

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

October 15, 2019

The Honorable Garrett L. Wong
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street, Department 206
San Francisco, CA 94102

RE: Civil Grand Jury Report - Pedestrian Safety in the Era of Electric Mobility Devices

Dear Judge Wong:

The Board of Supervisors' Government Audit and Oversight Committee conducted a public hearing on September 19, 2019, to review the findings and recommendations of the 2018-2019 Civil Grand Jury report, entitled "Pedestrian Safety in the Era of Electric Mobility Devices."

Prior to the Committee meeting, the following City Departments submitted required responses to the Civil Grand Jury:

- Office of the Mayor:
Received September 16, 2019;
- Office of the City Attorney:
Received September 11, 2019;
- Police Department:
Received September 16, 2019
- Municipal Transportation Agency:
Received September 16, 2019; and
- Department of Public Health:
Received September 16, 2019.

During the September 19, 2019 meeting, the Government Audit and Oversight Committee prepared a resolution responding to the requested findings and recommendations identified in the report. The response was prepared by Resolution No. 424-19, enacted on October 11, 2019.

By this message, the Office of the Clerk of the Board of Supervisors is transmitting Resolution No. 424-19 to your attention.

If you have any questions, please contact John Carroll, Government Audit and Oversight Committee Clerk at (415) 554-4445, or via email to john.carroll@sfgov.org.

Sincerely,



A Angela Calvillo
Clerk of the Board

c:

Sophia Kittler, Mayor's Office
Kanishka Karunaratne Cheng, Mayor's Office
Andres Power, Mayor's Office
Sally Ma, Mayor's Office
Rebecca Peacock, Mayor's Office
Jon Givner, Office of the City Attorney
Ben Rosenfield, City Controller
Todd Rydstrom, Office of the Controller
Peg Stevenson, Office of the Controller
Tonia Lediju, Office of the Controller
Mark de la Rosa, Office of the Controller
Alisa Somera, Office of the Clerk of the Board
Debra Newman, Office of the Budget and Legislative Analyst
Severin Campbell, Office of the Budget and Legislative Analyst
Reuben Holober, Office of the Budget and Legislative Analyst
Jennifer Millman Tell, Office of the Budget and Legislative Analyst

Rasha Harvey, 2018-2019 Foreperson, San Francisco Civil Grand Jury
Ettore Leale, 2019-2020 Foreperson, San Francisco Civil Grand Jury
Dr. Grant Colfax, Director, Department of Public Health
Greg Wagner, Department of Public Health
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Tom Maguire, Executive Director, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Joel Ramos, Municipal Transportation Agency
Viktoriya Wise, Municipal Transportation Agency
Chief William Scott, Police Department
Rowena Carr, Police Department
Asja Steeves, Police Department
Deirdre Hussey, Police Department



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Certified Copy
Resolution

190790 [Board Response - Civil Grand Jury Report - Pedestrian Safety in the Era of Electric Mobility Devices]

Sponsor: Mar

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2018-2019 Civil Grand Jury Report, entitled "Pedestrian Safety in the Era of Electric Mobility Devices;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

10/1/2019 Board of Supervisors - ADOPTED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

10/11/2019 Mayor - RETURNED UNSIGNED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

October 15, 2019

Date

Angela Calvillo

Angela Calvillo
Clerk of the Board

AMENDED IN COMMITTEE
9/19/19

FILE NO. 190790

RESOLUTION NO. 424-19

1 [Board Response - Civil Grand Jury Report - Pedestrian Safety in the Era of Electric Mobility
2 Devices]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2018-2019 Civil Grand Jury Report, entitled**
5 **“Pedestrian Safety in the Era of Electric Mobility Devices;” and urging the Mayor to**
6 **cause the implementation of accepted findings and recommendations through his/her**
7 **department heads and through the development of the annual budget.**

8
9 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

12 WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or
13 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
14 county agency or a department headed by an elected officer, the agency or department head
15 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
16 response of the Board of Supervisors shall address only budgetary or personnel matters over
17 which it has some decision making authority; and

18 WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of
19 Supervisors must conduct a public hearing by a committee to consider a final report of the
20 findings and recommendations submitted, and notify the current foreperson and immediate
21 past foreperson of the civil grand jury when such hearing is scheduled; and

22 WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b),
23 the Controller must report to the Board of Supervisors on the implementation of
24 recommendations that pertain to fiscal matters that were considered at a public hearing held
25 by a Board of Supervisors Committee; and

1 WHEREAS, The 2018-2019 Civil Grand Jury Report, entitled "Pedestrian Safety in the
2 Era of Electric Mobility Devices" ("Report") is on file with the Clerk of the Board of Supervisors
3 in File No. 190789, which is hereby declared to be a part of this Resolution as if set forth fully
4 herein; and

5 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
6 to Finding No. F7, as well as Recommendation No. R6, contained in the subject Report; and

