

BOARD of SUPERVISORS



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DATE: June 10, 2013
TO: Members of the Board of Supervisors
FROM: Angela Calvillo, Clerk of the Board
SUBJECT: 2012-2013 Civil Grand Jury Report

We are in receipt of the San Francisco Civil Grand Jury report released Monday, June 10, 2013, entitled: **Are the Wheels Moving Forward? A Follow-Up to the 2009-2010 Civil Grand Jury Report *Sharing the Roadway: From Confrontation to Conversation.*** (Attached)

Pursuant to California Penal Code, Sections 933 and 933.05, the Board must:

1. Respond to the report within 90 days of receipt, or no later than September 8, 2013.
2. For each finding:
 - agree with the finding; or
 - disagree with the finding, wholly or partially, and explain why.
3. For each recommendation indicate:
 - when the recommendation was implemented;
 - when the recommendation will be implemented;
 - that the recommendation requires further analysis; or
 - that the recommendation will not be implemented, and explain why.

Pursuant to Administrative Code, Section 2.10, in coordination with the Committee Chair, the Clerk will schedule a public hearing before the Government Audit and Oversight Committee to allow the Board the necessary time to review and formally respond to the findings and recommendations.

The Office of the Budget and Legislative Analyst will prepare a resolution, outlining the findings and recommendations for the Committee's consideration, to be heard at the same time as the hearing on the report.

Attachment

- c: Honorable Cynthia Ming-mei Lee, Presiding Judge (w/o attachment)
Martha Mangold, Foreperson, 2012-2013 San Francisco Civil Grand Jury (w/o attachment)
Mayor's Office
Ben Rosenfield, Controller
Jon Givner, Deputy City Attorney (w/o attachment)
Rick Caldeira, Legislative Deputy
Debra Newman, Office of the Budget and Legislative Analyst
Severin Campbell, Office of the Budget and Legislative Analyst

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
CIVIL GRAND JURY

Orig: Leg Clerk
c: COB, Leg Dep, GAO Clerk, cp page
BOS-11, direct from CGJ



June 5, 2013

Angela Calvillo
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Room 244
San Francisco, CA 94102

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Dear Ms. Calvillo,

The 2012 – 2013 Civil Grand Jury will release its report entitled, “*Are the Wheels Moving Forward? A Follow-Up to the 2009-2010 Civil Grand Jury Report: Sharing the Roadway - From Confrontation to Conversation*,” to the public on June 10, 2013. Enclosed is an advance copy of this report. Please note that by order of the Presiding Judge of the Superior Court, Hon. Cynthia Ming-mei Lee, this report is to be kept confidential until the date of release.

California Penal Code §933.5 requires a response to the Presiding Judge no later than September 9, 2013. For each finding in the report, you must either (1) agree with the finding; or (2) disagree with it, wholly or partially, and explain why.

Further, as to each recommendation, your response must either indicate:

- 1) That the recommendation has been implemented, with a summary of how it was implemented;
- 2) That the recommendation has not been, but will be, implemented in the future, with a timeframe for implementation;
- 3) That the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for discussion, not more than six months from the release of the report; or
- 4) That the recommendation will not be implemented because it is not warranted or reasonable, with an explanation. (California Penal Code § 933 and §933.05)

Please provide your response to Presiding Judge Lee at the address below.

Very truly yours,

A handwritten signature in cursive script that reads "Martha M. Mangold".

Martha M. Mangold, Foreperson
2012 – 2013 Civil Grand Jury

400 McAllister Street, Room 008
San Francisco, CA 94102-4512
Phone: 415-551-3605

Are the Wheels Moving Forward?

**A Follow-Up to the 2009-2010 Civil Grand Jury Report
*Sharing the Roadway: From Confrontation to Conversation***

May 2013



**City and County of San Francisco
Civil Grand Jury, 2012-2013**

MEMBERS OF THE 2012-2013
CIVIL GRAND JURY
CITY AND COUNTY OF SAN FRANCISCO

Martha Mangold, Foreperson
Fred A. Rodríguez, Foreperson Pro Tem
Leslie Finlev, Recording Secretary
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Suzanne Tucker
Thomas Walker
Stuart Williams

THE CIVIL GRAND JURY

The Civil Grand Jury is a government oversight panel of volunteers who serve for one year.
It makes findings and recommendations resulting from its investigations.

Reports of the Civil Grand Jury do not identify individuals by name.
Disclosure of information about individuals interviewed by the jury is prohibited.
California Penal Code, section 929

STATE LAW REQUIREMENT California Penal Code, section 933.05

Each published report includes a list of those public entities that are required to respond to the Presiding Judge of the Superior Court within 60 to 90 days, as specified.

A copy must be sent to the Board of Supervisors. All responses are made available to the public.

For each finding the response must:

- 1) agree with the finding, or
- 2) disagree with it, wholly or partially, and explain why.

As to each recommendation the responding party must report that:

- 1) the recommendation has been implemented, with a summary explanation; or
- 2) the recommendation has not been implemented but will be within a set timeframe as provided; or
- 3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
- 4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

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Issue

The *San Francisco Bike Plan* is a comprehensive roadmap designed to promote and increase safe bicycle use. The 2009-2010 Civil Grand Jury report, *Sharing the Roadway: From Confrontation to Conversation*, identified conflict and misunderstanding among bicyclists, motorists, and the general public and discussed how those sentiments impede the successful implementation of the City's Bike Plan. That Jury focused its attention on two of the plan's overall goals: educating the public about bicycle safety and improving bicycle safety through increased targeted enforcement.

As bicycle ridership in the City continues to increase the time is ripe to evaluate if the 2009-2010 Jury recommendations have been implemented and whether San Francisco is better positioned to accommodate a burgeoning bicycle population.

Summary

San Francisco streets are evolving as miles of bike lanes, sharrows, and other bike-friendly infrastructure are added and roadway users are called upon to adjust to these changes. Observe the City's many neighborhoods at any hour and witness the spectrum of citizens riding their bicycles: folks commuting to work, children headed to school, enthusiasts exploring Golden Gate Park and even women in high heels pedaling past the San Francisco Civic Center. Many of the City's departments, agencies and citizens are paving the way for a town that welcomes and fosters bicycling on the City's streets.

