

# Improving Safety on the Iron Horse Trail Danville, California Bollards, Bicycles & Pedestrians



February 1, 2023

## Executive Summary

This report focuses on and identifies safety hazards posed by the dull dark brown bollards on the Iron Horse Trail in Danville, California. Bollards are 4" PVC posts placed in the middle of the trail to discourage unauthorized automobile traffic, but they create a barrier for bicycle and pedestrian traffic, are a potentially deadly hazard for cyclists, and are difficult for cyclists and motorists to see.

The existing bollards were installed many years ago when modern trail standards and guidelines were in their infancy. We propose that the East Bay Regional Park and the Town of Danville create an active partnership to improve the safety conditions on the trail, especially at street crossings where the bollards are installed, by following recommendations from the 2020 CalTrans Highway Design Manual (Chapter 1000) and the City of Oakland.

- Paint the bollards a bright yellow color and add at least two levels of reflectorized tape.
- Paint 10 ft yellow diamonds on the pavement up and downstream of each bollard.
- Use bollards that will break or bend at ground level when struck by a cyclist.
- Reinstall bollards so there is never more than one in the lane of travel (i.e., two travel lanes).

- Reinstall bollards so there is at least 60 inches between the bollard and the adjacent fence post or gate.
- Remove standalone bollards from the trail.
- Create a bollard standard so that trail users and motorists can more easily recognize the barrier.

## **Introduction**

Residents of Danville have the privilege of easy access to the Iron Horse Trail. The trail was established in 1986 and its bicycle and pedestrian facilities have been evolving and improving as the population of Danville grew from about 28,000 to 43,000 and traffic on the trail increased significantly. Today an average of about 700 bicycles per day travel the trail in Danville together with about the same number of pedestrians (ref. EBRPD data at Love Lane). We believe that safety improvements have not kept pace with increases in trail use and local population.

On April 23, 2022, Rob Reyes (photo below) was killed when he crashed into a bollard while riding his bicycle with a group of friends on the West County Regional Trail in Santa Rosa.



In memory of Rob's death and in order to reduce the risk of a similar occurrence, we decided to review the safety hazards and potential dangers that dull dark brown bollards pose to cyclists and other trail users on the Iron Horse Trail (IHT) from Hartford Drive to Fostoria Way in Danville. Details are provided in the attached Appendix. The dark brown bollards were installed by and are maintained by the East Bay Regional Park District (EBRPD).

## **Discussion**

Every year, hundreds of thousands of people travel on the IHT; from recreational cyclists to groups of cyclists riding to work, students riding individually or groups (bicycle trains) to one of the six schools located near the trail, friends chatting as they walk together, people exercising their dog(s) on leash, others off leash, solo/groups of joggers, and even the occasional person riding a horse. Plus, over the last few years, a new and growing category of trail users have become more common: electric bicycles (e-bikes) and electric scooters (e-scooters). We observed and spoke with a number of adults and children riding e-bikes and e-scooters on the IHT, including, for example, a SUPER 73 E-Bike (weight 73 lbs.) traveling at 28+mph and a FREEGO E-bike (weight 59 lbs.) traveling at 30+mph.

How many people use the IHT? East Bay Regional Park District maintains a trail user counter on the IHT at the Love Lane crossing. According to the data, from March 2019 to March 2020,

262,678 bicycles traveled on this section of the IHT. During a five-month period, from April to August 2020 a total of 155,987 bicycles passed the counter, a monthly average of 31,197 bicycles and a daily average of 1,000 bicycles. How many students use the IHT to ride to/from school? We looked at Charlotte Wood Middle School and counted bikes in a bicycle corral filled daily with approximately 160 bicycles, suggesting that 17% of the students ride a bicycle to/from school. How many students ride bicycles to/from the other five schools located near the IHT?

**The Problem with Bollards.** Cyclists frequently ride in small groups (peloton) chatting along the way. As a result, the front cyclist(s) often block the line of sight for cyclist(s) at the back of the peloton. Yes, front-middle cyclists should call out and/or provide hand signals notifying riders behind about hazards ahead. Unfortunately, noise, distractions, areas of shade, low visibility, fog, rain, twilight, hearing disabilities etc. all contribute to the cyclists near the back NOT hearing or seeing the warning and could easily result in a collision with the bollard.

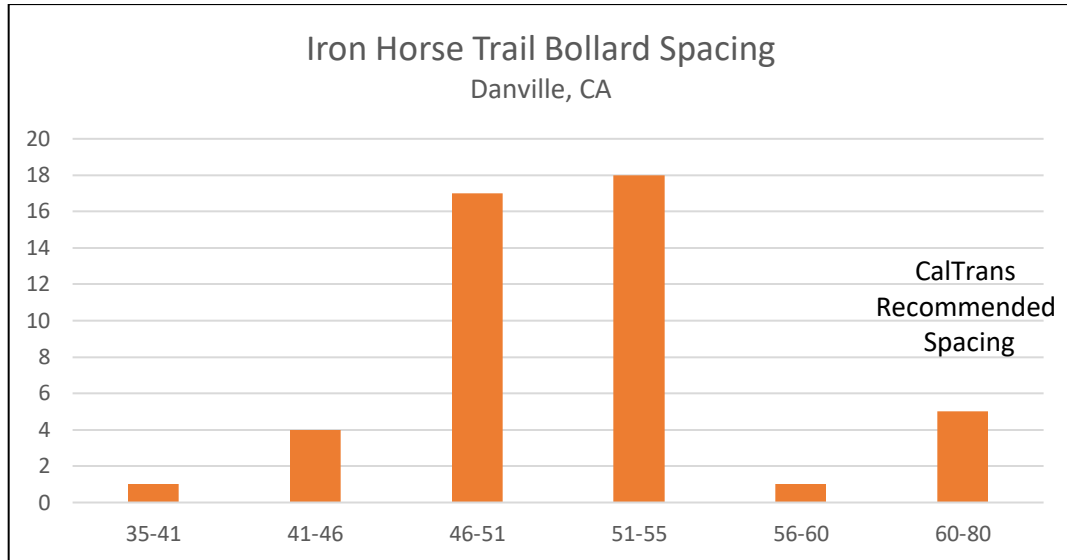


All the bollards on the IHT are 4” PVC pipes painted a dull dark brown with a single fluorescent strip of 4-inch tape near the top. None of these dark brown bollards are illuminated at night. This makes them hard to see in low light or bright sun/shade conditions. Some crossings have one bollard (two travel lanes) and some have two bollards (three travel lanes – photo above). None are marked on the pavement to warn trail users of their presence.

