

30 June, 2008

Chief Heather Fong
San Francisco Police Department
Hall of Justice
850 Bryant Street
San Francisco, CA 94103

Dear Chief Fong:

On behalf of the San Francisco Bicycle Coalition's 9,000 members, I am writing to express our concerns about the San Francisco Police Department's efforts to maintain streets that are safe and welcoming for all modes and users, and to ask that the SFPD bring a renewed, serious, and thorough effort to this work. We want to share with you our suggestions for more meaningful and effective enforcement priorities, adequate staffing and resource allocation to effect these priorities, elimination of bias against bicyclists, and engagement in the City's Master Bicycle Plan process. We also request a meeting with you to discuss these matters further.

We know that you share our commitment to the Mayor's and the Board of Supervisors' ambitious goals for more and safer everyday bicycling, as well as environmental protection, public health, and congestion relief. We cannot achieve these goals without the SFPD's real commitment and engagement in shaping a safer and more welcoming environment for bicycle traffic in San Francisco.

It is essential to note that the *perception* of bicycling safety is as important as the objective, statistical measure of bicycling safety. We are pleased that bicycling in San Francisco is already relatively safe, though much more can and must be done to improve that safety. But to the extent that the general public perceives bicycling to be an irresponsibly dangerous activity engaged in only by reckless scofflaws, it discourages participation by more moderate and responsible people who would bring improved safety and courtesy to the streets, both through sheer numbers and a broadening demographic.

Let me describe significant problems we continue to witness ourselves and hear about from our members:

Haphazard and under-committed enforcement of traffic safety, especially for the most vulnerable users – To the best of our knowledge, the SFPD's public safety program for vulnerable road users (pedestrians and bicyclists) is planned and led

by a single sergeant in the Traffic Company and is funded entirely by grants which that sergeant seeks and manages by himself (with some help from the Dept. of Public Health). However admirable this officer's efforts may be, it hardly suits a city of San Francisco's stature and aspirations to leave such a serious public safety task to a single overworked line officer.

Other bicycle-focused SFPD enforcement efforts appear arbitrary and misguided. Following a bicyclist fatality last month (5/21/08), the SFBC received a burst of phone calls and emails from bicyclists who had been cited for STOP sign violations. In most of those cases the citing officer told the cyclist that the enforcement attention was a response to the recent fatality, despite the lack of correlation with the actual circumstances of that fatality (and in several instances we were told that motorists in the vicinity of the cited cyclist were failing to stop just as overtly, without any citation attention). Going from lax enforcement to random, arbitrary enforcement doesn't constitute a strategy – if anything, it erodes respect for the law and discourages responsible behavior by all parties.

Ongoing bias against bicyclists among SFPD staff – Even before the recent publication of Captain Greg Corrales' inappropriate and inflammatory remarks about bicyclists and the law in the *San Francisco Examiner* (June 18, 2008, attached), our concerns about continuing SFPD bias against bicyclists were growing. I will leave a more thorough consideration of Capt. Corrales' careless and destructive statements to a report from the SF Bicycle Advisory Committee (BAC), but will note that even when Capt. Corrales was given the opportunity by the BAC to correct or substantiate statements and opinions attributed to him in the *Examiner* story (prejudicial generalizations and speculations about bicyclist behavior), he effectively confirmed those statements as his own. When pressed by the BAC, he was unable to cite any evidence that bicyclists rarely obey traffic laws, or that only a small minority of cyclists actually obey the law, or that bicyclists operate with a sense of entitlement. He maintained that these were simply his personal opinions, based on "common sense", and discounted any special responsibility he might have to speak with care as the city's primary traffic safety officer. We find this alarming and unacceptable. By promoting negative perceptions of the bicycling public, Capt. Corrales is lessening the general public's acknowledgement of our rights on the road and is, literally, endangering those of us who choose to bicycle in this city.

We continue to hear far too often that many SFPD officers disregard cyclists' rights and attribute fault in crashes and traffic incidents to cyclists even without knowing the facts of the incident. Such continuing bias against bicyclists within the SFPD complicates better public safety efforts within the department, as well as reinforcing public misperceptions about the legitimacy and safety of bicycling as an everyday transportation choice in the city.

Blocked bicycle lanes and general right-of-way – Double-parking in and out of bike lanes is poorly enforced, and the ongoing failure to coordinate between the

SFPD and MTA permits abdication of enforcement responsibility. The city's bike route network is already too frail and discontinuous, even with clear right-of-way; we cannot afford to neglect efforts to keep bicycle right-of-way open and safe.

We therefore urge the SFPD to focus enforcement on a few fundamental problems and work toward measurable improvement, as well as developing a meaningful, factual basis for enforcement effort. Following are the enforcement areas we recommend be emphasized in order to better protect our city's most vulnerable road users:

Excessive speeding – The record plainly shows that speed kills. A 15 MPH car-bike collision is bad but generally non-lethal, while a 45 MPH car-bike crash is likely to result in a fatality. The SFPD must make a serious, concerted, citywide effort to bring prevailing traffic speeds down to posted limits, for everyone's sake. Controlling excessive speed is the most important overall traffic safety intervention the SFPD can make for *all* road users, and it must be carried out with consistency and rigor.