In its report, the 2009-2010 Civil Grand Jury made the following recommendations:

- The *San Francisco Bike Plan* should be amended to include a comprehensive program to distribute safe-cycling education materials to the public as well as cyclists.
- By January 1, 2011, the Traffic Court should establish a Bicycle Court Traffic School option as a tool for education.
- By January 1, 2011, the San Francisco Police Department (SFPD) 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 California Vehicle Code (CVC) and Traffic Code (TC) enforcement in alignment with the current San Francisco Municipal Transportation Agency (SFMTA) Bike Guide.
- The SFPD citation form should be reformatted to include a bicycle category.
- 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.¹

The 2012-2013 Civil Grand Jury learned that bicycle education classes, materials and outreach programs continue to be available and coordinated most notably through the San Francisco Bike Coalition (SFBC). SFBC bicycle education programs are designed to appeal to bicyclists of all ages, levels and backgrounds. Its programs are similar in scope to those offered by cities nationally recognized as bicycle leaders by the Alliance for Biking and Walking. The current Jury applauds these efforts and encourages City leaders to support these programs further. As the previous Jury discovered, greater effort must be made to promote and extend these valuable programs to reach the general public, in addition to bicyclists and motorists.

Although the Traffic Court did not establish a Bicycle Court in 2011, a *Bicycle Citation Diversion Education Program* will be launched in 2013.

The 2009-2010 Jury concluded that bicycle education is also important for the San Francisco Police Department. While SFPD receives training regarding California Vehicle Code and Traffic Code related to bicycles, training could be structured with an even greater focus on bicycling.

The 2009-2010 Jury concluded that traffic enforcement is often lax. The 2012-2013 Jury found that, although traffic citations issued by SFPD have increased since 2009, enforcement continues to be a problematic and charged issue because perspectives regarding implementation differ; SFPD officers who were surveyed reported that bicycle enforcement is not well supported by our City leaders and community. In contrast, the broader population and some of the bicycle community demand more proactive, targeted enforcement. These opposing sentiments highlight the need for a more collaborative enforcement approach where goals are defined, expectations are publicized, and greater support from the community is extended to support these efforts.

Based on its investigation, the 2012-13 Jury has the following recommendations for improving bicycle safety in San Francisco:

- Bicycle safety education should be continued, expanded, and extended to non-cyclists and motorists. SFMTA should actively promote bicycle safety education classes through aggressive outreach and publicity efforts, incentives for participation in bicycling workshops, and availability of bicycle training classes for businesses.
- SFPD should expand officer training related to bicycle safety and enforcement.
- SFPD should update its citation form to include bicycle infractions.
- City leaders should lend support to SFPD in its efforts to successfully enforce roadway laws and should adopt a San Francisco Bicycle Enforcement Safety Agreement that targets two key goals: zero bicycle fatalities and fifty percent annual reduction in bicycle collisions.

San Francisco should and can do more to maximize safety for its roadway users. Let us not wait until the next bicycle-related accident makes headlines. Let us plan and address these concerns now.

Background

The *San Francisco Bike Plan* (Bike Plan) is a 97-page guide with eight goals and over 80 actions that was created to facilitate an appealing, healthy, and safe transportation option for bicyclists. It was completed in 2005 by the San Francisco Municipal Transportation Authority (SFMTA) with input from other City departments and agencies. The 2009-2010 Jury report focused on education and enforcement and directed its recommendations to SFMTA, SFPD, the Bicycle Advisory Committee (BAC), the Mayor's Office, and the Board of Supervisors. In 2006, the Coalition for Adequate Review and 99 Percent obtained an injunction² to prevent implementation of the Bike Plan and requested greater City review to determine potential impacts to the flow of traffic, the availability of street parking, and public transit. The injunction was lifted in 2010 and, as a result, bicycle infrastructure projects (bicycle lanes and paths) throughout the City have moved forward and bicycle activity has increased.

The 2009-2010 Jury advocated for amending the Bike Plan to incorporate education and enforcement recommendations; however, SFMTA and other City departments found that was not feasible, due to the injunction and the substantial costs associated with a revision. In fact, implementing the recommendations did not require an amendment and could be addressed within the framework of the existing Bike Plan. This continuity report by the 2012-2013 Jury addresses the results of these efforts.

It is apparent from articles in local newspapers and bicycle blogs that bicycling continues to be a charged issue among motorists, pedestrians, and bicyclists in San Francisco. Statements in the "Letters to the Editor" section of the San Francisco Chronicle include:

- "Sharing the road means sharing the responsibility of mutual safety, and that means following all the rules, not just some of them."³
- "My muscles tense as I walk the streets of San Francisco and witness many bicyclists not obeying traffic laws."⁴
- "Please, we all need to find patience and common courtesy for each other again."⁵ (A San Francisco resident, frustrated by the lack of respect she observes, appeals to both motorists and bicyclists.)

There is often palpable tension on the City's streets between bicyclists, pedestrians and motorists. Bicyclists are frustrated and threatened by the actions of aggressive motorists, and many feel unsafe and at risk having to share the road with careless motorists. Meanwhile, some pedestrians and motorists perceive bicyclists as law-breaking renegades who are a nuisance on the roadways. These opposing sentiments indicate that the mission of the Bike Plan to create and foster a safe bicycling environment for all San Franciscans continues to face challenges.

The key players that can help San Francisco meet those challenges to achieve the Bike Plan mission are SFMTA, SFPD, SFBC and BAC. SFMTA's role is to provide a safe and appealing transportation experience. In creating the Bike Plan, SFMTA collaborated with the Planning Department, SFPD, BAC, SFBC and other community members to formulate a comprehensive plan for its mission. SFPD plays an important role enforcing roadway laws. SFBC, a non-profit advocacy group, promotes, educates and encourages bicycling for everyday transportation. BAC is an eleven-member City organization appointed by the Board of Supervisors (BOS) to provide various perspectives on bicycle projects and policies.