According to the CalTrans Highway Design Manual Chapter 1000; bollards should be “reflectorized for nighttime visibility and painted, coated, or manufactured of material in a bright color to enhanced daytime visibility.” The City of Oakland, Department of Transportation, Safe Streets Division Standards recommends that bollard’s locations have markings painted on the pavement to identify and establish bollard standards to educate and warn cyclists.

Additionally, the Highway Design Manual states “If the decision is made to add bollards, they should be spaced to leave a minimum of 5 feet of clearance of paved area between obstacles (measured from face of obstacle to face of adjacent obstacle).”

**The Problem with Bollard Path Openings.** There are 11 street crossings of the IHT in Danville, each side of which contain bollards, and 46 bollard path openings. Most of the bollard path openings are less than the 60” recommended by CalTrans (chart below).



According to our measurements, 41 (89%) of the 46 bollard path openings (photo below) were significantly below the minimum 60-inch distance for bicycles to pass between safely. In fact, almost half of the 46 bicycle path openings were 35” to 50” wide.



**The Problem with Bollard Visibility.** At certain times of the day, the dull dark brown bollards seem to blend into their surrounding and become camouflaged (photo above & two photos below). This is especially the case in shady areas on a bright sunny day, and during times of low visibility such as fog, rain and twilight hours. Dark brown bollards are a Clear and Present Danger to cyclists who ride in a group, especially those at the back of the group where their line of sight is blocked by riders ahead and groups of pedestrians walking on the trail. The dark brown color significantly increases the probability of collisions, injuries and possible fatalities (photos below).

West Prospect Ave (South side) - Single & Double Bollards



San Ramon Valley Blvd (South side) – Single Bollard



**The Problem with Multiple Bollards.** The Highway Design Manual discourages multiple bollards: “If the decision is made to add bollards, an odd number of openings increase the risk of head-on collisions if traffic in both directions tries to use the same opening.” Several of the IHT crossing locations had an odd number of path openings between bollards (photo below). The occasional 3-path bicycle openings significantly increase the probability of a cyclist colliding with another trail user or colliding with a bollard and being seriously injured or killed.



**The Problem with Standalone Bollards.** Standalone single bollards in the middle of the trail located in areas that seem unnecessary present an additional hazard to unsuspecting cyclists (photo below). As cyclists approach an intersection, they are constantly multitasking, looking left and right for vehicles and attempting to make eye contact with motorists, pedestrians, joggers, dog walkers and other cyclists. They are NOT expecting see a standalone bollard in their path.



**American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, 2012 (Fourth Edition).** “The routine use of bollards and other similar barriers to restrict motor vehicle traffic is not recommended.” “Bollards should not be used unless there is a documented history of unauthorized intrusion by motor vehicles.

**Contra Costa County Active Transportation Corridor Study, June 2020.**

“Bollards or other barriers should not be used unless there is a documented history of unauthorized intrusion by motor vehicles.”

**Press Democrat Newspaper:** “The controversial poles along Sonoma County’s bike path have been repainted and striped yellow (photos below) to the paths safer after a **cyclist crashed into one and died in August.**”



## Conclusion

East Bay Regional Park and the Town of Danville should partner to improve safety conditions on the trail, especially at street crossings where bollards are installed. Recommendations from the 2020 CalTrans Highway Design Manual (Chapter 1000) and City of Oakland should be followed.

- Paint the bollards a bright yellow color and add at least two levels of reflectorized tape.
- Paint 10 ft yellow diamonds on the pavement up and downstream of each bollard.
- Use bollards that will break or bend at ground level when struck by a cyclist.
- Reinstall bollards so there is never more than one in the trail (i.e., two travel lanes).
- Reinstall bollards so there is at least 60 inches between the bollard and the adjacent fence or gate.
- Remove standalone bollards from the trail.
- Create a bollard standard so that cyclists can more easily recognize the hazard.
- Create a bollard standard so that motorists can more easily recognize them and NOT drive onto the trail.

Alan Kalin  
COL, USA (Ret.)

Bruce Bilodeau



# Appendix A

We examined and documented all eleven-road crossing on the Iron Horse Trail in Danville. The following comprehensive list explains the hazards at each one starting at the northern most crossing at Hartford Road and ending at the southernmost at Fostoria Way. All of the bollards are dull dark brown with a single strip of fluorescent tape at the top. None of the bollards had three strips of fluorescent tape and almost all were taller than the 42” required by EBRPD Standard Plans (10/01/2020).

- 1. Hartford Road IHT Crossings:** North Side has a single dark brown bollard (2-path opening) and the South Side has double dark brown bollards (3-path dangerous openings). Both sides are below the minimum 60” width recommendation. Notice the different size gates, resulting in the South Side having a 3-path dangerous opening.





2. **Del Amigo Road IHT Crossings:** North side single dark brown bollard (2-path opening). South Side Below dark brown bollard (2-path opening). Both sides are below the minimum 60" width recommendation.



3. **Love Lane IHT Crossings:** North and South sides single dark brown bollards (2-path opening). Both sides are below the minimum 60" width recommendation.



4. **Linda Mesa Ave Crossings:** North and South sides single dark brown bollards (2-path opening). Both sides are below the minimum 60" width recommendation.



