

File No. 100466

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee Government Audit and Oversight

Date September 23, 2010

Board of Supervisors Meeting

Date _____

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>2009-2010 Civil Grand Jury Report</u> |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Response from the SF BAC, dated July 11, 2010</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Response from the SFPD, dated July 9, 2010</u> |
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Completed by: LaTonia Stokes

Date September 17, 2010

Completed by: _____

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2009-2010 Civil Grand Jury
City and County of San Francisco

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CITY AND COUNTY OF SAN FRANCISCO
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Sharing the Roadway: From Confrontation to Conversation

Report Released: May 2010



July 12, 2010

The Honorable James J. McBride
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge McBride:

I am pleased to present my response to the 2009-2010 Civil Grand Jury report, "Sharing the Roadway: From Confrontation to Conversation".

The San Francisco Bicycle Plan (Plan) is a culmination of years of hard work and dedication by our civic groups and city staff to address the need to have an environmentally friendly mode of travel and do so in a way that protects the safety and well-being of those who choose this mode of transportation. As part of our Transit First Policy, it is my goal to get more citizens to use public transportation and bicycles. However, this means we must address the reality of the challenges our roadways present. At times, vehicle traffic competes with bicycle traffic and both parties must respect each other's use of the roadway to ensure the safety of all.

It is the goal of both the San Francisco Municipal Transportation Agency (SFMTA) and the San Francisco Police Department (SFPD) to ensure that all parties act responsibly so that everyone remains safe. Both city departments, for instance, work with the bicycling community to address any safety concerns that may exist. The City also remains committed to fully implementing the San Francisco Bicycle Plan, which will bring about crucial improvements to our bicycle route network and will improve not only the safety of the riding public but also our quality of life.

The Mayor's Office response to the Civil Grand Jury's findings is as follows:

Finding 1: Issues of conflict, anger, mistrust, and misunderstanding exist among motorists, cyclists, and the police. Studies and reports of attitudes indicate motorists and cyclists both exhibit negative attitudes, hostility, and lack of understanding of each's concerns.

Response: Agree. The shared use of roadways does at times raise tensions among all users. However, San Francisco continues to conduct outreach campaigns and educational campaigns on the proper use of the roadways to mitigate these concerns, and motorist/cyclist conflicts are expected to decrease over time as the City moves forward with planned street improvements and outreach.

Finding 2a: Availability of safe cycling educational materials in many formats is extensive, yet there is no systematic distribution to non-cyclists, motorists and police.

Response: Partially Disagree. The SFMTA creates and distributes materials and conducts outreach campaigns for the public. Though the SFMTA does significant educational outreach to the public and all materials are readily available upon request, targeted outreach to the SFPD does not currently exist.

Finding 3a: Traffic enforcement of the Traffic Code and California Vehicle Code is often lax. The bicycle community, for the most part, desires effective and consistent police enforcement.

A campaign to publicize increased enforcement could help make the city streets safer for all street users, including bicyclists, pedestrians, and motorists. Equal enforcement of the law will help improve trust and general relations between people using different types of transportation. Publicizing should also emphasize that increased enforcement of bicycle and motorist laws related to bicycling is being complemented by (and is important for supporting) the city's efforts to provide better bicycle facilities and a more connected bicycle network through-out San Francisco.

Response: Partially disagree. I agree that motorists, bicyclists, and pedestrians should obey all traffic laws and vehicle laws to ensure the safety of everyone using the roadways. There are many ways to ensure roadway safety, and one is the enforcement of the Traffic Code and the California Vehicle Code. Although I do not agree with the assessment that enforcement of the Traffic Code and the Vehicle Code is purposely weak, I do agree that full enforcement of any traffic laws will minimize the dangers presented when the public uses our roadways. Furthermore, I agree with the SFPD response that encourages self-enforcement of roadway rules.

Finding 3f: There is no Bicycle Traffic School/Court or "fix-it" ticket option for cyclists. A Bicycle Traffic Court/School and a "fix-it" ticket program would provide an opportunity for bicycle education, which will increase safety for all.

Response: Agree. The Department of Motor Vehicles has the sole authority to establish a traffic school and the Superior Court of California has the authority to establish a court.

Finding 3g: Because of the frequent complaints made about police by cyclists, the police are reluctant to cite cyclists. Members of the police department have shared their frustrations regarding the mixed messages they receive regarding ticket enforcement and the lack of support they receive from the community. Police officers comment that they "enforce the spirit of the law, not the letter of the law." The determining factor in citing a motorist/bicycles is the severity or impact of the consequences of the infraction. The police cite the power of the bicycle community, and the power they are perceived to yield.

Response: Agree. I agree with the SFMTA's assessment that enforcement plays a critical role in the creating a safe and efficient transportation system. I agree that the bicycle community wields much power, but I am confident that they are supportive of efforts to increase bicycle safety. The SFPD does express in its response that it welcomes a citywide policy to establish expected lawful behaviors from bicycle rides and it believes consistent enforcement of applicable laws must be undertaken.

Finding 4: The bicycle community views itself as engaging in a low-impact activity, that cycling should be encouraged, and that any further financial contribution would act as a deterrent and that cyclists pay their fare share through state and local sales taxes. Most of the non-cycling community

Mayor's Office Response to the Civil Grand Jury
July 12, 2010

believe that cyclists do not pay a fair share. While it is difficult to provide exact numbers to support or deny this claim, it is found that some fees associated with cycling be considered. It would seem that some contribution, even a nominal amount, would do something to reduce the tension regarding this strongly held belief by non-cyclists.

The primary objective of the Transit First Policy (TFP) is the safe and efficient movement of people and goods. While public transportation, taxis, and vanpools are viewed as an economically and environmentally sound alternative to the transportation by individual automobiles, the TFP does not require one mode of transportation (e.g. automobile or transit) to financially support all costs associated with road usage. San Francisco should be careful not to pit one group against another. The TFP does not preclude bicyclists from contributing to the cost of sharing the roadway.

A nominal fee raised through "negative registration" to encourage safety would most likely not be a deterrent to cycling. The data collected should contribute to the Chief of Police's goal of relevant community safety and law enforcement statistics. There is a potential for perceived equity. A database is established, fees are generated, and equity is addressed.

Response: Disagree. I agree that the City's Transit First Policy prioritizes safety and efficiency in transporting residents and visitors throughout the City. I agree with the SFTMA's response that the burden is shared equally among all residents for road projects. I disagree that bicyclists should be assessed a negative registration fee. The City wants to encourage more individuals to use bicycles and a new fee, especially in light of the current economic conditions we all face, would only discourage bicycle ridership.

The Mayor's Office response to the Civil Grand Jury's recommendations is as follows:

Recommendation 1: Conflict, anger, mistrust and misunderstanding among motorists, cyclists, police, transit rides, and pedestrians have frustrated the successful implementation of the San Francisco Bicycle Plan. The Plan should be amended to address the different and sometimes hostile attitudes and perceptions. San Francisco should create innovative strategies so that residents can more fairly and safely share the roadways of the City. Amending the Plan should be a priority and be completed by January 1, 2011.

SFCGJ recommends that the Bicycle Advisory Committee, with active input and cooperation from the SFMTA and the SFPD, amend the San Francisco Bicycle Plan (the Plan) to include the recommendations set forth in this report.

