

August 15, 2023

Honorable Nancy L. Fineman
Judge of the Superior Court
c/o Bianca Fasuescu
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

RE: Response of the Foster City Police Department to the Grand Jury Report “Bike Safety in San Mateo County – Making Bicycling Safer in the County.”

Honorable Nancy L. Fineman;

Thank you for the opportunity to review and comment on the above referenced Grand Jury Report filed on July 10, 2023. The City of Foster City’s response to the findings and recommendations are detailed below.

Responses to Grand Jury Findings:

F1. 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 to F1:

The City of Foster City and the Foster City Police Department agree with this finding, relying on the Grand Jury’s representations in their report.

F2. 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 to F2:

The City of Foster City and the Foster City Police Department agree with this finding, relying on the Grand Jury’s representations in their report.

F3. Bicycle accidents and incidents (such as near misses) are underreported, if reported at all.

- Response to F3:

The City of Foster City and the Foster City Police Department agree with this finding, relying on the Grand Jury's representations in their report.

F4. 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 to F4:

The City of Foster City and the Foster City Police Department partially disagree with this finding, relying on the Grand Jury's representations in their report. It should be noted that each law enforcement agency may handle reporting differently and consistent reporting of bicycle accident data may be accomplished by agencies handling reported accidents and incidents. Also, reported bicycle accidents and incidents may be reported through an agency's business line, although the majority are likely to be reported using 911.

F5. 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 to F5:

The City of Foster City and the Foster City Police Department agree with this finding, relying on the Grand Jury's representations in their report.

F6. There is no official metric in San Mateo County and its cities to evaluate how safe it is to ride a bicycle.

- Response to F6:

The City of Foster City and the Foster City Police Department agree with this finding, relying on the Grand Jury's representations in their report.

F7. Bicycle safety education, for the bicyclist, pedestrians and motorists, is not consistently offered across San Mateo County.

- Response to F7:

The City of Foster City and the Foster City Police Department agree with this finding, relying on the Grand Jury's representations in their report.

F8. 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 to F8:

The City of Foster City and the Foster City Police Department agree with this finding, relying on the Grand Jury's representations in their report.

F9. City Bicycle and Pedestrian Master Plans or Active Transportation Plans, have not been adopted/created by all SMC cities.

- Response to F9:

The City of Foster City and the Foster City Police Department agree with this finding, relying on the Grand Jury's representations in their report.

Responses to Grand Jury Recommendations:

R1. 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 to R1:

The Foster City Police Department (FCPD) currently reports all collisions involving a bicyclist on a public roadway to SWITRS monthly.

A public facing mapping program is in the final stages of development, which will display many reported incidents and approximate locations (block reference) of all collisions, including collisions on public and private property. The FCPD will attempt to have collisions involving bicyclists clearly identified in this mapping program. Information provided to the public through this program will be refreshed daily and will display information for the past 30 days. This program will be prominently displayed on the FCPD website and is expected to be available to the public by September 15, 2023.

R2. By December 2023, all law enforcement agencies should begin sending warning letters to motorists for violations of the 3 ft. law.

- Response to R2:

By the end of December 2023, the FCPD will review the San Mateo County Sheriff's Department's program and consider options that may work for the City of Foster City, the FCPD, and the Foster City community. The City of Foster City and the FCPD recognize the possible value of educating through the issuance of warning letters; all aspects of a possible program will be considered to ensure the appropriateness of a program. Considerations may include the method of verifying the distance between a bicyclist and motor vehicle, any legal concerns that may surround a program, and the feasibility of such a program.

R3. 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's Department Online Crime Reporting portal.

- Response to R3:

By June 3, 2024, the FCPD will add information to the agency website informing community members of their reporting options specific to bicycle-related incidents. This will likely be part of a larger bicycle information portion of the FCPD website, which would be prominently displayed on the agency home page. Reporting options may include telephone, email, and in-person reporting. The FCPD is a full-service agency and will accept any reporting request.

R4. 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 to R4:

The City of Foster City and the FCPD understand the value of offering bike safety information to community members. The FCPD will include bike safety education information as a significant consideration while looking into an addition to the agency website, directed at riders and motorists.

R5. 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 to R5:

In January 2018, the City Council adopted the Bicycle Network Assessment Study prepared by the City's consultant Fehr and Peers. The City has now implemented or incorporated many of the short-term and long-term recommendations from that assessment into future project plans. The City agrees that updating the City's active transportation plans, through the development of a comprehensive Bicycle and Pedestrian Master Plan, is an appropriate next step. However, the process of developing such a plan is longer than the timeframe identified in the recommendation, therefore, the recommendation will be implemented by June 30, 2025.

R6. By June 3, 2024, each city, town, and the county should apply (or reapply) online to generate the Bicycle Friendly Community Report Card.

- Response to R6:

The City of Foster City and the FCPD will not be implementing the Bicycle Friendly Community Report Card program as it's believed the benefits of the program may not warrant any involved cost and Staff time necessary to be included in the program. Considering the City of Foster City's significant and continuous efforts to promote bicycling within the city, to create safe riding and driving conditions for bicyclists and motorists, and to be inclusive of bicyclists as they utilize the City's public roadways and pathways, it's believed the Report Card program is unnecessary; the City of Foster City and the FCPD will remain committed to safe bicycling through established priorities.

R7. 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 to R7:

Foster City is willing to meet with the County to discuss the potential to work together to apply for grant opportunities.