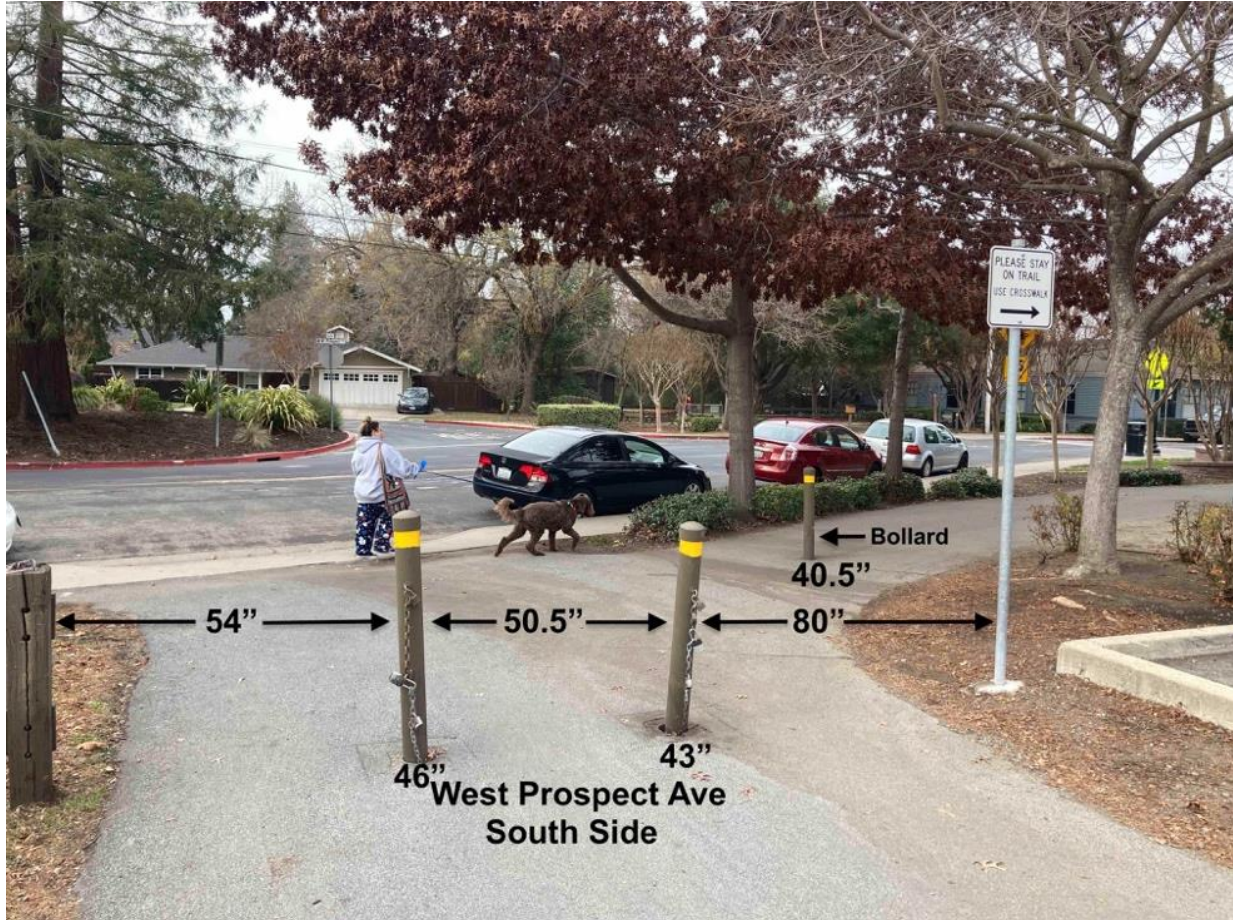
5. **West Prospect Ave IHT Crossings:** North and South Side have six dark brown bollards. The north side has a single bollard 2-path opening which meets the 60-inch minimum recommendation. But there are also two standalone single bollards at the crosswalk on both North & South sides, which present a hazard to unsuspecting cyclists.



Standalone single bollards in the middle of the trail located in areas that seem unnecessary present an additional hazard to unsuspecting cyclists (photo below).



The south side of West Prospect Ave shown below has a confusing and dangerous 3-path opening and an odd standalone single bollard. There should be one to two bollards centered on the driveway, approximately 10+ feet from curb (person walking). The left and center openings are below the minimum 60" width recommendation.



6. **San Ramon Valley Blvd IHT Crossings:**

The 3-path opening (photo below) is confusing, potentially dangerous and below the minimum 60" width recommendation. There is no need for bollards at this location. When the bollard on the left tilts toward the center, the distance between is 31".



The broken bollard (photo below) is a hazard for pedestrians and cyclists. There is no need for a bollard at this location.



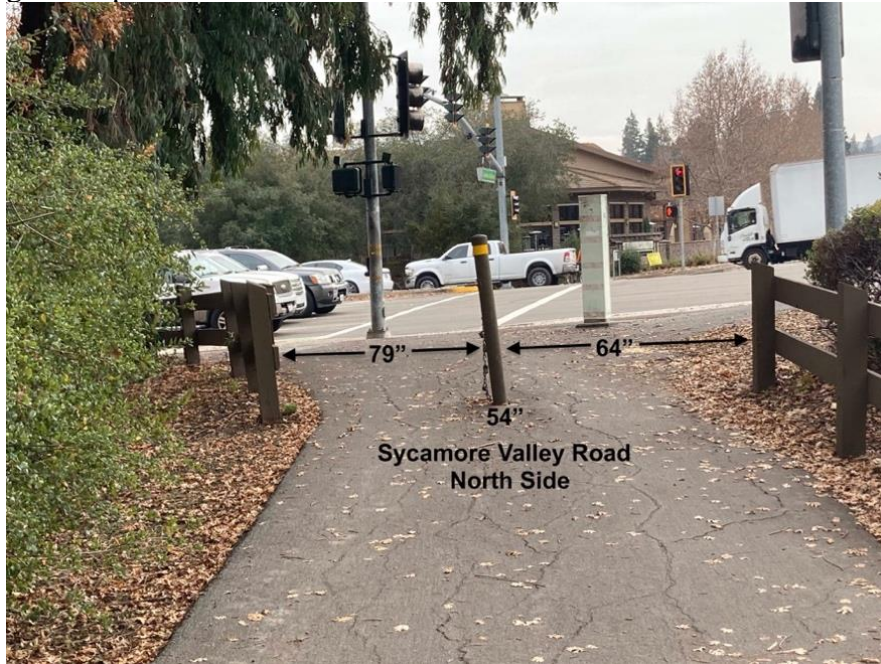
The stand-alone single dark brown bollard below is dangerous and a collision waiting to happen and should be removed.



The 3-path opening (photo below) is confusing, potentially dangerous and below the minimum 60" width recommendation. There is no need for bollards at this location. Notice the single dark brown bollard in the background closer to San Ramon Valley Boulevard.



7. **Sycamore Valley Road IHT Crossings:** Even though the two-path openings meet the minimum 60" recommendation, is this single bollard really necessary at this location (photo below)? The large traffic light pole and the vertical electrical box block the opening of the path.