7 WHEREAS, Finding No. F7 states: "A key obligation of the Pedestrian Safety Advisory
8 Committee (PSAC) is to prepare and submit annual reports to the Board of Supervisors
9 (BOS). These reports are to include pedestrian injury and fatality statistics and root cause
10 analysis, to recommend changes in policies, funding and enforcement. PSAC has not
11 prepared or submitted an annual report since 2011;" and

12 WHEREAS, Recommendation No. R6 states: "The Board of Supervisors should allow
13 the Public Safety Advisory Committee to terminate on October 1, 2019 as designated in the
14 San Francisco Municipal Code;" and

15 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
16 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
17 Court on Finding No. F7, as well as Recommendation No. R6, contained in the subject
18 Report; now, therefore, be it

19 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
20 Superior Court that they partially disagree with Finding No. F7 for reason as follows:
21 annual reports were prepared by the Pedestrian Safety and Advisory Committee
22 for 2012, 2013, 2014, and 2018; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
24 No. R6 will not be implemented because the recommendation is unwarranted or
25 unreasonable, in light of the Pedestrian Safety Advisory Committee's progress over the last

1 year in addressing quorum issues, the ongoing declared state of emergency for pedestrian
2 safety, and that the Pedestrian Safety Advisory Committee is the sole advisory body reporting
3 to the Board on this crucial issue, the Board of Supervisors intends to extend the sunset date
4 for the committee for an additional year, during which time the committee is advised to review
5 and recommend changes in its structure to improve its efficacy going forward; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
7 implementation of the accepted findings and recommendations through his/her department
8 heads and through the development of the annual budget.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 190790

Date Passed: October 01, 2019

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2018-2019 Civil Grand Jury Report, entitled "Pedestrian Safety in the Era of Electric Mobility Devices," and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget.

September 19, 2019 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 19, 2019 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

October 01, 2019 Board of Supervisors - ADOPTED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

File No. 190790

I hereby certify that the foregoing Resolution was ADOPTED on 10/1/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

10/11/2019

Date Approved

File No. 190790

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



Angela Calvillo
Clerk of the Board

10/11/2019

Date



DENNIS J. HERRERA
CITY ATTORNEY

Direct Dial: (415) 554-4700

August 29, 2019

Hon. Garrett L. Wong
Presiding Judge
San Francisco Superior Court
400 McAllister Street
San Francisco, CA 94102

Re: City Attorney's Office Response to the July 16, 2019 Civil Grand Jury Report entitled, "Pedestrian Safety in the Era of Electric Mobility Devices"

Dear Judge Wong:

In accordance with Penal Code Sections 933 and 933.05, the Office of the City Attorney submits the following response to the July 2019 Civil Grand Jury Report entitled, *Pedestrian Safety in the Era of Electric Mobility Devices*. The Grand Jury requested that this office respond to the report.

For each Civil Grand Jury finding for which the Grand Jury has requested a response, the statutes require the respondent to either:

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

For each Civil Grand Jury recommendation for which the Grand Jury has requested a response, the statutes require the respondent to report:

1. that the recommendation has been implemented, with a summary explanation of how it was implemented;
2. the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation;
3. the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less 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 of why that is.

Findings 5 and 6, and Recommendation 5 seek a response from the City Attorney, among others. The City Attorney submits the following responses on behalf of the City Attorney's Office:

Finding 5.

The Pilot terms between the City and permittees require them to indemnify the City from injury and damage claims. However, Scoot and Skip Terms of Service put responsibility for injury, damage, and equipment inspection on the User.

City Attorney's Office Response To Finding 5.

Partially agree and disagree. It is correct that the permittees in the City's Powered Scooter Share Pilot Program, including Skip and Scoot, are required to indemnify the City. While Scoot and Skip in their Terms of Service pass down responsibility for liability to their individual users, Scoot and Skip are still each primarily responsible to the City through the indemnity for any claims against the City related to activity authorized under the respective operator's permit with the City.

Finding 6.

Current terms and conditions in the Skip agreement expose a contractual gap that delegates initial responsibility for scooter inspection and maintenance to their independent contractors, Skip Rangers, who receive no specific training from Skip. Scoot, however, hires and trains its employees to provide the inspection and maintenance services.

City Attorney's Office Response To Finding 6.

Partially agree and disagree. While it appears that the Skip Charger Agreement referenced in the report does not contain an express training requirement, that omission does not necessarily mean that the Skip Rangers lack the requisite training or experience to properly inspect its scooters. Moreover, the SFMTA informs us that the Skip Rangers are made up of 80% independent contractors and 20% Skip employees, and that Skip employees are trained. We do not know about the training or experience of the independent contractors and do not express an opinion about that.

Recommendation 5.

SFMTA, City Attorney, and TNCs should review and if necessary modify the City-Permittee agreement, the TNC-User agreement, and any other related agreements to assure that responsibility for risk management is allocated to the party/parties best able to manage such risks. This review and potential modification of terms across all agreements should be initiated prior to the end of the existing Pilot. Any necessary revisions should be incorporated and implemented in all agreements for the replacement program to follow at the conclusion of the Pilot.

