

SAN DIEGO - A BICYCLE FRIENDLY CITY

MANY OPPORTUNITIES FOR IMPROVEMENT

SUMMARY

The designated bicycle paths and lanes in the City of San Diego (City) are often substandard because of their location and relative lack of maintenance. On many streets, the poorly designated bicycle lanes have large gaps. The gaps and lack of maintenance often force cyclists into traffic lanes. Poorly marked bicycle lanes cause accidents. The 2012-2013 San Diego County Grand Jury (Grand Jury) has found that many cyclists are not aware of traffic laws governing bicycle operation. In addition, such traffic laws are often poorly enforced.

The Grand Jury recommends:

- Establishing a dedicated office responsible for the City's conformance to the San Diego Regional Bicycle Plan
- Improving maintenance of bicycle paths and lanes
- Improving enforcement by City Police of the California Vehicle Code relating to bicycles.

INTRODUCTION

The City is committed to becoming bicycle friendly. Articles in various publications¹ specified deteriorating conditions of the bike lanes on Kearny Villa Road, Montezuma Road and Navajo Road. Grand Jury members have observed these conditions along with other sites. These articles allege a lack of proper maintenance of the bike lanes. The Grand Jury reviewed the articles and initiated a study to investigate and document the lack of maintenance and the problem with designated bike lanes having large gaps in the bike lane markings.

PROCEDURE

The Grand Jury has reviewed the San Diego Regional Bicycle Plan (RBP)² developed by the San Diego County Association of Governments (SANDAG). The City adopted the RBP to provide a regional strategy for making the bicycle a useful form of transportation for everyday travel. It was developed to support implementation of both the Regional Comprehensive Plan (RCP)³ and Regional Transportation Plan (RTP)⁴. The RCP calls for more transportation options and a balanced regional transportation system that provides a blueprint for managing our region's growth while preserving natural resources and limiting urban sprawl. The RTP calls for a multimodal regional transportation system that includes a regional bicycle network. The RTP provides that network, as well as the programs that are necessary to support it.

¹See Resources 1-3.

² http://www.sandag.org/uploads/projectid/projectid_353_10862.pdf

³ <http://www.sandag.org/index.asp?projectid=1&fuseaction=projects.detail>

⁴ <http://www.sandag.org/index.asp?projectid=349&fuseaction=projects.detail>

The Grand Jury inspected and photographed various bicycle paths and lanes. They studied documentation of bicycle accidents in the City, and ~~was~~ provided personal eyewitness reports of cyclists violating traffic laws. The Grand Jury conducted interviews with staff from SANDAG, City Transportation, and City Police Traffic Division. These employees are responsible for bicycle issues, bicycle paths and lanes. They determine current bicycle policies, procedures, and traffic law enforcement pertaining to bicycles.

DISCUSSION

Fatal bicycle/auto incidents account for 1.9% of all traffic accidents and incapacitating injuries to bicyclists account for 13.5% for known (i.e. reported) traffic accidents.⁵ It is understood that fatalities in bicycle/automobile incidents vs. automobile-only incidents are a reliable comparison, but the level of seriousness or incapacitation pertaining to injuries to bicyclists may be definitional. Both these percentages may be elevated because of under-reporting in less serious or non-injury accidents.

A nationwide study of relevant statistics⁶ in reported bicycle/auto incidents includes:

- A dedicated bicycle lane was not present on the cyclist's side of the roadway in 97.2 % of all accidents.
- A bicyclist was in a bicycle lane in only 2.2% of all accidents.
- A bicyclist was in a through traffic lane when the accident occurred in 68.2% of all accidents.
- Crashes in a bicycle lane tended to produce fewer fatal/incapacitating accidents.
- A bicyclist involved in an accident while using a sidewalk comprised 15.9% of all traffic accidents.
- Nearly all bicycle/automobile accidents involve only one automobile (98.38%), but there are also a small number of accidents involving a bicyclist and two automobiles (1.55%).

A City Traffic Division official stated the following:

- The city uses the amount of vehicular traffic and not the speed limit of the road to determine what type of bicycle lane is installed.
- There were only 52 citations issued to bicyclists in the first eight months of 2012.
- There are too many bicyclists violating the California Vehicle Code, either due to lack of education or knowing the laws, but simply ignoring them.
- Patrol officers are unable to prevent these violations from happening due to difficulties in apprehending the violators.
- Patrol officers have received training on all the rules and exceptions of the California Vehicle Code applicable to bicycles.