Even though conflict and frustration continue to exist among bicyclists, motorists and pedestrians, bicycling on the City's streets continues to increase. According to SFMTA's 2012 *State of Cycling* report, 3.5 percent of all trips are taken by bicycle. San Francisco is third behind Portland, OR and Seattle, WA in bicycle commuter ridership.⁶ In October 2010, the Board of Supervisors unanimously passed a resolution to reach a 20 percent bicycle "mode share" goal by 2020.⁷ (Mode share refers to the percentage of travelers using a particular type of transportation.) In January 2013, SFMTA released a draft of its Bicycle Strategy report that outlines new directions and policy goals to integrate bicycling more fully into the fabric of city life. SFMTA has projected that an eight to 10 percent bicycle mode share is a more likely goal by 2018-2020.⁸ Both goals will require collaboration from all of the City's roadway users.

Investigation

1. Bicycling & Education: Building Awareness for Safer Streets

A bicyclist surveyed in SFMTA's *San Francisco Bicycle Study Report* shares his thoughts on bicycle education:

"Let's teach motorists and cyclists the traffic rules about how to share the road. I believe there's a lot of ignorance."⁹

Chapter 4 of the Bike Plan outlines actions that address education and safety issues. Bicycle safety education is valuable for teaching cyclists and non-cyclists the bicycling rules of the road, how to navigate streets safely and how to share the road with others. While motorists are required to pass a written exam that tests their knowledge of traffic law, no such requirement is made of bicyclists. Formal bicycle education, although available, is not required in San Francisco.

National Trends in Education and Training

According to the Alliance for Biking & Walking *2012 Benchmarking Report*, San Francisco scored fifth out of 31 cities surveyed regarding adult residents who participate in bicycle education, while Minneapolis, Seattle, Tucson and Washington, D.C. ranked

higher.¹⁰ San Francisco placed seventh out of 28 for residents under the age of 18, while Seattle had the highest value for youth bicycle participation, with 20,600 attendees.¹¹ While these trends are encouraging, the 2012 *San Francisco State of Cycling* report indicates that the City has more work to accomplish. According to its report, only 35 percent of bicyclists are aware of cyclist safety training classes and only nine percent of non-cyclists know about them (Appendix 1).¹² Based on these statistics, increased awareness for these programs is needed.

A correlation can be made between a city's safety record and its bicycle safety programs. According to the Alliance for Biking and Walking *2012 Benchmarking Report*, San Francisco is the sixth safest city for bicycling, while Honolulu is the safest. The Hawaii Bicycling League (HBL) provides a host of bicycle education classes that includes *Commuter Cycling 101*, taught by League of American Cyclists certified instructors. This course begins in a classroom, where the focus is on cyclists' rights, rules of the road, equipment safety checks, etc. The second part of the class involves a group ride through the community, where skills learned in the classroom are applied on the road. HBL acknowledges that educating bicyclists is only one side of roadway safety. The other side involves motorists and pedestrians, and thus HBL offers a *Walk, Bike, Drive* program that teaches drivers how to share the road safely around bicyclists and pedestrians.¹³

Washington, D.C., which is ranked the fourth safest city for bicycling¹⁴ provides bicycle education programs similar to those offered in San Francisco. The Washington Area Bicyclist Association features a commuting seminar for bicyclists interested in acquiring skills and tips that will help them bicycle to work safely. *Confident City Cycling* covers topics such as vehicle cycling principles, roadway positioning and lane changes. Other classes include *Traffic Skills*, *Group Riding* and *Confident City Cycling Evaluation*, a module that evaluates a student's knowledge of the *Confident City Cycling* material.¹⁵

Portland is America's leader in bicycle culture.¹⁶ It is ranked the fifth safest bicycle city and focuses its bicycle education on students and teachers. Portland's Bicycle Transportation Alliance (BTA) offers custom programs to educate students, train teachers, and encourage students and families to bicycle to school. A parent whose child participated in the program recalls how her daughter came home after a bike safety class, taught the family to use hand signals and had the whole family out on bikes the following weekend. She explained, "Now I feel comfortable allowing her, and myself, really, to ride for fun and transportation."¹⁷

San Francisco Bicycle Coalition Education Programs

In 2011, SFMTA selected SFBC to lead the bicycle education effort by conducting bicycle safety courses through 2014. SFBC has 12,000 members, is the primary resource for bicycle education and has earned a 4.5 out of 5 star rating on Yelp, an online business review website.

From a Yelp review of the San Francisco Bike Coalition:

“I just started riding my bike to work and the SFBC styled me out with all the info I needed to get from home to work and back again ... maps, laws, tips, etc. More than I even knew.”¹⁸

SFBC offers free classes designed for San Francisco’s diverse population. These popular programs, held in over 50 city locations, are often filled to capacity; in 2012 SFBC educated approximately 5,000 people¹⁹ about .01 percent of the City’s population.

A total of 4,866 participants attended SFBC workshops in 2012. The following is a list of the SFBC bicycle education courses:

- **Urban Bicycling Workshops - 917 attendees**
These courses are designed for a broad range of citizens and include the following:
 - *Introduction to Safe Bicycling* - one-hour classroom instruction on bicycling in San Francisco
 - *Traffic Skills 101* - four-hour classroom instruction on safe bicycling techniques
 - *On-Road Streets Skills* - After completing a four-hour *Traffic Skills* course that meets the requirements of the League of American Bicyclists’ curriculum, as well as a one-hour *Intro to Safe Bicycling*, bicycle students are able to advance to the next level, the City’s streets. Certified instructors teach bicyclists to navigate alongside motor vehicles in these personalized classes. Classes are limited to fifteen students.
 - *Adult Learn to Ride* - SFBC teachers work one-on-one to teach the basics of balancing, starting, stopping and steering a bike, as well as how to properly fit a bicycle helmet.
- ***Freedom From Training Wheels* - 206 attendees**
These classes are held at Sunday Streets, the SFMTA-sponsored event held on a series of Sundays when roads are closed to vehicles, thus helping families learn the thrill of balancing, pedaling, and biking. (206 attendees)*
- **Safe Routes to School - 2,128 attendees**
SFBC partners with other City agencies to educate youngsters and their parents.
- **Family Biking**
SFBC offers a four-part class: *Biking Pregnant, Biking with Your Baby & Toddler, Freedom From Training Wheels* and *Practice Training: On Road With Your Children*.
- **City Employee Bike Fleet Courses - 130 attendees**
Classes contracted by the Department of Environment to encourage City employees to adopt sustainable practices.
- **Muni Driver Training**
SFBC is “helping Muni drivers learn the ways to safely share the road with people on bikes.”²⁰