Notice the long red metal barrier-fence running parallel to Sycamore Valley Road with a locked vehicle access gate in the background, which provides access to the trail. Both sides are below the minimum 60" width recommendation. If vehicle access is blocked by the red fence and controlled by a locked gate, is the bollard (photo below) in the middle of the path really necessary?





8. **Paraiso Drive IHT Crossings:** North side single bollard (2-path opening). South Side dark brown bollard below (2-path opening). Both sides are well below the minimum 60" width recommendation. Reducing the width of the gate would allow for wider spacing between the bollards.



9. **El Capitan Drive IHT Crossings:** North side single dark brown bollard (2-path opening). South Side Below dark brown bollard (2-path opening). Both sides are below the minimum 60" width recommendation.



**10. Greenbrook Drive IHT Crossings:** North side single bollard (2-path opening). South Side bollard (2-path opening). Both sides are below the minimum 60" width recommendation. Reducing the width of the gate would allow for wider openings.



- 11. Fostoria Way IHT Crossings:** North side single dark brown bollard (2-path opening). South Side Below dark brown bollard (2-path opening). Both sides are well below the minimum 60" width recommendation.



## Appendix B

### References and Technical Specifications

1. CalTrans Highway Design Manual, Chapter 1000 - Bicycle Transportation Design (July 1, 2020), Section 1003.1 – Class 1 Bikeways

(17) *Entry Control for Bicycle Paths.* Obstacle posts and gates are fixed objects and placement within the bicycle path traveled way can cause them to be an obstruction to bicyclists. Obstacles such as posts or gates may be considered only when other measures have failed to stop unauthorized motor vehicle entry. Also, these obstacles may be considered only where safety and other issues posed by actual unauthorized vehicle entry are more serious than the safety and access issues posed to bicyclists, pedestrians and other authorized path users by the obstacles.

The **3-step approach to prevent unauthorized vehicle entry** is:

- (a) **Post signs** identifying the entry as a bicycle path with regulatory signs prohibiting motor vehicle entry where roads and bicycle paths cross and at other path entry points.
- (b) **Design the path entry** so it does not look like a vehicle access and makes intentional access by unauthorized users more difficult. Dividing a path into two one-way paths prior to the intersection, separated by low plantings or other features not conducive to motor vehicle use, can discourage motorists from entering and reduce driver error.

(c) **Assess** whether signing and path entry design prevents or minimizes unauthorized entry to tolerable levels. If there are documented issues caused by unauthorized motor vehicle entry, and other methods have proven ineffective, assess whether the issues posed by unauthorized vehicle entry exceed the crash risks and access issues posed by obstacles.

If the decision is made to add bollards, plantings or similar obstacles, they should be:

- **Yielding** to minimize injury to bicyclists and pedestrians who may strike them.
- Removable or moveable (such as posts, bollards or gates) for emergency and maintenance access must leave a flush surface when removed.
- ReflectORIZED for nighttime visibility and painted, coated, or manufactured of material in a **bright color** to enhanced daytime visibility.
- Illuminated when necessary.
- Spaced to leave a **minimum of 5 feet of clearance** of paved area between obstacles (measured from face of obstacle to face of adjacent obstacle). Symmetrically about the center line of the path.
- Positioned so an **even number of bicycle travel lanes** are created, with a minimum of two paths of travel. An odd number of openings increase the risk of head-on collisions if traffic in both directions tries to use the same opening.
- Placed so additional, non-centerline/lane line posts are located a minimum of 2 feet from the edge of pavement
- Delineated as shown in California MUTCD Figure 9C-2.
- Provide special advance warning signs or painted pavement markings if sight distance is limited.
- Placed 10 to 30 feet back from an intersection, and 5 to 10 feet from a bridge, so bicyclists approach the obstacle straight-on and maintenance vehicles can pull off the road.
- Placed beyond the clear zone on the crossing highway, otherwise breakaway. When physical obstacles are needed to control unauthorized vehicle access, a single non-removable, flexible, post on the path centerline with a separate gate for emergency/maintenance vehicle access next to the path, is preferred. The gate should swing away from the path.”
- When physical obstacles are needed to control unauthorized vehicle access, a single non-removable, flexible, post on the path centerline with a separate gate for emergency/maintenance vehicle access next to the path, is preferred. The gate should swing away from the path.

## **2. American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, 2012 (Fourth Edition)**

- “The **routine use of bollards** and other similar barriers to restrict motor vehicle traffic is **not recommended**.
- Bollards should not be used unless there is a **documented history** of unauthorized intrusion by motor vehicles.
- Barriers such as bollards, fences, or other similar devices create permanent obstacles to path users.

- **Striping an envelope** around the approach to the bollard is recommend
- Bollards should be **set back** from the roadway a **minimum of 30 feet.**”