The amended Plan should be presented to the Mayor and the BOS for adoption by January 1, 2011.

The SFCGJ recommends that the BAC, SFMTA and the SFPD meet annually.

Response:

Disagree; Will Not be Implemented. The San Francisco Bicycle Plan (Plan) addresses the concerns the Civil Grand Jury raises in its report. The purpose of the Plan is to provide a safer and environmentally friendly approach to transportation in our City. As the SFMTA states in its response, this Plan took several years to develop and complete the environmental review. Within the Plan, there are procedures

Mayor's Office Response to the Civil Grand Jury
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to address problems that might arise with the use of shared roadways by the public. Therefore, I do not agree that the Plan should be amended.

I agree with the Civil Grand Jury that all stakeholders should meet regularly to discuss the proper implementation of the Plan. As the SFMTA reports, this already happens regularly. However, I agree that we can do a better job of getting all parties to meet. In fact, the SFPD does note in its response that it does try to meet with the bicycle community and it is working to meet quarterly with departments. Please see the SFPD's response.

Recommendation 2a: The Plan should be amended to include a comprehensive program to distribute, to the public as well as cyclists, the extensive available safe cycling educational materials.

Response:

Disagree; Will Not be Implemented. I agree that the City should provide materials to the public to ensure to educate them on safe cycling. However, I disagree that the Plan should be amended in order to provide these materials. We can conduct education campaigns and outreach campaigns without altering the Plan. Furthermore, the Plan already provides for educating both cyclists and non-cyclists. Please see the SFMTA's response.

Recommendation 3a: The Plan should insist that all users of the roadways comply with the current traffic laws. The Plan should consider a self-enforcement campaign along with the current co-exist campaign. Motorists and cyclists need to step-up to the plate to begin self-enforcement. The Plan should encourage and educate all users to act responsibly.

Response:

Agree; Already Implemented. The SFMTA's response directs the Civil Grand Jury to Action Item 4.11 in the Plan, which states that cyclists and motorists should monitor themselves to comply with all applicable laws and regulations to ensure the safety of all users of the roadways. Please see the SFMTA's response.

Recommendation 3f: By January 1, 2011, the Traffic Court should establish a Bicycle Court Traffic School option, as a tool for education, patterned on Traffic Schools currently in use, for when bicyclists (and motorists with bicycle-related infractions) have been cited for moving violations. Such sessions will be scheduled at least once each quarter. The Traffic Court should consult with the BAC in the development of the Bicycle Court option.

Response:

Recommendation Requires Further Analysis. Action Item 4.4. of the Plan states that SFMTA will work with the SFPD to create a bicycle traffic school curriculum option in lieu of other penalties for traffic violations. An opportunity may exist for partnership with the San Francisco Bicycle Coalition as it currently offers bicycle safety courses. I cannot comment on the creation of a Traffic Court as that falls under the jurisdiction of the Superior Court. Please see the SFMTA's response.

Recommendation 3g: There should be an overall citywide policy about how the existing CVC and TC codes will be implemented so police have the direction and support they seek and deserve.

Mayor's Office Response to the Civil Grand Jury
July 12, 2010

Response:

Recommendation Requires Further Analysis. All motorists and cyclists must obey all aspects of the California Vehicle Code and the Traffic Code. Furthermore, the SFPD must enforce all aspects of these codes. Full enforcement of the rules and regulations depends on the availability of resources for the SFPD, and this might lead to some levels of inconsistent enforcement of traffic rules and regulations. I agree, as does the SFPD, that we should establish a citywide policy to address the expected lawful behavior of bicyclists.

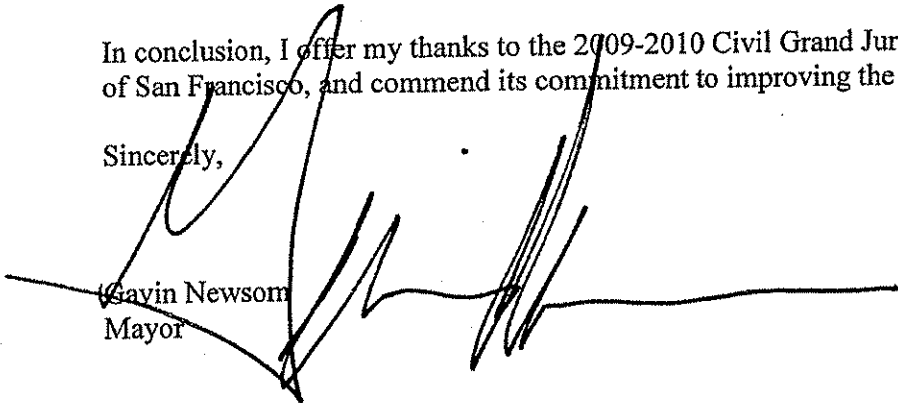
Recommendation 4: The city should consider a form of "negative registration" to capture names and other pertinent data about cyclists who are ticketed by SFPD for moving or equipment violations or otherwise involved in traffic accidents where the cyclist is cited at fault. The cyclist should be required to appear at a "bicycle court" where proscribed safety education would be required. The format of the court, including a cycle friendly venue such as a ride-up location, and an educational curriculum should be provided through collaboration among SFPD bicycle officers, the Bicycle Coalition and other cycling advocates. Notice to Appear, if ignored, should be pursued through SFPD and the courts.

Response:

Recommendation Requires Further Analysis. Capturing names and other "pertinent" data about bicyclists who repeatedly violate traffic laws may serve as a deterrent to breaking safe cycling laws and may lead to increased safety. Action Item 4.4 of the Plan provides that the SFTMA and the SFPD will work to create a bicycle traffic school curriculum to avoid pecuniary penalties on bicyclists. The City cannot create a "bicycle court" as that is within the jurisdiction of the Superior Court. Please see the SFTMA's response.

In conclusion, I offer my thanks to the 2009-2010 Civil Grand Jury for its service to the City and County of San Francisco, and commend its commitment to improving the effectiveness of city government.

Sincerely,


Gavin Newsom
Mayor



RECEIVED
JUL 12 2010

San Francisco Bicycle Advisory Committee
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

July 11, 2010

Hon. James J. McBride
Presiding Judge of the Superior Court
400 McAllister Street
San Francisco, CA 94102

Subject: Response to the report of the Civil Grand Jury, "Sharing the Roadway; From Confrontation to Conversation"

Pursuant to Penal Code Section 933.05, please find attached the required Responses from the San Francisco Bicycle Advisory Committee (SF BAC).

The BAC appreciates the challenges faced by the Civil Grand Jury in producing this report in an objective and thorough manner. We look forward to our role in implementing the recommendations as amended by the responses of the interested parties. We also wish to thank the Court for examining a subject long neglected and festering in the consciousness of many transportation users, resulting frustration and even violence, even leading to injuries. We hope implementation of Recommendations will encourage our population to respect our mutual roles in meeting our transportation needs with less stress and more enjoyment in reaching our individual destinations. We also desire to see a significant part of our society consider the many health, economic, environmental, and societal benefits of our self-powered and friendly transportation mode.

Sincerely,

A handwritten signature in cursive script that reads "Bert Hill".