- Taxi Driver Training - 1,000 attendees
SFBC provides bicycle safety instruction to new taxi drivers, similar to its programs for Muni drivers to help foster a road-sharing environment.
- Employer Bicycle Safety Presentation - 268 attendees
- P.E. Middle School Program (YMCA) - 217 attendees

In addition to free classroom and street workshops, SFBC provides bicycle education tools online (www.sfbike.org) with its *Rules of the Road* brochure, available also in Spanish and Cantonese. The *Rules of the Road* and other educational tools and promotional material can also be found at numerous bicycle-related events (e.g., Bike to Work, Sunday Streets). Connecting with a broader audience, SFBC distributes its flyers at non-bicycle events, where SFBC representatives provide bicycle valet services (e.g. at events such as SF Giants games and ACT plays). In 2012, SFBC estimates it reached over 30,000 people with its online presence and print media.

Because funds for bicycle education and outreach programs are scarce, SFBC depends on contracts, contributions, and grants for its programs (Appendix 2). SFBC work is sustained by its members and supporters. SFBC employs a staff of 15 and is supported by over 1,200 volunteers, 250 of whom focus their attention on bicycle education activities.²¹ In 2011, 41 percent of the funding for Portland’s bicycle advocacy group, BTA, came from government grants and contracts, compared to 27 percent for SFBC. The Active Trans Advocacy group of Chicago obtained 39 percent of its revenue from contracts and 16 percent from grants and contributions.²²

	Percentage Government <u>Funded</u>
Portland BTA	41%
Chicago ATA	39%
S. F. Bicycle Coalition	27%

Increased Efforts to Make Biking Safe

The 2012-2013 Jury applauds SFMTA’s report *Draft Bicycle Strategy Goal 3*, which seeks to “normalize riding bicycles through media, marketing, education and outreach.” Objective 3.3 *Bicycle Education* proposes the introduction of bicycle education at SF Unified School District schools and bicycle education courses in each SF supervisorial district through a Bicycle Ambassador program. The proposed implementation date for these programs is 2014 and funding will increase incrementally until 2018.²³ Educating the City’s young people will not only encourage them to ride bicycles safely, but also will motivate them to be respectful of bicyclists when they begin to drive.

Both the Bike Plan (Action 4.4) and the 2009-2010 Jury report called for the creation of a Bicycle Traffic School / Traffic Court “fix it” ticket option for cyclists. This program

would allow bicyclists who violate traffic laws to attend traffic school in lieu of paying a fine, with the additional benefit of receiving traffic law education. In 2013, SFPD will launch the *Bicycle Citation Diversion Education Program* with SFMTA. According to Leah Shahum, Executive Director of the SFBC, "You're not going to get everyone in a class, we know that, but if you do teach enough people to behave nicely, it becomes the norm and it'll affect the small, albeit visible, minority of bike riders whose actions give the rest of us a bad name."²⁴

The 2009-2010 JURY recommended that education efforts extend to SFPD. Reasoning that police officers need to understand the laws they enforce, the Jury recommended that SFPD update training materials related to bicycles in a joint effort with the bicycle community and the California Commission on Peace Officer Standards and Training. It suggested that updated materials cover CVC and TC enforcement in alignment with the current SFMTA *Bike Guide*. SFPD agreed, stating that its current training materials only "reflect the intricacies of bicycle patrol, not enforcement of laws pertaining to bicycles." The Department hoped to complete an update by mid-2011.

The current Jury reviewed two SFPD training documents. The first, *SFPD – 24 Hour Basic Bicycle Patrol*, dated November, 2012, was designed for bicycle patrol officers. The 18-page document addresses bicycle inspection guidelines, bicycle maintenance, and riding techniques. The second document is an outline of a three-day course for training bicycle patrol officers. It features history, equipment, and maintenance of bicycles, as well as a discussion of laws.

The 2012-2013 Jury has found that SFPD did not update training documents as requested by the 2009-2010 Jury. However, interviews with officers at the SFPD Training Academy revealed that new recruit officers do receive some instruction on bicycle enforcement during their training for traffic enforcement. The mandated training includes 20 hours of classroom instruction related to CVC and 40 hours of accident investigation instruction.

The current Jury also reviewed a 2004 SFPD *Roll Call Training* lesson entitled *Bicycle Rights and Responsibilities*. This four-page tutorial included a three-question pretest, two bicycle-related scenarios, discussion of critical issues and the Vehicle Code as related to the two scenarios and related ethical considerations regarding when to take action.²⁵ The *Roll Call Training* lesson may be initiated by an officer at his/her discretion, is approved by the SFPD Chief, and is implemented by the department Training Division.

The nine-minute training video *Bikes Belong in Traffic*, created by SFPD in conjunction with SFBC in 2007, was reviewed by both Juries. This video, available on YouTube (<http://www.youtube.com/watch?v=o7M-ueoU2E>), highlights a bicyclist's legal rights and explores three scenarios: "dooring" (drivers opening doors in the path of approaching bicyclists), motorist intimidation of bicyclists, and filing police reports. It also reviews four California Vehicle Code sections. The video is not utilized by the SFPD for new Recruit Officer training.

