



**TOWN OF PORTOLA VALLEY**  
**Regular Meeting of the Town Council**  
**Wednesday, September 27, 2023**  
**7:00 P.M.**

Jeff Aalfs, Mayor  
Sarah Wernikoff, Vice Mayor  
Judith Hasko, Councilmember  
Mary Hufty, Councilmember  
Craig Taylor, Councilmember

**HYBRID MEETING**

**HISTORIC SCHOOLHOUSE- 765 Portola Road, Portola Valley, CA 94028**

**Remote Public Comments:** Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please submit your comments using this [online form](#) by 1:00 PM on the day of the meeting. Time permitting, your correspondence will be uploaded to the website. All received questions will be forwarded to Council, Commission, or Committee members for consideration during the meeting and included in the public record. Additionally, technology permitting, the public body will take questions using the Raise Hand button for those who attend the meeting online or by phone. Phone callers may provide comments by pressing \*9 on their phone to "raise your hand" and \*6 to mute/unmute themselves. The meeting Chair will call on people to speak by the phone number calling in. Remote participation is provided as a supplemental way to provide public comment, but this method does not always work. The public is encouraged to attend in person to ensure full participation.

**Assistance for People with Disabilities:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Clerk at (650) 851-1700 or by email at [towncenter@portolavalley.net](mailto:towncenter@portolavalley.net). Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

**VIRTUAL PARTICIPATION VIA ZOOM**

**To access the meeting by computer:**

<https://us06web.zoom.us/j/81987093202?pwd=7T5r0PvJ7wztGkm0xcNyllagQrGQYg.RH0az76OIVg0jw04>

**Webinar ID: 819 8709 3202**

**Passcode: 577262**

**To access the meeting by phone:**

1-669-900-6833 or 1-888-788-0099 (toll-free)

*Mute/Unmute – Press \*6 / Raise Hand – Press \*9*

**1. CALL TO ORDER- REGULAR SESSION**

**2. ORAL COMMUNICATIONS**

Persons wishing to address the Town Council on any subject may do so now. Please note, however, that the Council is not able to undertake extended discussion or action tonight on items not on the agenda. *Each speaker's time is limited to three minutes.*

**3. CONSENT AGENDA**

- a. **Approval** of Minutes - Regular Meeting Minutes of September 13, 2023
- b. **Approval** of Warrant List- 9/27/2023
- c. **Approval** of Grand Jury Response for Bike Safety in San Mateo County
- d. **Appoint** Ad-Hoc Housing Element Post-Adoption Plan Subcommittee

**4. REGULAR AGENDA-PUBLIC HEARING**

- a. **Adoption** of Resolution Approving and Authorizing Execution of Farmers' Market License Agreement

**5. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS**

Oral and written reports arising out of liaison appointments to both in-town and regional committees and initiatives. The Town Council does not take action under this agenda item.

**6. TOWN MANAGER REPORT**

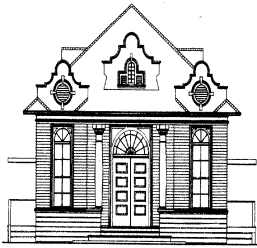
*There are no written materials, and the Town Council does not take action under this agenda item.*

**7. ADJOURNMENT**

The next Regular Town Council meeting will be held on October 11, 2023, at 7:00 p.m.

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**Land Acknowledgement:** The Town of Portola Valley acknowledges the colonial history of this land we dwell upon the unceded territory of the Ramaytush (rah-my-toosh) Ohlone, Tamien Nation, and Muwekma (mah-WEK-mah) Ohlone, who endured a human and cultural genocide that included removal from their lands and their sacred relationship to the land. Portola Valley recognizes that we profit from the commodification of land seized from indigenous peoples and now bear the ecological consequences. We seek to understand the impact of these legacies on all beings and to find ways to make repair.



**TOWN OF PORTOLA VALLEY**  
**Regular Meeting of the Town Council**  
**Wednesday, September 13, 2023**  
**7:00 P.M.**

**Jeff Aalfs**, Mayor  
**Sarah Wernikoff**, Vice Mayor  
**Judith Hasko**, Councilmember  
**Mary Hufty**, Councilmember  
**Craig Taylor**, Councilmember

**1. CALL TO ORDER 7:15 PM**

**Present:** Mayor Aalfs, Vice Mayor Wernikoff, Councilmembers Hasko, Hufty, and Taylor

**2. ORAL COMMUNICATIONS**

The following spoke during oral communications:

- Karen Askey
- Anne Kopf-Sill
- Rita Comes
- David Cardinal
- Caroline Vertongen
- Kristi Corley

**3. CONSENT AGENDA**

The following spoke during public comment:

- Caroline Vertongen
- Rita Comes
- Cindy Rodas, Finance Director

Councilmember Hufty pulled item 3 c. for further discussion

Councilmember Hasko pulled item 3 a. for a correction to the minutes. Item 3 b. on minutes to be listed to make it clear as to which item was voted on

**a. Approval of Minutes - Regular Meeting Minutes of August 23, 2023**

Councilmember Hasko made a motion, seconded by Councilmember Taylor, to approve item 3 a. on the Consent Agenda as corrected. The motion followed by the following vote:

**Ayes:** Mayor Aalfs, Vice Mayor Wernikoff, Councilmembers Hasko, Hufty, and Taylor

**Nays:** None

**b. Approval of Warrant Lists- 8/23/23, 8/28/23, and 9/3/23**

Councilmember Taylor made a motion, seconded by Councilmember Hufty, to approve item 3 b. on the Consent Agenda. The motion followed by the following vote:

**Ayes:** Mayor Aalfs, Vice Mayor Wernikoff, Councilmembers Hasko, Hufty, and Taylor

**Nays:** None

**c. Approval of Contract Amendment #3 Agreement for Zoning Code Update Consultant- Lisa Wise Consulting, Inc.**

Councilmember Hasko made a motion, seconded by Councilmember Taylor, to approve item 3 c. on the

Consent Agenda. The motion followed by the following vote:

**Ayes:** Mayor Aalfs, Vice Mayor Wernikoff, Councilmembers Hasko, Hufty, and Taylor

**Nays:** None

**d. Approval of Contracts for Planning and Building Department Services**

Councilmember Hasko pulled item 3 d. for further discussion

Vice Mayor Wernikoff made a motion, seconded by Councilmember Taylor, to approve item 3 d. on the Consent Agenda as corrected. The motion followed by the following vote:

**Ayes:** Mayor Aalfs, Vice Mayor Wernikoff, Councilmembers Hasko, Hufty, and Taylor

**Nays:** None

**4. REGULAR AGENDA-PUBLIC HEARING**

**Mayor Aalfs changed the order of Regular Agenda Items to aid Fire Department Staff. Discuss Item 4 b. first:**

**b. Review** draft resolution to ratify Ordinance No. 13-2023 of the Woodside Fire Protection District

Presentation from Don Bullard, Fire Marshal and Kim, New Fire Marshal from Woodside Fire Protection District

The following spoke during public comment:

- Jennifer Hammer
- MJ Lee
- Ron Eastman
- Rusty Day
- Karen Askey
- Caroline Vertongen
- Dale Pfau
- Rita Comes
- Leslie (no last name provided)
- Kristi Corley

Councilmember Taylor made a motion, seconded by Councilmember Hufty, to approve item 4 b. on the Regular Agenda. The motion followed by the following vote:

**Ayes:** Mayor Aalfs, Vice Mayor Wernikoff, Councilmembers Hasko, Hufty, and Taylor

**Nays:** None

**Break: Returned at 9:38 PM**

**a. Receive** Housing Element Update from Planning and Building Director- Town Council to review the information provided by staff and, provide direction on a contract amendment with Urban Planning Partners for continued Housing Element work

Presentation from Laura Russell, Planning Director

The following spoke during public comment:

- Karen Askey
- Bob Adams

- Rita Comes
- Dale Pfau

Councilmember Hasko made a motion, seconded by Councilmember Taylor, to approve item 4 a. on the Regular Agenda. The motion followed by the following vote:

**Ayes:** Mayor Aalfs, Vice Mayor Wernikoff, Councilmembers Hasko, Hufty, and Taylor

**Nays:** None

- c. Review and Discuss** Colleagues Memo from Councilmembers Hasko and Taylor entitled "Housing Element Post-Adoption Plan Subcommittee", potential adoption of updated Post-Adoption Plan or elements thereof

The following spoke during public comment:

- Kristi Corley
- The Council decided to bring adoption of an ad-hoc council subcommittee, consisting of Councilmember Hasko and Hufty, to the next meeting.
- Items T2, T6, T8, and 3.1 are ready to move forward with as they have no fiscal impact.
- The remainder of the items will be brought forward later for review, discussion, and/or approval for fiscal impact by Council.

- d. Review and Discuss** Colleagues Memo from Mayor Aalfs entitled "Report from subcommittee on Evacuation Plan review", potential implementation and subcommittee authorization

The following spoke during public comment:

- Dale Pfau
- Rusty Day
- Nan Shostak
- Kristi Corley
- Rita Comes

Staff received the Emergency Evacuation Plan drafted by the Emergency Preparedness Committee and agreed to publish it; title of the document may change later but information to be published right away.

Vice Mayor Wernikoff requested the ad hoc Town Manager committee be publicized in the newsletter to also include the names of the seven members: Betsy Morgenthaler, Brook Coffee, Patty Dewes, Fred Leach, Paul Heiple, Patricia Baenen, and Karen Askey.

**5. COUNCIL LIAISON COMMITTEE AND REGIONAL AGENCIES REPORTS**

Oral and written reports arising out of liaison appointments to both in-town and regional committees and initiatives. The Town Council does not take action under this agenda item.

**6. INTERIM TOWN MANAGER REPORT**

*There are no written materials, and the Town Council does not take action under this agenda item.*

Sharif Etman, the new Town Manager introduced himself to the Council and the public

**7. ADJOURNMENT**

At 11:37 PM, the Mayor adjourned the September 13, 2023 meeting. The next Regular Town Council meeting will be held on September 27, 2023, at 7:00 p.m.

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**Land Acknowledgement:** The Town of Portola Valley acknowledges the colonial history of this land we dwell upon the unceded territory of the Ramaytush (rah-my-toosh) Ohlone, Tamien Nation, and Muwekma (mah-WEK-mah) Ohlone, who endured a human and cultural genocide that included removal from their lands and their sacred relationship to the land. Portola Valley recognizes that we profit from the commodification of land seized from indigenous peoples and now bear the ecological consequences. We seek to understand the impact of these legacies on all beings and to find ways to make repair.

DRAFT

Check Register

Check Number	Vendor Number	Vendor Name	Check Amount	Check Date	BW	Check Type
Checks for Cash Account: 910-11011-000						
3478	18	ALL FENCE COMPANY INC.	10,450.00	09/21/23		
3479	20	ALLIANT INSURANCE SERVICES	1,323.00	09/21/23		
3480	41	AT&T	283.02	09/21/23		
3481	44	BANK OF AMERICA	5,151.49	09/21/23		EFTPS
3482	55	BILL HAMILTON ROOFING	1,000.00	09/21/23		
3483	75	CALIFORNIA BLDG STANDARDS COMM	477.00	09/21/23		
3484	129	COTTON SHIRES & ASSOC. INC.	22,796.96	09/21/23		
3485	156	DEPARTMENT OF CONSERVATION	1,369.46	09/21/23		
3486	196	GOOD ROOTS EVENTS INC	6,000.00	09/21/23		
3487	200	GRANICUS	11,295.99	09/21/23		
3488	203	GREEN HALO SYSTEMS	114.00	09/21/23		
3489	218	MISSIONSQUARE RETIREMENT	12,878.14	09/21/23		
3490	262	JORGENSON SIEGEL MCCLURE & FLE	42,432.50	09/21/23		
3491	334	NOLTE ASSOCIATES INC	17,541.81	09/21/23		
3492	380	PURCHASE POWER	23.51	09/21/23		
3493	437	SMALL BUSINESS BENEFIT PLAN TR	2,577.40	09/21/23		
3494	441	SPARTAN ENGINEERING	900.00	09/21/23		
3495	482	TURF & INDUSTRIAL EQUIPMENT CO	3,796.85	09/21/23		
3496	484	TYLER TECHNOLOGIES INC	400.00	09/21/23		
3497	489	VERIZON WIRELESS	489.84	09/21/23		
3498	505	WOODSIDE FIRE PROTECTION DISTR	2,349.52	09/21/23		
3499	545	W H DEMPSEY ENGINEERING LLC	2,850.00	09/21/23		
3500	673	MUNICIPAL RESOURCE GROUP, LLC	1,800.00	09/21/23		
3501	697	CYNTHIA ROWE	1,200.00	09/21/23		
3502	698	MIA DIGIOVANNI	1,200.00	09/21/23		
3503	709	DAN NEWITT	350.00	09/21/23		
3504	740	ALESSANDRO MORUZZI	700.00	09/21/23		
3505	784	JOSHUA PORTNER	3,150.00	09/21/23		
3506	803	CODA TECHNOLOGY GROUP	195.00	09/21/23		
3507	860	STEPFORD	4,673.00	09/21/23		
3508	911	CIVICPLUS LLC	2,088.60	09/21/23		
3509	914	UNITED MECHANICAL INC	874.71	09/21/23		
3510	976	TOWN OF PORTOLA VALLEY	1,100,000.00	09/21/23		
3511	1041	ALLIANCE CONSTRUCTION	1,000.00	09/21/23		
3512	1042	ERIC ROBERTS	1,000.00	09/21/23		
Check totals:			1,259,580.31			
ACH totals:						
EFTPS totals:			5,151.49			
Wire transfer totals:						
Payment Manager totals:						
GRAND TOTALS			1,264,731.80			

Check totals:	1,259,580.31
ACH totals:	
EFTPS totals:	5,151.49
Wire transfer totals:	
Payment Manager totals:	
<b>GRAND TOTALS</b>	<b>1,264,731.80</b>



Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor: 09/21/23	18 3478	ALL FENCE COMPANY INC. Fence Repairs - 31 Western Red Cedar	10,450.00	10,450.00	5491
Vendor:	20 3479	ALLIANT INSURANCE SERVICES Premium Town Picnic Fun Run Walk Bik	1,323.00	1,323.00	2423994
Vendor:	41 3480	AT&T August Statement August Statement	283.02	55.70 227.32	000020488399 000020488400
Vendor:	44 3481	BANK OF AMERICA July Statement	5,151.49	5,151.49	1388-JULY23
Vendor:	55 3482	BILL HAMILTON ROOFING Deposit Refund, 290 Golden Hills	1,000.00	1,000.00	BLDR0046-2023
Vendor:	75 3483	CALIFORNIA BLDG STANDARDS COMM Building Standards Administration Fee Report	477.00	477.00	Q2_2023
Vendor:	129 3484	COTTON SHIRES & ASSOC. INC. July 2023 Applicant Charges	22,796.96	22,796.96	2023-JULY
Vendor:	156 3485	DEPARTMENT OF CONSERVATION Strong Motion Instrumentation and Seismic Hazard Mapping Fee	1,369.46	1,369.46	Q2_2023
Vendor:	196 3486	GOOD ROOTS EVENTS INC Farmers Market: Music, Giveaways 07/22 - 06/23	6,000.00	6,000.00	PVFM2023
Vendor:	200 3487	GRANICUS Gov Access Plus Edition 9/24/2023 - 9/23/2024	11,295.99	11,295.99	170149
Vendor:	203 3488	GREEN HALO SYSTEMS August Hosting & Access	114.00	114.00	4485
Vendor:	218 3489	MISSIONSQUARE RETIREMENT Defer Comp, June 2022 Replacement/Dispute Original 2325 Defer Comp, May 2023 Defer Comp, June 2023	12,878.14	5,665.14 3,606.50 3,606.50	JUN22_REPLACE MAY-2023 JUNE-2023
Vendor:	262 3490	JORGENSON SIEGEL MCCLURE & FLE May Statement	42,432.50	42,432.50	MAY-2023
Vendor:	334 3491	NOLTE ASSOCIATES INC July Applicant Charges & PW Support	17,541.81	17,541.81	JULY-2023