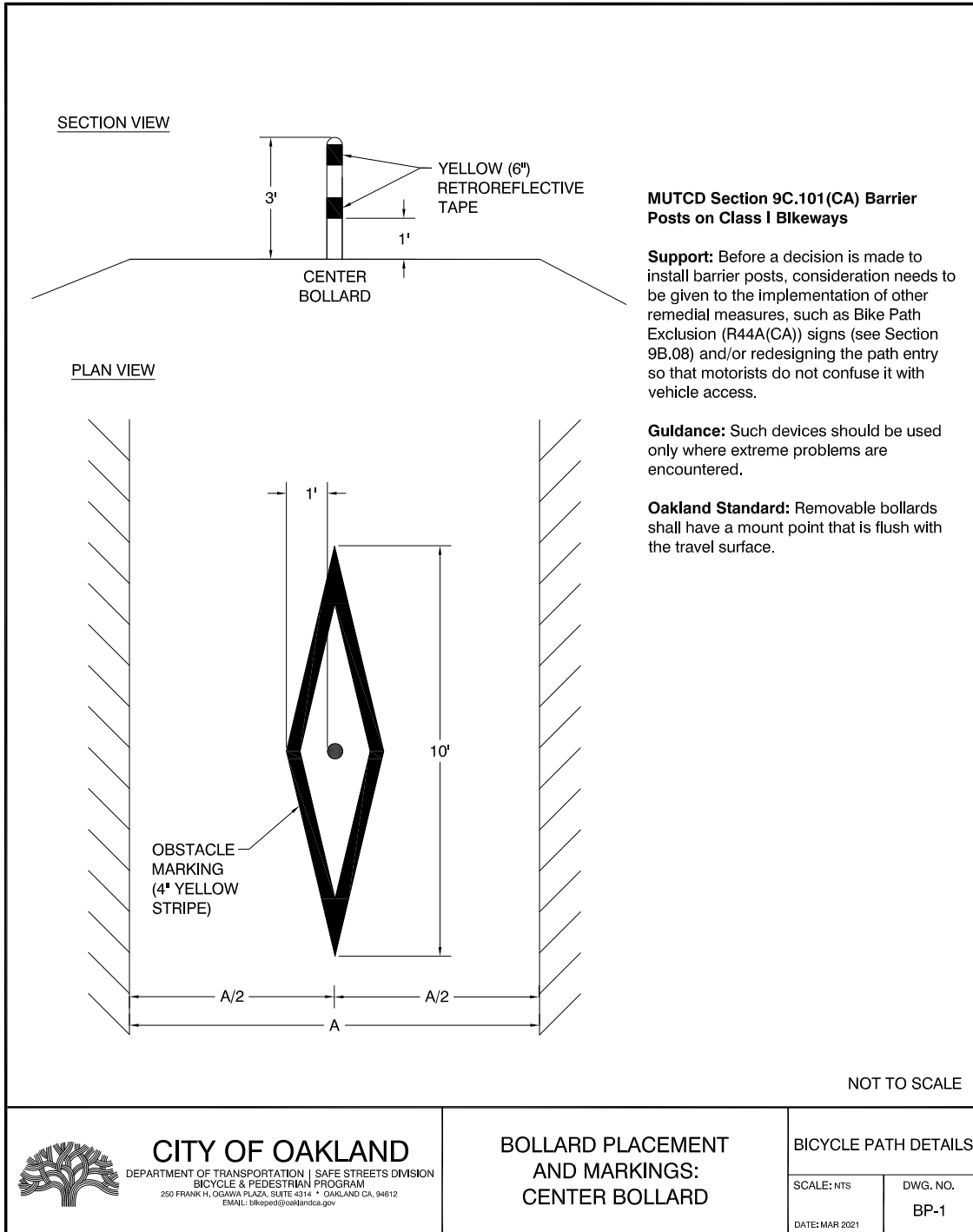
### 3. **Contra Costa County Active Transportation Corridor Study, June 2020**

- **“Bollards or other barriers should not be used** unless there is a documented history of unauthorized intrusion by motor vehicles.
- Bollards are physical barriers designed to restrict motor vehicle access to a multi-use trail. Unfortunately, physical barriers are often ineffective at preventing access, and create obstacles to legitimate trail users.
- Alternative design strategies use signage, landscaping and curb cut design to reduce the likelihood of motor vehicle access.
- No Motor Vehicles signage (MUTCD R5-3) may be used to reinforce access rules.”

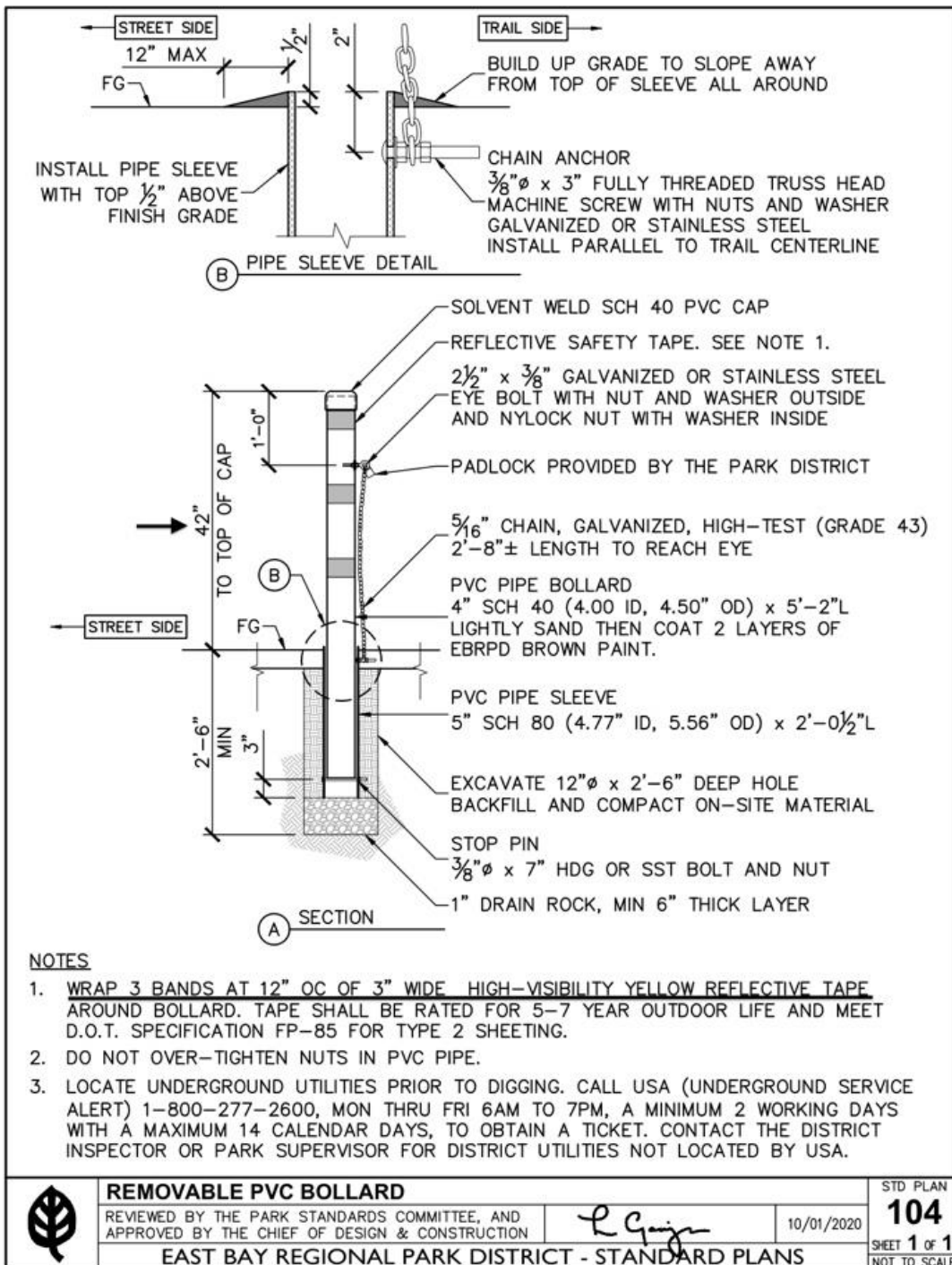
### 4. **Oregon Department of Transportation**