City Attorney's Office Response To Recommendation 5.

Recommendation #5 has been implemented in part. In consultation with the SFMTA, the City Attorney's Office has reviewed the City permits, the agreements between the Powered

Scooter Share Operators¹ and their users, and the Skip Charger Agreement referenced in the report before the end of the existing Pilot Program.

In consultation with the SFMTA, the City Attorney's Office has specifically reviewed whether to modify the permit terms to fill any potential gap in responsibility as between the Powered Scooter Share Operators and their independent contractors. At the end of July 2019, SFMTA issued a new permit application for the replacement permit program, and the SFMTA informs us that it anticipates issuing the next round of permits with a term to commence after the Pilot Program concludes in mid-October 2019. The permit application contains anticipated terms and conditions for the new program, and includes the following new clause in the permit terms to address any potential gap in responsibility between permittee and its independent contractors for obligations under the permit:


Permittee may subcontract or delegate portions of its obligations only upon prior written approval of SFMTA. Permittee is responsible for, and must supervise, its personnel and all subcontractors, including independent contractors, who perform obligations under the permit. Any agreement made in violation of this provision shall be null and void.

Also, SFMTA added a provision requiring that permittees "educate and train" any independent contractors who perform any part of the permittee's maintenance, cleaning, staffing, and repair plan.

Recommendation #5 has not been implemented as to modifying the City permits to allocate risk as between the Powered Scooter Share Operators and users to the party best able to manage such risks. The City Risk Manager recommended that it is not advisable for the City to insert itself into the risk allocation as between the Powered Scooter Share Operators and their customers because the City could face unwarranted risk exposure for assessments for which it does not have the authority to manage. Based on that recommendation, the SFMTA did not modify the permits to allocate risk between the operators and users.

We hope this information is helpful.

Very truly yours,


DENNIS J. HERRERA
City Attorney

¹ The Grand Jury Report refers to the Powered Scooter Share Operators as "Transportation Network Companies" or "TNCs." We do not use that term because, under State law, that term has a specific meaning and refers to "prearranged transportation services ... to connect passengers and drivers using a personal vehicle." (Cal. Pub. Util. Code § 5431.)

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

September 16, 2019

The Honorable Garrett L. Wong
Presiding Judge, Superior Court of California, County of San Francisco
400 McAllister Street, Room 008
San Francisco, CA 94102

Dear Judge Wong,

In accordance with Penal Code 933 and 933.05, the following is in response to the 2018-2019 Civil Grand Jury Report, *Pedestrian Safety in the Era of Electric Mobility Devices*. We would like to thank the members of the Civil Grand Jury for their interest in public safety and emerging mobility options, and their efforts in making the City safe and livable by eliminating traffic fatalities.

Vision Zero SF is San Francisco's street safety policy, adopted in 2014, that commits the City to build better safety streets, educate the public on traffic safety, enforce traffic laws, and adopt policy changes to eliminate traffic fatalities and reduce severe injuries. Vision Zero integrates pioneering research, education, enforcement, and street engineering changes in order to change behavior and save lives. Using data collected, the City identifies trends and determines where safety projects are most urgently needed, and these streets are a top priority for engineering improvements to protect the most vulnerable road users, which are walkers and bikers.

The report focuses on ways to improve education and outreach for pedestrian and motorized device users, enforcement of existing ordinances and laws to help reduce injuries, injury data to capture and identify root causes, and contractual terms regarding liability and responsibility for injuries, device maintenance and repair. The City has invested in education and public outreach, including a safety awareness education campaign for scooter riders, and will continue to educate the public on traffic safety, enforce traffic laws, and make data-driven decisions. We welcome the Civil Grand Jury's findings and recommendations and will seek to incorporate them into the next steps of the project, as appropriate.

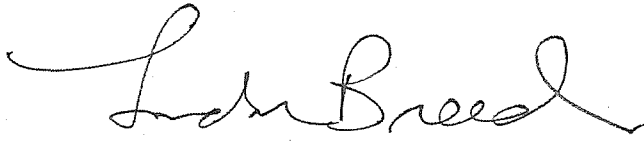
A detailed response from the Mayor's Office, Police Department, Municipal Transportation Agency, and Department of Public Health to the Civil Grand Jury's findings and recommendations is attached.

Each signatory prepared its own responses and is able to respond to questions related to its respective parts of the report.

Thank you again for the opportunity to comment on this Civil Grand Jury report.