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
Vendor:	380				
	3492	Postage Meter Charges	23.51	23.51	7931-JULY23
Vendor:	437				
	3493	October Dental/Vision	2,577.40	2,577.40	OCT-2023
Vendor:	441				
	3494	Security System Monitoring 09/10/23 - 09/09/24	900.00	420.00	10780M
		Fire Alarm Monitoring 09/10/23 - 09/09/24		480.00	10781M
Vendor:	482				
	3495	Tractor Repair/Maintenance	3,796.85	3,796.85	R031586
Vendor:	484				
	3496	Tyler University 10/2023 - 09/2024	400.00	400.00	025-434739
Vendor:	489				
	3497	August Cellular	489.84	489.84	9942890717
Vendor:	505				
	3498	8/1/23-8/31/23 Fuel Mitigation Support Crew/Veg Mgmt	2,349.52	2,349.52	WFPD CREW-1012
Vendor:	545				
	3499	Fuel Mitigation Program - Aug Town Owned Property Mowing	2,850.00	2,850.00	1792
Vendor:	673				
	3500	Personnel Policy Manual Updated	1,800.00	1,800.00	03-23-804
Vendor:	697				
	3501	Summer 2023 Classes	1,200.00	1,200.00	SUMMER-2023
Vendor:	698				
	3502	Summer 2023 Classes	1,200.00	1,200.00	SUMMER-2023
Vendor:	709				
	3503	PV Palooza Art Elements 2023	350.00	350.00	2312
Vendor:	740				
	3504	Summer 2023 Classes	700.00	700.00	SUMMER-2023
Vendor:	784				
	3505	Deposit Refund, 333 Canyon Drive	3,150.00	3,150.00	BLDR0204-2021
Vendor:	803				
		CODA TECHNOLOGY GROUP			

Check Date	Check Number	Special Information	Net Check Amount	Total Invoices Paid	Invoice Number
09/21/23	3506	Remote Support to Connect Chambers Zoom Webinar.	195.00	195.00	7485
Vendor:	860	STEPFORD			
	3507	Monthly Service Charges 09/01/2023 THRU 09/30/2023 Veeam Backup and Replication for Disaster Recovery - Sep 20 Onsite IT Support - August 2023	4,673.00	3,920.00 453.00 300.00	2301545 2301546 2306431
Vendor:	911	CIVICPLUS LLC			
	3508	Premium Bundle & OrdLink Subscription	2,088.60	2,088.60	263899
Vendor:	914	UNITED MECHANICAL INC			
	3509	Plumbing - Town Hall	874.71	874.71	81452
Vendor:	976	TOWN OF PORTOLA VALLEY			
	3510	Enhanced Cash Mgmt, FBO TPV Schwab Acct	1,100,000.00	1,100,000.00	4676-1496_XFR1
Vendor:	1041	ALLIANCE CONSTRUCTION			
	3511	Deposit Refund, 2 Ohlone	1,000.00	1,000.00	BLDR0081-2022
Vendor:	1042	ERIC ROBERTS			
	3512	Deposit Refund, 2 Hawk View	1,000.00	1,000.00	BLDR0105-2021
Check Date Totals			1,264,731.80		
Grand Total			1,264,731.80		

**TOWN OF PORTOLA VALLEY**  
**Warrant Disbursement Journal**  
**September 27, 2023**

Claims totaling \$1,264,731.80 having been duly examined by me and found to be correct are hereby approved and verified by me as due bills against the Town of Portola Valley.

Date \_\_\_\_\_

\_\_\_\_\_  
Town Manager

Motion having been duly made and seconded, the above claims are hereby approved and allowed for payment.

Signed and sealed this (Date) \_\_\_\_\_

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** Mayor and Members of the Town Council

**FROM:** Howard Young, Public Works Director

**DATE:** September 27, 2023

**RE:** **Response to Grand Jury Report  
Bike Safety in San Mateo County: Making Bicycling Safer in the  
County**

### RECOMMENDATION

Staff recommends that Town Council review the Town's draft response to the San Mateo County Grand Jury Report on Bike Safety (Attachment 1) and authorize submittal.

### BACKGROUND

The California Penal Code provides for the formation of civil grand juries and their powers and duties. With respect to public agencies, grand juries are authorized to "Investigate and report upon the operations, accounts and records of the officers, departments, functions, and the method or systems of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit." (California Penal Code § 925a)

Each year the County's Civil Grand Jury continues its role of providing oversight of the operations of local governments, school districts and special districts. On July 10, 2023, the San Mateo County Civil Grand Jury issued a report on the above referenced topic. The report notes that bicycle riding has become an ever more meaningful form of transportation, especially with the popularization of electronic or eBikes, and that the demand by County residents for safe micro-mobility solutions has soared. With that, the report investigates if San Mateo County and its municipalities are positioned to respond to safety concerns and to meet those demands. The report is included as Attachment 2.

### DISCUSSION

The Town is now requested to respond to the Grand Jury within 90 days, by October 10, 2023. Because the Town contracts with the San Mateo County Sheriff's Department for law enforcement services, including issues related to bicycling, the Town has incorporated their provided responses. Staff also sought and received input from the Chair of the Town's Bicycle, Pedestrian, and Traffic Safety (BPTS) Committee who has expressed general support for the Town's response letter.

The Town Attorney's office has reviewed the attached draft letter for the Mayor's signature in response to the Grand Jury's findings.

**FISCAL IMPACT**

There is no fiscal impact to respond to the Grand Jury Report other than staff time.

**NEXT STEPS**

With the Town Council's direction, staff will submit the Town's response to the Grand Jury report.

**ATTACHMENTS**

- 1- Proposed Draft Letter of Response to Grand Jury Report
- 2- Grand Jury Report – "Bike Safety in San Mateo County: Making Bicycling Safer in the County"

**Approved by:** Sharif Etman, Town Manager

September 27, 2023

Hon. Nancy L. Fineman  
 Judge of the Superior Court  
 c/o Bianca Fasuescu  
 Hall of Justice  
 400 County Center; 2<sup>nd</sup> Floor  
 Redwood City, CA 94063-1655  
 Via Email: [grandjury@sanmateocourt.org](mailto:grandjury@sanmateocourt.org)

Re: Grand Jury Report: Bike Safety in San Mateo County: Making Bicycling Safer in the County

Honorable Judge Fineman,

Thank you for the opportunity to review and comment on the above referenced Grand Jury Report released on July 10, 2023 with responses due by October 10, 2023. The Town of Portola Valley's response to both the findings and recommendations are listed below.

### **Response to 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.

*The respondent **disagrees** wholly or partially with the finding. The Town of Portola Valley does not have knowledge or data of other agencies' practices or seen data or studies that justify this statement and does not have the resources itself to do so. Due to the remote location, rural character of the Town, and limited businesses, the Town has limited commuter traffic; however, the Town does draw recreational bicyclists from the region and specifically in the form of pelotons. In addition, the Town questions how the following statement in the Grand Jury report as there has not been communications with the Town regarding these statements: Page 8: "Portola Valley is focused on managing bicyclists on the weekend. But in both cases, the communities concentrate on ensuring quality of life for residents. They both see mostly recreational bicyclists." and "However, the communities don't make a strong effort to track riders or accidents. In both communities the Sheriff's Office, which is their policing arm, enforces rules at some problem locations, but not regularly."*

*The Town has a Bicycle, Pedestrian, Traffic Safety Committee that meets publicly monthly and has been actively addressing road safety issues.*

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.

*The respondent **disagrees** wholly or partially with the finding. The Town of Portola Valley has not seen data or adequate studies that justify this statement and does not have the resources itself to do so. Due to the remote location, topography, narrow residential roads, rural character of the Town, and limited*

*businesses, the Town has limited commuter traffic. Those providing services to the Town also need to bring in equipment. The Town does not have transit hubs, only limited bus service for the schools.*

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

*The respondent **disagrees** wholly or partially with the finding. The Town of Portola Valley has not seen data or adequate studies that justify this statement and does not have the resources itself to do so. The Town contracts with the San Mateo County Sheriff Department for law enforcement services and handles reporting as required onto SWITRS. For near misses, the concern would be how and at what expense for these to be reported and how reliable will the information be since there is no official agency report of the facts. In addition, the Town has a Bicycle, Pedestrian, and Traffic Safety (BPTS) Committee and publicly holds meetings monthly. As part of the regular BPTS Committee meeting agenda, the Sheriff Department reviews general accident and citation data. BPTS Committee agendas are posted online.*

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.

*The respondent **disagrees** wholly or partially with the finding. The Town of Portola Valley has not seen data or adequate studies that justify this statement and does not have the resources itself to do so. The Town contracts with the San Mateo County Sheriff Department for law enforcement services and they handle reporting as required onto SWITRS.*

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.

*The respondent **disagrees** wholly or partially with the finding. The Town of Portola Valley has not seen data or adequate studies that justify this statement and does not have the resources itself to do so. The Town contracts with the San Mateo County Sheriff Department for law enforcement services and they handle enforcement and reporting as required.*

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

*The respondent **disagrees** wholly or partially with the finding. The Town of Portola Valley has not seen data or adequate studies that justify this statement and does not have the resources itself to do so. The Town contracts with San Mateo County Sheriff Department for law enforcement services. The Town has a Bicycle, Pedestrian, and Traffic Safety (BPTS) Committee and publicly holds meetings monthly. As part of the regular BPTS Committee meeting agenda, the Sheriff Department reviews general information on accident and citation data. Agendas are posted online.*



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

*The respondent **disagrees** wholly or partially with the finding. The Town of Portola Valley has not seen data or adequate studies that justify this statement and does not have the resources itself to do so.*

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).

*The respondent **disagrees** wholly or partially with the finding. The Town has a Bicycle, Pedestrian, and Traffic Safety (BPTS) and publicly holds meetings monthly, as part of the regular meeting agenda, the Sheriff Department reviews general accident and citation data. Agendas are posted online. The meeting is generally attended by the Public Works Department, County Sheriff Department Representative, and a Town Council Liaison. Bicycle, Pedestrian, and Traffic Safety issues and improvements are discussed monthly.*

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

*The respondent **disagrees** wholly or partially with the finding. The Town of Portola Valley has not seen data or adequate studies that justify this statement and does not have the resources itself to do so. Due to the remote location, topography, narrow residential roads, lack of official bike lanes, equestrian use of its trails, its rural character of the Town, and limited businesses, the Town, in addition to lack of resources and funds, does not see a need to develop a specific mandated plan.*

### **Response to 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.

*The recommendation **has not been implemented, but will be implemented in the future**, with a timeframe for implementation. The Town contracts with the San Mateo County Sheriff Department for law enforcement services. They have indicated: The Sheriff's Office is already submitting bicycle collision data to SWITRS in compliance with their reporting requirements and will post and update bicycle collision data in our transparency portal by the end of December 2023 that will be updated cyclically.*

*However, the recommendation does not include detail and is too general. The Town assumes that the data required to be submitted is mandatory and required by law. Additional request for unmandated data may require additional resources and funding that the Town does not have, and does not see as warranted and is not reasonable.*

R2. By December 2023, all law enforcement agencies should begin sending warning letters to

motorists for violations of the 3 ft. law.

*The recommendation **has been implemented**, with a summary regarding the implemented action. The Town contracts with the San Mateo County Sheriff Department for law enforcement services.*

*The Sheriff Department has indicated: The Sheriff's Office has implemented an online process for reporting 3 ft. violation complaints and has been sending warning notices since May of 2023.*

*However, the recommendation does not include detail and is too general. The Town assumes that the data required to be submitted is mandatory and required by law. Additional requests for unmandated data may require additional resources and funding that the Town does not have and does not see as warranted and is not reasonable.*

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.

*The recommendation **has been implemented**, with a summary regarding the implemented action. The Town contracts with the San Mateo County Sheriff Department for law enforcement services.*

*The Sheriff Department has indicated: As indicated above, the Sheriff Office has successfully implemented this using an existing reporting portal and will collaborate with other San Mateo County law enforcement agencies to assist them in creating their own reporting mechanisms upon request.*

*However, the recommendation does not include detail and is too general. The Town assumes that the data required to be submitted is mandatory and required by law. Additional requests for unmandated data may require additional resources and funding that the Town does not have and does not see as warranted and is not reasonable.*

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.

*The recommendation **will be partially implemented** because it is not warranted or is not reasonable. The Town itself does not have the funding or resources to perform this by itself. However, the Town contracts with the San Mateo County Sheriff for law enforcement services. The Sheriff Department has indicated: The Sheriff's Office has created an educational bike safety brochure that has already been published and shared publicly and will be updated as needed to reflect changes in the law or new safety information. The Sheriff's Office will collaborate with members of the bicycling community to produce a series of short bicycle safety educational videos that will be shared publicly, with at least the first video in the series to be shared by June 3, 2024.*

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.

*The recommendation **will not be implemented** because it is not warranted or is not reasonable. Due to the remote location, topography, narrow residential roads, lack of official bike lanes, equestrian use of its trails, its rural character of the Town, and limited businesses, the Town, in addition to lack of resources and funds, does not see a need to be part of or develop a bicycle and pedestrian master plan.*

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

*The recommendation **will not be implemented** because it is not warranted or is not reasonable. Due to the remote location, topography, narrow residential roads, lack of official bike lanes, equestrian use of its trails, its rural character of the Town, and limited businesses, the Town, in addition to lack of resources and funds, does not see a need to generate a Bicycle Friendly Community Report Card. The Town already has a large regional recreational bicycling and peloton groups due to its rural character and scenic roadways.*

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.

*The recommendation **will not be implemented** because it is not warranted or is not reasonable. This request is for the County to implement. In addition, consideration of the Towns remote location, topography, narrow residential roads, lack of official bike lanes, equestrian use of its trails, its rural character of the Town, and limited businesses.*

This response to the Grand Jury was approved by the Town of Portola Valley Town Council at a public meeting on September 27, 2023.

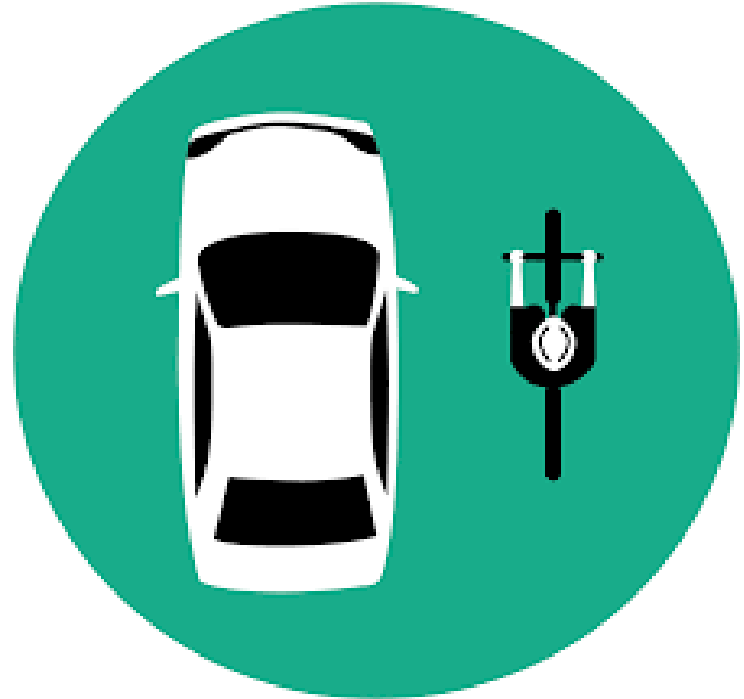
Respectfully,

Jeff Aalfs  
Mayor, Town of Portola Valley

cc: Town Clerk

DRAFT

# Attachment 2- Bike Safety in San Mateo County



## Bike Safety in San Mateo County

*Making Bicycling Safer in the County*

Release Date: July 10, 2023  
2022-23 San Mateo County Civil Grand Jury

*“Biking is one of the few activities that checks all the boxes at once — it’s active, practical, social, sustainable, stress-relieving, fun, and is a great family activity. Biking has the unique ability to elevate the mundane — it turns errands into adventures. More people on bikes keeps our streets safer, our air cleaner and our communities better connected.” Sonia Elkes, 2021 Bike Champion of the Year for San Mateo County Bay Area Bike to Work Website*

*“I often drive up Alpine Road near the Stanford golf course and I believe I would have a head-on crash with oncoming cars if I left a 3-foot margin between my car and the thoughtless bikers who ride out partially in the road. What is the best advice for that situation?” Comment on [Bicyclists Can Now Report 3’ Rule Violations Online](#) in *The Almanac* 5/12/2023.*

*“On the afternoon of Monday, April 10, bicyclist Lester Legarda was fatally struck by a driver on Cañada Road, a rural route popular among walkers, equestrians, and bicyclists. Details of the crash scene suggest that the collision speed was high. One solution to prevent future tragedies along Cañada is tantalizingly simple — reduce the 50-mph speed limit. Sure, drivers will likely continue to exceed the speed limit. But just like the paint on the road that defines where drivers are supposed to drive, posted speed limits set expectations for acceptable driver behavior.” [Reduce the speed limit on Canada Road](#) *San Mateo Daily Journal* 04/20/23.*

## **Bike Safety in San Mateo County: *Making Bicycling Safer in the County***

### **ISSUE**

As bicycle riding has become an ever more meaningful form of transportation, especially with the popularization of eBikes, the demand by County residents for safe micro-mobility solutions has soared. Are San Mateo County and its municipalities positioned to respond to safety concerns and meet those demands?