The Portland Police Department created a similar ten-minute video in 2010 (<http://www.youtube.com/watch?v=xKmwKP5ZRtQ>) to educate police officers about Portland's *Transportation Policy* and to remind them of Portland's bicycle traffic laws. The video reviews five laws and states that "reminders are valuable."²⁶

The Chicago Police Department 2010 13-minute *Traffic Enforcement for Bicycle Safety* video includes short interviews of motorists, cyclists, and police officers. It discusses ten laws that directly apply to motorists and cyclists, it includes a clear explanation and visual representation of how to complete a citation form.

2. Enforcement: Monitoring City Streets

"I often hear from friends that they are afraid to bike because of cars, but cyclists should also obey laws and [the laws] should be enforced."²⁷

"The City needs to turbo charge their plan to make biking safer,"²⁸ said a San Francisco resident.

A concerned bicyclist asks for "...safer conditions so I don't feel like I'm taking my life into my hands every time I ride."²⁹

The 2009-2010 Jury investigated traffic law enforcement. After field investigations and interviews, the 2012-2013 Jury agrees that an increase in police enforcement is important. Current Jury members accompanied SFPD officers on two "ride-alongs" and witnessed bicyclists disregarding traffic rules and regulations on main City arteries. The Jury learned that police officers are often reluctant to issue citations to cyclists, citing a need for stronger support from community leaders for enforcement. However, some cyclists believe that sting operations conducted on non-dangerous streets target them unfairly. Bicyclists also believe that motorists should be held accountable when they endanger lives by driving aggressively or tailgating bicyclists.

The 2009-2010 Jury reviewed 2009 enforcement data from the San Francisco Superior Court. The current Jury reviewed the comparable Superior Court enforcement data for 2010, 2011, and 2012³⁰ and found the following:

	<u>2009</u> ³¹	<u>2010</u>	<u>2011</u>	<u>2012</u>
Total Citations Issued	204,673	180,716	167,803	154,634
Total Bicycle Citations	1,968	1,260	1,565	1,959
% of Total Citations	.96%	.70%	.93%	1.3%

While the overall number of citations issued to all roadway users (motorists, bicyclists and pedestrians) has decreased since 2009, the percentage of total citations issued to bicyclists has increased. SFPD has reported that its officers do not issue citations for

every infraction they witness, so the statistics for the number of citations issued under-represent the actual number of violations. Interviews with SFPD officers of varying ranks revealed the following sentiments: [citing bicyclists is] “not a priority,” “prefer to admonish” [rather than cite] and enforcing “the spirit of the law, not the letter of the law” is at times appropriate.

The 2009-2010 Jury requested that SFPD reformat its citation form to include a designation for bicycle related violations. SFPD agreed with the recommendation, but it has not been implemented as of this report. If a bicycle-related citation is written but is recorded incorrectly, the ticket is at risk of being dismissed; in addition, inaccurately reported information hinders the accumulation of the data required for bicycle safety strategies.

A 2011 *SF Bicycling Study Report*, prepared by survey consultants Corey, Canapary & Galanis for SFMTA, assessed San Franciscans’ sentiments about bicycling. It determined that, after bicycle street infrastructure, “more stringent enforcement of existing laws or new licensing standards” would motivate San Franciscans to bicycle more frequently.³² Nineteen percent of 1,063 non-cyclist residents interviewed³³ agreed that stricter enforcement or new licensing standards would encourage them to ride a bike.³⁴

The 2011 *SF Bicycling Study Report* asked San Francisco residents to rate how they felt about the following statement: “Most cyclists obey traffic laws”. Although this survey question measures a perception only, the mean score of 2.46 (5 point scale; 5= strongly agree, 1= strongly disagree) for frequent bicyclists who agree with this statement suggests that they may observe or engage in unlawful road behavior.³⁵ The same report asked survey takers to rate the following statement: “Most motorists respect the rights of cyclists.” The mean response of 2.74 suggests that greater enforcement of motorist traffic laws is also necessary.

As bicycling has increased on San Francisco streets, so have injury collisions:

<u>Year</u>	<u># of Injuries</u>
2009	531
2010	599
2011	630

The 2011 *Bicycle Injury Collision Report* cited 630 incidents with fault fairly evenly split: 325 where the bicycle rider was likely at fault vs. 305 where the motorist was likely at fault³⁶ (Appendix 3). An increased number of bicyclists might explain this trend; nonetheless, setting a goal to reduce the total number of collisions is important.

In 2011, San Francisco recorded four fatal collisions involving bicycles, the highest loss in the past ten years.³⁷ SFBC’s summer 2012 newsletter, *Tube Times*, features Chicago Mayor Rahm Emanuel and discusses his ambitious target of zero traffic fatalities annually within 10 years. The *Chicago Bike Plan* also strives to reduce the number of bicycle injuries by fifty percent. Among Chicago’s strategies is a commitment to

improve the city's most dangerous traffic collision sites by analyzing corresponding collision data annually and through effective police enforcement.

The 2012 *State of Cycling* report states that SFMTA is collaborating with SFPD on bicycle enforcement because 17 percent of survey respondents said they might bicycle more frequently if there were greater enforcement of traffic laws pertaining to motorists (who put bicyclists at risk). According to SFMTA, and in line with the prior Jury's recommendation, "enforcement efforts should be publicized so both motorists and would-be bicyclists know they are occurring. The efforts could also help to decrease bicycle collisions."³⁸ The current Jury has not identified an enforcement program with a corresponding City campaign to alert roadway users.

In its summer 2012 *Tube Times* newsletter, SFBC appeals to SFPD to focus attention on dangerous roadway behavior in a data-driven manner. SFPD has access to collision data that includes the most prevalent CVC violations, as well as data showing the street locations of high collision activity (Appendix 4). While this data provides a tool for targeted bicycle enforcement, the feedback that SFPD receives from the community is not always supportive of enforcement efforts.

SFPD welcomed the 2009–2010 Jury's recommendation to establish an "overall citywide policy about how the existing California Vehicle Code and Traffic Codes will be implemented so police have the direction and support they seek and deserve." The Mayor and BOS should announce these efforts and alert the City's residents that they are supporting SFPD's renewed enforcement. Without consistent enforcement, many bicyclists may perceive that the traffic laws do not apply to them and that any behavior is acceptable. Safe motorist behavior, in relation to bicycles, is equally important and should be included in the citywide policy.