- **“Bollards** may be used to limit vehicle traffic on paths. However, they are **often hard to see**, cyclists may **not expect them** and **injuries result** when cyclists hit them. Overuse of bollards is a serious hazard to bicyclists and may prevent path use by trailers, wheelchairs and other legitimate path users.
- **In a group of riders**, the riders in the front block the visibility of those behind, setting up cyclists in the back of the pack for a crash.
- **Bollards should only be used when absolutely necessary.** When use, they must be spaced wide enough (min 5 feet) for easy passage by cyclists, bicycle trailers and adult tricycles as well as wheelchair users.
- **A single bollard is preferred**, a two may channelize bicyclists to the middle opening, with a potential for collisions.
- They should be not be placed right at the intersection, but set **back 20 feet or more**, so users can concentrate on motor vehicle traffic conflicts rather than avoiding the bollard.
- They should be **painted with bright**, light colors for visibility, illuminated and/or retro-reflectorized.
- **A striped envelope around the bollard** will direct path users away from the fixed object hazard.”

5. City of Oakland, Department of Transportation/Safe Streets Division

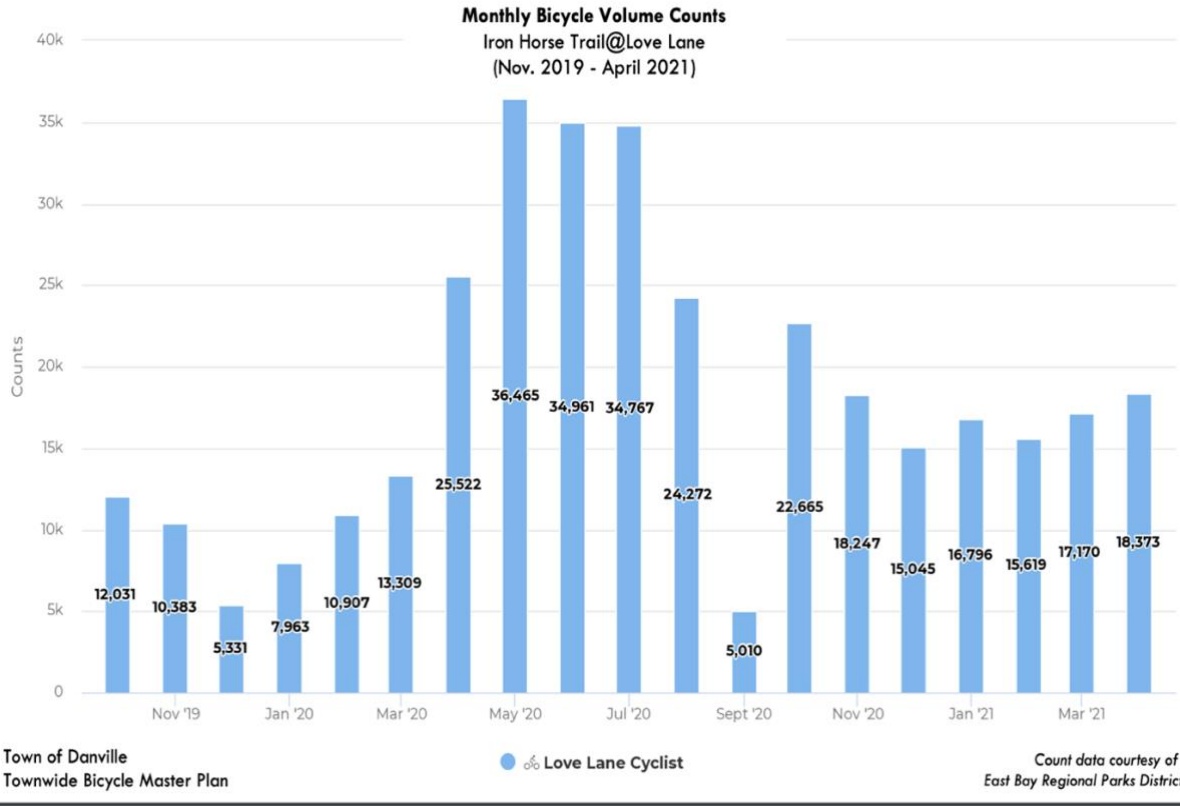


7. East Bay Regional Park District – Standard Plans





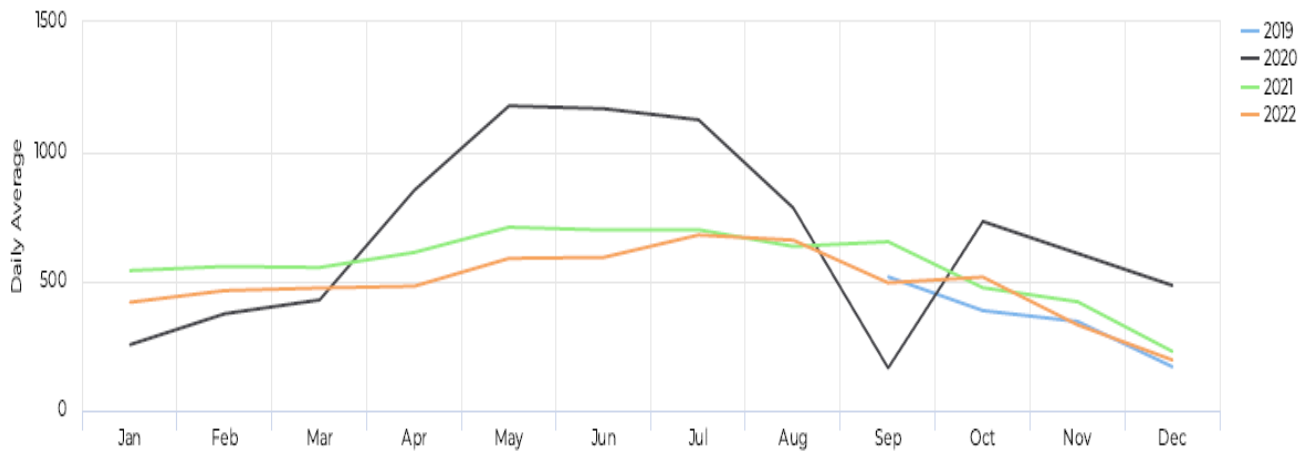
## 8. East Bay Regional Park District – Monthly Bicycle Volume Counts