Bert Hill, Chair
San Francisco Bicycle Advisory Committee
(415) 337-1156 (Land)
(415) 672-3458 (Mobile/Text)

38 El Sereno Court
San Francisco, CA 94127

cc: Leslie A. Koelsch, Foreperson, 2009-2010 San Francisco Civil Grand Jury
BAC Committee Members
San Francisco Board of Supervisors
San Francisco Police Department
San Francisco Office of the Mayor
San Francisco Municipal Transportation Agency

Summary

The SF Bicycle Advisory Committee appreciates the service the Superior Court and the Civil Grand Jury (SFCGJ) have provided in examining the important relationship between bicyclists and motorists on San Francisco's streets.

Bicyclists preceded motorized vehicles by decades on America's roadways. The advent of this efficient form of transportation and their devoted riders became a strong social force, lobbying for infrastructure we today take for granted, concrete and asphalt paving, traffic codes, and mechanical shops. Vehicle codes validated the rights of cyclists to equal use of most roadways. One could truly say that bicyclists 'paved the way' for the growth of the automobile. Notably, an 1896 San Francisco event with a reported 100,000 people in attendance, with five thousand cyclists demonstrating for paved roads is sometimes referred to as the first 'Critical Mass.'



Over the years the popularity of bicycling in general, and utility bicycling in particular, ebbed and flowed. After World War II, it was relegated more to use by children, and in some circles came to be seen as a toy. For nearly all adults, it became merely a form of recreation. In the 1990s, utility cycling began returning to popularity. In San Francisco, it evolved quickly among former public transportation users and environmentalists, especially after a series of 'MUNI Meltdowns', when many discovered that a trip across town in a half hour, door-to-door was more timely, reliable, and cheaper than any other form of transportation. Bicycling has also proven to be safe, with a running mean of less than two fatalities per year while experiencing phenomenal growth in the 21st century.

The addition of any new group is likely to cause friction between perceived 'newcomers' and the existing population. It doesn't help that bicyclists often establish themselves with a position of moral superiority, while some motorists suggest that 'might makes right', often reflecting attitudes fed to them through media advertising.

The *Investigation* (Chapter 4) part of the report proved to be an interesting read. While it reinforced that the Civil Grand Jury made a thorough and enlightening investigation, even picking up the '6th E', only introduced by the *League of American Bicyclists* last year, some of the observations would benefit from further investigation. We address instances with additional suggestions in *Findings and Recommendations* (Chapters IV/V).

One general recommendation mentioned repeatedly that we would address is amending the *Bike Plan*. We have nearly completed five years of work on what has been published as the *2009 Bicycle Plan*, delayed by three years of court action and injunction, which at this time, was still not been entirely lifted. We are told it will likely go to appeal. Although we have not consulted the City Attorney regarding this report, it is our understanding that any attempt to amend the existing plan would place us at risk of inviting further delay in implementation of the plan. While the SFCGJ recommendations did introduce some items new to the existing bike plan (e.g., insurance), we feel most of the items can be incorporated as actions within the scope and context of the existing plan, and would ask the Court to assist in that determination. We are planning to begin work soon on the mandated *2014 Bicycle Plan*, and would prefer to do background work on recommendations outside of the existing plan for incorporation at that time, instead of the January 1, 2011 date identified in the Report.

Lastly, the *Introduction* chapter introduces the '6Es' (*Engineering, Education, Enforcement, Encouragement, Evaluation, and Equity*), and finds that of the first four identified in the *Bike Plan*, *Education* and *Enforcement* require further recommendations for improvement. The SFCGJ added *Equity* to the scope of the report. **We feel that *Evaluation* should also have been included, given that the statistical or informational foundation is woefully incomplete and of questionable value.** The existing collision classification system is of little use in safety analysis, critical to education and targeted enforcement. For example, injury related to vehicle occupants opening doors without care appears to be the leading local cause of injury, but it is not identified in local or state collision coding reports.

These observations should not be construed as disrespectful of the SFCGJ's hard work and dedication to improve the climate of cooperation between bicyclists and motorists. We look forward to working diligently with the SFPD, SFMTA, Board of Supervisors, Office of the Mayor, and the Superior Court to meet the recommendations identified below.

Below are our comments on the Findings and Recommendations:

1. Attitudes and Perceptions

inding

Issues of conflict, anger, mistrust, and misunderstanding exist among motorists, cyclists, and the police. Studies and reports of attitudes indicate motorists and cyclists both exhibit negative attitudes, hostility, and lack of understanding of each other's concerns.

Response

Agree. There is also general misconception that bicycling is only for a small segment of the population and is too dangerous. This is statistically unsupported.

Recommendations

Conflict, anger, mistrust and misunderstanding among motorists, cyclists, police, transit riders, and pedestrians have frustrated the successful implementation of the San Francisco Bicycle Plan. The Plan should be amended to address the different and sometimes hostile attitudes and perceptions. San Francisco should create innovative strategies so that residents can more fairly and safely share the roadways of the City. Amending the Plan should be a priority and be completed by January 1, 2011.

The SFCGJ recommends that the Bicycle Advisory Committee, with active input and cooperation from the SFMTA and the SFPD, amend the San Francisco Bicycle Plan (the Plan) to include the recommendations set forth in this report.

The amended Plan should be presented to the Mayor and BOS for adoption by January 1, 2011.

The SFCGJ recommends that the BAC, SFMTA, and the SFPD meet annually.

Response

Paragraph 1 - Partially Agree, excepting the comment on Bike Plan Amendment.

Paragraph 2 – Partially Agree. While the recommendation specifically identifies the SFPD and SFMTA to provide active input, the BAC feels inclusion of the Mayor's office would add budgetary authority and legitimacy to compel the MTA and especially the SFPD to agree with a commitment to follow through on recommendations.

Paragraph 3 – Agree. While an amended plan is unlikely, the publication of the implementation schedule should be adopted by January 1, 2011

Paragraph 4 – Disagree. The SF Administrative Code mandates attendance by the SFPD & MTA monthly, as the MTA already does. We should set up a framework for compelled attendance at meetings with specific agenda items requiring departmental attendance by the SFPD.

2. Education

2a. Finding

Availability of safe cycling educational materials in many formats is extensive, yet there is no systematic distribution to non-cyclists, motorists, and police.

Response

Agree, but strike the word *'educational materials'* and replace with the word *'education'*. Production and distribution of materials is only one aspect of an education plan.

Recommendation

The Plan should be amended to include a comprehensive program to distribute, to the public as well as cyclists, the extensive available safe cycling educational materials.

Response

Agree, but strike the word *'educational materials'* and replace with the word *'education program'*. Recommendations should include a pamphlet and/or short video for cyclists at bike sales, repairs, rentals, bike share. It should also propose an outreach plan for motorists, to include information given with citations, distributing safety pamphlets about bicycling in city-issued correspondence, such as PUC water/sewer bills, revising the DMV driver's test (a State DMV issue), distribution via annual vehicle tag renewal, and major ad campaigns using billboards.

2b. Finding

Police training materials are out-of-date and not relevant. The Plan's goals, objectives, and actions do not include the police. The California Commission on Peace Officer Standards and Training (POST) is a center for information on training materials.