According to the Alliance for Biking & Walking *2012 Benchmarking Report*, Portland has the highest share of workers commuting by bicycle at 5.5 percent³⁹. Portland is recognized as a national leader for its innovative multi-mode transportation strategies, made possible by its commitment to collaborate with city departments, organizations and community members.

Portland has developed a comprehensive "Community Policing Transportation Safety Agreement"⁴⁰ that outlines objectives to improve the city's response to traffic related issues and to encourage harmonious behavior from all road users. This agreement is reviewed and signed annually by the Portland Police Bureau, the Portland Bureau of Transportation, and the Bicycle Transportation Alliance.

Conclusions

San Francisco's streets are evolving. Miles of additional bicycle lanes, increased bicycle parking, car-free events and the commitment of many City departments and other agencies contribute to a developing, bicycle-friendly community. San Francisco needs to embrace the growing bicycle movement and better position itself to reach the Board of

Supervisor's 20 percent mode share goal by 2020. The City has made great strides to encourage bicycling by connecting neighborhoods with bike lanes, announcing a pilot bike-share program in 2013, and providing education and outreach programs. Each day, citizens are reaping the benefits of these improvements. However, more can and should be done. Extending and promoting these programs should be a top priority. Traffic laws for all roadway users must be articulated, respected, and enforced to make everyone feel safe. SFPD needs support from the community and its leaders to enforce traffic laws that minimize collisions and prevent fatalities.

Findings and Recommendations

Education

Finding 1:

San Francisco is well-served by the San Francisco Bike Coalition bicycle safety education efforts. SFBC bicycle education materials and classes are comparable to bicycle education programs in other U.S. cities known for their safe streets.

SFPD and SFMTA will launch a Bicycle Citation Diversion Education Program this year (2013). This satisfies the previous Jury recommendation to establish a Bicycle Court Traffic School option as a tool for education.

In 2012, the San Francisco Bike Coalition educated 4,866 people in its Street Safety Education classes, or approximately .01 percent of San Francisco's population. As the biking movement grows and evolves, more education will be needed. With the goal of a 20 percent mode share, efforts must be substantially increased to educate both bicyclists and motorists.

The bicycle safety education programs of SFBC are on the right track to reduce confrontations between bicyclists and motorists. However, in order to accomplish the goal mode share, more will be needed.

Recommendation 1.1:

Bicycle safety education should be continued, expanded and extended to non-cyclists and motorists.

Recommendation 1.2:

SFMTA should collaborate with SFBC to include SFBC flyers that promote and provide bicycle education in SFMTA Renewal Residential Parking Permit packets.

Recommendation 1.3:

Provide incentives to participants who complete SFBC Urban Bicycling Workshops in order to increase enrollment. Incentives could include SFMTA's City Pass, MUNI Passport or Clipper Card.

Recommendation 1.4:

Publicize classes and promote safe roadway behavior (share the road, obey traffic laws, etc.) on banners, billboards, and signs throughout the City, including MUNI bus stop shelters and the sides of MUNI vehicles.

Recommendation 1.5:

Offer bicycle-training courses to private San Francisco businesses.

Finding 2:

While current SFPD training relative to bicycle safety and laws is included in classroom instruction where new recruit officers learn about California Vehicle Codes and accident investigation, more bicycle-specific training also needs to be part of continuing education for police officers.

Recommendation 2.1:

SFPD should expand training related to bicycle safety and enforcement and implement the following:

Recommendation 2.2:

SFPD should establish a comprehensive bicycle safety training program for new recruit officers, as well as ongoing bicycle training in its continuing education program for police officers, i.e., a stand-alone class reviewing California Vehicle Code and Traffic Code provisions specific to bicycling

Recommendation 2.3:

SFPD should create an updated bicycle safety video modeled on Chicago's "Traffic Enforcement for Bicycle Safety" that includes all California Vehicle Codes and Traffic Codes related to bicycles.

Enforcement

Finding 3:

SFPD citation forms do not include a specific category for bicycle traffic violation; this omission inhibits awareness, data collection and enforcement efforts by the department.

Recommendation 3:

SFPD should update the citation form to include a category for bicycle infractions.

Finding 4:

SFPD needs the support of the City's leaders to enforce roadway laws effectively.

Recommendation 4.1:

The Mayor and the Board of Supervisors should support SFPD efforts to successfully enforce roadway laws by adopting a San Francisco Bicycle Enforcement Safety Agreement that would pursue the goals of zero bicycle fatalities and a 50% annual reduction in bicycle collisions.

Recommendation 4.2:

Through collaboration with SFPD, BAC, and SFMTA the City should build an Enforcement Safety Campaign around the goals in Recommendation 10 and alert the public to the SFPD enforcement plan that will follow.

Response Matrix

Findings	Recommendations	Responses Required
<p>Education:</p> <p>1. As the biking movement grows and evolves, more education will be needed. With the goal of a 20 percent mode share, efforts must be substantially increased to educate both bicyclists and motorists. In order to accomplish the mode share goal, more will be needed.</p> <p>2. Bicycle-specific training also needs to be part of continuing education for police officers.</p>	<p>1.1 Bicycle safety education should be continued, expanded and extended to non-cyclists and motorists.</p> <p>1.2 SFMTA should collaborate with SFBC to include SFBC flyers that promote and provide bicycle education in SFMTA Renewal Residential Parking Permit packets.</p> <p>1.3 Provide incentives to participants who complete SFBC Urban Bicycling Workshops in order to increase enrollment. Incentives could include SFMTA's City Pass, MUNI Passport or Clipper Card.</p> <p>1.4 Publicize classes and promote safe roadway behavior (share the road, obey traffic laws, etc.) on banners, billboards, and signs throughout the City, including MUNI bus stop shelters and the sides of MUNI vehicles.</p> <p>1.5 Offer bicycle-training courses to private San Francisco businesses.</p> <p>2.1 SFPD should expand training related to bicycle safety and enforcement.</p>	<p>SFMTA</p> <p>SFMTA</p> <p>SFMTA</p> <p>SFMTA</p> <p>SFMTA</p> <p>SFMTA</p> <p>SFPD</p>