### **SUMMARY**

Whether for commuting or recreational purposes, residents in every jurisdiction of San Mateo County (SMC), as well as from the surrounding Bay Area counties, use bicycles. Because bicycles are widely available, for some the only mode of getting to and from work and jobs, and ridden in every jurisdiction, bicycle safety has become an increasingly important issue for SMC and its cities and towns. Without greater focus on bike safety, the number of riders will remain low, because people will avoid bicycling when they don't feel safe. The benefits of increasing bicycle riding are important to all residents of San Mateo County: reducing motor vehicles, healthy lifestyle and an inexpensive form of transportation. Accordingly, San Mateo County, and its cities and towns have a responsibility to make it safe for drivers and pedestrians, as well as bicyclists.

Due to differences in terrain, population density, and existing infrastructure, the 20 different municipalities and the unincorporated portions of the County have differing bicycle safety needs and requirements. Some cities are very hilly, making commuting to work, school, or transit stations nearly impossible. Others are more urban and accommodate many more commuting bicyclists. The County also has some areas that are primarily recreational biking destinations and areas that accommodate both commuting bicyclists and recreational bicyclists. As a result, each community also assigns a different level of importance to bicycle safety relative to other issues, such as crime, motor vehicle safety and public works improvement projects. And education and enforcement about bicycle laws varies from one jurisdiction to another.

Despite the differences among the jurisdictions, there are several commonalities. One is that cities and law enforcement do not consistently maintain records about bicycle near misses, accidents, or complaints; data is neither broadly available nor consistently maintained. Another commonality is that government entities focused on bicycling and/or improving bicycle safety do not communicate and collaborate with each other often enough, if at all. This makes it difficult to get accurate information on the number and severity of incidents and gauge how safe it is to bicycle in San Mateo County. Without data, and communication among the municipalities, San Mateo County and its cities and towns lose out on available state and local funding to improve bicycle safety through physical improvement projects.

To improve bicycle safety and thereby increase ridership, San Mateo County and its cities and towns need to:

1. Create effective ways to educate bicycle riders and motorists about bicycle rules of the road to enhance predictability.
2. Develop consistent communications among government organizations responsible for bike safety (e.g., between law enforcement and public works).
3. Conduct enforcement details in each jurisdiction to ensure enforcement leads to education.
4. Collect accurate data about accidents and incidents that is crucial to supporting and justifying grant applications and funding from State and local agencies for physical improvements to infrastructure for bicyclists (e.g., connectivity of bicycle routes from one city to another), needed signage, and other engineering improvements.

## BACKGROUND

Why is bike safety an important topic?

Statistically, the safer a person feels riding a bike, the more likely they will use it as regular transportation; both as a commuter and a recreational user.

Fifty-three percent of Americans worry about being hit by a motor vehicle when riding a bicycle; 47% say they would be more likely to ride a bike if pathways were physically separated from motor vehicles.<sup>1</sup>

However, bicycle accident statistics, though better than in 1998, averaged 231 fatalities and injuries over the last ten years. The average was 203 fatalities the last three years, but the drop includes the pandemic shutdown and more people working from home. The source of the recent data is the California Statewide Integrated Traffic Records System (SWITRS<sup>2</sup>) database, managed by the California Highway Patrol. All law enforcement agencies are required to submit accident data to the database on a regular basis.

A 2002-2003 SMC Civil Grand Jury titled, *Bike Safety in San Mateo County*<sup>3</sup>, questioned whether San Mateo County and the cities adequately consider and support safe bicycle travel? At that time, it was estimated that 46% of Americans bicycle for pleasure and 300,000 County residents bicycle at least occasionally. Commuting by bicycle was less than 1% in the County.

That year's Grand Jury found that bicycle infrastructure for safe travel needed improvement, but funding was an issue. It also found that communication and planning between the county and the cities on bicycle projects and safety could be improved. And that throughout SMC, bicycle safety was not a high priority. The primary recommendation of the report was the county, and all cities should develop a long-term strategic bicycle and safety plan.

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<sup>1</sup> People for Bikes: <https://www.peopleforbikes.org/news/building-for-tomorrow>

<sup>2</sup> <https://iswitrs.chp.ca.gov/Reports/jsp/logout.do>

<sup>3</sup> [https://www.sanmateocourt.org/court\\_divisions/grand\\_jury/2002reports.php?page=02SMC-Bicycle.html](https://www.sanmateocourt.org/court_divisions/grand_jury/2002reports.php?page=02SMC-Bicycle.html)



A few things have changed since then.

Over the years, the focus of cities and the county on improving bike and pedestrian forms of transportation has increased:

- Bicycle maps and routes are now generally available online.
- The City/County Association of Governments (C/CAG) updated their San Mateo County Comprehensive Bicycle and Pedestrian Plan in 2011<sup>4</sup> and 2021<sup>5</sup>.
- California enacted Assembly Bill 1358, **California Complete Streets Act of 2008**<sup>6</sup>, requiring all cities and counties to include complete streets policies as part of any substantial revision to the circulation element of their general plans; and cities and the County have adopted these complete streets policies, noting these policies in their Bicycle and Pedestrian Master Plans, or Active Transportation Plans.
- SMC and most of its municipalities have created and consistently upgraded their Bicycle and Pedestrian Master Plans.
- Unincorporated San Mateo County has created an Active Transportation Plan<sup>7</sup> (Active Transportation is a term often used to cover walking, bicycling, and other motorized devices as a primary mode of transportation).
- C/CAG, Unincorporated SMC and some cities have created Bike and Pedestrian Advisory Committees to address active transportation improvements, safety issues, and other citizen related requests.

Meanwhile, the number of bicyclists in San Mateo County has not increased since 2002, according to the California Household Travel Survey, which is regularly used for data on the number of bicyclists in a community, but is restricted to commuting.

The 2002 and 2012 surveys showed only 1% of SMC's population rides bicycles as a form of transportation. Looking at the various municipalities' Bicycle and Pedestrian Master Plans, and the surveys and counts discussed in the plans, bicycle commute ridership still hovers at approximately 1% within SMC.

It is important to note that the number of people in SMC using bicycles in lieu of a car has not increased in 20 years. This is in contrast to the estimated number of recreational bicyclists (46%) in SMC, who also use streets and bicycle paths and expect a safe ride<sup>8</sup>.

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<sup>4</sup> [https://ccag.ca.gov/wp-content/uploads/2014/07/CBPP\\_Main-Report\\_Sept2011\\_FINAL.pdf](https://ccag.ca.gov/wp-content/uploads/2014/07/CBPP_Main-Report_Sept2011_FINAL.pdf)

<sup>5</sup> [https://ccag.ca.gov/wp-content/uploads/2021/05/6\\_A1\\_San-Mateo-County-Comprehensive-Bicycle-and-Pedestrian-Plan-Update-Final-Plan.pdf](https://ccag.ca.gov/wp-content/uploads/2021/05/6_A1_San-Mateo-County-Comprehensive-Bicycle-and-Pedestrian-Plan-Update-Final-Plan.pdf)

<sup>6</sup> [http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab\\_1351-1400/ab\\_1358\\_bill\\_20080930\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1351-1400/ab_1358_bill_20080930_chaptered.pdf)

<sup>7</sup> <https://www.smcsustainability.org/livable-communities/active-transportation/unincorporated-smc-active-transportation-plan/>

<sup>8</sup> [https://ccag.ca.gov/wp-content/uploads/2021/05/6\\_A1\\_San-Mateo-County-Comprehensive-Bicycle-and-Pedestrian-Plan-Update-Final-Plan.pdf](https://ccag.ca.gov/wp-content/uploads/2021/05/6_A1_San-Mateo-County-Comprehensive-Bicycle-and-Pedestrian-Plan-Update-Final-Plan.pdf)

However, even with roadway and signage improvements over the past 20 years, there is much San Mateo cities and the county can do to improve bicycle safety.

## **DISCUSSION**

The merits of bicycle riding may seem self-evident, but a wide range of research reveals often surprising benefits to local economies, personal health, the environment, traffic congestion, and pedestrian safety that are unique to bicycle friendly communities.

### **Health Benefits**

Bicycle riding contributes to both physical and mental health. Regular exercise such as cycling can help prevent heart issues<sup>9</sup> such as stroke, heart attack, high blood pressure, and may also help prevent and manage type 2 diabetes.<sup>10</sup> Riding a bicycle is good for cognitive health and emotional well-being and can ease feelings of stress, depression, or anxiety.<sup>11</sup>

All in all, bicycling for only 30 minutes a day reduces a person’s chances of diabetes, dementia, depression, colon cancer, cardiovascular disease, anxiety and high blood pressure by 40 percent or more.<sup>12</sup>

The World Health Organization has found that “If every adult EU citizen walked or cycled for 15 extra minutes per day, we’d have 100,000 fewer people dying prematurely, each year.”<sup>13</sup>

### **Environmental Benefits**

Among the most obvious benefits of cycling is its benign effects on the environment. A solo driver in an average car releases about 1.1 pounds of CO<sub>2</sub> per mile.<sup>14</sup> A standard compact to midsize car that travels 12,000 miles will emit 11,000 pounds of CO<sub>2</sub>.<sup>15</sup> The average car produces about 1.3 billion cubic yards of polluted air over the course of its lifespan plus worn tire particles, brake wear, and the emissions from other materials in the car also contribute to air pollution.<sup>16</sup> Recent research in Europe found that traveling by bicycle instead of by car once a day decreases your transportation carbon footprint by 67%.<sup>17</sup>

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<sup>9</sup> <https://www.hopkinsmedicine.org/health/wellness-and-prevention/exercise-and-the-heart>

<sup>10</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4942105/>

<sup>11</sup> <https://www.psychologytoday.com/us/blog/minding-the-body/201505/bicycling-can-sharpen-your-thinking-and-improve-your-mood>

<sup>12</sup> [https://www.exerciseismedicine.org/assets/page\\_documents/EIMFactSheet\\_2014.pdf](https://www.exerciseismedicine.org/assets/page_documents/EIMFactSheet_2014.pdf)

<sup>13</sup> <https://ecf.com/news-and-events/news/walking-and-cycling-reduce-congestion>

<sup>14</sup> <https://www.sharetheroad.ca/what-are-the-environmental-traffic-congestion-benefits-of-cycling--s16223>

<sup>15</sup> <https://www.treehugger.com/cars-are-causing-air-pollution-we-breathe-new-study-finds-4856825>

<sup>16</sup> <https://www.scholaradvisor.com/essay-examples-for-college/bicycle-helps-reduce-air-pollution/>

<sup>17</sup> <https://www.sciencedirect.com/science/article/pii/S1361920921000687>

## Traffic

As active transportation choices like walking and bicycling gain attention and popularity, researchers are beginning to investigate the role these travel modes can play in reducing traffic congestion.<sup>18</sup> Studies show that measures taken to promote bicycling and walking have a positive effect on congestion.

Research in Washington, DC identified a causal effect of the presence of a bike-share station on traffic congestion. The result is a 2-to-3% reduction in traffic congestion that can be attributed to the bike-share station within the sample.<sup>19</sup>

## Economic Benefits

Among the more surprising findings is the positive economic impact from an increase in bicycle usage but studies show that the bicycle-related economy creates jobs, economic activity, and cost savings.<sup>20</sup>

Bicycle trails and facilities have a positive, statistically significant impact on home values; a 2006 study in Minneapolis found that the median home values rose \$510 for every quarter mile they were located closer to an off-street bikeway.<sup>21</sup>

Indianapolis' Cultural Trail, an 8-mile network of separated bike and pedestrian lanes, has reinvigorated a number of struggling business districts and sparked a whopping \$1 billion in increased property values.<sup>22</sup>

And in an era when streets and sidewalks across the county are in various states of disrepair, bicycle projects can significantly reduce the cost of maintaining and expanding our transportation systems.<sup>23</sup> Even protected bicycle lanes are "dirt cheap to build compared to road projects," says Gabe Klein, a partner at Fontinalis, a venture capitalist firm founded by Ford Motor Co. Chairman Bill Ford. Cities everywhere need to be more efficient about the money they spend to move people. "We need to get more use from the streets we already have."

Research indicates that investments in cycling infrastructure generate more jobs per dollar spent than investments in road-only infrastructure; cycling projects create a total of 11.4 local jobs for each \$1 million spent while road-only projects create 9.6 jobs per \$1 million.<sup>24</sup>

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<sup>18</sup> <https://kawarthanow.com/2019/01/17/reduce-traffic-congestion-bikes-can-do-that>

<sup>19</sup> <https://www.resources.org/archives/commentary-does-bicycle-infrastructure-reduce-traffic-congestion/>

<sup>20</sup> <https://railyards.com/blog/7-benefits-of-bike-friendly-communities>

<sup>21</sup> <https://smartcity.press/bicycle-infrastructure-in-smart-city/>

<sup>22</sup> <https://indyculturaltrail.org/2015/07/23/economic-impact-figures-released/>

<sup>23</sup> <https://www.aarp.org/livable-communities/getting-around/info-2016/why-bicycling-infrastructure-is-good-for-people-who-dont-ride-bikes.html>

<sup>24</sup> <https://www.sharetheroad.ca/what-are-the-environmental-traffic-congestion-benefits-of-cycling--s16223>

Bicycle friendly communities are important to millennial job seekers and functional bicycle infrastructures help companies attract talent. “States and cities are competing for the most mobile generation ever and so the job creators and the innovators are really pushing for these amenities.”<sup>25</sup>

## **Safety**

The most comprehensive study of bicycle and road safety to date finds that building safe facilities for cyclists is one of the biggest factors in road safety for everyone. Bicycling infrastructure -- specifically, separated and protected bike lanes -- leads to fewer fatalities and better road-safety outcomes for all road users.<sup>26</sup>

Davis, CA was the first city to gain “platinum” status by the League of American Bicyclists and is often referred to as the “bicycle capital of America.” From 1996 to 2007, Davis only had nine fatal road crashes. Despite having the largest percentage of bike commuters in the United States, none of these accidents involved a bicyclist. With a fatal crash rate of less than 1.5 per 100,000 residents, far fewer people are killed on Davis’ roads than in the U.S. as a whole, which averaged 14.5 fatalities per 100,000 residents.

Portland, OR, another platinum bicycling city, saw a nearly 50% decrease in road fatalities as it increased its bicycle mode share from 1.2% in 1990 to 5.8% in 2000. Bike friendly communities are safer for all road users, no matter what type of transportation is being used.

## **Social Benefits**

Finally, bicycle riding as an alternative to car travel is associated with a number of social benefits, including increased social interaction, social networks, and social capital.<sup>27</sup> A bicycle rider has a completely different relationship with their environment than those who are cocooned in their cars.