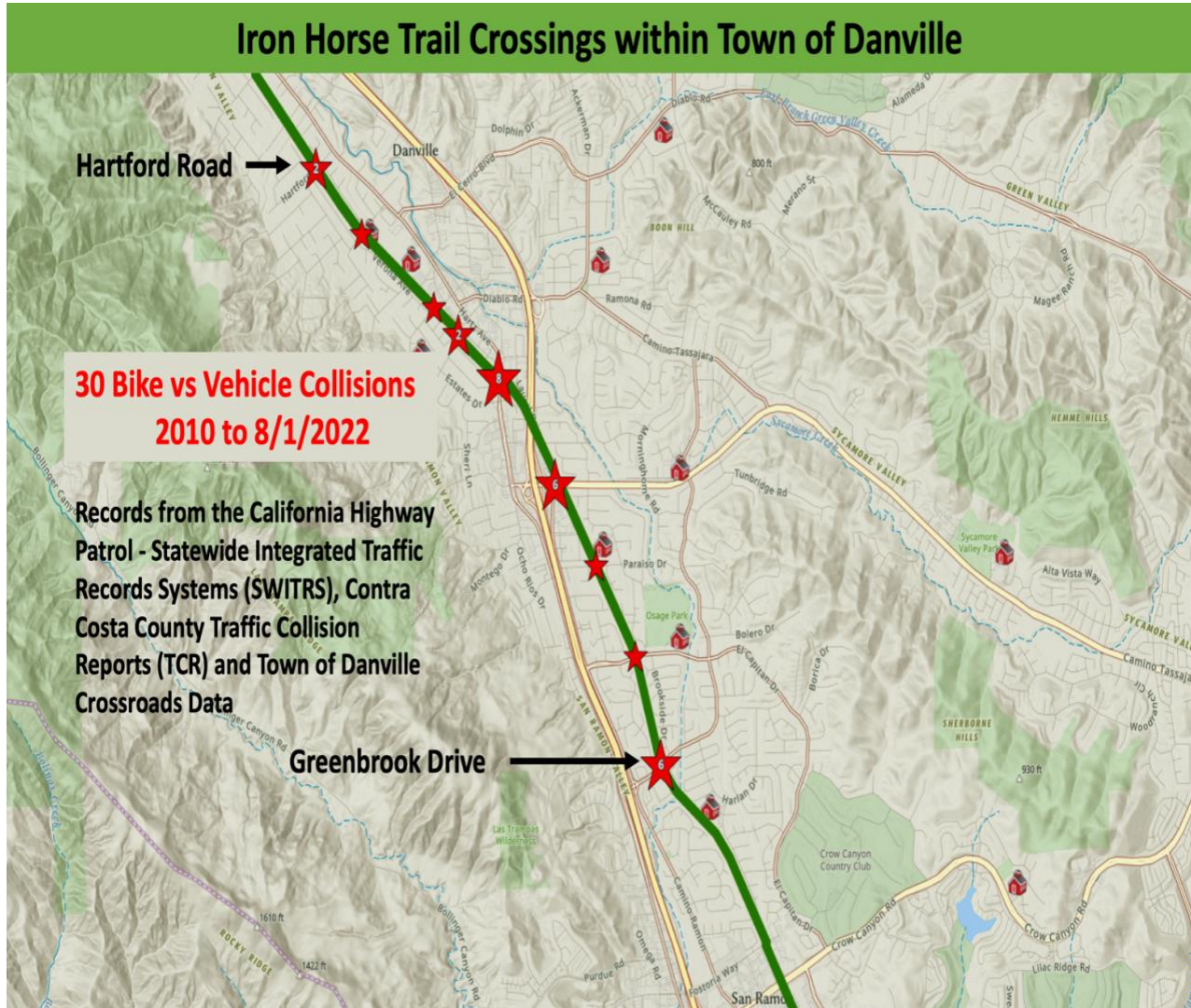
## 9. East Bay Regional Park District Eco Visio Counter Report at Love Lane (12/28/22)

### Annual Comparison - Cyclists

01/01/2019 → 12/27/2022



10. Bike vs Vehicle Collisions (IHT from Hartford Road to Greenbrook Drive)



## Appendix C Healdsburg Tribune and Washington State Supreme Court Decision

### 1. Council Urges Action on Bike Path Bollards

#### FATALITY PROMPTS LOOK AT FOSS CREEK TRAIL OBSTACLES

By: CHRISTIAN KALLEN November 24, 2022 (Healdsburg Tribune)

When Santa Rosa chef **Rob Reyes** died on **Aug. 23** by colliding with a bollard along the **West County Regional Trail in Graton**, his friends, family and employees of the La Rosa restaurant he co-owned were shocked and even outraged that a “safety” feature could be fatal. So too were hundreds of local cyclists, the Sonoma County Bicycle Coalition and City Council member (and

vice mayor) Ariel Kelley. The cause of death was given as blunt force trauma to his chest, according to the Sonoma County Coroner's Office. At the Sept. 19 Healdsburg City Council meeting after the incident, Kelley said she uses the Foss Creek bike and pedestrian path daily, and asked that the city look into the **safety issues surrounding bollards in town, in particular on the Foss Creek Trail.**

Public Works Director and City Engineer Larry Zimmer undertook the "Use of Safety Bollards in Healdsburg" study, and had it prepared for discussion at the Nov. 7 meeting of the council. That meeting, however, was canceled by technical audio problems, and the topic was rescheduled for this past Monday's council meeting, Nov. 21. Zimmer's Public Works recommendation was surprising and straightforward: "Based on current Caltrans design standards, it is recommended that many of the **bollards on the Foss Creek Pathway can and should be removed.**" In most cases, only the center bollard needs to remain, said Zimmer, because bollards "make clear that vehicles are prohibited on the pathway, and prevent inadvertent entry.