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

Sincerely,



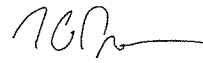
London N. Breed
Mayor



Dr. Grant Colfax
Director, Department of Public Health



William Scott
Chief, Police Department



Tom Maguire
Interim Director, Municipal Transportation
Agency

2018-2019 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Report Title [Publication Date]	F#	Finding (text may be duplicated due to spanning and multiple respondent effects)	Respondent Assigned by CGJ [Response Due Date]	Finding Response (Agree/Disagree)	Finding Response Text	R# [for F#]	Recommendation (text may be duplicated due to spanning and multiple respondent effects)	Respondent Assigned by CGJ [Response Due Date]	Recommendation Response (Implementation)	Recommendation Response Text
Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]	F1	The Pilot permittees advocate for safe behavior education for riders through community events and their web sites. However, SFMTA has not provided its own concurrent, updated safety awareness campaign.	Mayor [September 15, 2019]	Disagree, wholly	The SFMTA conducted its own concurrent, updated safety awareness campaign, coinciding with the launch of the Pilot in October 2018. The campaign outreach included graphics that demonstrated safe and unsafe behaviors while riding a scooter, and "Dos and Don'ts" ads placed on the exterior and interior of MUNI buses and light rail vehicles. SFMTA distributed campaign information to Scoot and Skip, who shared them with users and the public, and shared the digital version with the Board of Supervisors and community partners. Also, SFMTA Tax Enforcement staff distributed campaign information to the public while in the field issuing scooter citations.	R1	SFMTA in coordination with Vision Zero SF should design a public safety campaign regarding e-scooter use, laws, safety and helmet use. This campaign should include TNC participation and utilize various means of outreach including ads on MUNI trains, buses, shelters, social media, and TNC apps no later than June 30, 2020.	Mayor [September 15, 2019]	Has been implemented	The recommendation was implemented in October 2018. SFMTA conducted its own concurrent, updated safety awareness campaign, coinciding with the launch of the Pilot.
Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]	F2	The successful expansion of marked and protected bike lanes represents an opportunity to include signage indicating bike lanes are also for use by e-scooter riders. There is no signage currently indicating where e-scooters should ride, and insufficient signage to discourage riding on sidewalks.	Mayor [September 15, 2019]	Agree with the finding		R2	Signage, stencils, visual symbols illustrating e-scooters, and/or other messaging should be provided to remind mobility device riders that these lanes are available for them to use. Further, additional visual symbols should be added on sidewalks and High-Injury Networks to discourage sidewalk use by e-scooters. The visual design(s) should be developed and implemented by SFMTA no later than June 30, 2020.	Mayor [September 15, 2019]	Requires further analysis	While scooters are permitted to use bicycle lanes, the lanes themselves are legislated as "bicycle lanes." SFMTA adheres to the California Manual on Uniform Traffic Control Devices (CA MUTCD), which provides for uniform standards and specifications for all official traffic control devices in California and governs signs and striping for all public roads in the state. CA MUTCD Section 3D.01 C. defines lane-use markings for bicycle lanes as follows: 1. "Bicycle lane—the preferential lane-use marking for a bicycle lane shall consist of a bicycle symbol or the word marking BIKE LANE (see Chapter 9C and Figures 9C-1 and 9C-3 through 9C-6)." 2. No additional lane-use markings—including scooter markings—are permitted in bicycle lanes at this time, per the CA MUTCD. 3. The CA MUTCD does not currently have signs or stencils for scooters; therefore, the recommended signs and stencils would not be allowed on public roads in San Francisco. Additionally, given that the City has approximately 160 miles of bicycle lanes, adding stencils and signage to all bicycle lanes would be cost prohibitive. SFMTA will investigate the feasibility of adding visual symbols on sidewalks and High-Injury Networks to discourage sidewalk use by e-scooters.
Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]	F3	SF Traffic Company enforcement efforts are currently limited to street vehicular traffic and do not include enforcement of moving violations occurring on sidewalks.	Mayor [September 15, 2019]	Disagree, partially	Traffic Company takes action if/when the officers witness a moving violation by a bicycle, pedestrian, or powered mobility device. However, the enforcement campaigns have focused on vehicular violations, as the vast majority of traffic fatalities are due to motor vehicle violations. Traffic Company's operation-based enforcement sends officers to high-injury corridors to focus on violations relating to speeding, violating pedestrian right-of-way in a crosswalk, running red lights, running stop signs, and failing to yield while turning.	R3	SFPD Traffic Company should implement one or more "Focus on Five" enforcement campaigns that target moving violations by motor vehicles as well as bicycles and powered mobility devices in all traffic lanes, with documented results no later than June 30, 2020.	Mayor [September 15, 2019]	Has been implemented	SFPD Traffic Company has already implemented "Focus on the Five" enforcement campaigns targeting motor vehicles. At the end of June 2019, the Traffic Company formed a team of four motorcycle units called the Vision Zero Enforcement Task Force. Since its inception, this specialized team has written over 400 citations, 99% of which were for Focus on the Five violations.

