



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY EXECUTIVE

File #: 23-810

Board Meeting Date: 10/3/2023

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Michael P. Callagy, County Executive
Subject: Board of Supervisors Response to 2022-23 Civil Grand Jury Report "Bike Safety in San Mateo County: Making Bicycling Safer in the County"

RECOMMENDATION:

Approve the Board of Supervisors' response to the 2022-23 Civil Grand Jury Report "Bike Safety in San Mateo County: Making Bicycling Safer in the County."

BACKGROUND:

On July 10, 2023, the 2022-23 San Mateo County Civil Grand Jury issued a report titled "Bike Safety in San Mateo County: Making Bicycling Safer in the County" (Report). The Board of Supervisors (Board) is required to submit comments on the findings and recommendations pertaining to the matters over which it has decision-making authority within 90 days. The Board's response to the Report is due to the Honorable Nancy L. Fineman, Judge of the Superior Court of California, County of San Mateo, no later than October 10, 2023.

DISCUSSION:

The Report requests that the County respond to eight (8) findings and seven (7) recommendations, the Board's responses to each are as follows:

FINDINGS

Finding 1:

Bicycle policy and the approach to ensuring/improving bicycle safety is not consistent across San Mateo County due, at least in part, to:

- a) Topography
- b) Urban vs. suburban environments
- c) Types of bicyclists (commuter, recreational)
- d) Varying levels of enforcement of bicycle laws
- e) Differing knowledge of bicycle laws and safe practices.

Response: The County ***partially agrees*** with this Finding, as diverse circumstances throughout San Mateo County result in differing approaches to ensuring/improving bicycle

safety. However, the County does not exercise control over other municipalities in San Mateo County and, therefore, does not respond to this Finding on their behalf.

Finding 2:

Bicycle ridership as an alternative means of transportation (e.g., commuting to work, school, or transit hubs, running errands) is not increasing due, at least in part, to perceived safety issues.

Response: The County *neither agrees nor disagrees* with this Finding, as it pertains to the County, due to lack of data on the reasons affecting ridership trends.

Finding 3:

Bicycle accidents and incidents (such as near misses) are underreported, if reported at all.

Response: The County *neither agrees nor disagrees* with this Finding, as it pertains to the County, due to lack of data on reported bicycle accidents and incidents throughout San Mateo County.

Finding 4:

Only bicycle accidents or incidents that trigger a 911 call are consistently logged in the State (SWITRS) database and law enforcement agencies do not log bicycle accident data consistently.

Response: The County *disagrees* with this Finding, as it pertains to the County. Responding on behalf of the San Mateo County Sheriff's Office (SMCSO), any accident reported to the SMCSO is logged into SWITRS. The SMCSO logs, takes a report, and uploads into SWITRS all reported accidents or incidents whether or not they are received by 911 call. However, the County does not exercise control over other law enforcement agencies throughout San Mateo County and, therefore, does not respond to this Finding on their behalf.

Finding 5:

The amount of enforcement of laws, as they pertain to bicyclists and how motorists and bicyclists interact, is inconsistent due to other priorities (e.g., criminal enforcement and general automobile traffic) and the requirement that a citation can generally only be written if the violation is witnessed by an officer.

Response: The County *disagrees* with this Finding, as it pertains to the County. Responding on behalf of the SMCSO, the County first disagrees that the amount of enforcement of applicable laws is due to other priorities, as the SMCSO enforces the Penal Code and Vehicle Code as consistently, fairly, and impartially as possible with its available public safety resources. The volume and types of calls for service for various incidents (vehicular and non-vehicular) received on a day-to-day basis affect the amount of enforcement of laws pertaining to bicycle/motor vehicle interaction. Second, the County is unaware of any data supporting the assertion that the amount of enforcement of such laws is inconsistent due to the requirement imposed by the Penal Code that a citation may only be issued if the infraction is witnessed by an officer. However, the County does not exercise control over other law enforcement agencies throughout San Mateo County and, therefore, does not respond to this Finding on their behalf.

Finding 6:

There is no official metric in San Mateo County and its cities to evaluate how safe it is to ride a

bicycle.

Response: The County **agrees** with this Finding. However, the County does not exercise control over other municipalities in San Mateo County and, therefore, does not respond to this Finding on their behalf.

Finding 7:

Bicycle safety education, for the bicyclist, pedestrians, and motorists, is not consistently offered across San Mateo County.

Response: The County **neither agrees nor disagrees** with this Finding. The San Mateo County Office of Education (SMCOE) offers bicycle and pedestrian safety education at schools throughout the County. The County does not have sufficient data on the types of bicycle / pedestrian / motorist education offered by other entities and organizations throughout the various jurisdictions within the County to determine whether such education is consistently offered. However, the County does not exercise control over other municipalities in San Mateo County and, therefore, does not respond to this Finding on their behalf.

