From:	Linda Harris
To:	Klein, Heather
Cc:	"Neighbors for Safety in Hiller Highlands"; "Donna Karch"; "Nadine Rhodes Prah"; Gordon Piper ; Susan Piper; barry@tuffwall.com
Subject:	Traffic Monitoring and compliance questions
Date:	Sunday, December 13, 2009 8:39:39 PM

Dear Heather:
Thank you for sending the update on Bentley's Compliance Matrix. Between the Matrix and your 12/7/09 letter there is much to absorb and we thank you for your attention to these details!
We have several questions about compliance and deadlines:

1. What is the compliance date for condition 14e requiring **"a minimum of 9"** vested monitors in place during passenger loading periods? We thought that could be addressed and complied with quickly but Duncan thought it was not required until the TDM is complete.
2. What is the compliance date for COA #14 with regard to oversight of the flares when they are in the road; transit subsidy continuation; and event traffic management?
3. If Bentley offers reciprocal parking on its lot in the evening for Kaiser School, or anyone else, do the limits of Bentley's operating hours apply? This week Kaiser held an event which used Bentley's lot for parking until after 9:30 pm.
4. Will the rest of the landslide be cleared from Tunnel Road? Bentley's matrix (17e) indicates that the work is complete but the slide debris has been cleared only from the road and not from the sidewalk. All of the properties along Tunnel Road have retaining walls to protect the sidewalk. There appears to be no retaining wall along this section and so the dirt and rocks have slipped across the sidewalk and into the street. A retaiining wall might be required to ensure that the pedestrian route is kept clear of landslides. It appears that Bentley removed the dirt and discarded unused white stakes from the road but not from the sidewalk. Will send a current photo of the area.
5. We do not want to overwhelm you with comments so shall we continue to consolidate the comments and send them to you periodically rather than piecemeal?

As you know from our previous reports on traffic and events, NSHH is continuing to observe and record traffic conditions, bus ridership and the use of monitors - the items that can be most easily observed and counted. We are conducting the counts on random unannounced times for the purpose of verifying Bentley's report on its compliance with the COAs and to note traffic conditions which will be discussed when the Planning Commission reviews the project. At this time we are not taking video.
Since Bentley has reported compliance regarding the number of monitors, and compliance with the 25% reduction in Single Occupancy Vehicles, we are trying to verify their report with our own observations. We have counted bus ridership as an indicator of compliance on reducing vehicle traffic and we have counted the number of monitors. Our numbers vary greatly from Bentley's compliance matrix "status" column. We will send you our observations at the end of next week when school is out for the holidays.
Gordon Piper has done most of the observations and, at the request of Bentley he is wearing a green safety vest to identify himself as an observer as other traffic consultants have done. On Thursday, 12/10 Gordon observed and counted in the morning and notified Duncan and Jay that he would be doing so again in the afternoon. During the afternoon pickup period Bentley apparently called the Oakland Police and lodged a complaint about Gordon collecting data. Police arrived and questioned Gordon. He spoke with the officer and explained the ongoing data collection process and that he is well

known to Bentley. Gordon suggested that if Bentley parents were interested or concerned, Bentley administrators could notify the parents of the ongoing review and data collection process and allay their concerns. The police officer left a short while later.
You will recall that the issue of monitoring came up previously when NSHH was videotaping traffic. You received numerous letters from Bentley parents and the school's attorney suggesting the videographer was an unspecified threat (with references to his hairstyle and ethnicity). In spite of the intimidation, we continued to collect the video data and produced a useful and informative film that you have seen. There was no threat then and there is no threat with the data collection that we are doing now. It is a waste of our city's scarce resources to call the Police. We believe that our data will be useful in the ongoing review of Bentley's compliance with the CUP and, like you we hope that such monitoring will not be necessary in the future. For now, however, the school has failed to provide several key pieces of information for the first level of compliance deadlines on November 30 and their numbers on two key traffic items (monitors and car trips) cannot be verified. We will continue to monitor from a public location where we can observe clearly without interfering. If you have any questions or concerns about the data collection we are doing, please don't hesitate to let us know.
Thank you and best wishes for happy holidays,
Linda Harris on behalf of NSHH