Response

Agree, but with revisions:

- Sentence 1: Strike the words *'materials are'* and replace with *'is'*.
- Sentence 2: Strike the words *'the police'* and replace with *'police training relative to safety and legal perspectives regarding urban bicyclists'*

Recommendation

By January 1, 2011, Police should update training materials related to bicycles in a joint effort with the bicycle community and the California Commission on Peace Officer Standards and Training (POST). Updated materials should include CVC and TC enforcement in alignment with the current SFMTA Bike Guide. By January 1, 2011, the SFPD should have a plan to distribute these materials and train officers.

2c. Finding

Cyclists may not be aware of the advantages of having liability insurance. Homeowners' insurance covers those cyclists who own a home; renters' insurance (property and liability) provides coverage if one does not have homeowner's insurance.

Response

Agree. Additionally, if cyclists have policies that include Medical Payments and Uninsured Motorist, the policy may cover cyclists..

Recommendation

The Bicycle Plan should be amended by January 1, 2011 to include the importance and availability of property, liability, and health insurance for cyclists.

Response

This recommendation would require an amendment to the Bicycle Plan if implemented. Instead, it should be included in all future educational materials and curriculum. The Mayor's office should request the State Insurance Commissioner to investigate a requirement for bicycling insurance, given that bicycling will likely continue to be a growing form of transportation from now on.

2d. Finding

Police involvement is critical to the success of the Plan, yet their involvement has been minimal; the authors of the Plan only included one officer (a member of the Technical Advisory Committee) among a group of 119 individuals listed under acknowledgements. Pedestrians, public transit riders, and motorists were not represented.

Response

Disagree. Invitations were extended throughout the process. The EIR lists extensive public meetings, including neighborhood outreach. All BAC meetings were publicly posted in the approved manner on the SFGOV website.

Recommendation

The Plan should include the Police Department, pedestrians, public transit riders and motorists in any further discussion or revision. Representation should include at a minimum the Police Chief or his designee, and at least two officers familiar with cycling issues on appropriate committees.

Response

Agree. The BAC has worked with the Pedestrian Safety Advisory Committee regularly, as well as the Senior Action Network. The SFPD should establish a contact for bicycle-related issues, with an assurance that actions will be followed through, much as the MTA does presently.

3. Enforcement

3a. Finding

Neither motorists nor cyclists receive many moving violation citations. Enforcement of the Traffic Code and California Vehicle Code is weak. (See data on pages 19-21 and Appendix C.) Motorists receive 99:1 of the moving violation citations. Police officers on average ticket a bicyclist once a year and ticket a motorist every third day.

Response

Agree.

Recommendation

The Plan should insist that all users of the roadways comply with the current traffic laws. The Plan should consider a self-enforcement campaign along with the current co-exist campaign. Motorists and cyclists need to step-up to the plate to begin self-enforcement. The Plan should encourage and educate all users to act responsibly.

Response

Partially Agree. Amend the end of the first sentence with '*emphasizing safety, equity, and consistency as the highest priorities*'.

Note: A minority of three members disagrees with the first sentence, "*The Plan should insist that all users of the roadways comply with the current traffic laws.*" The reason for disagreement is that this recommendation gives no clear guidance regarding police enforcement priorities, nor does it account for different ways cyclists use roads, so unilateral enforcement of ALL laws has the potential to disproportionately impact cyclists who ride courteously and safely, but not always legally (e.g., rolling through stop signs instead of coming to a full and complete 'cessation of movement' as defined in CVC 587).

d. Findings (Not listed as BAC Item, but wish to comment)

Bicycling to work is at 2.9%, an increase of 0.3 over the prior year. The increase in violations (2008-2009) for riding on the sidewalk (7.6%) and riding the wrong-way (2.1%) may be due to, in part, two variables: 1) increase in the number of cyclists; and/or 2) failure to enforce the Traffic Code or California Vehicle Code, which in turn, may give tacit approval to violate the codes.

Response

Disagree There is no solid data on why people break the law besides increases in the cycling population and lack of enforcement. We should investigate what interventions are needed to promote education and other tools to encourage cyclists to ride legally.

Recommendations

Police should enforce the Traffic Code and California Vehicle Code.

Starting September 2010, the police should have a goal of entering all bicycle citations into the database. By January 1, 2011, San Francisco moving violation tickets should include a box for "bicycle." By January 1, 2011, COMSTAT should include a bicycle related item.

Response

Agree, however enforcement policy should emphasize the public safety of all road users, including pedestrians.

3e. Finding

San Francisco does not require licensing bicycles or cyclists. Administering the program would be expensive and enforcement would be challenging. The usual reasons to support licensing are theft prevention, and funds for bicycle programs.

Response

Agree.

Recommendation

No recommendation (any modification to the current state traffic code requires an action by the legislature).

3f. Finding

There is no Bicycle Traffic School/Court or "fix-it" ticket option for cyclists. A Bicycle Traffic Court/School and a "fix-it" ticket program would provide an opportunity for bicycle education, which will increase safety for all.

Response

Agree.

Recommendation

By January 1, 2011, the Traffic Court should establish a Bicycle Court Traffic School option, as a tool for education, patterned on Traffic Schools currently in use, for when bicyclists (and motorists with bicycle-related infractions) have been cited for moving violations. Such sessions will be scheduled at least once each quarter. The Traffic Court should consult with the BAC in the development of the Bicycle Court option.

Response

Agree. We understand that the implementation of a traffic school would require the cooperation of the

Superior Court, as well as funding from the city. As stated, this Bicycle Traffic Court/School should also be directed to motorists who place a bicyclist in an unsafe position or condition (e.g., dooring, non-emergency horn use, or failure to allow sufficient space when passing). The Bicycle Court option should not apply to infractions cited with collisions resulting in injury.

3g. Finding

Because of the frequent complaints made about police by cyclists, the police are reluctant to cite cyclists. Members of the police department have shared their frustration regarding the mixed messages they receive regarding ticket enforcement and the lack of support they receive from the community. Police officers comment that they "enforce the spirit of the law, not the letter of the law." The determining factor in citing a motorist/bicyclist is the severity or impact of the consequences of the infraction. The police cite the power of the bicycle community, and the power they are perceived to wield.

Response

Partially Agree. The haphazard manner of enforcement draws complaints because of inconsistency. If rules are communicated and understood in advance, there would likely be fewer organized protests.

Recommendation

There should be an overall citywide policy about how the existing CVC and TC codes will be implemented so police have the direction and support they seek and deserve.

Response

Partially Agree. We should focus on developing a clear set of recommendations for enforcing public safety for all road users, emphasizing equity and consistency. We recommend a local 'Redi-book insert', providing consistent enforcement guidelines as a start.

4. Equity

Finding:

The bicycle community views itself as engaging in a low-impact activity, that cycling should be encouraged, and that any further financial contribution would act as a deterrent and that cyclists pay their fair share through state and local sales taxes. Most of the non-cycling community believe that cyclists do not pay a fair share. While it is difficult to provide exact numbers to support or deny this claim, it is found that some fees associated with cycling be considered. It would seem that some contribution, even a nominal amount, would do something to reduce the tension regarding this strongly held belief by non-cyclists.