When communities invest in bicycle infrastructure, everyone benefits. Overall, bicycle commuters are healthier and bicycle-friendly streets are safer for everyone on the road. Bicycle friendly communities reap economic benefits including more retail activity and increased home values. The evidence is clear: bicycling brings big benefits to communities who embrace it.

## **Status Today**

Twenty years after the first San Mateo Grand Jury report, significant gaps remain in jurisdictions’ approach to bicycle safety:

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<sup>25</sup> <https://railyards.com/blog/7-benefits-of-bike-friendly-communities>

<sup>26</sup> [https://www.cnu.org/sites/default/files/marshallw\\_cnu18.pdf](https://www.cnu.org/sites/default/files/marshallw_cnu18.pdf)

<sup>27</sup> <https://www.peoplepoweredmovement.org/benefits-of-biking-walking/>

- San Mateo County and its municipalities’ characteristics make it difficult to create a consistent approach to bicycle safety.
- The use of bicycle safety education as a tool to increase safety for bicyclists and motorists is underutilized Countywide.
- Communication and coordinated planning across city lines is the exception, rather than the norm. Reporting of bicycle-related incidents is inconsistent throughout the county.
- Enforcement of bicycle laws, for motorists and bicyclists, is inconsistent and not prioritized.

### **Bicycle Safety in San Mateo County Cities**

Each city and town in San Mateo County is unique and has a different relationship with bicycle use and safety. These variations include:

- Topography
- Objectives and priorities re bicycles and ridership
- Safety Perception
- Infrastructure
- Impact of eBikes
- Role of enforcement in bicycle safety.

For example:

**Woodside and Portola Valley:** Woodside and Portola Valley are hill communities with narrow roads. Woodside has a very active Circulation Committee which keeps a close eye on large bicycling events in the community and Portola Valley is focused on managing bicyclists on the weekend. But in both cases, the communities concentrate on ensuring quality of life for residents. They both see mostly recreational bicyclists. Woodside has invested as much as \$1 million to ensure a “safe route to school” for the children. However, the communities don’t make a strong effort to track riders or accidents. In both communities the Sheriff’s Office, which is their policing arm, enforces rules at some problem locations, but not regularly.

**Hillsborough:** Hillsborough is a relatively insular community by nature of its location and topography. It has no commercial districts and is, to a large degree, rather hilly. The view on bicyclists is very much a neighborhood view: meaning the expectation is that if there are problems with bicyclists they are brought up by members of the neighborhoods. The primary focus on any kind of organized bicycling safety activity is efforts to teach children bicycle safety and safe routes to school at the beginning of the school year.

**Belmont:** Until quite recently, the City has been completely focused on ensuring that the community is comfortable for single family dwellings. However, areas close to El Camino Real are more commercial and have denser housing. The community now has both recreational and commuting bicyclists using the roads. While Belmont does have a bicycle master plan and holds an annual bike safety program for children and teenagers,

more needs to be done. The City needs to obtain funding from external Federal, State and County sources to do more.

**Half Moon Bay:** Possibly more than any other community in San Mateo County, Half Moon Bay has a sophisticated, complex relationship with bicyclists. On the one hand, Half Moon Bay attracts many visitors -- both vacationers and visitors from other Bay Area communities; and on the other hand, it has a robust population of residents who use their bicycles to get to work, school, and stores. Moreover, while Half Moon Bay has many surface streets, it is dominated by Highways 1 and 92 which have many challenging safety issues. As a result, the community has a bicycle master plan that focuses on bicycle safety and traffic planning. Despite this very proactive approach, the City deals with sometimes devastating safety issues. However, it appears that concern for bicycle safety is shared by many of the participants in the community.

**San Mateo:** The City of San Mateo updated its bicycle master plan in 2020. As a result, the City has focused on a variety of contemporaneous issues. These include working to develop a roadway network which could accommodate both bicycles and other types of active transportation. The City believes that it still skews toward recreational bicycling but is finding that more people want to use bicycles as a way of getting around. The master plan covers some education issues such as safe routes to school and safe bicycling for seniors. The plan does not talk about safety per se but addresses it from the vantage point of education. Though the City is focused on these matters it still recognizes that there's more education to be done about the rules of the road for bicyclists.

**Unincorporated San Mateo County:** Large areas of San Mateo County are small towns, private land, and open space, bisected, primarily, by two lane roads and highways. To address bicycle safety in these areas, the county created the Unincorporated San Mateo County Bicycle and Pedestrian Committee. Though there is no explicit Bicycle and Pedestrian Master Plan, they do contribute to the SMC Active Transportation plan. The Committee makes recommendations regarding bicycle and pedestrian related grants, but expressed frustration with money not being shared equitably. Additionally, the Committee inputs bicyclist's feedback. They are concerned with the number of incidents between motorists and bicyclists that are not addressed by law enforcement. The Committee has been working with the County Sheriff to address the problem.

These are just a few examples of San Mateo County and its municipalities' approach to bicycle safety. But because the communities are so diverse, thinking about bicycle safety needs to be broad-minded.

### **Bicycle Safety Education in SMC: Not just for cyclists**

Since bicycle safety is crucial to encouraging bicycle usage, it follows that bicycle safety education is an essential component of the bicycle safety equation.

According to the US Department of Transportation: “Educating people about safe bicycling and walking, enforcing laws that make it easier and safer for people to bicycle and walk, and encouraging people to bicycle and walk, may help increase walking and bicycling activity, especially when combined with infrastructure improvements.”<sup>28</sup>

Moreover, as noted on the National Highway Traffic Safety Administration’s Bicycle Safety web page, “A large percentage of crashes can be avoided if motorists and cyclists follow the rules of the road and watch out for each other.”<sup>29</sup>

In San Mateo County, much of the focus on bicycle safety and bicycle safety education is focused on ensuring safe routes to schools for children. Several communities, as detailed below, have much more comprehensive approaches to bicycle safety education in their Bicycle and Pedestrian Master Plans. Here are some examples:

- **Burlingame (Excerpt from the Bicycle and Pedestrian Master Plan)**

Policy 11: Educate people walking, bicycling, and driving, and the general public about roadway safety and the benefits of bicycling and walking.

11.1: Support the continuation and expansion of bicycle safety education programs such as those taught by Silicon Valley Bicycle Coalition and the San Mateo County Office of Education.

Policy 12: Encourage Burlingame public schools to participate in the Safe Routes to School program organized by the San Mateo County Office of Education.

- **Brisbane’s Master Bicycle and Pedestrian Plan examples:**

“Policy 4.A.5: Provide support for programs that educate drivers, bicyclists and pedestrians about their rights and responsibilities, as well as traffic education and safety programs for adults and youth.”

“Programs support bicycling and walking by providing encouragement to those considering bicycling and walking, education for motorists, bicyclists, and pedestrians about safe and appropriate sharing of streets and roads, and enforcement of traffic laws that help ensure the safety of vulnerable road users.”

- **County Sheriff:**

The San Mateo County Sheriff’s office publishes a pamphlet, *Bicycle Safety*<sup>30</sup>, on the California Vehicle Code sections related to bicycle safety. One City, Woodside, references this document, which could be used by all cities, schools and police

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<sup>28</sup> [https://safety.fhwa.dot.gov/ped\\_bike/ped\\_focus/docs/fhwasa17050.pdf](https://safety.fhwa.dot.gov/ped_bike/ped_focus/docs/fhwasa17050.pdf)

<sup>29</sup> <https://www.nhtsa.gov/road-safety/bicycle-safety>

<sup>30</sup> [https://www.woodsidetown.org/sites/default/files/fileattachments/community/page/33495/bicycle\\_safety.pdf](https://www.woodsidetown.org/sites/default/files/fileattachments/community/page/33495/bicycle_safety.pdf)

departments to improve bicycle safety education. However, the document is not available on the SMC Sheriff website.

- **City of San Mateo:**

San Mateo has some support for bicycle use and safety on its City website. The pages are listed in the table below.

EXISTING		
Support Program	Description	Webpage
Bicycle Webpage	There is brief text about bike routes and using a bike with public transport on the City’s webpage	<a href="http://www.cityofsanmateo.org/2125/Parking-and-Transportation">http://www.cityofsanmateo.org/2125/Parking-and-Transportation</a>
Bicycle Education Events	The city’s Public Works Department hosts an annual bike rodeo	<a href="http://www.cityofsanmateo.org/3736/Bike-Rodeo">http://www.cityofsanmateo.org/3736/Bike-Rodeo</a>

**Moving to Excellent Bike Safety Education in all SMC Cities**

Overall, the approach to bicycle safety education in SMC communities is inconsistent. Several of the master plans recognize that bicycle safety education is about teaching motorists and cyclists of all ages about the guidelines for bicycle safety. Other communities either don’t focus much on education or are focused exclusively on “Safe Routes to School”.

Nonetheless, there are a handful of programs identified in the table below that creatively address bicycle safety, which San Mateo County and its municipalities should consider adopting.



<b>RECOMMENDED FOR ALL SMC CITIES</b>		
<b>Support Program</b>	<b>Description</b>	<b>Webpage</b>
Establish child and adult education programs	Identify and implement education programs for children and adults that build bicyclists' confidence, done in coordination with the Parks and Recreation Department, Police or Local Schools.	<a href="https://www.portlandoregon.gov/transportation/article/565224">https://www.portlandoregon.gov/transportation/article/565224</a>  <a href="http://www.cityofsanmateo.org/2125/Parking-and-Transportation">http://www.cityofsanmateo.org/2125/Parking-and-Transportation</a>
Establish Safe Routes to School Funding	Establish a stable funding source for Safe Routes to School programming	<a href="https://www.metro.net/projects/sr_ts/fund-your-program">https://www.metro.net/projects/sr_ts/fund-your-program</a>
Implement and promote demonstration projects	Implement short-term, high-visibility bicycle demonstration or 'pop-up' projects to serve as models that can be applied throughout the city. Market bicycle safety.	<a href="https://transportation.bellevuewa.gov/UserFiles/Servers/Server_4779004/File/Transportation/Publications/PBII_Demo%20Bikeway%20Brochure_20180205.pdf">https://transportation.bellevuewa.gov/UserFiles/Servers/Server_4779004/File/Transportation/Publications/PBII_Demo%20Bikeway%20Brochure_20180205.pdf</a>
Provide safety education program for users of all modes	Provide safety education programs or communications campaigns for people driving, bicycling, walking, and using micro mobility devices that encourage safe travel behaviors.	<a href="http://www.pedbikeinfo.org/">http://www.pedbikeinfo.org/</a>
Create a robust bicycling webpage	Develop and maintain a content rich mobility webpage(s) on the County/City website and communicate how to reach city destinations by bike, on foot or on micro-mobility devices. Include information on these transportation options.	<a href="https://www.metro.net/riding/go-bike">https://www.metro.net/riding/go-bike</a>  <a href="http://www.cityofsanmateo.org/2125/Parking-and-Transportation">http://www.cityofsanmateo.org/2125/Parking-and-Transportation</a>

## **Bicycle & Pedestrian Master Plans and Advisory Committees: Planning Across the County**

The 2002 SMC Grand Jury Report recommended that all municipalities create Bicycle and Pedestrian Master Plans. As a best practice, the municipalities were encouraged to form Bicycle and Pedestrian Advisory Committees.

To date, almost all San Mateo County jurisdictions or cities have Bicycle and Pedestrian Master Plans, or Active Transportation Plans. Most, if not all of these plans, align with recommendations from the 2011 C/CAG's San Mateo County Comprehensive Bicycle and Pedestrian Plan. The 2021 update of C/CAG's plan enhances and adds to the 2011 C/CAG San Mateo County plan, but most of the cities and towns have not updated their plans to be consistent with the 2021 plan. (See Appendix D for a complete list of San Mateo County's Bicycle & Pedestrian Master Plans.)

The cities' bicycle and pedestrian master plans help each city by identifying strategies to improve bicycle and pedestrian safety. The plans recommend improvements for roadway connectivity for bicyclists and pedestrians, within each city as well as with neighboring cities. Numerous plans reference the Silicon Valley Bicycle Coalition and the League of American Bicyclists (LAB) as organizations that have certified instructors for bicycle safety education. At least several of the plans also discuss the LAB Bicycle Friendly Community Report Card to which five SMC cities and San Mateo County belong. The plans list potential State and Federal funding for projects that improve safety and roadway connectivity and make clear the importance of annually evaluating and tracking progress against objectives.

However, in SMC, County committees and municipalities do not always work together to generate consistent plans that meet C/CAG's goal for a Countywide bicycle backbone. Though C/CAG does have an advisory committee which includes representatives from municipalities, it does not have control over what individual municipalities decide to do regarding grant applications, infrastructure projects for better bicycle and pedestrian safety and education initiatives. If the municipalities endeavored to work together to prioritize projects and programs that are consistent with C/CAG's priorities, it would benefit all of San Mateo County, especially with respect to providing north-south connectivity between municipalities.

### **Metrics: If you don't measure it, you can't improve it.**

One important measure of bicycle safety is arriving safely at a destination. This is usually reflected in the negative; that is, the number of fatalities and injuries during a calendar year versus the number of successful bicycle trips.

In San Mateo County, the cities and county rely heavily on data supplied to the California Highway Patrol (CHP) to state the number of fatalities and injuries. The CHP then maintains a database, SWITRS (California Statewide Integrated Traffic Records System), which is accessible

to the public. And, UC Berkeley maintains a website, TIMS<sup>31</sup> (Transportation Injury Mapping System), which can further refine the raw data from SWITRS.

However, relying on this data to evaluate Bicycle Safety is problematic.

Law enforcement agencies in the County submit their bicycle accident data to SWITRS based on incidents that result in fatality or injury. However, there are bicycle accidents resulting in injury which don't make it into SWITRS because law enforcement is not called. Some examples are bicyclists being forced off the road by motor vehicles, collision near misses and, of course, bicyclist error. Consequently, the actual number of bicycle accidents is underreported and, more importantly, the list of accident locations is not complete. Cyclists that have an incident that does not involve either the police or the fire department do not have a consistent means to log their experience. That data goes unreported. And this goes both ways; there is no means for a motorist to complain about bicycle riders' unsafe behavior.

Countywide there is no uniform metric to measure Bicycle Safety. Without such a measure, it's impossible to assess progress while building infrastructure, enforcing laws, and educating everyone in safety principles.

An obvious metric is bicycle accidents as recorded by SWITRS and online reports, but there is another metric which evaluates the complex equation that results in safe bicycling: ***Bicycle Friendly America Certification***<sup>32</sup>.

The League of American Cyclists is a national organization dedicated to creating "safer roads, stronger communities and a Bicycle Friendly America for everyone." This is a grassroots organization dedicated since 1880 to protecting the right to safe and enjoyable bicycling. A valuable achievement of this organization is establishing the Bicycle Friendly America (BFA) certification for cities and counties. This consists of a very detailed application<sup>33</sup> that a city or county official fills out to get a comprehensive rating of bicycle safety. BFA defines bicycle safety using 5 E's:

- Equity and Accessibility: A bicycle-friendly America for everyone
- Engineering: Creating safe and creative places to ride and park
- Education: Giving people of all ages and abilities the skills and confidence to ride
- Encouragement: Creating a strong bike culture that welcomes and celebrates bicycling
- Evaluation and Planning: Planning for bicycling as a safe and viable transportation option [Note that Enforcement, a common element in the 5 E's of safety, is not included in the BFA definition.]

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<sup>31</sup><https://tims.berkeley.edu/summary.php?showArea=city&expandTables=false&injury=3&yearRange=3&showMap=crashes>

<sup>32</sup> <https://bikeleague.org/bfa/>

<sup>33</sup> <https://bicyclefriendly.secure-platform.com/a/organizations/main/home>

The application covers the BFA 5 E's and investigates what it calls the 10 building blocks of a Bicycle Friendly Community (BFC). Finally, the rating includes steps to reaching the next level of excellence. Oakland in 2022, for example, received a GOLD rating Report Card<sup>34</sup> having been BRONZE in 2010 and SILVER in 2014. The following cities and SMC have received the following ratings:

- Menlo Park<sup>35</sup>: GOLD: 2017
- Redwood City<sup>36</sup>: BRONZE: 2016
- San Carlos<sup>37</sup>: BRONZE: 2016
- San Mateo<sup>38</sup>: BRONZE: 2016
- South San Francisco<sup>39</sup>: BRONZE: 2018
- San Mateo County<sup>40</sup>: BRONZE: 2016

The BFC Report Card is a valuable metric that all cities and the County should make use of. If SMC cities develop the information necessary to answer objective and comprehensive questions about bicycle safety, each jurisdiction would have a consistent metric that can be used to measure bicycle safety progress across the County.

