

Sentinel 7/28/82

# Court Decision Forces City To Remove Controversial Diverter

By PAUL BEATTY  
Sentinel Staff Writer

What a lot of angered citizens failed to accomplish in June has been done by the state Supreme Court.

Its recent decision on the Berkeley street barricades impelled the Santa Cruz City Council Tuesday night to order removal of the controversial California Street diverter.

As the issue was resolved by the court decision, the council was left with the option of either removing the diverter, or also stopping mopeds and bikes from entering California at Laurel.

"I reluctantly support the removal," Councilman John Laird in making the

motion, adding, "but now it's a new situation and dangerous — now it's a safety issue."

The council was told by citizens that diverting bikes to other streets to get to Santa Cruz High School would increase danger to the riders.

The Supreme Court held in the Rumford vs. Berkeley decision that temporary barricades to divert and control traffic are illegal devices and that cities must stick to the vehicle code that insists bikes and mopeds are the same as cars when it comes to traffic regulation.

In June, approximately 100 city residents faced the council over the diverter issue and an estimated 80 percent of those demanded the diverter be removed. Dur-

ing the entire controversy, more than 1,500 persons signed petitions against the diverters.

The council majority of Laird, Mardi Wormhoudt, Bruce Van Allen and Mayor Michael Rotkin held tough against the growing opposition and charges from Councilmen Joseph Ghio, John Mahaney and Spiro Mellis that the diverter was dividing the city.

The four-member majority decided the diverter should be made permanent, if the court decision would allow, and that the stop signs and left turn control at Taylor should be removed.

After a month's study by city attorneys and city manager's staff, it was determined the court decision would pro-

hibit bikes and mopeds, also.

City Manager Richard Wilson last week removed the signs that allowed bikes and mopeds to go around the diverter.

Speaking for the Santa Cruz High School PTA Tuesday, Joanne Martin told the council, "Now the situation is worse . . . we anticipate that some students will continue to ride their bicycles straight up California but this will not be a good alternative.

"Besides being illegal, it is more dangerous (as) without the 'bicycles may pass' sign, automobile drivers will be expecting the bicyclists to turn," she said.

William Robinson, a member of the Downtown Neighbors Association but speaking for himself, said the court de-

cision would force the council "to take a step backwards in safety" by having to go back to the control signs at Taylor Street.

Robinson said the diverter which is part of the city's Livable Streets Plan was "an experiment that was devisive."

He said it "turned citizen against citizen and friend against friend" and that if city staff had done its homework, the diverter and its devisive fallout would never had occurred.

Councilman Spiro Mellis came to the defense of staff, saying "from the beginning they were against this."

It was confirmed by City Attorney Rod Atchison that the council's decision was made illegal only by the court decision that came months after the council ap-

proved the temporary diverter early this year.

Laird's motion included returning the stop signs to Taylor and a no-left turn control there. He also called for neighborhood participation in planning ways to make California Street more livable and safer.

His call for the neighborhood to join in planning, opened the door for Mahaney and Ghio to renew their argument that when only neighborhoods plan their areas, it excludes influence from other city residents who use the same streets.

Laird agreed the traffic planning meetings should be advertised to attract "all interested persons."