The primary objective of the Transit First Policy (TFP) is the safe and efficient movement of people and goods. While public transportation, taxis, and vanpools are viewed as an economically and environmentally sound alternative to the transportation by individual automobiles, the TFP does not require one mode of transportation (e.g., automobile or transit) to financially support all costs associated with road usage. San Francisco should be careful not to pit one group against another.

The TFP does not preclude bicyclists from contributing to the cost of sharing the roadway.

A nominal fee raised through "negative registration" to encourage safety would most likely not be a deterrent to cycling. The data collected should contribute to the Chief of Police's goal of relevant community safety and law enforcement statistics. There is potential for perceived equity. A database is established, fees are generated, and equity is addressed.

Response

Disagree. There is substantial data that illustrates how deeply subsidized the automobile

infrastructure is, especially if the every department of government isolates automobile-related costs of law enforcement, obesity-related disease, wear and tear on facilities, parking space (including lost revenue potential, to name a few.

Recommendation

The city should consider a form of "negative registration" to capture names and other pertinent data about cyclists who are ticketed by SFPD for moving or equipment violations or otherwise involved in traffic accidents where the cyclist is cited at fault. The cyclist should be required to appear at a "bicycle court" where proscribed safety education would be required. The format of the court, including a cycle friendly venue such as a ride-up location, and an educational curriculum should be provided through collaboration among SFPD bicycle officers, the Bicycle Coalition and other cycling advocates. Notices to Appear, if ignored, should be pursued through SFPD and the courts.

Response

Disagree. Citation diversion mentioned in 3f addresses this issue. Furthermore, there should be published results identifying the comparative cost and transportation infrastructure revenues generated to show comparative net subsidies of vehicles and bicycles. The results of this study should be included in all educational materials. A factual basis of comparison would go a long way to dispelling commonly held myths about funding and subsidy of transportation modes, benefiting users of public transportation, cyclists, pedestrians, and commercial interests and individual motorists.



GAVIN NEWSOM
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GEORGE GASCÓN
CHIEF OF POLICE

July 9, 2010

The Honorable James J. McBride
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge McBride:

I am pleased to provide the San Francisco Police Department's (SFPD) responses to the 2009-2010 Civil Grand Jury report entitled "Sharing the Roadway: From Confrontation to Conversation." The SFPD's responses to the report's findings and recommendations are set forth in the accompanying memorandum.

The SFPD appreciates the work done by the Civil Grand Jury as it relates to the City's "Bicycle Plan." The findings and recommendations encompass a broad swath of issues that touch on matters important to the safety of the people of San Francisco. We look forward to incorporating the many useful and relevant ideas set forth in the "Sharing the Roadway" report, particularly as they relate to cooperation among stakeholders, information sharing, officer training, enforcement matters, and data collection.

I thank the 2009-2010 Civil Grand Jury for its efforts in improving San Francisco government, the public's safety, traffic and transportation concerns, and the overall quality of life in our City, and I am grateful for the opportunity for the SFPD to participate in these initiatives.

Sincerely,


GEORGE GASCÓN
Chief of Police

Response to Civil Grand Jury – Bicycle Plan
Page 2

Finding 2c: Insurance

This finding has no direct bearing on the responsibilities of the SFPD in conjunction with bicycle related issues.

Finding 2d: Police Participation in Plan Development

I concur with the Civil Grand Jury recommendation as it pertains to expanded participation of the SFPD in the San Francisco Bicycle Plan. Police Department members experienced in traffic safety, bicycle safety, and those working as full time bicycle officers should be utilized in the development of policy.

Finding 3a: Enforcement

I concur with the recommendation of the Civil Grand Jury that a policy of obeying all traffic laws is important for bicyclists, motorists and pedestrians alike. Self enforcement is an excellent beginning and if it determined that additional enforcement is required, then the Police Department working in conjunction with the other partners, may develop a plan to achieve its goal.

Finding 3b: Increased Police Enforcement

The finding is comprehensive in its definition of police duties; increased issuance of traffic citations to bicyclists, expanded bicycle safety education programs, the development of a "fix it ticket" for equipment violations found on bicycles, and the establishment of a bicycle traffic school. The recommendation is more concise and calls for more and better statistical information related to traffic citations issued to bicyclists as well as incorporating bicycle related data into COMPSTAT presentation.

I agree with the recommendation related to the collection of data and encourage the development of a tracking mechanism to identify those traffic citations issued to bicyclists. Either by creating a separate citation form, coding the citations, creating box to be checked when citations are issued to a bicyclist, or requesting Superior Court personnel to sort such data are all acceptable methods to begin such a process. The relevancy of bicycle issues to COMPSTAT in my opinion is not sufficient to distract from matters of crime and public safety related to acts of violence.

Finding 3c: Legislative Changes to California Vehicle Code & S.F. Transit Code

This finding has no direct bearing on the responsibilities of the SFPD in conjunction with bicycle related issues.

Response to Civil Grand Jury – Bicycle Plan
Page 3

Finding 3d: Bicycling to Work

This finding has no direct bearing on the responsibilities of the SFPD in conjunction with bicycle related issues.

Finding 3e: Bicycle Licensing

The establishment of a licensing program would require legislative action and assignment of the function to the agency identified in the statute.

Finding 3f: Bicycle Traffic School

The establishment of certified traffic schools is the sole authority of the Department of Motor Vehicles under CVC sections 42005 and 11200. This finding has no direct bearing on the responsibilities of the SFPD in conjunction with bicycle related issues.

Finding 3g: Support of Police Action

I concur with the finding and recommendation of the Civil Grand Jury that a citywide policy establishing expected lawful behaviors from bicycle riders and identify consequences will be supportive of officers taking enforcement actions related to Vehicle and Transportation Code violations. Enforcement performed consistently and applied to violations of law which may be injurious to motorists, pedestrians and bicyclists alike should be undertaken. Community outreach to the bicycle riding constituency through the Bicycle Advisory Committee, the S.F. Unified School District, bicycle retailers, cycling clubs and non profit community based organizations will be helpful in achieving this goal.

Finding 4: Equity

The establishment of an "offender" data base is not consistent with any other form of traffic administration or enforcement practices in San Francisco. The creation of a "Bicycle Court" and requiring attendance and participation in educational safety programs is beyond the jurisdiction of the San Francisco Police Department. The finding addresses "negative registration" and fees to be imposed and collected by the Chief of Police, associated with improper bicycle behaviors. The SFPD does not have the authority to establish that type of punitive system, but may only support legislation for it in the form of a new statute in the Transportation Code.

Gavin Newsom | Mayor

Tom Nolan | Chairman

Jerry Lee | Vice-Chairman

Cameron Beach | Director

Malcolm Heinicke | Director

Bruce Oka | Director

Nathaniel P. Ford Sr. | Executive Director/CEO

June 24, 2010

The Honorable James J. McBride
Presiding Judge, Superior Court of California
San Francisco Civil Courthouse
400 McAllister Street
San Francisco, CA 94102

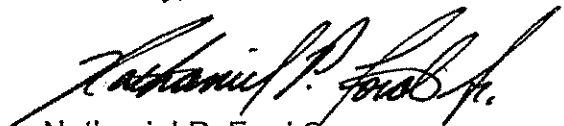
Dear Honorable James J. McBride:

On behalf of the SFMTA, I would like to thank the Civil Grand Jury for a thorough response to a timely concern – conflict, mistrust, and misunderstanding between bicyclists and other roadway users. As bicycling becomes an increasingly popular form of everyday transportation, conflicts between people who bicycle and those in cars could increase. The livable streets movement is one of significant change within American cities, and as with any social change, it can be a stressful evolution. With guidance and enforcement from critical stakeholders, San Francisco can mitigate many of these potential conflicts and transition to accommodating all modes safely in the City.