### **Law Enforcement and Bicycle Safety**

Laws regarding the operation of bicycles are in the California Vehicle Code (CVC), but in general, bicycles are governed by the same rules of the road as motor vehicles.

SMC law enforcement organizations are concerned that there is currently no way for them to track bicycle, pedestrian, and vehicle accidents, from near misses to actual contact, that did not require police involvement. And, even if an incident or infraction is reported, an officer may or may not go out to speak with the complainant.

Other than the initial report, there is no single repository in SMC to store and retrieve information regarding bicycle-related citations or enforcement of bicycle law so it can be used in the future.

And perhaps most importantly, the enforcement of laws, regarding motorists and bicyclists, is inconsistent due to competing priorities and the requirement that a citation requires an incident be witnessed by an officer.

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<sup>34</sup> [https://bikeleague.org/sites/default/files/bfareportcards/BFC\\_Fall\\_2022\\_ReportCard\\_Oakland\\_CA.pdf](https://bikeleague.org/sites/default/files/bfareportcards/BFC_Fall_2022_ReportCard_Oakland_CA.pdf)

<sup>35</sup> [https://bikeleague.org/sites/default/files/bfareportcards/BFC\\_Fall\\_2017\\_ReportCard\\_Menlo\\_Park\\_CA.pdf](https://bikeleague.org/sites/default/files/bfareportcards/BFC_Fall_2017_ReportCard_Menlo_Park_CA.pdf)

<sup>36</sup> [https://bikeleague.org/sites/default/files/bfareportcards/BFC\\_Spring\\_2016\\_ReportCard\\_Redwood\\_City\\_CA.pdf](https://bikeleague.org/sites/default/files/bfareportcards/BFC_Spring_2016_ReportCard_Redwood_City_CA.pdf)

<sup>37</sup> [https://bikeleague.org/sites/default/files/bfareportcards/BFC\\_Fall\\_2016\\_ReportCard\\_San\\_Carlos\\_CA.pdf](https://bikeleague.org/sites/default/files/bfareportcards/BFC_Fall_2016_ReportCard_San_Carlos_CA.pdf)

<sup>38</sup> [https://bikeleague.org/sites/default/files/bfareportcards/BFC\\_Fall\\_2016\\_ReportCard\\_San\\_Mateo\\_CA.pdf](https://bikeleague.org/sites/default/files/bfareportcards/BFC_Fall_2016_ReportCard_San_Mateo_CA.pdf)

<sup>39</sup> [https://bikeleague.org/sites/default/files/bfareportcards/BFC\\_Fall\\_2018\\_ReportCard\\_South\\_San\\_Francisco\\_CA.pdf](https://bikeleague.org/sites/default/files/bfareportcards/BFC_Fall_2018_ReportCard_South_San_Francisco_CA.pdf)

<sup>40</sup> [https://bikeleague.org/sites/default/files/bfareportcards/BFC\\_Spring\\_2016\\_ReportCard\\_San\\_Mateo\\_County\\_CA.pdf](https://bikeleague.org/sites/default/files/bfareportcards/BFC_Spring_2016_ReportCard_San_Mateo_County_CA.pdf)

## **Conflicting Priorities**

Law enforcement prioritizes assets based on the needs of the community, as well as their operating budget, when it comes to providing services. While public and political prioritization of bicycle safety issues may come up from time to time, calls for service are always prioritized. This results in minimal officer resources dedicated to bicycle safety.

Police forces will:

- Focus resources or staff on bicycle safety, if there is an uptick in accidents at a particular location, citizen requests/calls, or requests from a jurisdiction’s public works or traffic departments to focus on certain locations; or
- Provide teams to schools and special events for bicycle safety education
- Much less often, assign their police officers to bicycle safety duty exclusively (some police departments do have officers that patrol on bicycles).

In addition, law enforcement agencies do not always enforce eBike laws, but this is mostly due to the popularity of eBikes being ahead of law enforcement policies.

Because of these conflicting priorities, and limited staff, enforcement of bicycle laws pertaining to motorists as well as bicyclists appears to be underreported.

## **Policing Bicycles and eBikes**

Law enforcement departments in the county are very aware of the importance of bicycle safety. Common sense says people generally want the streets to be safe for motor vehicles which translates to most officer resources going to motor vehicle enforcement.

It’s possible that safer bicycle riding could lead to fewer cars and free up police resources for more pressing issues.

## **The New 3’ Law for Motorists and Bicycles**

In January 2023, California amended the California Vehicle Code (CVC). The new law (AB. 1909) requires all motorists to give a bicyclist three feet of clearance when passing on the left-hand side of the bicyclist or (depending on the width of the road) reduce speed appropriately, when passing. (See CVC: 21750 (b) (c) (d)). This is particularly crucial on narrow two-lane roads where there are many reports of bicyclists being forced off the road or hit by motor vehicles.

Hampering the situation is the requirement that a citation can only be written if the incident is witnessed by the officer. With the advent of helmet-worn cameras, cyclists have attempted to record these incidents with the hope that the recording can be used as “visual evidence”. But this evidence, post incident, cannot be used to issue a citation.

The San Mateo County Sheriff’s Department recently announced it will allow the public to submit these incidents on the Sheriff’s website.<sup>41</sup> These reports have since resulted in the

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<sup>41</sup><https://www.almanacnews.com/news/2023/05/12/bicyclists-can-now-report-3-foot-rule-violations-online-in-san-mateo-county>

department sending a violation letter to the offending motorist; this is not a citation. However, only incidents that occur in unincorporated San Mateo County, Woodside, Portola Valley, San Carlos, Half Moon Bay, and Millbrae can use this online resource.

### **Citations vs. Reprimands for Education Purposes:**

It is at the officer's discretion, when addressing a law infraction, to issue a citation or give a reprimand. One advantage of a reprimand is that it creates an opportunity to educate. With officers focusing on education, these brief encounters, cumulatively, can do a lot to improve bicycle safety, for bicyclists and motorists. But only if these reprimand stops are recorded officially can an accurate picture of bicycle safety be established.

### **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.

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.

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

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.

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.

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

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

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).

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

## **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.

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

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.

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.

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.

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

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.

## **REQUEST FOR RESPONSES**

Pursuant to Penal Code Section 933.05, the Civil Grand Jury requests responses from the San Mateo County Board of Supervisors, County Sheriff and all 20 cities and towns' governing bodies for each Finding and Recommendation.

The governing bodies should be aware that their comments or responses must be conducted subject to the Brown Act's notice, agenda, and open meeting requirements.

## **RESPONSE REQUIREMENTS**

California Penal Code Section 933.05, provides (emphasis added):

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall report 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, therefore.**
- (b) For purposes of subdivision (b) of Section 933, 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 been implemented, but will be implemented in the future, **with a timeframe for implementation.**
  - (3) The recommendation requires further analysis, **with an explanation and the scope and parameters of an analysis or study, and a timeframe 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 timeframe 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, therefore.**



## METHODOLOGY

The Grand Jury used a variety of tools to obtain information regarding bicycle riding and safety in San Mateo County:

- **Documents:** The Bike and Pedestrian Master Plans that cities use to explain approaches to planning, prioritizing projects, and re-engineering their communities to make riding and walking easier and safer. These documents came with a variety of titles:
  - Bike and Pedestrian Master Plans
  - Active Transportation Plans
  - Micro-Mobility Plans
  - Transportation Plans
- **Internet:** Almost all the historical and current information (including the availability of documents) regarding bicycle safety came from internet searches. Information from those searches was verified.
- **Survey:** The Grand Jury sent a survey in December 2022 using Google Forms to understand whether the cities believe eBikes were an issue in their communities. The results helped in defining the broader issue of bicycle safety.
  - The survey questions and results are in Appendix A.
  - Participants: The survey was sent to all the cities in SMC and, specifically, the City Managers. Many chose to have the chief of police of their city fill out the survey. Two cities did not respond to the survey.
- **Interviews:** The survey helped the Grand Jury develop a list of individuals for interviews. The questions for the interview came as a result of the investigation's pivot to the state of bicycle safety in San Mateo County as a general topic.
  - Participants:
    - Cities: Belmont, Daly City, Half Moon Bay, Hillsborough, Pacifica, Portola Valley, San Mateo, Woodside
    - Unincorporated San Mateo County
    - Police Departments: Burlingame, Foster City, Hillsborough, Redwood City, South San Francisco
    - Sheriff of SMC
    - BPACs: CCAG, Unincorporated SMC
    - CyclistVideoEvidence.com: Craig Davis

## GLOSSARY

3 ft. Rule – Motorists must yield at least 3 feet between their vehicle and a bicyclist on all roadways. This rule was amended by State legislation through Assembly Bill 1909, approved by the Governor in 2022, and commencing January 2024. Additionally, this bill requires a vehicle that is passing or overtaking a vehicle to move over to an adjacent lane of traffic, as specified, if one is available, before passing or overtaking the bicycle.

Active Transportation - A means of getting around that is powered by human energy, primarily walking and bicycling.

BFA – Bike Friendly America. A program sponsored by the League of American Bicyclists to evaluate communities with respect to their support for bicycling. As of December 2022, 501 communities are certified.

BFC – Bike Friendly Community. A Bike Friendly Awards Report Card that is given to a community that applies for a ranking (i.e., Bronze, Silver, Gold, Platinum).

BPAC – Bicycle and Pedestrian Advisory Committee

CATSIP – California Active Transportation Safety Information Pages. An online resource for improving pedestrian and bicycle safety in California. This site is administered by UC Berkeley Safe Transportation Research and Education Center (SafeTREC)<sup>42</sup>. Funding for this program was provided by a grant from the California Office of Traffic Safety<sup>43</sup>, through the National Highway Traffic Safety Administration (NHTSA).

C/CAG – City County Association of Governments of San Mateo County

Bicycle Roadways

- Bike paths (Class I): also termed shared-use or multi-use paths, are paved rights-of-way for exclusive use by bicyclists, pedestrians and those using non-motorized modes of travel. They are physically separated from vehicular traffic and can be constructed in roadway rights-of-way or exclusive rights-of-way. Bike paths provide critical connections in the city where roadways are absent or are not conducive to bicycle travel.
- Bike lanes (Class II): are defined by pavement striping and signage used to allocate a portion of a roadway for exclusive or preferential bicycle travel. Bike lanes are one-way facilities on either side of a roadway. Whenever possible, bike lanes should be enhanced with treatments that improve safety and connectivity by addressing site-specific issues, such as additional warning or wayfinding signage.
- Bike routes (Class III): provide shared use with motor vehicle traffic within the same travel lane. Designated by signs, bike routes provide continuity to other bike facilities or designate preferred routes through corridors with high demand. Whenever possible, bike

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<sup>42</sup> <http://safetrec.berkeley.edu/>

<sup>43</sup> <http://www.ots.ca.gov/>

routes should be enhanced with treatments that improve safety and connectivity, such as the use of "Sharrows" or shared lane markings to delineate the road as a shared-use facility.

- Cycle tracks (Class IV): Also referred to as protected bikeways, are exclusive bike facilities that combine the user experience of a separated path with the on-street infrastructure of a conventional bike lane. A cycle track is physically separated from motor traffic and distinct from the sidewalk. The separation may be in the form of posts, parked cars or a combination of both.

eBike – motorized bicycle that comes in three different classes:

- Class I: Bicycle equipped with a motor that aids only when pedaling and ceases when 20 mph is reached.
- Class II: Same capability as a Class 1 eBike with a throttle-actuated motor. No pedaling required when operated with the throttle.
- Class III: Bicycle equipped with a motor that aids only when pedaling and ceases when 28 mph is reached.

GJ – Grand Jury

MTC – Metropolitan Transportation Commission is the transportation planning, financing, and coordinating agency for the nine-county San Francisco Bay Area.

SHARROW – Sharrows are pavement markings that have been installed on city streets to provide guidance for both bicyclists and vehicles on roadways when sharing the road.

SMC ATP: San Mateo County Active Transportation Plan is a comprehensive framework to guide the development of active transportation projects and programs for walking, bicycling, and other forms of human powered movement for people of all ages and abilities throughout unincorporated County communities.

SWITRS – California Statewide Integrated Traffic Records System.

TIMS – Transportation Injury Mapping System developed by the Safe Transportation Research & Education Center at the University of California, Berkeley.

TR-INST Form – Notice to Appear form used by law enforcement for law infractions.

## **APPENDIX A: Bicycle Safety Best Practices**

### **Bicycle Education Best Practices**

There are two excellent examples of California communities that are investing in Bike Safety education: Davis and San Diego.

#### **San Diego Bike Coalition:**

This is an excellent reference tool to see all the kinds of bicycle safety education that can be offered and the resources that can be used to teach those courses. Again, the classes range from those for a variety of ages of bicyclists, basic bicycling, bicycle friendly motorist safety, and others.

<https://sdbikecoalition.org/our-work/education/>

#### **Davis, California:**

The City of Davis, CA, which is one of the leading bicycle communities in the US, has several pages of information about bike safety education on its website.

<https://www.cityofdavis.org/city-hall/public-works-engineering-and-transportation/bike-pedestrian-program>

#### **Two Cities Committed to Bicycling: Portland, Oregon and Davis, California**

Portland and Davis have become famous for their commitment to supporting bicycling, not only as recreational, but also as a true commuter alternative to motor vehicles and public transportation. Both have received the Platinum rating for a Bicycle Friendly Community from The League of American Bicyclists, while being quite different communities.

Portland is a large city of 622,000 residents with similar topography to the linked San Mateo County cities along El Camino Real: hilly and flat lands, urban centers, urban neighborhoods, suburbia, and major freeways. Portland advertises itself as “Bicycle Friendly” and claimed the highest percentage of bike commuters in US large cities in 2019 at 6% (Portland does annual bike ride census counts). Portland started investing in bicycle infrastructure with the acceptance of the 1973 Portland Bike Plan and the formation of a Bicycle Advisory Committee within the City Transportation Department. Since then, it has created:

- 385 miles of bikeways
- 36 miles of protected bike lanes
- A pedestrian and bicycle only bridge over the Willamette River and protected bike lanes on other bridges
- Intersections with bicycle specific traffic signals

- Bicycle boxes<sup>44</sup> at intersections to raise the visibility for motorists turning right
- A Safe Routes for Schools serving 100 schools
- 6500 bike racks to meet increased demand for safe stow of bicycles
- 3 bicycle plans over 40 years that establish policy, goals and a bikeway network
- \$60 M spent to 2008 on bicycle infrastructure (one mile of installed freeway costs \$60M)

Portland's safety record is very good for a large city: 4.3% of all traffic injury accidents from 2015-2019 are bicycle related. In comparison, San Francisco's number is 14% for the same period. Portland also does better than San Mateo County (8%) and a representative city, Redwood City (10%).

Davis in California is a small city between San Francisco and Sacramento with a population of 66,800. It has earned a nationwide reputation for supporting bicycles in its community (there is a bicycle on the city logo). The topography of Davis could not be flatter and more conducive to bicycle riding. The current statistics indicate that 20% of Davis's population commutes on bicycles. In 1967, Davis was the first community in the US to develop dedicated bicycle lanes (a total of 4!). The origins of this project were a couple that had visited the Netherlands, often cited as the most bicycle friendly nation in the world. They were so impressed with the bicycle infrastructure that they started a grassroots movement in Davis to promote safe bicycle riding. The group had to overcome CA law that did not support bike lanes on city streets, but once the law was revised, Davis proceeded to create bicycle infrastructure throughout the City:

- 63 miles of pathways
- 102 miles of bike lanes
- 75% of roads have a posted speed limit of 25 mph
- Of the 169 miles in the road network, 140 miles of roads are posted at 25 mph or less., 21 miles of roads are posted at between 25 mph and 35 mph, and 8 miles of roads posted over 35 mph
- 1 mile of bicycle boulevards
- 1 mile of cycle track
- 4 miles of buffered bike lanes
- 4,300 bike racks within the City and over 2,000 bike racks downtown
- 25 grade separated crossings. Four overpasses and 21 underpass crossings. Grade-separated crossings are used to move people on bikes and pedestrians over and under barriers like railroad tracks, busy roads, and the freeway.