Again, the perception of safety is very important – even if 99.9% of those speeding cars don't crash into anyone, the danger they bring to the streetscape intimidates more people from choosing to travel by bike or on foot. To the extent that we allow streets to seem too dangerous to walk or bike on, we drive away those additional walkers and bikers who would improve the safety of the streets and bring all of the other benefits that the City seeks to realize for environmental protection, traffic congestion, and public health.

Failure to yield – Not only do most bicyclist and pedestrian injuries and fatalities result from failure to yield right-of-way, but rampant uncited "right-of-way theft" by all road users (including bicyclists) nurtures a perception of anarchy and permissiveness, that "anything goes" on the streets, which in turn gives license to further misbehavior, ranging from simply discourteous to gravely dangerous. Motorists must take their turn and give way to bicyclists and pedestrians at intersections before turning, instead of bullying their way (consciously or distractedly) through the turn. Likewise, bicyclists must take their turn and yield the right-of-way to all users as appropriate, stopping for pedestrians and motorists and other cyclists alike.

At the same time, we ask that the SFPD **de-prioritize enforcement of bicyclists' failure to stop at STOP signs and red lights, where no right-of-way theft occurs.** The letter of the law on "failure to stop" rules for bicycle traffic is a blunt instrument and does not serve public safety; it is the failure to yield that brings danger and disrespect. An absolute dead stop is often unnecessary for safety and courtesy, it is the turn-taking that is essential.

The SFBC will enthusiastically join SFPD efforts for meaningful and appropriate enforcement based on a true "failure to yield" principle – if someone on a bicycle runs a STOP sign and cuts off a person in a crosswalk or steals a motorist's right-of-way, we'll be there cheering on the SFPD officer writing the citation. But STOP sign citations without a victim will never have our support, nor will they meaningfully serve our common goals of safer streets for all.

Double-parking and blocked bike lanes – In spite of its commitments to more and safer routine bicycling, the City has made fitful progress on providing right-of-way for bicyclists in the form of bike lanes, and has been stopped for over two years in making any further improvements to its bicycle route network. But even these few hard-won bike facilities are routinely compromised by brazen standing and double-parking by motor vehicles. Again, this is a serious problem both in terms of objective safety and the perception of safety and the regard given by the city to bicycling as a legitimate transportation choice. We ask that the SFPD make enforcement of bike lanes a higher priority as soon as possible.

Commence a direct and well-publicized campaign focusing on enforcement of motorists' violations of vulnerable users' right-of-way, based on the recent Chicago example – As you may know, other cities are stepping up their efforts to protect and encourage bicycling as a routine transportation choice. At the direction of Mayor Richard Daley, the city of Chicago has raised fines for motorists who endanger bicyclists and clarified situations where bikes have the right-of-way. I have enclosed information about Chicago's efforts here for your further review. We believe this is a worthwhile model for the SFPD to emulate, and we look forward to the opportunity to help you craft and launch this.

Deal with bias and perception problems head-on – Capt. Corrales may have his own personal opinions on scofflaw bicyclists, but they do not belong in the public discourse and they must not set the tone for the SFPD's work to encourage more and safer bicycling in San Francisco. The SFPD "Bikes Belong in Traffic" training video now in use, which we were pleased to work cooperatively with the SFPD to produce, is helpful to the extent that a passive educational experience can be, but clearly the SFPD must do much more to engender a fair and just treatment of bicycle riders as legitimate users of the city's streets. More and better observation of the actual streetscape environment (on foot and on bicycle), coupled with more and better analysis of traffic peril (both perceived and actual), would lead to a more realistic and fair understanding of the issues facing bicyclists in San Francisco.

Join the Bicycle Master Plan process – The City is currently updating its Bicycle Master Plan, and the time is ripe to get the Enforcement and Safety elements of this essential plan right. When the Bike Plan was updated in 2004, the SFPD was involved inconsistently and distractedly, with no "can do" figures present at the

[SF Bicycle Coalition letter to SFPD Chief Fong, 30 June 2008]

table. This Bike Plan is the City's official strategy and action plan for reaching its ambitious targets for more and safer everyday bicycling, and the SFPD must participate actively to insure that the City will meet its goals.

Please consider this a formal request for a meeting to discuss these matters more thoroughly. As always, the SFBC is available and eager to help the SFPD in its essential work for a safer city for all of its residents and visitors. I look forward to meeting with you and your staff to discuss these issues and hope that we can continue to move this great city toward a better tomorrow.

Sincerely,

Andy Thornley
Program Director
San Francisco Bicycle Coalition

cc: Mayor Gavin Newsom
Wade Crowfoot, Mayor's Office
Theresa Sparks, San Francisco Police Commission
Bert Hill, San Francisco Bicycle Advisory Committee
Nathaniel Ford, San Francisco Municipal Transportation Agency
Antonio Parra, San Francisco Municipal Transportation Agency / SFPD
Oliver Gajda, San Francisco Municipal Transportation Agency
Supervisor Ross Mirkarimi
Supervisor Sean Elsbernd

Chicago Department of Transportation website
March, 2008

City Council approves bicycle safety ordinances Ordinances target dangerous driving behavior

The Chicago City Council in March unanimously approved new, comprehensive measures designed to improve bicycle safety throughout the city.