<p>Enforcement:</p> <p>3. SFPD citation forms do not include a specific category for bicycle traffic violation; this omission inhibits awareness, data collection and enforcement efforts by the department.</p> <p>4. SFPD needs the support of the City’s leaders to enforce roadway laws effectively.</p>	<p>2.2 SFPD should establish a comprehensive bicycle safety training program for new recruit officers, as well as ongoing bicycle training in its continuing education program for police officers, i.e., a stand-alone class reviewing California Vehicle Code and Traffic Code provisions specific to bicycling</p> <p>2.3 SFPD should create an updated bicycle safety video modeled on Chicago’s “Traffic Enforcement for Bicycle Safety” that includes all California Vehicle Codes and Traffic Codes related to bicycles.</p>	<p>SFPD</p> <p>SFPD</p>
<p>3.1 SFPD should update the citation form to include a category for bicycle infractions.</p> <p>4.1 The Mayor and the Board of Supervisors should support SFPD efforts to successfully enforce roadway laws by adopting a San Francisco Bicycle Enforcement Safety Agreement that would pursue the goals of zero bicycle fatalities and a 50% annual reduction in bicycle collisions.</p> <p>4.2 Through collaboration with SFPD, BAC, and SFMTA the City should build an Enforcement Safety Campaign around the goals in Recommendation 4.1 and alert the public to the SFPD enforcement plan that will follow.</p>	<p>3.1 SFPD should update the citation form to include a category for bicycle infractions.</p>	<p>SFPD</p> <p>Mayor, BOS. SFPD</p> <p>Mayor, BOS, SFPD, BAC, SFMTA</p>

Methodology

- The 2012-2013 Civil Grand Jury interviewed representatives of San Francisco City departments who stated that they would implement the recommendations offered by the 2009-2010 Civil Grand Jury, including the San Francisco Municipal Transportation Authority, the San Francisco Police Department, and the Bicycle Advisory Committee.

In addition, representatives of the San Francisco Bicycle Coalition were interviewed.

- The Alliance for Biking & Walking *2012 Benchmarking Report* was used to gain perspective on how the San Francisco bicycle environment compares to other U.S. cities.
- These reports were used to gather data and monitor trends related to bicycling:
 - SFMTA San Francisco Bicycling Study Report 2011, Draft Bicycle Strategy January 2013, and 2012 State of Cycling Report
 - 2010-2011 SFMTA San Francisco Collisions Report
 - 2010 and 2011 Superior Court Citation Data
- The San Francisco Bicycle Coalition provided literature and promotional handouts that promote its programs.

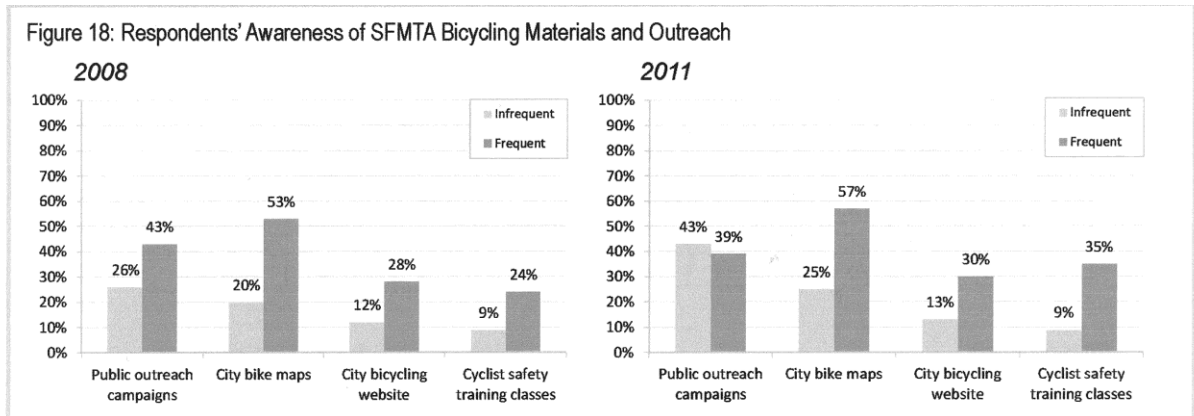
Internet blogs and newspaper articles were used to assess citizen perspectives on bicycling issues.

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- San Francisco Board of Supervisors, File No. 101316, Resolution No. 511-10, October 21, 2010
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- SFMTA 2012 *State of Cycling* report
- SFMTA *Draft Bicycle Strategy*, January 2013
- SFMTA *Livable Streets* Facebook page
- SFPD *24-Hour Basic Bicycle Patrol*, 14-16 November, 2012
- SFPD *Bicycle Patrol Course*
- *This is Sunday Streets*, <http://www.sundaystreetssf.com/aboutus>.

Appendix 1

2012 San Francisco State of Cycling Report



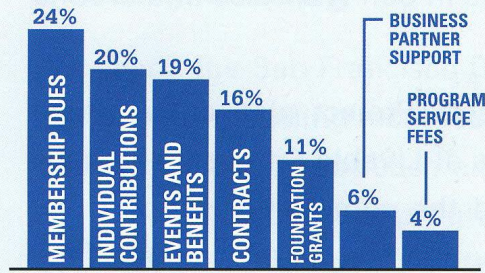
Appendix 2

San Francisco Bike Coalition

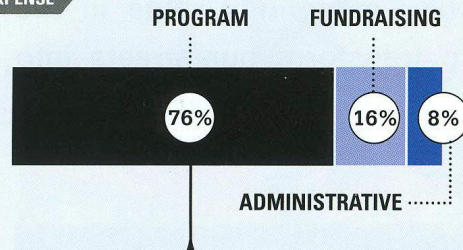
2011 FINANCIAL SUMMARY

TOTAL INCOME	\$1,498,988
TOTAL EXPENSES	\$1,393,594
NET INCOME	\$105,394
BEGINNING NET ASSETS	\$658,412
ENDING NET ASSETS	\$760,762