Davis's bicycle accidents with injury (and fatalities) are high for a city of its size. However, the number of total accidents with injury is also very low compared to cities of comparable size. For

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<sup>44</sup> <https://nacto.org/publication/urban-bikeway-design-guide/intersection-treatments/bike-boxes/>

example: in 2019 there were 60 bicycle accidents with injury and 221 total vehicle injury accidents resulting in 27% of all vehicular accidents involving a bicycle. Redwood City's number is 4.8%, but their number of bicycle commuters is less than 1%. If you look at the percentage of accidents with respect to the biking population for 2019, Davis's percentage is .4% and Redwood City's percentage is 2.4%. Davis's safety statistics are very good, given the number of bicycle riders.

Both Portland and Davis are renowned environments for bicycle riders because they committed early to bicycle infrastructure and consistently improved it over the years. The city government and the school systems actively support bicycle education. Both cities conduct counts to determine bicycle use. They are both advocates of the Vision Zero policy to reduce accidents and fatalities. They use the Bicycle Friendly Community evaluation process to assess their progress towards their bicycle plans and goals.

Disclosure: Portland, beginning in 2020, noted a decline in bicycle commuter percentages. Thinking it was an aberration of the pandemic shutdown, it continued to do annual bike counts. As of 2022, its percentage had gone down to 3.1%. The current theory of why there has been a decline is assumed to be the increase of work from home. Regardless, Portland continues to make improvements to its bicycle infrastructure and safety.

**APPENDIX B: San Mateo County Bicycle and Pedestrian Master Plan List**

<b>Jurisdiction</b>	<b>Year</b>	<b>Name of Report</b>	<b>Link to Report</b>
Atherton	Jul 2014	Town of Atherton Bicycle and Pedestrian Master Plan	<a href="https://www.ci.atherton.ca.us/DocumentCenter/View/1381/Atherton-BPMP_Proposed-Final-July-2014?bidId=">https://www.ci.atherton.ca.us/DocumentCenter/View/1381/Atherton-BPMP_Proposed-Final-July-2014?bidId=</a>
Belmont	Nov 2016	City of Belmont Comprehensive Pedestrian & Bicycle Plan	<a href="https://www.belmont.gov/home/show/publisheddocument/14951/636179086799900000">https://www.belmont.gov/home/show/publisheddocument/14951/636179086799900000</a>
Brisbane	Feb 2017	Brisbane Pedestrian and Bicycle Master Plan	<a href="https://www.brisbaneca.org/sites/default/files/fileattachments/public_works/page/149/bikepedmasterplanappendices.pdf">https://www.brisbaneca.org/sites/default/files/fileattachments/public_works/page/149/bikepedmasterplanappendices.pdf</a>
Burlingame	Dec 2020	City of Burlingame Bicycle and Pedestrian Master Plan	<a href="https://www.burlingame.org/business_detail_T54_R154.php">https://www.burlingame.org/business_detail_T54_R154.php</a>
Colma	Feb 2021	Colma El Camino Real Bicycle and Pedestrian Improvement Plan	<a href="https://www.colma.ca.gov/documents/ecr-improvement-plan/">https://www.colma.ca.gov/documents/ecr-improvement-plan/</a>

<b>Jurisdiction</b>	<b>Year</b>	<b>Name of Report</b>	<b>Link to Report</b>
Daly City	Feb 2020	Walk Bike Daly City; City of Daly City Pedestrian and Bicycle Master Plan 2020	<a href="https://dalycity.org/1106/Daly-City-Pedestrian-and-Bicycle-Master-">https://dalycity.org/1106/Daly-City-Pedestrian-and-Bicycle-Master-</a>
East Palo Alto	Oct 2017	2017 East Palo Alto Bicycle Transportation Plan	<a href="https://www.cityofepa.org/sites/default/files/fileattachments/planning/page/2801/reso_4905_adopting_2017_bicycle_transportation_plan.pdf">https://www.cityofepa.org/sites/default/files/fileattachments/planning/page/2801/reso_4905_adopting_2017_bicycle_transportation_plan.pdf</a>
Half Moon Bay	Sep 2019	City of Half Moon Bay Bicycle and Pedestrian Master Plan	<a href="https://www.half-moon-bay.ca.us/DocumentCenter/View/2243/Bicycle-and-Pedestrian-Master-Plan-Final?bidId=">https://www.half-moon-bay.ca.us/DocumentCenter/View/2243/Bicycle-and-Pedestrian-Master-Plan-Final?bidId=</a>
Menlo Park	Nov 2020	City of Menlo Park Transportation Master Plan	<a href="https://beta.menlopark.org/Government/Departments/Public-Works/Transportation-Division/Bicycling">https://beta.menlopark.org/Government/Departments/Public-Works/Transportation-Division/Bicycling</a>
Millbrae	2021/2022	City of Millbrae Active Transportation Plan	<a href="https://www.ci.millbrae.ca.us/home/showpublisheddocument/25807/637787902014030000">https://www.ci.millbrae.ca.us/home/showpublisheddocument/25807/637787902014030000</a>



<b>Jurisdiction</b>	<b>Year</b>	<b>Name of Report</b>	<b>Link to Report</b>
Pacifica	Feb 2020	City of Pacifica Bicycle & Pedestrian Master Plan	<a href="https://www.cityofpacifica.org/departments/public-works/engineering/bicycle-pedestrian-master-plan">https://www.cityofpacifica.org/departments/public-works/engineering/bicycle-pedestrian-master-plan</a>
Redwood City	July 2018	Redwood City Moves, A Comprehensive Assessment of Transportation with Redwood City	
San Bruno	Jul 2016	City of San Bruno Walk 'n Bike Plan	<a href="https://sanbruno.ca.gov/DocumentCenter/View/1733/Adopted-San-Bruno-Walk-n-Bike-Plan-PDF">https://sanbruno.ca.gov/DocumentCenter/View/1733/Adopted-San-Bruno-Walk-n-Bike-Plan-PDF</a>
San Carlos	Jun 2020	City of San Carlos Bicycle and Pedestrian Master Plan Final	<a href="https://www.cityofsancarlos.org/home/showpublisheddocument/8139/638155282314370000">https://www.cityofsancarlos.org/home/showpublisheddocument/8139/638155282314370000</a>
San Mateo	Apr 2020	San Mateo Bicycle Master Plan April 2020 Final	<a href="https://www.cityofsanmateo.org/DocumentCenter/View/85445/2020-Bike-Master-Plan_Final_Updated-62021?bidId=">https://www.cityofsanmateo.org/DocumentCenter/View/85445/2020-Bike-Master-Plan_Final_Updated-62021?bidId=</a>

<b>Jurisdiction</b>	<b>Year</b>	<b>Name of Report</b>	<b>Link to Report</b>
South San Francisco	Mar 2022	Active South City: South San Francisco's Bicycle and Pedestrian Master Plan Draft	<a href="https://activesouthcity.com/wp-content/uploads/2022/03/SSF-ActiveSouthCity_PublicDraft_31March2022_plan_only.pdf">https://activesouthcity.com/wp-content/uploads/2022/03/SSF-ActiveSouthCity_PublicDraft_31March2022_plan_only.pdf</a>
San Mateo County	2021	2021 C/CAG San Mateo County Comprehensive Bicycle and Pedestrian Plan	<a href="https://ccag.ca.gov/wp-content/uploads/2021/06/San-Mateo-County-Comprehensive-Bicycle-and-Pedestrian-Plan-Update-Final-Plan.pdf">https://ccag.ca.gov/wp-content/uploads/2021/06/San-Mateo-County-Comprehensive-Bicycle-and-Pedestrian-Plan-Update-Final-Plan.pdf</a>

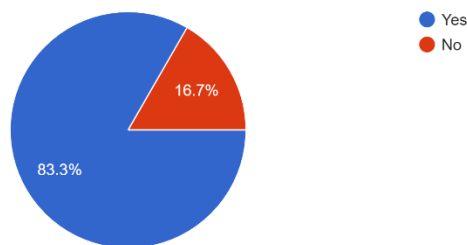
**APPENDIX C: Survey Questions and Results**

This is a summary of the responses:

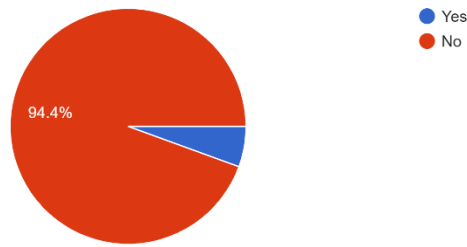
1. Cities and law enforcement do not track bicycle and eBike accident statistics separately; in fact, most respondents did not track eBike specific data at all (94%).
2. Complaints on Class I Bicycle Roadways include speeding and not yielding to pedestrians.
3. Complaints on Class II and III Bicycle Roadways include speeding, improper signaling, mixed use of bikes/eBikes and violation of the 3 ft. Rule.
4. Of 361 citations issued, only 11 were specifically for eBikes. It is impossible to know if there were more eBikes in violation as there is no requirement to ID the type of bicycle when filling out the form.
5. Class 3 eBikes are more powerful machines and have specific laws regarding usage. Only 50% of the respondents were enforcing the Class 3 eBike laws.
6. Complaints and incidents regarding bicycles (from riders or others) come mostly through police reports, but also from input to City Halls, Redwood City’s “app”, city planning, parks and recreation.
7. 1/3 respondents said there has been an increase in complaints regarding bicycles in the last three years (speeding, underage use, reckless behavior, vehicular code).
8. 2/3 of respondents said there had not been an increase in complaints regarding eBikes and 25% said they didn’t know.
9. Civilian bicycle complaints are generally not available to the public (over 50% of respondents).
10. 44% of respondents said they don’t provide bicycle safety education.
11. Enforcement of bicycle-related law is done where appropriate, with discretionary authority. Effort is made to educate at the time of the infraction. Additional enforcement is budget driven.
12. Future planning for the regulation of bicycles and eBikes varies greatly in the responses (see Question II-16 in Appendix A).

List of responses to questions (on the next page):

I-1: Do you track Bicycle accident statistics?  
18 responses



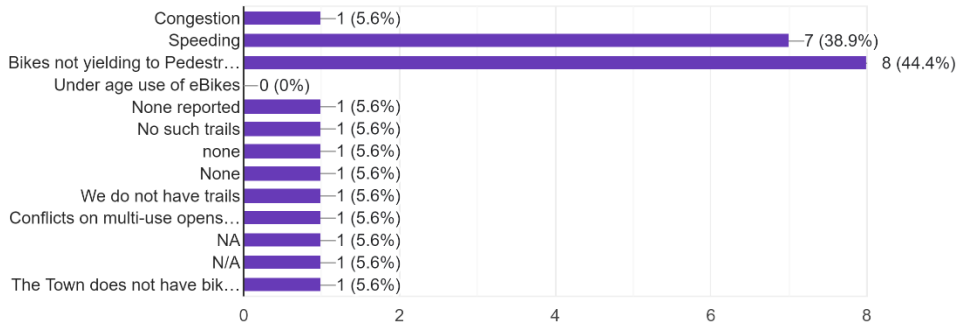
I-2: Do you maintain eBike specific statistics with regard to accidents?  
18 responses



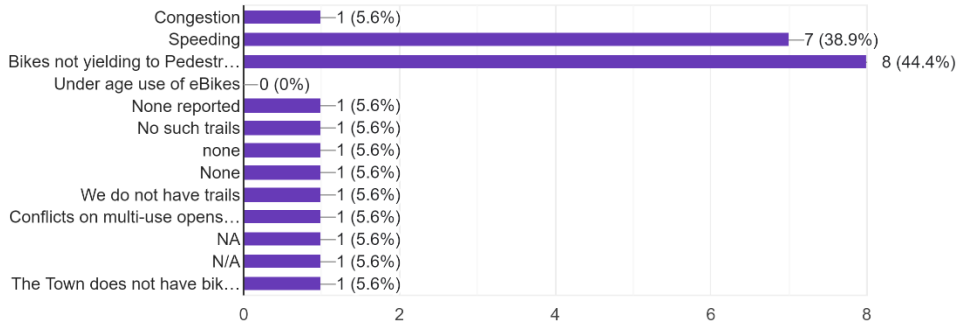
**Number of bicycle accidents in 2022? 212**

**Number of bicycle accidents in 2020 to the end of 2021? 307**

I-5: What are the safety issues on Bike/Ped Only Trails? Pick all that apply.  
18 responses

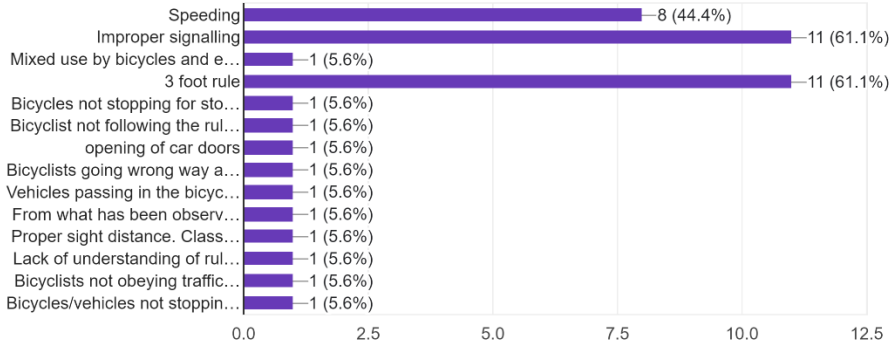


I-5: What are the safety issues on Bike/Ped Only Trails? Pick all that apply.  
18 responses



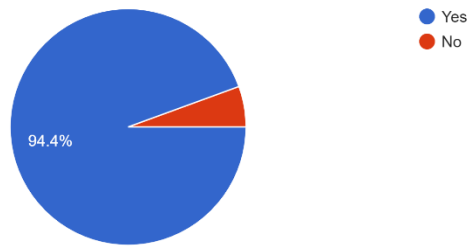
I-6: What are the safety issues for Bicycle Lanes shared with Vehicular Traffic? Pick all that apply.

18 responses



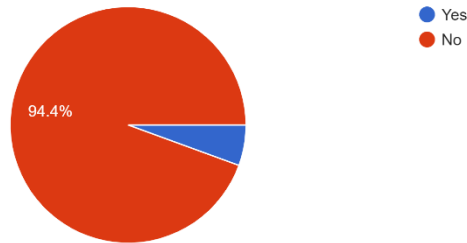
II-1: Are you aware of the laws governing Bicycles and eBikes?

18 responses



II-2: Do you have city codes governing eBikes only?

18 responses

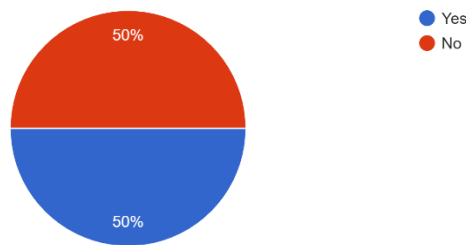


**How many Bicycle citations were issued in the last year? 361**

**How many eBike Citations were issued in the last year? 0 [Comments: this information is not tracked]**

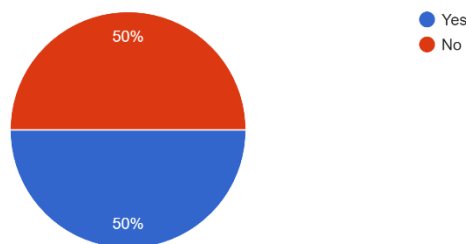
II-5: Currently, Class 3 eBikes are not allowed on Ped/Bike trails. Are you enforcing this law?

18 responses



II-6: Are you enforcing the age limit on Class 3 eBike usage (age 16 or older)?