Finding 8:

Communication between various entities with responsibility for bicycle safety, including Bicycle and Pedestrian Advisory Committees (BPACs), Law Enforcement, City Transportation Planning, and Public Works departments, is not formalized, resulting in inefficiencies, and missed opportunities (e.g., funding for improvements, shared bike safety education, or improving signage).

Response: The County **partially agrees** with this Finding, as it pertains to the County. While communication could be improved, the City/County Association of Governments (C/CAG), which serves as the congestion management agency for San Mateo County, leads a Congestion Management Program Technical Advisory Committee comprised of County and City engineers and planners that coordinate on transportation matters, and the County's BPAC has also coordinated with other entities on bicycle safety matters during their meetings. The County does not exercise control over other municipalities in San Mateo County and, therefore, does not respond to this Finding on their behalf.

RECOMMENDATIONS

Recommendation 1:

By December 2023, all law enforcement agencies and the County Sheriff should submit bicycle related data to SWITRS monthly, and regularly post and update their websites with all reported bicycle accident data.

Response: *Responding on behalf of the SMCSO, this Recommendation has already been implemented, as the SMCSO submits bicycle collision data to SWITRS in compliance with its reporting requirements, and by the end of December 2023, will begin posting bicycle collision data in its transparency portal, which will be updated cyclically. The County does not exercise control over other law enforcement agencies and, therefore, does not respond to this Recommendation on their behalf.*

Recommendation 2:

By December 2023, all law enforcement agencies should begin sending warning letters to motorists

for violations of the 3 ft. law.

Response: Responding on behalf of the SMCSO, **this Recommendation has already been implemented**, as the SMCSO currently has in place an online process for reporting 3 ft. violation complaints and has been sending warning notices to motorists since May of 2023. The County does not exercise control over other law enforcement agencies and, therefore, does not respond to this Recommendation on their behalf.

Recommendation 3:

By June 3, 2024, all law enforcement agencies should provide a means for citizens to report bicycle-related incidents that are not currently reported to law enforcement, similar to the SMC Sheriff Department Online Crime Reporting portal.

Response: Responding on behalf of the SMCSO, **this Recommendation has already been implemented**. As indicated above in the County's Response to Recommendation 1, the SMCSO submits bicycle collision data to SWITRS in compliance with its reporting requirements and, by the end of December 2023, will begin posting bicycle collision data in its transparency portal. The SMCSO will collaborate with other San Mateo County law enforcement agencies to assist them in creating their own reporting mechanisms upon request. The County does not exercise control over other law enforcement agencies and, therefore, does not respond to this Recommendation on their behalf.

Recommendation 4:

By June 3, 2024, each city, town, and unincorporated SMC should offer a bike safety education program for riders and motorists about the laws and safety facts related to bicycles on the road.

Response: Responding on behalf of the County, **this Recommendation has not yet been implemented** but will be explored by the County in conjunction with C/CAG. The County does not exercise control over other municipalities in San Mateo County and, therefore, does not respond to this Recommendation on their behalf.

Recommendation 5:

By June 3, 2024, each city, town, and unincorporated SMC should update or generate a new Bicycle and Pedestrian Master Plan (or Active Transportation Plan) if their current plan is older than five years; consistent with the 2021 C/CAG San Mateo County Comprehensive Bicycle and Pedestrian Plan.

Response: Responding on behalf of the County, **this Recommendation has already been implemented** through the County's "Unincorporated San Mateo County Active Transportation Plan," which the Board adopted on February 9, 2021. The County does not exercise control over other municipalities in San Mateo County and, therefore, does not respond to this Recommendation on their behalf.

Recommendation 6:

By June 3, 2024, each city, town, and the county should apply (or reapply) online to generate the Bicycle Friendly Community Report Card.

Response: Responding on behalf of the County, **this Recommendation will be explored**.

The County does not exercise control over other municipalities in San Mateo County and, therefore, does not respond to this Recommendation on their behalf.

Recommendation 7:

By February 1, 2024, the County should meet with cities within the County that are willing to participate, to consider establishing a regional effort that integrates the cities' bicycle plans and to discuss how the cities and County could work together to apply for grant opportunities as a region.

Response: *Responding on behalf of the County, **this Recommendation has not yet been implemented but will be explored** by the County in conjunction with C/CAG, the regional congestion management entity for San Mateo County.*

FISCAL IMPACT:

There is no fiscal impact associated with the acceptance of this report.

ATTACHMENTS:

Attachment A: Bike Safety in San Mateo County *Making Bicycling Safer in the County, July 10, 2023*