As noted in the report, San Francisco is committed to its *Transit First Policy*, which prioritizes the needs of public transit, taxis, van/carpools, bikes, and pedestrians over those traveling alone in personal vehicles. As such, we take reports such as "Sharing the Roadway: From Confrontation to Conversation" seriously, as they can highlight areas where our agency can improve how we safely and efficiently move people and goods.

The following document is the SFMTA's official response to the Civil Grand Jury's report. If you have any questions or comments, please feel free to contact me at 415-701-7420.

Sincerely,



Nathaniel P. Ford Sr.
Executive Director/CEO

Enclosure

- c: Office of the Mayor
San Francisco Board of Supervisors
San Francisco Police Department
San Francisco Bicycle Advisory Committee

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 JUL 12 PM 4:01
BY _____ AK

Summary

The SFMTA thanks the Civil Grand Jury (SFCGJ) for a thorough response to a timely concern. As bicycling becomes an increasingly popular form of everyday transportation there is the potential for an increase in conflicts between people who bicycle and those in cars. The livable streets movement is one of significant change within American cities, and as with any social change, it can be a stressful evolution. With guidance and enforcement from critical stakeholders, San Francisco can mitigate many of these potential conflicts and transition to accommodating all modes safely in the City.

Some overarching themes that emerge in this report include the recommendation to amend the 2009 Bicycle Plan. It is our strong belief that many of the recommendations of the Civil Grand Jury can be addressed or implemented through the existing action items in the 2009 Bicycle Plan. Where appropriate, those recommendations that do not fall within existing elements of the bicycle plan will be incorporated into the next revision. At this time, we do not have the staffing or funding to revise the 2009 plan or to perform the requisite additional environmental review that it would require. To meet the eligibility requirements for a number of discretionary funding sources, the City and County of San Francisco is required to update its Bicycle Plan every 5 years; the next update is planned for 2014.

The SFMTA believes that the efforts and the recommendations of the Civil Grand Jury can be incorporated within the existing scope of work of the Sustainable Streets Division, and the SFMTA will move forward in prioritizing them as described in our response which follows.

Issue 1

Finding

Issues of conflict, anger, mistrust, and misunderstanding exist among motorists, cyclists, and the police. Studies and reports of attitudes indicate motorists and cyclists both exhibit negative attitudes, hostility, and lack of understanding of each other's concerns.

Response

Agree—While San Francisco has taken many steps to educate all users, issues of conflict, anger, mistrust, and misunderstanding persist.

Recommendations and Responses

Conflict, anger, mistrust and misunderstanding among motorists, cyclists, police, transit riders, and pedestrians have frustrated the successful implementation of the San Francisco Bicycle Plan. The Plan should be amended to address the different and sometimes hostile attitudes and perceptions. San Francisco should create innovative strategies so that residents can more fairly and safely share the roadways of the City.

Amending the Plan should be a priority and be completed by January 1, 2011.

The recommendation will not be implemented because it is not reasonable. The 2009 Bicycle Plan took over 4 years to develop and to complete the environmental review – amending the plan after less than one year is not feasible given the time and resources available to SFMTA.

Although it is not feasible to amend the Bicycle Plan at this time, we do believe that the current version of the Bicycle Plan addresses this concern. Feelings of hostility, attitudes and perceptions regarding motorists, law officers and cyclists can all be ameliorated through action items set forth throughout the plan and through continued collaboration with existing organizations and relationships. For example, Action 1.4: "Work with other City agencies to ensure that SF continues to implement the Transit First policy". The Transit First policy explicitly states that "bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking," and the SFMTA will continue to actively engage the Police Department and the Bicycle Advisory Committee as stated in the plan and as recommended by the SFCGJ.

The SFCGJ recommends that the Bicycle Advisory Committee, with active input and cooperation from the SFMTA and the SFPD, amend the San Francisco Bicycle Plan (the Plan) to include the recommendations set forth in this report.

SFTMA staff will continue to support and to participate in the Bicycle Advisory Committee's monthly meetings as well as to respond to requests for information and action as issues arise. Specifically, we started discussing the SFCGJ report at the May meeting of the Bicycle Advisory Committee.

The amended Plan should be presented to the Mayor and BOS for adoption by January 1, 2011.

As indicated above, SFMTA does not expect to amend the Plan before the next scheduled update in 2014.

The SFCGJ recommends that the BAC, SFMTA, and the SFPD meet annually.

SFMTA staff will work with the Bicycle Advisory Committee to support SFPD staff in attending a meeting at least annually.

Issue 2A

Finding

Availability of safe cycling educational materials in many formats is extensive, yet there is no systematic distribution to non-cyclists, motorists, and police.

Response

Partially agree. The SFMTA bicycle program has in the past and continues to provide education to motorists through outreach campaigns on buses, flyer distribution for specific topics such as shared use lanes, our website, and funding education programs led through groups such as the San Francisco Bicycle Coalition. Most of these education campaigns occur as funding is available without an explicit policy to target all potential audiences (cyclists, motorists, pedestrians, and police) with each campaign. The SFMTA has not directly given materials to the SFPD though all materials are in supply and available upon request.

Recommendation and Response

The Plan should be amended to include a comprehensive program to distribute, to the public as well as cyclists, the extensive available safe cycling educational materials.

The recommendation will not be implemented because it is not reasonable - the 2009 Bicycle Plan took over 4 years to develop and to complete the environmental review - amending the plan after less than one year is not feasible given the time and resources available to SFMTA.

Although it is not feasible to amend the Bicycle Plan at this time, we do believe that the current version of the Bicycle Plan addresses this concern and staff is currently working at capacity in terms of time and funding on education and safety initiatives to improve safe and legal cycling. The 2009 Bicycle Plan includes an entire section dedicated to cyclist and non-cyclist education, including:

- *Action 4.1: Provide SFMTA bicycle safety information to diverse age, income and ethnic populations.*
- *Action 4.2: Provide SFMTA bicycle safety information in languages that are widely used within SF such as Chinese and Spanish.*
- *Action 4.3: Partner with other agencies, where appropriate, to distribute SFMTA bicycle safety education materials in mass mailings.*
- *Action 4.6: Implement new outreach campaigns for improved bicycle facilities.*

A policy statement from the SFMTA may be a more appropriate than amending language in the Bicycle Plan to address the distribution system of educational materials to all road users. The inclusion of outreach materials and educational interventions for non-cyclists, motorists and police can be included in future funding requests.

Issue 2B

Finding

Police training materials are out-of-date and not relevant. The Plan's goals, objectives, and actions do not include the police. The California Commission on Peace Officer Standards and Training (POST) is a center for information on training materials.