The ordinances target many motorist actions that cause bicycle crashes and establish fines to discourage that dangerous driving behavior.

The ordinances establish fines for:

- turning left or right in front of a bicyclist
- passing a bicyclist with less than three feet of space
- opening a vehicle door into the path of a bicyclist

They also establish a fine for double parking in a marked shared lane, and increase the fine for driving, standing or parking in a bicycle lane.

Each of the above violations carries a minimum \$150 fine, increasing to a \$500 fine if the violation results in a bicycle crash.

More than 6,000 crashes between bicycles and motor vehicles were reported in Chicago between 2001 and 2005, with 30 bicyclists killed. "Establishing clear, meaningful penalties for these dangerous driving behaviors will help prevent injuries and save lives," said CDOT Commissioner Thomas G. Byrne said.

Increasing bicycle use and reducing the number of bicycle-related injuries are key strategies of Chicago's Bike 2015 Plan, the master plan guiding bicycling-related planning and development. Chicago has earned national recognition for its comprehensive bike program, which has brought the City more than 115 miles of bike lanes, more than 10,000 bike parking racks and Mayor Daley's Bicycling Ambassadors, the largest bike safety outreach program in the country.

Chicago Sun-Times
June 23, 2008

Pro-cyclist crackdown nets 233 tickets

A three-month-old ordinance targeting motorists who endanger bicycle riders has so far netted 233 citations, including 95 for improper left turns and 11 for driving on bicycle paths, Chicago Police said.

"It's a good start. It shows that they're taking it seriously," said Rob Sadowsky, executive director of the Chicagoland Bicycle Federation.

"I'm a little surprised, actually."

The ordinance, pushed by bike enthusiast Mayor Daley, raised fines for motorists who endanger bicyclists and clarified situations where bikes have the right of way.

The citations were issued between March 12 and May 31. Five bicyclists had been killed in collisions with vehicles in Chicago this year.

Sadowsky said drivers, bicyclists and pedestrians all have to exercise more care. He said he thinks the best news pedestrians and cyclists have had lately was not the ordinance, but the police sting targeting drivers who didn't stop for a cop posing as a pedestrian in the crosswalk.

"That will have a great application for bicyclists as well, because now we get people saying, 'Wow, they're actually looking at the rules of the road,'" Sadowsky said.

2008 Bicycle Safety Ordinance

Summary and Description

The Chicago Department of Transportation recommends establishing fines in the Municipal Code of Chicago for key motorist behaviors that cause bicycle crashes. More than 6,000 crashes between bicycles and motor vehicles were reported in Chicago between 2001 and 2005, with 30 bicyclists killed. Certain motorist behaviors are more likely to cause bicycle crashes, according to national studies. Establishing clear, meaningful penalties for these behaviors will help prevent injuries and save lives.

Penalties for Bicycle Safety Violations

Proposed Section 9-4-025

- This section establishes fines for violating the following proposed ordinances.
- Each violation will be classified as a petty offence with a \$150.00 fine, increasing to a \$500.00 fine if the motorist violation results in a bicycle crash.

Failure to Exercise Due Care

Proposed Section 9-40-160

- Includes bicyclists under the existing ordinance that protects pedestrians from careless driving.
- Brings consistency with a similar Illinois statute. *See 625 ILCS 5/11-1003.*
- Simplifies procedure for police to issue tickets and for prosecutors to bring charges when bicyclists are struck by motorists.

Turning Left or Right in Front of a Bicyclist

Proposed Sections 9-16-020 (e), (f)

- Clarifies that motorists must yield to bicyclists when turning left at an intersection, as they would to any other approaching vehicle.
- Prohibits a right turn in front of a bicyclist, similar to the Illinois statute prohibiting a right turn in front of a mass transit bus. *See 625 ILCS 5/11-801(c).*



Continued on next page

Overtaking a Bicyclist at an Unsafe Distance

Proposed Section 9-36-010 (c)

- Defines 3 feet as the minimum safe distance for motorists to leave when overtaking any bicycle or person on the roadway.
- Brings consistency with a similar, new Illinois statute. *See 625 ILCS 5/11-703 (d).*



Opening a Vehicle Door into the Path of a Bicyclist

Proposed Section 9-80-35

- Brings consistency with a similar, existing Illinois statute that prohibits opening a vehicle door into moving traffic. *See 625 ILCS 5/11-1407.*



Driving, Standing or Parking Bike Lanes or Marked Shared Lanes

Proposed Section 9-40-060

- Increases the existing fine for driving, parking or standing in bike lanes (see bottom left) from \$100.00 to \$150.00, the first increase for this violation since its establishment in 1999.
- Establishes a \$150.00 penalty for double parking in a marked shared lane because of the danger to bicyclists (see bottom right). Double parking fines are usually \$100.00.