Montezuma Road is a four-lane road where automobile speeds reach over 50 miles per hour.⁷ San Diego bicycle advocates and the College Area Community Council feel that

⁵ SDPD Bike Collisions in San Diego Report Nov2009-Nov2012.

⁶ Texas Department of Public Safety (TxDPS)...University of Texas Study (Nationwide).

this road is an ideal road for “cycle tracks.”⁸ In the last 13 years there have been 49 bicyclists hit by cars on Montezuma Road. One of them was killed earlier this year. They stated that the higher the speed limits for autos, the higher the auto-bicycle accident rate.⁹

SANDAG has established a countywide bicycle plan to develop and improve bicycle paths and lanes through the year 2050. This plan includes provisions for bicycle paths on roads with high speed limits. The City Council has also initiated a ten-year plan for development and improvement of bicycle lanes and paths throughout the City that follows the SANDAG RTP. Even though this plan has been adopted by the City Council, we understand that bicycle paths will not be installed on high-speed roads as proposed in the plan due to their cost.

BICYCLE LANE DEFINITIONS -- CALIFORNIA

The Streets and Highway Code Section 890.4¹⁰ defines a "Bikeway" as a facility that is provided primarily for bicycle travel.

(1) Class I Bikeway (Bike Path). Provides a completely separated right of way for the exclusive use of bicycles and pedestrians with cross flow by motorists minimized.

Generally, bike paths should be used to serve corridors not served by streets and highways or where wide rights of way exist, permitting such facilities to be constructed away from the influence of parallel streets. Bike paths should offer opportunities not provided by the road system. They can either provide a recreational opportunity, or, in some instances, can serve as direct high-speed commuter routes if cross flow by motor vehicles and pedestrian conflicts can be minimized. The most common applications are along rivers, oceanfronts, canals, utility rights-of-way, abandoned railroad rights-of-way, within college campuses, or within and between parks. There may also be situations where such facilities can be provided as part of planned developments. Another common application of Class I facilities is to close gaps to bicycle travel caused by construction of freeways or because of the existence of natural barriers (rivers, mountains, etc.)

(2) Class II Bikeway (Bike Lane). Provides a striped lane for one-way bike travel on a street or highway.

Bike lanes are established along streets in corridors where there is significant bicycle demand, and where there are distinct needs that can be served by them. The purpose should be to improve conditions for bicyclists in the corridors. Bike lanes are intended to delineate the right of way assigned to bicyclists and motorists and to provide for movements that are more predictable by each. However, a more important reason for constructing bike lanes is to better accommodate bicyclists through corridors where insufficient room exists for safe bicycling on existing streets. This can be accomplished

⁷ <http://bikesd.org/2012/11/city-to-present-bicycle-recommendations-to-further-improve-safety-on-montezuma-road-on-1114/>

⁸ Cycle-tracks refer to a six-inch high berm between a bicycle lane and an automobile lane.

⁹ <http://www.collegearea.org/cacc/>

¹⁰ <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=shc&group=00001-01000&file=890-894.2>

by reducing the number of lanes, reducing lane width, or prohibiting parking on given streets in order to delineate bike lanes. Other things such as improvements to the surface, augmented sweeping programs, special signal facilities, etc., can be done on streets with bike lanes to improve the situation for bicyclists that might not be possible on all streets. Generally, pavement markings alone will not measurably enhance bicycling.

(3) Class III Bikeway (Bike Route). Provides for shared use with pedestrian or motor vehicle traffic.

Bike routes are shared use and serve to:

- (a) Provide continuity to other bikeway classifications (usually Class II bikeways); or
- (b) Designate preferred routes through high demand corridors.

As with bike lanes, designation of bike routes should indicate to bicyclists that there are particular advantages to using these routes as compared with alternative routes. This means that responsible agencies have taken actions to assure that these routes are suitable as shared routes and will be maintained in a manner consistent with the needs of bicyclists. Normally, bike routes are shared with motor vehicles. The City has marked many streets (usually one way) with the sharrow symbol.¹¹ The use of sidewalks as Class III bikeways is strongly discouraged.

It is emphasized that the designation of bikeways as Class I, II and III should not be construed as a hierarchy of bikeways; that one class is better than the other. Each class of bikeway has its appropriate application.

OVERRIDING CONCERNS

In selecting the proper bike path, an overriding concern is to assure that the proposed bike path will not encourage or require bicyclists or motorists to operate in a manner that is inconsistent with the rules of the road.