2018-2019 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

<p>Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]</p>	<p>F4</p>	<p>Injury data collected to-date by Zuckerberg San Francisco General Hospital (ZSFG), SF Department of Public Health (SFDPH), SF Police Department (SFPD), and Pilot permittees categorize types of injuries but not root causes such as damaged infrastructure (potholes or poorly marked lanes), education (inadequate safety and device training), or reckless use (speeding, distracted driving, and/or using sidewalks).</p>	<p>Mayor [September 15, 2019]</p>	<p>Disagree, partially</p>	<p>The City partially disagrees with the finding, as "root cause" data for powered scooter injuries is collected by SFPD on the primary and associated collision factors, which include speeding and other behaviors of people using scooters or driving that are analyzed by SFMTA and SFDPH. SFPD also collects data on inattention factors (distracted driving) and cell phone use, as determinable by the reporting officer. In addition, SFPD's Traffic Collision Investigative Unit, DPH, and SFMTA have implemented a rapid response system within 72 hours of fatal collisions to discuss cause(s) of collision and related factors. We agree that information on damaged infrastructure or education of device user is not readily captured from available injury data sources to inform analyses.</p>	<p>R4</p>	<p>ZSFG, SFDPH, SFPD, and TNCs should collectively improve injury data reporting to better support root cause analyses. SFMTA and the SFDPH should develop and oversee the revised data collection efforts and prepare a data acquisition plan for review by the above referenced organizations no later than June 30, 2020.</p>	<p>Mayor [September 15, 2019]</p>	<p>Will be implemented</p>	<p>SFDPH, SFMTA, and ZSFG will coordinate to develop a data acquisition plan to improve data collection on factors associated with injury not currently captured in injury data sources, including e-scooter user education and infrastructure factors, by June 30, 2020. The plan will include data sharing with SFPD, as permissible, to inform safety efforts.</p>
<p>Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]</p>	<p>F5</p>	<p>The Pilot terms between the City and permittees require them to indemnify the City from injury and damage claims. However, Scoot and Skip Terms of Service put responsibility for injury, damage, and equipment inspection on the User.</p>	<p>Mayor [September 15, 2019]</p>	<p>Disagree, partially</p>	<p>It is correct that the permittees in the City's Powered Scooter Share Pilot Program, including Skip and Scoot, are required to indemnify the City. While Scoot and Skip in their Terms of Service pass down responsibility for liability to their individual users, Scoot and Skip are still each primarily responsible to the City through the indemnity for any claims against the City related to activity authorized under the respective operator's permit with the City.</p>	<p>R5</p>	<p>SFMTA, City Attorney, and TNCs should review and if necessary modify the City-Permittee agreement, the TNC-User agreement, and any other related agreements to assure that responsibility for risk management is allocated to the party/parties best able to manage such risks. This review and potential modification of terms across all agreements should be initiated prior to the end of the existing Pilot. Any necessary revisions should be incorporated and implemented in all agreements for the replacement program to follow at the conclusion of the Pilot.</p>	<p>Mayor [September 15, 2019]</p>	<p>Has been implemented</p>	<p>The City Attorney's Office has reviewed, in consultation with SFMTA, the City permits, the agreements between the Powered Scooter Share Operators and their users, and the Skip Charger Agreement referenced in the report before the end of the existing Pilot Program. The City Attorney's Office has specifically reviewed, in consultation with SFMTA, whether to modify the permit terms to fill any potential gap in responsibility between the Powered Scooter Share Operators and their independent contractors. At the end of July 2019, SFMTA issued a new permit application for the replacement permit program, and SFMTA anticipates issuing the next round of permits with a term to commence after the Pilot Program concludes in mid-October 2019. The permit application contains anticipated terms and conditions for the new program, and includes the following new clause in the permit terms to address any potential gap in responsibility between permittee and its independent contractors for obligations under the permit: Permittee may subcontract or delegate portions of its obligations only upon prior written approval of SFMTA. Permittee is responsible for, and must supervise, its personnel and all subcontractors, including independent contractors, who perform obligations under the permit. Any agreement</p>