INCOME



EXPENSE



Appendix 3

2010-2011 San Francisco Collision Report

Table 12 – 2011 Most Common Vehicle-Bicycle Injury Collision Factors
by California Vehicle Code Violation Section when Bicycle Rider Could be at Fault

CVC Section	General Description of CVC Violation	
22350	Driving at unsafe speed given conditions of roadway	100
22450	Failure to stop at a STOP sign limit line	34
21453(A)	Violation of signal red light	32
21650.1	Failure to operate in same direction as other vehicles	26
22107	Changing lanes/turning unsafely or without signaling	13
21804	Failure to yield to cross traffic from driveway or alley	12
21658	Unsafe lane change	10
21755	Unsafe passing or overtaking of another vehicle	9
21201(D)	Insufficient lights or reflectors on bicycle	6
21657	Driving the wrong way on a one-way street	5
21950(A)	Failure to yield to pedestrian at a crosswalk	5
Unknown		19
Other Code		54
TOTAL		325

Table 13 – 2011 Most Common Vehicle-Bicycle Injury Collision Factors
by California Vehicle Code Violation Section when Motorist Could be at Fault

CVC Section	General Description of CVC Violation	
22107	Changing lanes/ turning unsafely or without signaling	52
22517	Unsafe opening of vehicle door	49
21801	Failure to yield right-of-way when making left or U-turn	45
22350	Driving at unsafe speed given conditions of roadway	20
22106	Unsafe maneuver or backing after being parked	13
21802	Failure to yield after coming to a stop at a STOP sign	11
21658	Unsafe lane change	10
22101(D)	Disobedience to posted turn restriction signs	8
21451(A)	Failure to yield to pedestrians on green signal light	6
21804	Failure to yield to cross traffic from driveway or alley	6
22102	Failure to make safe U-turn in business district	6
21453(A)	Violation of signal red light	6
21750	Unsafe overtaking or passing maneuver to the left	5
22100(A)	Failure to make right turn as close as practical to curb	5
22450	Failure to stop at a STOP sign limit line	5
Unknown		15
Other Code		43
TOTAL		305

Appendix 4

2010-2011 San Francisco Collision Report

Highest "Motor Vehicle Involved with Bicycle" Injury Collision Intersections
7 or more injury reported collisions 2009-2011

Street A	Street B	2009-2011 Injury Collisions
Market Street	Octavia Boulevard	21
Market Street	Valencia Street	13
Fell Street	Masonic Avenue	12
Duboce Avenue	Valencia Street	8
Polk Street	Ellis Street	7

Endnotes

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- ¹ 2009-2010 San Francisco Civil Grand Jury Report, Sharing the Roadway: From Confrontation to Conversation, May 2010.
- ² Gordon, Rachael, “Judge Puts City’s Bicycle Plan On Hold.” San Francisco Chronicle, pageB-3, June 24, 2006
- ³ Letters to the Editor, San Francisco Chronicle, November 13, 2012.
- ⁴ *Ibid.*, November 17, 2012.
- ⁵ *Ibid.*,
- ⁶ SFMTA 2012 State of Cycling Report,
<http://www.sfmta.com/cms/rbikes/documents/StateofCycling2012AccessibleVersion.pdf> San Francisco
- ⁷ San Francisco Board of Supervisors, File No. 101316, Resolution No. 511-10, October 21, 2010.
- ⁸ Draft SFMTA Bicycle Strategy, January 2013.
- ⁹ Corey, Canapary & Galanis, San Francisco Bicycling Study Report 2011, page 21.
- ¹⁰ Alliance for Biking & Walking, 2012 Benchmarking Report, 116.
- ¹¹ *Ibid.*, 118.
- ¹² 2012 San Francisco State of Cycling Report, page 23.
- ¹³ Hawaii Bicycle League Website, <http://www.hbl.org/commutercycling101>.
- ¹⁴ Alliance for Biking & Walking, *supra* at 155.
- ¹⁵ Washington Area Bicyclist Association Website, <http://www.waba.org/education/adult.php>
- ¹⁶ Alliance for Biking & Walker, *supra* at 155.
- ¹⁷ Bicycle Transportation Alliance Website, <http://btaoregon.org/get-involved/walkbike-education/>
- ¹⁸ Yelp, May 9th, 2006, <http://www.yelp.com/biz/san-francisco-bicycle-coalition-san-francisco?start=40>.
- ¹⁹ San Francisco Bicycle Coalition, 2012 Street Safety Education Summary.
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- ²¹ San Francisco Bicycle Coalition, 2011 IRS Forms 990.
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http://www.huffingtonpost.com/2012/05/16/san-francisco-bike-crackdown-continues_n_1519881.html.
- ²⁵ SFPD Roll Call Training Lesson, January 2004.
- ²⁶ <http://www.youtube.com/watch?v=xKmwKP5ZRtQ>
- ²⁷ Alliance for Biking & Walking, *supra* at page 96.
- ²⁸ Corey, Canapary & Galanis, San Francisco Bicycling Study Report 2011, page 113.
- ²⁹ *Ibid.*, 83.
- ³⁰ San Francisco Superior Court Citation Data, 2010, 2011, 2012.
- ³¹ Sharing the Roadway: From Confrontation to Conversation, 2009-2010 Civil Grand Jury Report.
- ³² Corey, Canapary & Galanis, *supra* at page 81.
- ³³ *Ibid.*, 3.
- ³⁴ *Ibid.*, 56.
- ³⁵ *Ibid.*, 49.
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- ³⁷ *Ibid.*, 23.
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- ³⁹ Alliance for Biking & Walking, *supra* at page 30.
- ⁴⁰ Community Policing Transportation Safety Agreement. October 15, 2009, http://bikeportland.org/wp-content/uploads/2009/10/communitypolicingagreement_cleaned1.pdf