If bicycle travel is to be controlled by delineation, special efforts should be made to assure that high levels of service are provided with these lanes. The lanes must be clearly painted and they should extend the entire length of the bike lane. If a berm were used to separate the bike lane from the rest of the roadway, it would be advisable to paint the berm to enhance visibility for motorists.

An important consideration in selecting the type of bike path is continuity. Alternating segments of Class I and Class II (or Class III) bikeways along a route are generally incompatible, as street crossings by bicyclists are required when the route changes character. Class 3 (sharrow) bike lanes in downtown San Diego are detrimental to cyclist safety and are generally ignored by the cyclists. In addition, wrong-way bicycle travel will occur on the street beyond the ends of bike paths because of the inconvenience of having to cross the street.¹²

¹¹ A "sharrow" is a shared lane pavement marking. This pavement marking includes a bicycle symbol and two white chevrons.

¹²<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=shc&group=00001-01000&file=890-894.2>

A City Transportation Department official responsible for bicycle paths and lanes told the Grand Jury that the City Streets Division is responsible for maintaining and sweeping bicycle paths and lanes. This Department typically performs this operation as part of a regularly scheduled street sweeping. As a result, these bicycle paths and lanes could often go two months or more without being swept. Sweeping and routine maintenance of bicycle paths and lanes are necessary for bicycle (and bicyclist) safety.

The City currently does not issue bicycle licenses. Unfortunately, the City does not have a specific fund to finance the cost of bike lane installation, maintenance, accessibility, or funds to publicize their usefulness and safety.

RESOURCES

The following resources were used in compiling this report:

- SDBikeCommuter.com
- Voiceofsandiego.org article dated 10/3/2011
- Texas Department of Public Safety (TxDPS)...University of Texas Nationwide Study
- Bike Collisions in the City of San Diego (11/2009-11/2012) Report of SDPD.
- San Diego Regional Bicycle Plan (RCP & RTP)
- City of San Diego 10 year Bicycle Plan

FACTS AND FINDINGS

Fact: Photos taken on Mission Gorge Road show the Class II bike lane is too narrow and a roadway speed limit of 55 MPH.

Fact: The higher the speed limits for autos, the higher the auto-bicycle accident rate.

Finding 01: The City does not have a specific fund to finance the cost of bike lane installation, maintenance, and accessibility.

Finding 02: Narrow bike lanes combined with high speed limits present a significant safety danger to cyclists.

Fact: The City does not have a bicycle-licensing program or specific funding to initiate one.

Finding 03: Without an identified source of funds, improvements for the biking community will remain static.

Fact: Photos taken of the Kearny Villa Road bike lanes show detrimental conditions and a lack of maintenance for safe bicycle travel.

Fact: Class 3 (sharrow) bike lanes in downtown San Diego are detrimental to cyclist safety and are generally ignored by the cyclists and motorists.

Finding 04: The City has failed to properly construct and maintain bike paths and lanes necessary to provide safe travel conditions.

Fact: The California Vehicle Code Driver's Handbook contains specific laws pertaining to bicycle riders.

Fact: Bicycle riders on public roads have the same rights and responsibilities as motorists and are subject to the same rules and regulations.

Fact: There are too many bicyclists violating the California Vehicle Code due to lack of education or lack of enforcement.

Finding 04: Many bicyclists are violating the California Vehicle Code without being cited. One example is lack of understanding of the laws as they apply to Class 3 (sharrow) bike lanes.

RECOMMENDATIONS

The 2012-2013 San Diego County Grand Jury recommends the San Diego Mayor and San Diego City Council:

- 13-57: Improve bicycle safety and operational convenience by more frequent sweeping of bicycle lanes and paths.**
- 13-58: Develop and implement a plan, no later than June 30, 2014, to install more Class I Bike Lanes next to thoroughfares that provide a direct route into and out of the city.**
- 13-59: Update the City's Transportation Plan, by the next budget cycle, to remove the Class 3 (sharrow) bike lanes in downtown San Diego and, as practical, replace them with dedicated bicycle/pedestrian only thoroughfares.**
- 13-60: Identify a funding source to finance the cost of bike lane installation, maintenance, and accessibility by the end of the next budget cycle.**

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding

- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
Mayor, City of San Diego	13-57 through 13-60	8/12/13
City Council, City of San Diego	13-57 through 13-60	8/12/13