2018-2019 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019)	F6	Current terms and conditions in the Skip agreement expose a contractual gap that delegates initial responsibility for scooter inspection and maintenance to their independent contractors, Skip Rangers, who receive no specific training from Skip. Scoot, however, hires and trains its employees to provide the inspection and maintenance services.	Mayor [September 15, 2019]	Disagree, partially	While it appears that the Skip Charger Agreement referenced in the report does not contain an express training requirement, that omission does not necessarily mean that the Skip Rangers lack the requisite training or experience to properly inspect its scooters. Moreover, SFMTA understands that the Skip Rangers are made up of 80% independent contractors and 20% Skip employees, and that Skip employees are trained.	R5	SFMTA, City Attorney, and TNCs should review and if necessary modify the City-Permittee agreement, the TNC-User agreement, and any other related agreements to assure that responsibility for risk management is allocated to the party/parties best able to manage such risks. This review and potential modification of terms across all agreements should be initiated prior to the end of the existing Pilot. Any necessary revisions should be incorporated and implemented in all agreements for the replacement program to follow at the conclusion of the Pilot.	Mayor [September 15, 2019]	Has been implemented	The City Attorney's Office has reviewed, in consultation with SFMTA, the City permits, the agreements between the Powered Scooter Share Operators and their users, and the Skip Charger Agreement referenced in the report before the end of the existing Pilot Program. The City Attorney's Office has specifically reviewed, in consultation with SFMTA, whether to modify the permit terms to fill any potential gap in responsibility between the Powered Scooter Share Operators and their independent contractors. At the end of July 2019, SFMTA issued a new permit application for the replacement permit program, and SFMTA anticipates issuing the next round of permits with a term to commence after the Pilot Program concludes in mid-October 2019. The permit application contains anticipated terms and conditions for the new program, and includes the following new clause in the permit terms to address any potential gap in responsibility between permittee and its independent contractors for obligations under the permit: Permittee may subcontract or delegate portions of its obligations only upon prior written approval of SFMTA. Permittee is responsible for, and must supervise, its personnel and all subcontractors, including independent contractors, who perform obligations under the permit. Any agreement
Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019)	F3	SF Traffic Company enforcement efforts are currently limited to street vehicular traffic and do not include enforcement of moving violations occurring on sidewalks.	Chief, San Francisco Police Department [September 15, 2019]	Disagree, partially	Traffic Company takes action if/when the officers witness a moving violation by a bicycle, pedestrian, or powered mobility device. However, the enforcement campaigns have focused on vehicular violations, as the vast majority of traffic fatalities are due to motor vehicle violations. Traffic Company's operation-based enforcement sends officers to high-injury corridors to focus on violations relating to speeding, violating pedestrian right-of-way in a crosswalk, running red lights, running stop signs, and failing to yield while turning.	R3	SFPD Traffic Company should implement one or more "Focus on Five" enforcement campaigns that target moving violations by motor vehicles as well as bicycles and powered mobility devices in all traffic lanes, with documented results no later than June 30, 2020.	Chief, San Francisco Police Department [September 15, 2019]	Has been implemented	SFPD Traffic Company has already implemented "Focus on the Five" enforcement campaigns targeting motor vehicles. At the end of June 2019, the Traffic Company formed a team of four motorcycle units called the Vision Zero Enforcement Task Force. Since its inception, this specialized team has written over 400 citations, 99% of which were for Focus on the Five violations.
Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019)	F4	Injury data collected to-date by Zuckerberg San Francisco General Hospital (ZSFG), SF Department of Public Health (SFDPH), SF Police Department (SFPD), and Pilot permittees categorize types of injuries but not root causes such as damaged infrastructure (potholes or poorly marked lanes), education (inadequate safety and device training), or reckless use (speeding, distracted driving, and/or using sidewalks).	Chief, San Francisco Police Department [September 15, 2019]	Disagree, partially	The City partially disagrees with the finding, as "root cause" data for powered scooter injuries is collected by SFPD on the primary and associated collision factors, which include speeding and other behaviors of people using scooters or driving that are analyzed by SFMTA and SFDPH. SFPD also collects data on inattention factors (distracted driving) and cell phone use, as determinable by the reporting officer. In addition, SFPD's Traffic Collision Investigative Unit, DPH, and SFMTA have implemented a rapid response system within 72 hours of fatal collisions to discuss cause(s) of collision and related factors. We agree that information on damaged infrastructure or education of device user is not readily captured from available injury data sources to inform analyses.	R4	ZSFG, SFDPH, SFPD, and TNCs should collectively improve injury data reporting to better support root cause analyses. SFMTA and the SFDPH should develop and oversee the revised data collection efforts and prepare a data acquisition plan for review by the above referenced organizations no later than June 30, 2020.	Chief, San Francisco Police Department [September 15, 2019]	Will be implemented	SFDPH, SFMTA, and ZSFG will coordinate to develop a data acquisition plan to improve data collection on factors associated with injury not currently captured in injury data sources, including e-scooter user education and infrastructure factors, by June 30, 2020. The plan will include data sharing with SFPD, as permissible, to inform safety efforts.

