



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

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

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 SFTMA'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 SFTMA'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.

**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