Response

Disagree that the Plan's goals do not include the SFPD. The following action items were developed in order to facilitate improved coordination with the Police Department:

- *Action 2.15: Work with the San Francisco Police Department to make theft investigation a higher priority and create a better system for returning recovered bicycles to their owners.*
- *Action 4.4: Work with the SFPD to create a bicycle traffic school curriculum as an option in lieu of other pecuniary penalties for traffic law violators.*
- *Action 5.1: Work with the SFPD to place a high priority on enforcement of both bicyclist and motorist violations that most frequently cause injuries and fatalities.*
- *Action 5.2: Work with the SFPD to develop a "fix-it ticket" program for bicycle equipment violations.*
- *Action 5.3: Work with the SFPD to develop a method to systematically share non-collision bicyclist citations with the SFMTA.*
- *Action 5.4: Work with the SFPD and the Superior Court of California to develop and implement a bicycle traffic school program as an option for those cited for moving violations.*
- *Action 5.6: Increase parking enforcement and fines for violations involving vehicles parking or double-parking in bicycle lanes.*
- *Action 5.7: Post "no stopping in bike lane" signs along bicycle lanes where double parking violations occur and work with the SFPD to increase enforcement of these violations.*
- *Action 5.8: Work with the SFPD to increase the enforcement of the prohibition of operating motorcycles in bicycle lanes.*

SFMTA understands the critical role of the Police Department in enforcing all transportation laws in the City, and has and continues to collaborate with the Police Department as stated in the above action items within the Plan.

Recommendation and Response

By January 1, 2011, Police should update training materials related to bicycles in a joint effort with the bicycle community and the California Commission on Peace Officer Standards and Training (POST). Updated materials should include CVC and TC enforcement in alignment with the current SFMTA Bike Guide. By January 1, 2011, the SFPD should have a plan to distribute these materials and train officers.

SFMTA will provide the Police Department with electronic versions of existing materials (and hard copies as funding allows) such as the "Bike Guide" and it will support the Police Department's efforts to update their training and materials.

Issue 2C

Finding

Cyclists may not be aware of the advantages of having liability insurance. Homeowners' insurance covers those cyclists who own a home; renters' insurance (property and liability) provides coverage if one does not have homeowner's insurance.

Response

Agree. Many cyclists are not aware of the options for obtaining and benefits of liability insurance.

Recommendation and Response

The Bicycle Plan should be amended by January 1, 2011 to include the importance and availability of property, liability, and health insurance for cyclists.

The recommendation will not be implemented because it is not reasonable - the 2009 Bicycle Plan took over 4 years to develop and to complete the environmental review - amending the plan after less than one year is not feasible given the time and resources available to SFMTA.

Given the limited distribution of, and interest in, the Bicycle Plan, it is not the best medium to disseminate safety and education materials to cyclists. However, elements identified in the Plan highlight opportunities for spreading information about insurance. For example, Action 6.2: Work with the Department of the Environment (SF Environment), the Department of Public Health (DPH), and other City agencies to formalize bicycle education and promotion responsibilities and to develop partnership agreements with the SFMTA. The benefits of liability insurance could be incorporated into outreach activities by these partner agencies.

Future versions of the San Francisco Bicycle Guide, which is available, printed and on the web in multiple languages will be updated to include this information about liability insurance. The SFMTA Bicycle Program will work with bicycling advocates and the presenters of our bicycle educational courses to incorporate this information into the standard curricula for our classes.

Issue 2D

Finding

Police involvement is critical to the success of the Plan, yet their involvement has been minimal; the authors of the Plan only included one officer (a member of the Technical Advisory Committee) among a group of 119 individuals listed under acknowledgements. Pedestrians, public transit riders, and motorists were not represented.

Response

Partially agree. Only one officer was named as a participant; however, each representative served as a liaison between their own agency and the Technical Advisory Committee (TAC). This was true for all members of the TAC. This does not discount the importance of police involvement; but, as the list of TAC representatives shows, there are many stakeholders that must be engaged in the design and implementation of the Plan.

Pedestrians, public transit riders and motorists were represented in the development of the Plan. Although not called out as specifically representing these groups, City staff and committee members did in fact represent them. Many of those acknowledged in the Plan walk, ride transit, and drive on a regular basis. The interests of motorists, pedestrians, and transit riders were represented in the form of SFMTA staff from Muni, the Pedestrian Program, Traffic Engineering, Transportation Planning and Traffic Calming; other agencies and authorities such as BART and the San Francisco Transportation Authority; pedestrian, transit and motorist advocacy groups such as Transportation for a Livable City, and the SFMTA Board of Directors.

Using the acknowledgements as a proxy for participation does not reflect the range of participation in the Plan. Over the course of the creation of the Plan, hundreds of individuals, from government officials, planners, engineers, advocates, concerned citizens, neighborhood groups, and many others collaborated to create a Plan that serves the interests of all San Franciscans, cyclists and not. The Police Department was fully consulted during creation of the Plan.

Recommendation and Response

The Plan should include the Police Department, pedestrians, public transit riders and motorists in any further discussion or revision. Representation should include at a minimum the Police Chief or his designee, and at least two officers familiar with cycling issues on appropriate committees.

The recommendation will be considered for implementation during the next revision of the Bicycle Plan due in 2014. SFMTA will solicit additional participation from the police chief or his designee.

The Police Department has ample access and opportunity to influence any existing policies and projects related to bicycle use. The monthly Bicycle Advisory Committee, attended by BAC members and SFMTA staff has a standing invitation for the Police Department to attend. In addition, bike-specific policies and capital projects developed by the SFMTA are heard at the biweekly Transportation Advisory Staff Committee, of which the Police Department is an active member.

Issue 3A

Finding:

Neither motorists nor cyclists receive many moving violation citations. Enforcement of the Traffic Code and California Vehicle Code is weak. (See data on pages 19-21 and Appendix C.) Motorists receive 99:1 of the moving violation citations. Police officers on average a bicyclist once a year and ticket a motorist every third day.

Response

Agree.

Recommendation and Response

The Plan should insist that all users of the roadways comply with the current traffic laws. The Plan should consider a self-enforcement campaign along with the current co-exist campaign. Motorists and cyclists need to step-up to the plate to begin self-enforcement. The Plan should encourage and educate all users to act responsibly.

This recommendation has been implemented through the existing 2009 Bicycle Plan which includes action items about education and enforcement campaigns. Action Item 4.11: "Periodically evaluate and adjust, where appropriate, the SFMTA's bicycle safety program" says that future campaigns could include self-compliance on the part of cyclists and motorists to increase safety and to engender increased respect among different roadway users. This is not unlike the "Give and get respect" campaign that has run in the past. All material presented to the public through education, outreach and programming informs cyclists to abide by all the relevant elements of the San Francisco Transportation Code and the California Vehicle Code.

Issue 3F

Finding:

There is no Bicycle Traffic School/Court or "fix-it" ticket option for cyclists. A Bicycle Traffic Court/School and a "fix-it" ticket program would provide an opportunity for bicycle education, which will increase safety for all.

Response

Agree.

Recommendation and Response

By January 1, 2011, the Traffic Court should establish a Bicycle Court Traffic School option, as a tool for education, patterned on Traffic Schools currently in use, for when bicyclists (and motorists with bicycle-related infractions) have been cited for moving violations. Such sessions will be scheduled at least once each quarter. The Traffic Court should consult with the BAC in the development of the Bicycle Court option.

