

## Wyatt, Rosie

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**Sent:** Thursday, April 17, 2025 11:12 AM  
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**Subject:** E-Bike Kills Pedestrian in Santa Cruz, raises Safety, Liability, and Policy Failures in the Proposed Park Avenue Trail Realignment Design

**NOTICE: Silva Injury Law** "Road Conditions and Visibility: What were the road and lighting conditions at the time of the accident? It was early morning, and poor visibility or road hazards may have contributed to the crash. Another question is the design of Opal Cliff Drive. **Was it designed to safely accommodate both pedestrians and cyclists? These problems may implicate the city or county responsible for the road's design and maintenance.**

If the **investigation identifies negligence** as the cause of the accident, the family of Helen Hines may consider filing a wrongful death lawsuit. They may be able to recover compensation for their devastating loss and hold the negligent party accountable."

As a concerned resident of Capitola and an advocate for responsible, data-driven public planning, I am writing to raise serious objections to the proposed realignment of the Coastal Rail Trail along Park Avenue, specifically where it would remove existing Class II bike lanes and sidewalks in favor of a narrow, mixed-use path shared by high-speed e-bikes, pedestrians, strollers, and seniors.

This proposed design is not only **unsafe**, but **legally risky, inconsistent with best practices in active transportation planning**, and a clear violation of **Vision Zero principles**, which aim to eliminate traffic-related deaths and serious injuries.

The largest ATP grant in State history is for the Recreational Trail, inside the Rail Corridor. Are those being **misused and abused** to **downgrade existing safe**, heavily used class II bike facilities in the Roadway, against the rules of Recreational Trail funding by building in the Roadway and not the Rail Corridor?

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## **A Recipe for Tragedy: Mixing E-Bikes and Pedestrians**

The realignment would replace our **safe, proven Class II bike lanes and dedicated sidewalks** with a **12-foot-wide shared-use path**. This path will serve all modes—including: (**Design standards** state **2 foot shoulder** on each side, so this is really an **8 foot sidewalk**, 70-90% in the City of Capitola, Park Avenue Roadway)

- **Commuter** and recreational **e-bikes** reaching speeds of 20–28 mph (**classified** as a Commuter Corridor - We must **maintain existing class II bike lanes**)
- **Children walking to school**
- **Seniors on foot or with assistive devices**
- **Parents pushing strollers**
- **Experienced cyclists and local commuters**

This mixture is inherently hazardous. As **documented in Helen “Pookie” Hines’ tragic death on September 29, 2024**, when she was struck and killed by an e-bike during a routine walk along Opal Cliff Drive, even low-traffic residential routes become dangerous when pedestrians and e-bikes are forced into the same space.

**This is not a hypothetical risk. It has already happened. And it will happen again if this design is approved.**

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## **Legal Liability and Municipal Risk**

From a legal standpoint, the proposed design opens the City, County, and partnering agencies to **substantial liability**:

- **Negligent design claims** may arise if the mixed-use path fails to meet safety standards for shared mobility.

- **Failure to separate incompatible travel modes**, especially when existing infrastructure (bike lanes and sidewalks) is removed, will be scrutinized in any injury or wrongful death litigation.
  - If the plan is approved despite **known safety concerns and expert warnings**, this constitutes **deliberate disregard for public safety**—a major red flag in liability law.
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## **Vision Zero Violation**

The proposed realignment flies in the face of **Vision Zero**, a policy adopted by many California jurisdictions—including Santa Cruz County—committed to eliminating traffic deaths through **safe design, equity, and community engagement**.

Vision Zero is not a slogan. It is a promise to prevent loss of life **by design**.  
This plan breaks that promise.

Instead of prioritizing safety and mode separation, the current design sacrifices it—pitting speed against vulnerability, in direct opposition to the data-backed goals of Vision Zero and Caltrans’ own Active Transportation Design Guidelines.

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## **We Already Have the Safer Alternative**

The irony is: we don’t need to choose this risk.

We already have a **dedicated rail corridor**, legally protected by **Measure L and Capitola Municipal Code 8.72**, and purchased with the intent of becoming a **separated trail and/or future rail system**. This corridor is:

- Off-street and protected from vehicle traffic
- Wide enough to safely separate users
- Already public land, requiring no further property seizure
- Consistent with Class I design guidelines

Why are we sacrificing safety, legal certainty, and public trust to avoid using the very space built for this purpose?

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## **Our Request**

We urge all responsible agencies to take the following actions immediately:

1. **Reject the proposed realignment along Park Avenue** in its current form.
2. **Commission a formal safety and liability review** of all proposed shared-use path segments.
3. **Honor Vision Zero commitments** by refusing to approve designs that knowingly mix incompatible speeds and user types.

4. **Preserve and utilize the rail corridor**, consistent with the law, public expectations, and transportation best practices.

Let this be the moment we affirm our commitment to life, law, and logic.

The memory of Helen Hines—and the safety of every child, cyclist, and grandmother in this town—deserves no less.

Sincerely,

**Kevin Maguire**

Capitola Resident & Bike Safety Advocate

The California Highway Patrol says an 82-year-old woman has died in the hospital after being hit by a man on an electric bicycle Friday morning.

The crash was reported at around 5:50 a.m. on Opal Cliff Drive, east of Court Drive. An 80-year-old man from Santa Cruz was using an e-bike on the right shoulder of Opal Cliff Drive at an unknown speed.

An 82-year-old woman from Santa Cruz was walking east of the bicyclist, said CHP. For an unknown reason, the two crashed. The woman suffered major injuries and was taken via air ambulance to Valley Medical Center.

She later died from her injuries at the hospital, per CHP.

The victim was identified as Helen "Pookie" Hines by her daughter, Cindy Diola. Diola said her mother was on her morning walk when she was hit.

The man was also injured and taken to Dominican Hospital by way of a ground ambulance.

The cause of the crash is under investigation. CHP says drugs and alcohol are not suspected factors at this time.

Diola described her mother as the matriarch of the family, who was a "vibrant, active, fun-loving lady who was a loving mom, grandmother, great-grandmother, aunt, wife, crafter and all-around beautiful person. Not a mean bone in her body. Very giving, had a lot of grace and a huge family."

She added her mother had walked Opal Cliffs for 25 years.



## Helen Maureen Hines (Pookie)

### OBITUARY

Helen Maureen Hines, affectionately known as Pookie, passed away on September 29, 2024, in San Jose, CA. She was born on October 23, 1941 in Bell, CA.

Share this obituary:



**Birth:** 1941

**Death:** 2024

Pookie is survived by her three children: Cindy Diola (Steve), Jeff Hines (Barb), and Greg Hines. She also leaves behind her sister, Marilyn Diola (Ric) and their family, her loving partner Webster Trask and his family, and many cherished

grandchildren and great-grandchildren.

A Celebration of Life will be held on Thursday, November 14th at 2:30pm at Johnny's Harborside, located at 493 Lake Avenue, Santa Cruz, CA 95062.

Flowers are welcome, or in lieu of flowers, donations to the American Cancer Society would be appreciated.

Pookie was an energetic 83 years old who adored her life in Santa Cruz, where she could often be found walking her 4 1/2 -mile loop each early morning, making friends along the way. An active and creative spirit, she enjoyed crafting unique wall hangings from salvaged materials and building birdhouses that adorned the homes of her family and friends. A proud cancer survivor, her strength and resilience were an inspiration to all who knew her.

She will be deeply missed and lovingly remembered.