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<p>Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]</p>	<p>F1</p>	<p>The Pilot permittees advocate for safe behavior education for riders through community events and their web sites. However, SFMTA has not provided its own concurrent, updated safety awareness campaign.</p>	<p>Director, San Francisco Municipal Transportation Agency [September 15, 2019]</p>	<p>Disagree, wholly</p>	<p>The SFMTA conducted its own concurrent, updated safety awareness campaign, coinciding with the launch of the Pilot in October 2018. The campaign outreach included graphics that demonstrated safe and unsafe behaviors while riding a scooter, and "Dos and Don'ts" ads placed on the exterior and interior of MUNI buses and light rail vehicles. SFMTA distributed campaign information to Scoot and Skip, who shared them with users and the public, and shared the digital version with the Board of Supervisors and community partners. Also, SFMTA Taxi Enforcement staff distributed campaign information to the public while in the field issuing scooter citations.</p>	<p>R1</p>	<p>SFMTA in coordination with Vision Zero SF should design a public safety campaign regarding e-scooter use, laws, safety and helmet use. This campaign should include TNC participation and utilize various means of outreach including ads on MUNI trains, buses, shelters, social media, and TNC apps no later than June 30, 2020.</p>	<p>Director, San Francisco Municipal Transportation Agency [September 15, 2019]</p>	<p>Has been implemented</p>	<p>The recommendation was implemented in October 2018. SFMTA conducted its own concurrent, updated safety awareness campaign, coinciding with the launch of the Pilot. Some details on this campaign are as follows: 1. Graphics demonstrate safe and unsafe behaviors while riding a scooter. 2. Developed "Dos and Don'ts" exterior and interior ads on MUNI buses and light rail vehicles, which ran city-wide for at least one month, beginning in October 2018. 3. Total impressions: 2,760,000 (metric measuring how many potential people saw the bus ad during the 4 week run). 4. Also developed printed collateral, printed 3,000 palm cards. 5. Distributed to Scoot and Skip, who then distributed them to users and the public. 6. SFMTA Taxi Enforcement staff also distributed them to the public while in the field issuing scooter citations. 7. Digital version distributed to Board of Supervisors and community partners (Lighthouse for the Blind, Independent Living Resource Center, Senior and Disability Action, DPW, Mayor's Office on Disability). 8. The scooter education campaign also ran on Vision Zero SF social media (Facebook and Twitter) and reached an additional 1,500</p>
<p>Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]</p>	<p>F2</p>	<p>The successful expansion of marked and protected bike lanes represents an opportunity to include signage indicating bike lanes are also for use by e-scooter riders. There is no signage currently indicating where e-scooters should ride, and insufficient signage to discourage riding on sidewalks.</p>	<p>Director, San Francisco Municipal Transportation Agency [September 15, 2019]</p>	<p>Agree with the finding</p>	<p></p>	<p>R2</p>	<p>Signage, stencils, visual symbols illustrating e-scooters, and/or other messaging should be provided to remind mobility device riders that these lanes are available for them to use. Further, additional visual symbols should be added on sidewalks and High-Injury Networks to discourage sidewalk use by e-scooters. The visual design(s) should be developed and implemented by SFMTA no later than June 30, 2020.</p>	<p>Director, San Francisco Municipal Transportation Agency [September 15, 2019]</p>	<p>Requires further analysis</p>	<p>While scooters are permitted to use bicycle lanes, the lanes themselves are legislated as "bicycle lanes." SFMTA adheres to the California Manual on Uniform Traffic Control Devices (CA MUTCD), which provides for uniform standards and specifications for all official traffic control devices in California and governs signs and striping for all public roads in the state. CA MUTCD Section 3D.01 C. defines lane-use markings for bicycle lanes as follows: 1. "Bicycle lane—the preferential lane-use marking for a bicycle lane shall consist of a bicycle symbol or the word marking BIKE LANE (see Chapter 9C and Figures 9C-1 and 9C-3 through 9C-6)." 2. No additional lane-use markings—including scooter markings—are permitted in bicycle lanes at this time, per the CA MUTCD. 3. The CA MUTCD does not currently have signs or stencils for scooters; therefore, the recommended signs and stencils would not be allowed on public roads in San Francisco. Additionally, given that the City has approximately 160 miles of bicycle lanes, adding stencils and signage to all bicycle lanes would be cost prohibitive. SFMTA will investigate the feasibility of adding visual symbols on sidewalks and High-Injury Networks to discourage sidewalk use by e-scooters.</p>