"Additionally, the center bollard will be a physical means of indicating to cyclists they are entering a street and encourage slowing down," he continued. **Yellow striping would be added to the trail 40 feet before the obstacle and surrounding the remaining bollard,** which would be painted with reflective elements. That solution drew qualified support from Eris Weaver, the executive director of the Sonoma County Bicycle Coalition. In a letter to the council and public comment during Monday's meeting, she cited the same authority Zimmer did, the *California Manual on Uniform Traffic Control Devices*, but pointed out it recommends simple signage and redesigned path entry and other remedial measures before bollards are used. Their advice on bollards was that "Such devices should be used only where extreme problems are encountered."

**"Bollards should be the last resort;** instead, we've stuck bollards everywhere as a first resort," Weaver told the council on Monday. "There is no good data regarding the statistical risk of injury from colliding with a bollard versus the risk of being struck by a driver on a bike path," she wrote in her earlier letter to the city. "Anecdotally, while I've heard many stories about cyclists colliding with bollards, I've not heard any locally about vehicles driving on paths."

Though Weaver's informed testimony was valuable, Zimmer's obligation to run a public works department put less emphasis on immediacy and more on process. Still, her recommendations and his were not that far apart. **Zimmer's study suggested removing all but one bollard, in the center of the bike lane, in most locations where multiple bollards are currently in use.** One single example where Zimmer favored leaving a bollard in place, at a footbridge over Foss Creek adjacent to Grove Street, drew the most attention in the meeting, possibly because the location is not far from the City Council Chambers and familiar to city staff.

Zimmer's argument for retaining the bollards—one at each end of the small bridge—was that the footbridge was narrow, not designed for heavy loads, and any vehicle that tried to cross could cause extensive and expensive damage. But the only way a vehicle could get on the path would

be to enter it illegally from an unmarked driveway off Grove Street near the Montessori School in the first place. Why not block access to the trail at that point with bollards? asked Kelley. Though Zimmer expressed caution and was doubtful such an obstacle would be simple, he agreed to consider it. The council and he agreed too and agreed to remove the bridge bollards but increase signage and striping to call attention to the crossing. “Council felt that the tight bridge crossing and the path curvature warranted their removal,” summarized Zimmer the next day. “Their conclusion is logical, and I cannot disagree.”

The biggest disconnect appeared to be the timeline Zimmer recommended versus the heightened awareness and concern over the risks. He presented a projection that removing about 25 bollards and adding appropriate striping would cost \$55,000. Any alternatives to the recommended project “will result in changes to that estimate,” such as an additional \$35,000 if new flexible bollards were called for. The Public Works proposal suggested delaying the project until it could be scheduled and fit within the department’s contracted work, which would delay any work until Fiscal Year 2023-24 at the earliest, and possibly a year beyond that.

“Since these bollards have been in place for many years, it is not considered urgent to replace them immediately, but that the work can be budgeted and scheduled for a future fiscal year,” read the report. While four council members were generally supportive of Zimmer and his report, Kelley led the charge to encourage a sooner response than a later one. “I’d love to see this proceed swiftly. I know that often it takes a really long time to get things in motion. So even if we did try to calendar it for down the road, it sometimes even gets kicked further down the road.”

Mayor Ozzy Jimenez agreed, saying “doing and starting this as soon as possible is something I’d be interested in.” Councilmember Evelyn Mitchel asked if there were funds and human resources available to start the work sooner than the next budget cycle, and Assistant City Manager Andrew Sturmfels said there was a balance in Measure T funds that could be accessed. (That measure uses a half-cent sales tax to fund public safety.)

That became the council’s direction to Zimmer—start making plans for bollard removal to begin in the spring, as soon as resources are rescheduled and a budget amendment could be passed to enable Measure T funds. “This is a great opportunity to demonstrate our desire to be a more bike-friendly community,” said Kelley, “and prioritize the safety of our cyclists and pedestrians.” “I’m glad that the council asked that the poles on the bridge near Grove Street be removed,” said Weaver the next day. “The approved action will, I think, be an improvement, offering a little more space for cyclists to maneuver and making the poles more visible.”

But she said the action fell short of her hopes for a comprehensive study of the use of bollards, which would have required additional study—and funds.

## 2. **Davis Law Group Wins Washington Supreme Court Case on behalf of Severely Injured Bicyclist (Updated on: 9/26/2022)**

The Washington Supreme Court issued an [important decision](#) Thursday morning in relation to a lawsuit that Davis Law Group filed nearly five years ago on behalf of a **man who was paralyzed after a serious bicycle collision in King County in 2017**. Our client, Carl Schwartz, was riding his bicycle on the Green River Trail in Tukwila, Washington on 2017 when he came upon a single unmarked **bollard** installed in the middle of the trail that he could not see because it **blended into the background**. **King County failed to mark the bollard** in accordance with federal safety guidelines, despite the fact that it adopted the guidelines years earlier but decided not to implement them, and Mr. Schwartz suffered life-changing injuries as a result. Mr. Schwartz never saw the bollard when he collided into it.

The impact not only destroyed his bicycle but left him a quadriplegic. Davis Law Group's investigation showed that other trail users complained about the bollard several years earlier. One person painted warnings on the pavement to alert other cyclists about the bollard's existence.

Davis Law Group filed a lawsuit against King County alleging that the **bollard was an extreme hazard to trail users**, the County knew this fact and failed to follow federal guidelines by adequately marking the bollard so it could be seen. The County denied any wrongdoing and asserted its was immune from responsibility under Washington's Recreational Immunity statute. That law protects landowners who furnish their property for the public's recreational use. Schwartz argued that there is an exception to the Recreational Immunity statute if the condition on the land was a known dangerous artificial latent condition. The County's motion for summary judgment dismissing the case was granted by the trial court. Schwartz appealed to the Court of Appeals which ruled in his favor. The County appealed to the Washington Supreme Court which ruled 5 to 4 in favor of Schwartz.

The **Court ruled** that Schwartz had presented substantial evidence to show that the **bollard was a known dangerous artificial latent condition**. The case goes back to Pierce County Superior Court for a **new trial date**.