18 responses



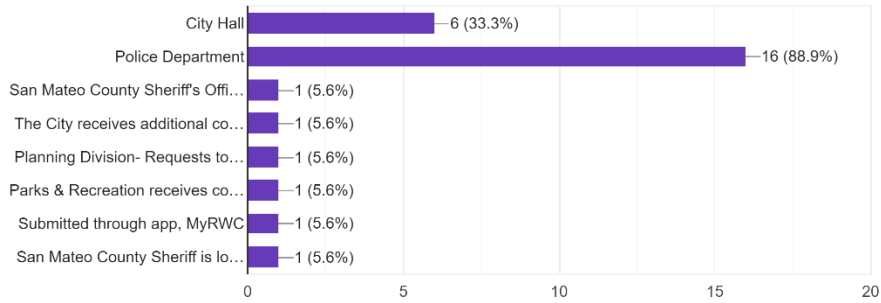
### **If you are enforcing bicycle/eBike law, how is it accomplished?**

- Nothing too specific. Enforcement during routine patrol if violations are witnessed. The PD has done a few details and targeted patrols in our downtown area specifically looking for bicycle violations (riding on sidewalks, helmet violations, reckless behavior, etc.).
- The Police Department enforces all laws as appropriate and with necessary and legal discretionary authority.
- Education and Enforcement
- All officers are trained to enforce Vehicle Code and Municipal Code law on bicycles and eBikes.
- On view and by complaint.
- On view and calls for service which result in Education or Enforcement.
- Traffic enforcement resulting in citations and/or verbal warnings/ education to the public.
- Through proactive patrols, directed enforcement and calls for service.
- Most bicycle stops are made for violations occurring on roadways, not on trails or sidewalks. Most bike stops result in education and not citations as evidenced by our low citation numbers.
- Primarily through education and warnings.
- We have not enforced the Bicycle/eBike law because we have not received any comments to date that have triggered the Police Department to enforce.

- By Sheriff patrol.
- We can't enforce much because of limitations in light of funding and staffing needs

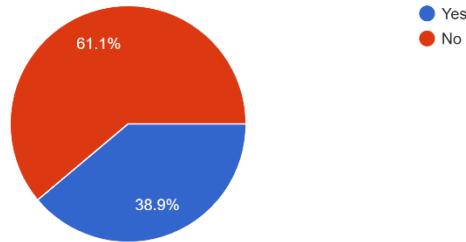
II-8: How are complaints regarding Bicycles/eBikes/eScooters logged in your city/town? Check all that apply.

18 responses



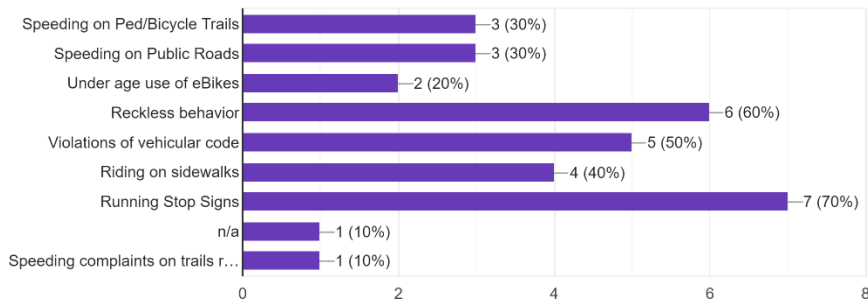
II-9: Has there been an increase in complaints regarding Bicycles in the last three years?

18 responses



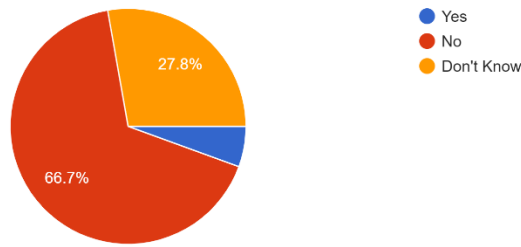
II-10: If yes, what kind of complaints about Bicycles? Check all that apply.

10 responses



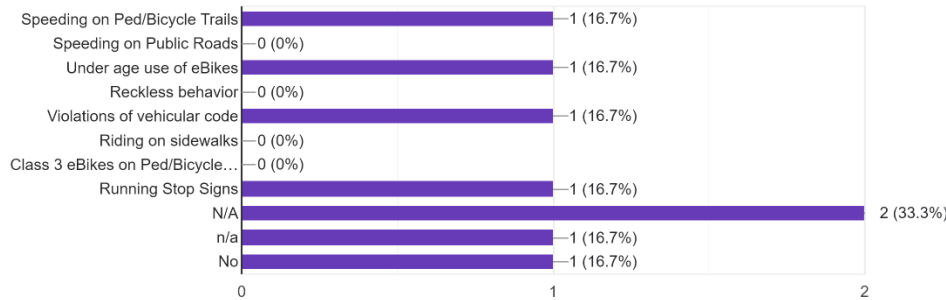
II-11: Has there been an increase in complaints regarding eBikes in the last three years?

18 responses



II-12: If yes, what kind of complaints about eBikes? Check all that apply.

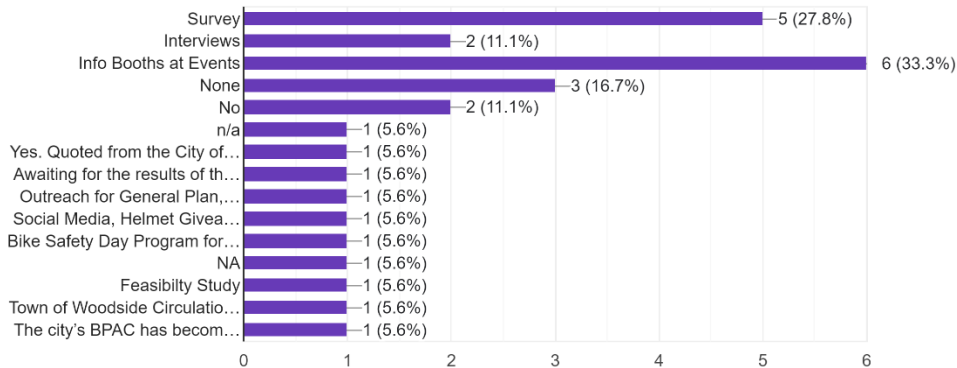
6 responses



II-13: Have you done anything to solicit information from citizens regarding bicycle/eBike safety?

Check all that apply.

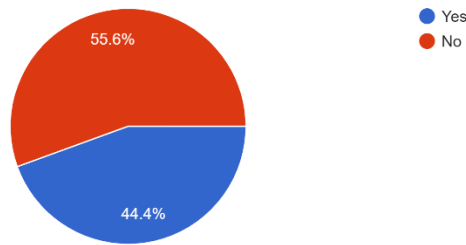
18 responses





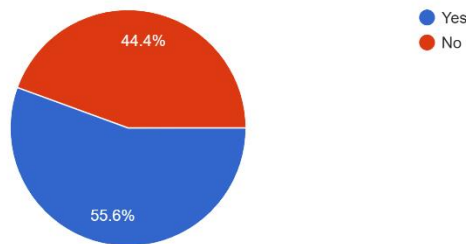
II-14: Is documentation relative to citizen complaints available?

18 responses



II-15: Do you provide Bicycle and eBike Safety Education?

18 responses



**Does your city/town have any future plans regarding the regulation of bicycles and eBikes?**

- Not at this time.
- Yes. Additional and improved bike lanes.
- Policies in the newly adopted General Plan supporting alternative modes of transportation, including bikes.
- Awaiting the results of the County-wide eBike pilot to determine best practices to implement.
- Not at this time.
- Not at this time. There have not been complaints/concerns regarding eBikes.
- Not at this time.
- Not that I am aware of.
- No, unless we start receiving complaints.
- Yes, The City of South San Francisco's Bicycle and Pedestrian Master Plan.
- No
- As the Town begins to understand various micro-mobility issues going forward, eBikes being part of that growth pattern, we will plan to prepare plans and outreach material to help educate the bike populations on eBike protocols and safety.
- With the growing development, more bike facilities are being provided for the general public. Public outreach and programs to help educate both current/new users are currently

being implemented citywide. Buildout of Bike & Pedestrian master plan is underway. Alameda de Las Pulgas and Ralston 4 designs are underway. Creation of a transportation master plan is also underway. Parks & Recreation Department is developing a Master Plan that also includes implementation of eBikes policies on open space trails.

- Yes
- Nothing specific regulatory changes planned at this time.
- City is currently drafting ordinance language to address the increasing number of electric mobility devices that are present on trails and paths. Many conversations have occurred at BPAC and council (among other committees and commissions) and will continue in 2024.



# TOWN OF PORTOLA VALLEY STAFF REPORT

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**TO:** Mayor and Members of the Town Council

**FROM:** Jennifer Torres, Town Clerk  
Corie Stocker, Assistant Town Manager

**DATE:** September 27, 2023

**RE:** Appoint Ad-Hoc Housing Element Post-Adoption Plan Subcommittee

## **RECOMMENDATION**

Staff recommends that the Town Council approve the appointment of Councilmember Hasko and Councilmember Hufty to the Housing Element Post-Adoption Plan Subcommittee. A subcommittee to research “sunrise” sites in surrounding areas.

## **BACKGROUND**

The purpose of the housing element’s site inventory is to identify and analyze specific land (sites) that are available and suitable for residential development to accommodate the regional housing need allocation.

## **FISCAL IMPACT**

There is no fiscal impact to this recommendation.

**Approved by:** Sharif Etman, Town Manager



# TOWN OF PORTOLA VALLEY

## STAFF REPORT

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**TO:** Mayor and Members of the Town Council

**FROM:** Kari Chinn, Communications and Community Engagement Analyst  
Corie Stocker, Assistant Town Manager

**DATE:** September 27, 2023

**RE:** Adoption of Resolution Approving and Authorizing Execution of Farmers' Market License Agreement

### **RECOMMENDATION**

Staff recommends that the Town Council adopt the attached Resolution (Attachment 1) authorizing the Mayor to execute the attached Farmers' Market License Agreement (Attachment 2) between the Town and Nile Estep, dba Good Roots, a Sole Proprietorship ("Good Roots") for a two-year contract .

### **BACKGROUND/DISCUSSION**

Since September 2018, Nile Estep of Good Roots has managed the Portola Valley Farmers Market. Mr. Estep has successfully managed the market bringing in diverse produce and product on a weekly basis. During the longer summer markets Mr. Estep has added value to the market by bringing in musicians and activities for children.

The Market is highly valued by residents and is a meeting point for parents and students for after school bus service. The market has provided food trucks on a weekly basis and works to add more food options during the Summer Concert Series.

Staff recommends that the Town Council approve the Resolution authorizing the Mayor to execute Agreement for Mr. Estep to manage the farmers' market for a two-year contract.

Staff has updated the Farmers' Market License Agreement (Agreement), with the assistance of the Town Attorney, to have a two-year term with Mr. Estep. Every year Mr. Estep will provide the Town Council with an annual report. Staff will work with Mr. Estep to bring a report to the Council to evaluate the farmers' market. At that time, the Council may consider continuing the farmers' market, applying additional conditions or provisions, or terminating the farmers' market at the end of the contract.

The Agreement has also been updated to include the following provisions:

- Adds a provision to provide crossing guard services at the Crosswalk across Portola Road adjacent to the Town Center Parking lot, during the one afternoon school bus stop.

**FISCAL IMPACT**

The Town includes a nominal amount in the annual budget to support Farmers' Market activities and engagement. The proposal for the 2023-24 Fiscal Year is \$7,000.

**ATTACHMENTS**

1. Resolution Farmers' Market License Agreement
2. Farmers' Market License Agreement
3. Site and Traffic Plan

**Approved by:** Sharif Etman, Town Manager

**RESOLUTION NO. 2023-\_\_\_**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PORTOLA VALLEY APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE TOWN OF PORTOLA VALLEY AND NILE ESTEP, dba GOOD ROOTS**

**WHEREAS**, the Town Council of the Town of Portola Valley has read and considered that certain Farmers’ Market License Agreement for operation of the Farmers’ Market at the Town Center (“Agreement”) between the Town and Nile Estep, dba Good Roots, a Sole Proprietorship (“Good Roots”) for a period of two years; and

**WHEREAS**, Good Roots has operated the Farmers’ Market at the Town Center since October of 2018; and

**WHEREAS**, Good Roots has been running successful Farmers’ Markets in the area and has been able to adapt the market to meet Town and County recommendations and orders

**NOW, THEREFORE**, the Town Council of the Town of the Town of Portola Valley does hereby RESOLVE as follows:

1. Public interest and convenience require the Town of Portola Valley to enter into the Agreement as described above.
2. The Town of Portola Valley hereby approves the Agreement and the Mayor is authorized on behalf of the Town to execute the Agreement between the Town of Portola Valley and Good Roots.

PASSED AND ADOPTED at the regular meeting of the Town of Portola Valley on September 27, 2023.

By: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Town Clerk

**FARMERS' MARKET  
LICENSE AGREEMENT**

THIS FARMERS' MARKET LICENSE AGREEMENT ("Agreement"), dated as of the last date signed below ("Effective Date"), is by and between THE TOWN OF PORTOLA VALLEY, a municipal corporation ("Town") and Nile Estep, dba Good Roots, a Sole Proprietorship ("Good Roots") and is made with reference to the following facts:

A. Town is the owner of the real property and improvements commonly known as the Town Center located at 765 Portola Road, Portola Valley, California 94028 ("Town Center").

B. The Town desires to have and Good Roots desires to operate a farmers' market at the Town Center, subject to all the terms and conditions hereinafter set forth.

**NOW, THEREFORE**, it is agreed as follows:

1. **Grant of License.** Town hereby grants to Good Roots a revocable license to use and occupy a portion of the Town Center for the purpose of operating a farmers' market wherein participating merchants will be engaged in the retail sale of agricultural products and other items customarily offered at a farmers' market for sale to the general public. The license granted herein shall authorize use and occupancy of the Town Center only by Good Roots and its authorized agents and participating merchants who are engaged in operation of the farmers' market pursuant to an agreement with Good Roots ("Participating Merchants"). The agreement(s) between Good Roots and the Participating Merchants shall require each Participating Merchant to comply with all of the applicable conditions and requirements set forth in this Agreement.

2. **License Area.** The area of the Town Center to be occupied by the farmers' market operated by Good Roots shall be a portion of the parking area adjacent to the Historic School House, as shown on Exhibit A attached hereto and made a part hereof ("License Area").

3. **Condition of License Area.** Use of the License Area is being granted to Good Roots in its present condition and the Town shall have no obligation to make any alterations or improvements to the License Area to accommodate the farmers' market. Good Roots acknowledges that the Town has made no representations or warranties concerning the condition of the License Area or its suitability for a farmers' market. It shall be the sole responsibility of Good Roots to conduct such inspections of the License Area as it deems necessary to confirm that the License Area can be used for the farmers' market.

4. **Term.** The term of this Agreement shall be from the Effective Date until May

31, 2025. Good Roots will provide an oral report to the Town Council annually at the Council's March or April meeting, which shall include Good Roots' opinions on what is working well and what can be improved and may include a request for changes to the farmer's market program.

**5. Permitted Use; Conditions.** The License Area shall be used and occupied by Good Roots and Participating Merchants solely for the purpose of operating a farmers' market and related activities, such as entertainment, and for no other purpose without the prior written approval of the Town.

