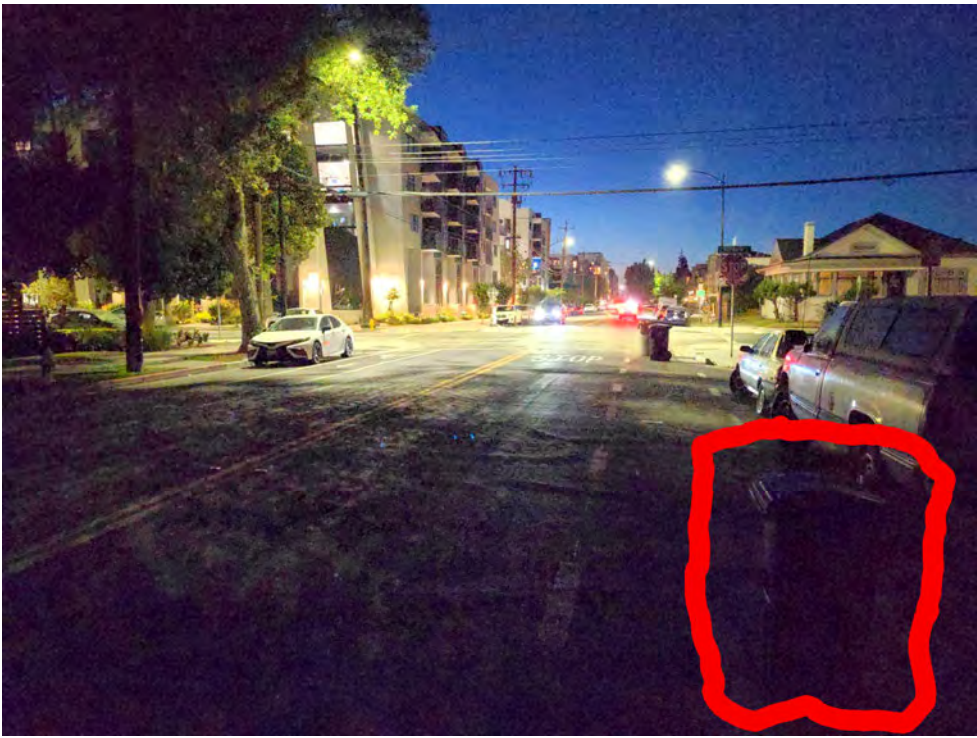
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Exhibit B: Can you spot the invisible trash bin that is blocking the bike lane?

Taken on N 7th St, northbound direction, shortly before the intersection with Empire St. Sunday 10 September 2023, around 8pm.













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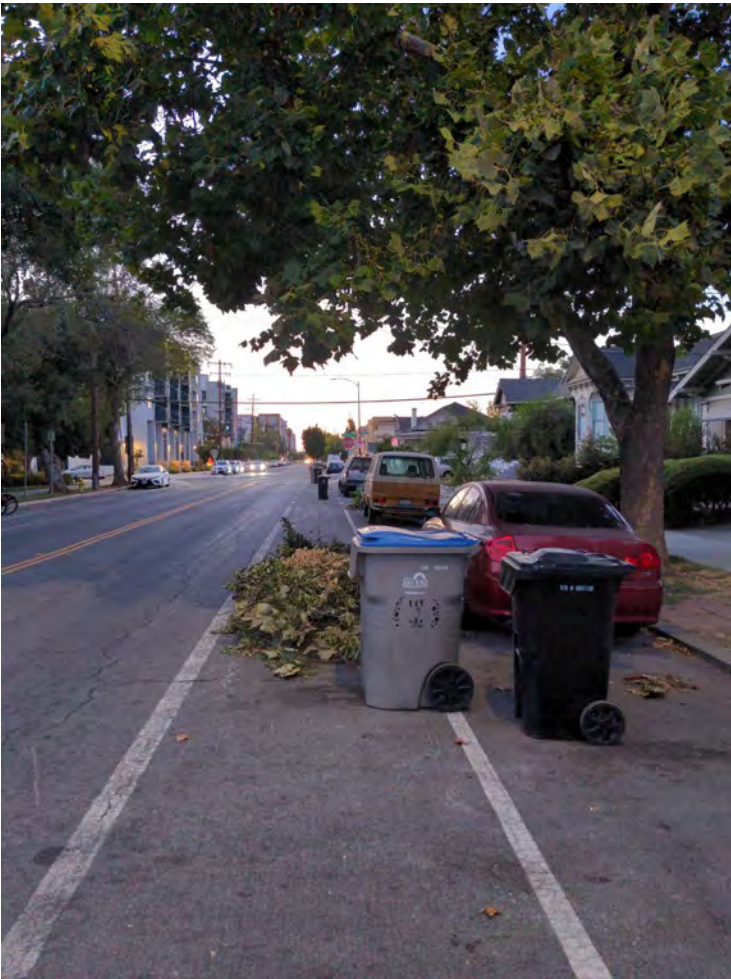
Exhibit C: Brush piles in various San Jose bike lanes in District 3, on the weekend of September 9-10.











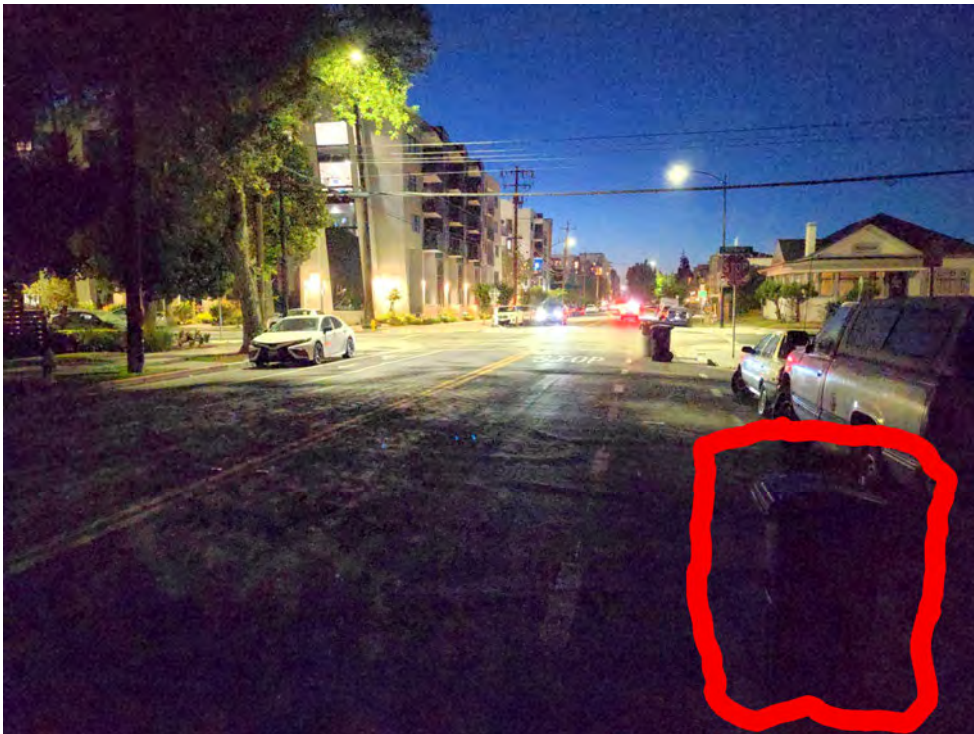




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