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<p>Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]</p>	<p>F4</p>	<p>Injury data collected to-date by Zuckerberg San Francisco General Hospital (ZSFG), SF Department of Public Health (SFDPH), SF Police Department (SFPD), and Pilot permittees categorize types of injuries but not root causes such as damaged infrastructure (potholes or poorly marked lanes), education (inadequate safety and device training), or reckless use (speeding, distracted driving, and/or using sidewalks).</p>	<p>Director, San Francisco Municipal Transportation Agency [September 15, 2019]</p>	<p>Disagree, partially</p>	<p>The City partially disagrees with the finding, as "root cause" data for powered scooter injuries is collected by SFPD on the primary and associated collision factors, which include speeding and other behaviors of people using scooters or driving that are analyzed by SFMTA and SFDPH. SFPD also collects data on inattention factors (distracted driving) and cell phone use, as determinable by the reporting officer. In addition, SFPD's Traffic Collision Investigative Unit, DPH, and SFMTA have implemented a rapid response system within 72 hours of fatal collisions to discuss cause(s) of collision and related factors. We agree that information on damaged infrastructure or education of device user is not readily captured from available injury data sources to inform analyses.</p>	<p>R4</p>	<p>ZSFG, SFDPH, SFPD, and TNCs should collectively improve injury data reporting to better support root cause analyses. SFMTA and the SFDPH should develop and oversee the revised data collection efforts and prepare a data acquisition plan for review by the above referenced organizations no later than June 30, 2020.</p>	<p>Director, San Francisco Municipal Transportation Agency [September 15, 2019]</p>	<p>Will be implemented</p>	<p>SFDPH, SFMTA, and ZSFG will coordinate to develop a data acquisition plan to improve data collection on factors associated with injury not currently captured in injury data sources, including e-scooter user education and infrastructure factors, by June 30, 2020. The plan will include data sharing with SFPD, as permissible, to inform safety efforts.</p>
<p>Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]</p>	<p>F5</p>	<p>The Pilot terms between the City and permittees require them to indemnify the City from injury and damage claims. However, Scoot and Skip Terms of Service put responsibility for injury, damage, and equipment inspection on the User.</p>	<p>Director, San Francisco Municipal Transportation Agency [September 15, 2019]</p>	<p>Disagree, partially</p>	<p>It is correct that the permittees in the City's Powered Scooter Share Pilot Program, including Skip and Scoot, are required to indemnify the City. While Scoot and Skip in their Terms of Service pass down responsibility for liability to their individual users, Scoot and Skip are still each primarily responsible to the City through the indemnity for any claims against the City related to activity authorized under the respective operator's permit with the City.</p>	<p>R5</p>	<p>SFMTA, City Attorney, and TNCs should review and if necessary modify the City-Permittee agreement, the TNC-User agreement, and any other related agreements to assure that responsibility for risk management is allocated to the party/parties best able to manage such risks. This review and potential modification of terms across all agreements should be initiated prior to the end of the existing Pilot. Any necessary revisions should be incorporated and implemented in all agreements for the replacement program to follow at the conclusion of the Pilot.</p>	<p>Director, San Francisco Municipal Transportation Agency [September 15, 2019]</p>	<p>Has been implemented</p>	<p>The City Attorney's Office has reviewed, in consultation with SFMTA, the City permits, the agreements between the Powered Scooter Share Operators and their users, and the Skip Charger Agreement referenced in the report before the end of the existing Pilot Program. The City Attorney's Office has specifically reviewed, in consultation with SFMTA, whether to modify the permit terms to fill any potential gap in responsibility between the Powered Scooter Share Operators and their independent contractors. At the end of July 2019, SFMTA issued a new permit application for the replacement permit program, and SFMTA anticipates issuing the next round of permits with a term to commence after the Pilot Program concludes in mid-October 2019. The permit application contains anticipated terms and conditions for the new program, and includes the following new clause in the permit terms to address any potential gap in responsibility between permittee and its independent contractors for obligations under the permit: Permittee may subcontract or delegate portions of its obligations only upon prior written approval of SFMTA. Permittee is responsible for, and must supervise, its personnel and all subcontractors, including independent contractors, who perform obligations under the permit. Any agreement</p>

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<p>Pedestrian Safety in the Era of Electric Mobility Devices [July 17, 2019]</p>	<p>F6</p>	<p>Current terms and conditions in the Skip agreement expose a contractual gap that delegates initial responsibility for scooter inspection and maintenance to their independent contractors, Skip Rangers, who receive no specific training from Skip. Scoot, however, hires and trains its employees to provide the inspection and maintenance services.</p>	<p>Director, San Francisco Municipal Transportation Agency [September 15, 2019]</p>	<p>Disagree, partially</p>	<p>While it appears that the Skip Charger Agreement referenced in the report does not contain an express training requirement, that omission does not necessarily mean that the Skip Rangers lack the requisite training or experience to properly inspect its scooters. Moreover, SFMTA understands that the Skip Rangers are made up of 80% independent contractors and 20% Skip employees, and that Skip employees are trained.</p>	<p>R5</p>	<p>SFMTA, City Attorney, and TNCs should review and if necessary modify the City-Permittee agreement, the TNC-User agreement, and any other related agreements to assure that responsibility for risk management is allocated to the party/parties best able to manage such risks. This review and potential modification of terms across all agreements should be initiated prior to the end of the existing Pilot. Any necessary revisions should be incorporated and implemented in all agreements for the replacement program to follow at the conclusion of the Pilot.</p>	<p>Director, San Francisco Municipal Transportation Agency [September 15, 2019]</p>	<p>Has been implemented</p>	<p>The City Attorney's Office has reviewed, in consultation with SFMTA, the City permits, the agreements between the Powered Scooter Share Operators and their users, and the Skip Charger Agreement referenced in the report before the end of the existing Pilot Program. The City Attorney's Office has specifically reviewed, in consultation with SFMTA, whether to modify the permit terms to fill any potential gap in responsibility between the Powered Scooter Share Operators and their independent contractors. At the end of July 2019, SFMTA issued a new permit application for the replacement permit program, and SFMTA anticipates issuing the next round of permits with a term to commence after the Pilot Program concludes in mid-October 2019. The permit application contains anticipated terms and conditions for the new program, and includes the following new clause in the permit terms to address any potential gap in responsibility between permittee and its independent contractors for obligations under the permit: Permittee may subcontract or delegate portions of its obligations only upon prior written approval of SFMTA. Permittee is responsible for, and must supervise, its personnel and all subcontractors, including independent contractors, who perform obligations under the permit. Any agreement</p>
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