The SFMTA agrees with the recommendation of the Civil Grand Jury, which in fact stems from Action 4.4 of the Bicycle Plan itself. The SFMTA and the Bicycle Advisory Committee cannot establish the Bicycle Traffic Court without initiative from the Superior Court. SFMTA strongly supports creating a new system for enforcing bicycle-related offenses. SFMTA supports the recommendation and will support the actions of the Traffic Court and the BAC as needed, but our agency cannot be unilaterally held responsible for implementation.

Issue 3G

Finding

Because of the frequent complaints made about police by cyclists, the police are reluctant to cite cyclists. Members of the police department have shared their frustration regarding the mixed messages they receive regarding ticket enforcement and the lack of support they receive from the community. Police officers comment that they "enforce the spirit of the law, not the letter of the law." The determining factor in citing a motorist/bicycles is the severity or impact of the consequences of the infraction. The police cite the power of the bicycle community, and the power they are perceived to wield.

Response

The SFMTA strongly believes that enforcement has a critical role in creating a safe and efficient transportation system. The SFCGJ's finding suggests that enforcement would improve if police officers were given more clear guidance on when and how to enforce bicycle-related traffic violations.

Recommendation and Response

There should be an overall citywide policy about how the existing CVC and TC codes will be implemented so police have the direction and support they seek and deserve.

This recommendation requires further analysis. All motorists and cyclists should expect the police department to enforce the Transportation Code and the California Vehicle Code. A policy explicitly regarding enforcement of these codes may be redundant unless the purpose of the policy is to prioritize the enforcement of infractions (such as placing a higher priority on ticketing red-light runners than on leaving a bicycle lying on the sidewalk). The SFMTA has in the past and will continue to collaborate with the Police Department to identify those CVC and TC violations most frequently cited in injury collisions that involve bicyclists.

The Civil Grand Jury only lightly touched on the perception by some bicyclists that police do not enforce right-of-way violations by motorists on bicyclists, such as stopping or parking in bike lanes, dangerous operation in proximity of cyclists, and general aggressive behavior by motorists against cyclists. No data are presented regarding the number of citations given by the San Francisco Police Department regarding this type of

motorist behavior which can create feelings of hostility among cyclists, motorists and the police. By enforcing right-of-way violations by bicyclists and motorists, users will feel that the rules of the road are being fairly applied, they will have a clear expectation of the rules of the road, and as a result they may behave in a more courteous and respectful fashion.

Issue 4

Finding:

The bicycle community views itself as engaging in a low-impact activity, that cycling should be encouraged, and that any further financial contribution would act as a deterrent and that cyclists pay their fair share through state and local sales taxes. Most of the non-cycling community believe that cyclists do not pay a fair share. While it is difficult to provide exact numbers to support or deny this claim, it is found that some fees associated with cycling be considered. It would seem that some contribution, even a nominal amount, would do something to reduce the tension regarding this strongly held belief by non-cyclists.

The primary objective of the Transit First Policy (TFP) is the safe and efficient movement of people and goods. While public transportation, taxis, and vanpools are viewed as an economically and environmentally sound alternative to the transportation by individual automobiles, the TFP does not require one mode of transportation (e.g., automobile or transit) to financially support all costs associated with road usage. San Francisco should be careful not to pit one group against another.

The TFP does not preclude bicyclists from contributing to the cost of sharing the roadway.

A nominal fee raised through "negative registration" to encourage safety would most likely not be a deterrent to cycling. The data collected should contribute to the Chief of Police's goal of relevant community safety and law enforcement statistics. There is potential for perceived equity. A database is established, fees are generated, and equity is addressed.

Response

Disagree. Cyclists do pay to build and maintain the infrastructure that they use – in many of the same ways that automobile drivers do. While neither drivers nor transit riders fully pay for the costs of the infrastructure that they utilize, research suggests that cyclists pay more than their fair share of the cost of the transportation system.

Road projects are paid for through a number of methods, including: bonds, gas taxes, and sales taxes. Bonds are paid for by all taxpayers, cyclists and non-cyclists alike. The gas tax is only paid for by those who consume gasoline. Car-free cyclists would not pay any gas taxes, but the vast majority of bicyclists are also drivers who consequently pay gas taxes as well. San Francisco's half-cent transportation sales tax is paid for by all

who purchase taxable goods within the City – both drivers and cyclists. On the whole, cyclists and drivers both make significant contributions to the funding of transportation projects in San Francisco. How much individuals pay is a function of many factors, including how much they drive, how much they pay in property taxes (directly or indirectly through rent), and how much they pay in income taxes.

Public transportation fares are a small percentage of the actual cost of a heavily subsidized trip. According to the SFMTA Transit Effectiveness Project, more than 80% of the trips on Muni cost more than \$2 (the current single-ride fare), some upwards of \$11 per passenger. The remaining cost of operating and maintaining transit service is covered by from City general funds, state and federal grants – which are in turn funded by property taxes, income taxes, and gas taxes.

Todd Litman of the Victoria Transport Policy Institute finds in his 2004 review of road use and transport costs that "since bicycling and walking impose lower roadway costs than motorized modes, people who rely primarily on non-motorized modes tend to overpay their fair share of roadway costs and subsidize motorists" as a result of local road funding deriving from city general funds. (Litman, 2004 "Whose Roads: Defining Bicyclists' and Pedestrians' Right to Use Public Roadways")

Rather than impose a new fee on cyclists that may or may not make non-cyclists believe that cyclists pay their fair share but would certainly serve as a disincentive for a socially and environmentally beneficial activity, we would first recommend educating everyone about what cyclists currently pay and about the costs that they impose on the transportation infrastructure. A comprehensive review of transportation equity and methods for evaluation can be found in Todd Litman's 2007 work "Evaluating Transportation Equity: Guidance For Incorporating Distributional Impacts in Transportation Planning."

Recommendation and Response

The city should consider a form of "negative registration" to capture names and other pertinent data about cyclists who are ticketed by SFPD for moving or equipment violations or otherwise involved in traffic accidents where the cyclist is cited at fault. The cyclist should be required to appear at a "bicycle court" where proscribed safety education would be required. The format of the court, including a cycle friendly venue such as a ride-up location, and an educational curriculum should be provided through collaboration among SFPD bicycle officers, the Bicycle Coalition and other cycling advocates. Notices to Appear, if ignored, should be pursued through SFPD and the courts.

The recommendation will not be implemented because it is not warranted. While the concept of "negative registration" is not defined by the Civil Grand Jury, and its meaning is unclear, this recommendation appears to be essentially the same as 3F, with the addition of a data gathering component.

Action 4.4 of the Bicycle Plan is to "Work with the SFPD to create a bicycle traffic school curriculum as an option in lieu of other pecuniary penalties for traffic law violators." SFMTA strongly supports the establishment of a Bicycle Traffic School in the Superior Court System.

Furthermore, it is not clear what new data would be generated through the proposed negative registration program or how the data may be useful. Currently, there is a wealth of information contained in collision reports (whether they be cyclists, pedestrians, drivers, or passengers) – and these are a major data source upon which the SFMTA draws to analyze safety trends.