- a. Day and Time of Operation. The farmers' market shall be limited to Thursday afternoons for a period of four hours of operation with an additional two hours before operation for set-up and one hour after operation for clean-up, generally from 2 p.m. to 5 or 6 p.m., depending on the time of year. In any case, the farmers' market shall always close by sunset, and clean-up must be completed within one hour after sunset.
- b. Town Cancellations and Rescheduling.
  - i. If the Town needs to cancel any particular week of the farmers' market due to a conflict with another event at Town Center, the Town shall provide Good Roots with at least one-week advance written notice.
  - ii. If the regularly scheduled farmers' market occurs on a holiday (e.g., Thanksgiving or Christmas), the Town Manager may give Good Roots permission for the farmers' market to occur on an alternate date during the week of the holiday.
- c. Site Plan and Traffic Control. The farmers' market setup and booth lay out shall conform to the Site Plan contained in Exhibit A, which is incorporated by reference. Good Roots and Town may make minor changes to the Site Plan from time to time. Any changes to the Site Plan that are not minor changes must be approved by amendment to this Agreement, which amendment must be signed by both parties to be effective. Good Roots shall comply with the City-approved site-specific traffic control plan, which is attached to this Agreement as Exhibit A.
- d. Participating Merchants; Booths.
  - i. The maximum number of Participating Merchants shall be 30 and shall not be increased without prior written approval of the Town Council. To the greatest extent feasible, subject to Good Roots' reasonable discretion, Good Roots will seek to engage vendors that



are based in close proximity to the Town and that provide goods and products desired by Town residents.

- ii. Good Roots may allow an additional “Community Corner” booth space at the farmers’ market for individuals and groups to engage in expressive activity, such as political advocacy, educational outreach or entertainment. Good Roots must provide a way for Community Corner booth space to be reserved in advance. No sales activity or fundraising will be allowed in the Community Corner.
  - iii. Good Roots shall require all Participants to comply with Market Rules adopted by Good Roots.
  - iv. Good Roots shall provide the Town with a space on the Historic School House steps for use by Town committees, Town staff, government agencies with jurisdiction in Portola Valley (e.g., Woodside Fire, Library) and Town service providers (e.g., GreenWaste Recovery) for outreach purposes.
  - v. Musicians may be invited to enhance the atmosphere of the farmers’ market. Amplified sound shall be allowed at Good Roots’ reasonable discretion, provided it does not disturb adjoining property owners.
- e. Sustainability. Good Roots will ensure the farmers’ market is “zero waste.” Good Roots shall require Participating Merchants to comply with the Reusable Bag Ordinance and shall require that Participating Merchants provide compostable serve-ware and produce bags.
- f. Clean Up. Upon the conclusion of each farmers’ market, Good Roots and Participating Merchants shall thoroughly clean the License Area; turn off hot water and access to outside spigots; place all trash, waste, recycling and debris into the proper receptacle (if necessary, transporting any extra waste or recycling to the Town’s corporation yard and placing it in the proper receptacle); and restore the License Area to substantially the same condition as existed before the conduct of the farmers’ market, including the repair of any damage to Town property resulting from the farmers’ market activities.
- g. Food Demo Booth. Within the maximum number of Participating Merchants identified in subsection (d)(i) above, the Town shall permit a food demo booth. The Town shall pay the annual San Mateo

County Health Department fee associated with the food demo booth. Good Roots shall obtain a permit for the food demo booth as “Portola Valley Farmer’s Market Healthy Food Demo Booth” and shall be the responsible party with the food manager’s certification. Good Roots will be responsible for scheduling local chefs to provide the demonstrations at the booth, and the Town will provide access to the kitchen sink in the Community Hall for the individual(s) authorized by Good Roots each week to conduct the demonstration. Good Roots shall ensure that the operation of the booth, including but not limited to the individuals making the demonstrations and the demonstrations, comply with all applicable laws, ordinances and regulations.

- h. Food trucks, food tents and special events. Good Roots can submit for approval to the Town Manager plans for additional special events and food trucks and meal tents during farmers markets, which may require more space. Plans must include information about required permits from County Agencies and comply with all applicable laws, ordinances and regulations, before being approved by the Town Manager. Good Roots shall require and confirm that any food trucks attending the farmers’ market have the required San Mateo County Health permits.
  
- i. Market adaptations under emergency orders and other special circumstances. In the event that unforeseen circumstances affecting the operation of the farmers market arise, such as emergencies orders, Good Roots may propose to the City adaptations to the farmers market to comply with such orders and to adapt to such circumstances. Such adaptations may include rearranging booths or barricades within the license area to meet any health and safety guideline recommended by the Town, County, or State. Market adaptations must be approved by Town Manager prior to implementing those adaptations.

6. **Crosswalk.** Good Roots hereby agrees provide crossing guard services at the Crosswalk across Portola Road adjacent to the Town Center Parking lot, during the one afternoon school bus stop. This responsibility entails ensuring the safety and smooth passage of pedestrians and students. Good Roots agrees to ensure the following, at a minimum:

- a. Provide at least one crossing guard who has completed the trainings set forth in subsection 6(b), below, who will be present from at least 3:10 p.m. until SamTrans bus 85 drops off students and has departed.
- b. Require assigned crossing guards to complete the necessary certifications and training to provide crossing guard services, as directed by the City.
- c. Implement safety measures and protocols to prevent any potential accidents or hazards. These measures must include, at a minimum, requiring all crossing guards to wear a reflective safety vest or similar outerwear and to carry a handheld red “STOP” paddle.

7. **Termination.**

- a. For Convenience. Good Roots or the Town may terminate this Agreement at any time by giving at least one month advance written notice to the other party. This Agreement will automatically terminate at the end of the term, if not extended by the parties' written agreement.
- b. For Cause. Town reserves the right to terminate this Agreement and/or suspend or revoke the License conferred hereby at any time if the City determines, in its sole discretion, that Good Roots' use of the License Area is contrary to the public health, safety, or welfare, or is in violation of any federal, state, or local laws, regulations, or permits, or is contrary to the terms and conditions set forth in this Agreement. City shall give thirty (30) days prior written notice of termination unless the City determines that there is an immediate threat to public health, safety, or welfare that requires a shorter notice period.

8. **Rent.** Good Roots shall pay to the Town as rent for the use and occupancy of the License Area the sum of One Dollar (\$1.00) per week, payable monthly in advance on the first day of each calendar month.

9. **Compliance with Legal Requirements.** Good Roots and Participating Merchants shall strictly comply with all applicable federal, state and local laws and regulations concerning transportation, handling, storage, and sale of food and other products offered for sale by the Participating Merchants at the farmers' market. Good Roots shall strictly comply with all applicable laws, ordinances and regulations pertaining to the operation of a farmers' market, including, but not limited to, the prohibition of pets within the License Area. Good Roots will maintain a current Portola Valley Business License.

10. **Indemnity.** Good Roots agrees to indemnify, defend, and hold the Town, and its officers, officials, boards, commissions, employees, agents, and volunteers harmless from and against any and all claims, demands, causes of action, liabilities, costs or expenses, including attorneys' fees, arising from its use or the Participating Merchants' use of the License Area or the operation of a farmers' market thereon, or arising from its performance under or any breach of this Agreement by Good Roots. The indemnity obligations of Good Roots set forth herein shall survive and continue beyond the term of this Agreement.

11. **Liability Insurance.**

- a. During the term of this Agreement, Good Roots, at its own expense,

shall procure and maintain in full force and effect: (i) comprehensive general liability insurance with an aggregate limit of not less than Two Million Dollars (\$2,000,000.00); One Million Dollars (\$1,000,000.00) per occurrence, insuring against all liability of Good Roots and the Town for bodily injury and property damage arising out of or in connection with Good Root's use and occupancy of the License Area.

- b. The general liability insurance policy shall name the Town of Portola Valley, and its officers, officials, boards, commissions, employees, agents, and volunteers as insured parties thereunder, and shall be endorsed to provide that: (i) the insurance coverage thereunder shall be primary with respect to Town; and (ii) no cancellation or reduction in coverage will be made without 10 days prior written notice to the Town by the carrier.

12. **Notices.** Any notice required or permitted to be given hereunder shall be in writing and shall be mailed, personally delivered, or delivered via email to the other party at the following address:

Town of Portola Valley  
Attn: Town Manager  
765 Portola Road  
Portola Valley, CA 94028  
Email: setman@portolavalley.net

Nile Estep, Good Roots  
PO Box 1527  
San Carlos, CA 94070  
Email: nileestep@gmail.com

Any notice sent by mail shall be deemed received on the third business day after deposit of the notice in the U.S. Mail with proper postage prepaid thereon. Personally delivered or emailed notices shall be deemed received immediately.

13. **Miscellaneous Provisions.**

- a. Costs of Suit. In the event legal action between the Town and Good Roots becomes necessary in order to enforce or interpret this Agreement, or any provision contained herein, the prevailing party shall be entitled to recover all costs and expenses that may be incurred in connection therewith, including reasonable attorneys' fees.
- b. No Assignment. This Agreement is personal to Good Roots and may not be assigned or transferred to any other party without the prior written consent of the Town.
- c. Successors and Assigns. Subject to the restrictions against assignment by

Good Roots, this Agreement shall be binding upon and inure to the benefit of the respective heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

- d. Severability. If any term or provision of this Agreement or the application to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons whose circumstances other than those as to which it is held invalid or unenforceable, shall not be affected.
- e. Writing. No waivers, amendments, alterations, or modifications of this Agreement, or any agreements in connection with this Agreement, shall be valid unless in writing and duly executed by both Town and Good Roots or their respective successors-in-interest.
- f. Authority to Sign. The parties executing this Agreement on behalf of Town and Good Roots represent that they have authority and power to sign this License on behalf of Town and Good Roots, respectively.
- g. Waiver. The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained nor shall any custom or practice that may arise between the Parties in the administration of the terms hereof be deemed a waiver of, or in any way affect, the right of Town or Good Roots to insist upon the performance by Good Roots or Town in accordance with said terms.
- h. Prior Agreements. This Agreement contains all of the agreements of the Parties with respect to any matter covered or mentioned in this License, and no prior agreement or understanding pertaining to any such matter shall be effective for any purpose.
- i. Governing Law and Venue. This Agreement shall be construed under the laws of the State of California. And lawsuit regarding this Agreement shall be brought in the Superior Court of the State of California for the County of San Mateo.

**IN WITNESS WHEREOF**, the parties have executed this Agreement effective as of the dates below.

TOWN OF PORTOLA VALLEY

NILE ESTEP, GOOD ROOTS

By: \_\_\_\_\_  
Jeff Aalfs, Mayor  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Nile Estep, Good Roots  
Date: \_\_\_\_\_

TOWN OF PORTOLA VALLEY

NILE ESTEP, GOOD ROOTS

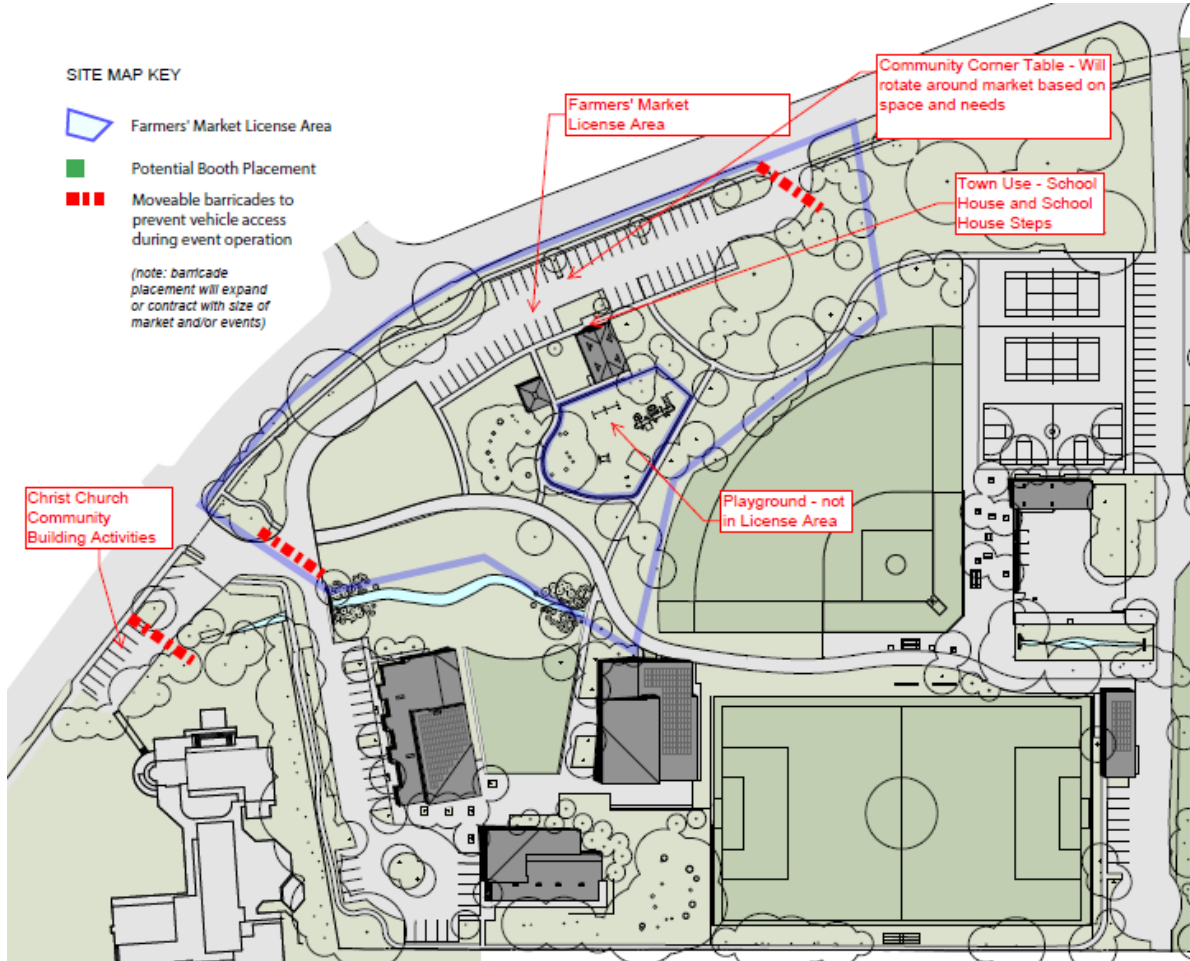
By: \_\_\_\_\_  
Jeff Aalfs, Mayor  
Date: \_\_\_\_\_

By: Nile Estep  
Nile Estep, Good Roots  
Date: 9/19/23

APPROVED AS TO FORM:

\_\_\_\_\_  
Catherine C. Engberg, Town Attorney  
Date: \_\_\_\_\_

### EXHIBIT A Farmers' Market License Area & Site Plan



1678746.3



# TOWN OF PORTOLA VALLEY

## Liaison Memo

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**TO:** Mayor and Members of the Town Council

**FROM:** Sarah Wernikoff

**DATE:** Wednesday, September 27th

**RE:** Parks & Rec Meeting 9.19.23

**OVERVIEW:**

Zotts to Tots Planning: Discussion regarding set up, traffic/roads, race plan, air quality plan.

Court Usage Policy: Feedback on policy has been positive, seems policy is working, higher number of users, including tennis players. Pickleball players would like to leave nets up on court 1 only, M-F only, etc. Will test this for 3 months.

Hawthorns: Overview from Karen Askey on the project, process and ways to get involved.

Parkland and Recreational Facility Dedication: Request Study Session of the Planning Commission to review inadequacy of recreation spaces and include the option of including a land dedication from developers/landowners for recreational facilities.

Recreational Facility Opportunities: Discussion of reciprocity agreement bw the Town and Priory School, possibilities with Ladera Rec and others.

Pickleball Club Fees: Clubs must pay fees.

Dog Park at Spring Down: Review of conservation easement and discussion of possibilities.





# TOWN OF PORTOLA VALLEY

## Liaison Memo

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**TO:** Mayor and Members of the Town Council

**FROM:** Friends of Portola Valley Library

**DATE:** Wednesday, September 27th

**RE:** Sept 19<sup>th</sup> Friends of Portola Valley Library Meeting

**OVERVIEW:**

1. Update on Author's Reading at the PV Art Fest on 9/16.
2. Discussion of plans for the FOPVL booth at the upcoming Town Picnic.
3. Discussion regarding Events Committee membership, and Holiday Fair.
4. Library/SMCL Update: Mary Abler named interim PV library manager. Pickleball farewell for Garrett with library staff. Update from Council liaison re: recent SMC JPA meeting.
5. Treasurer report: Tax filing complete. Solicitation for all FOPVL members to contribute to annual giving. Report on healthy financial position: current investments \$965K.
6. Book sales: Program is going well, sales are strong. Weekly sale is Tuesdays at 1:00.
7. Update regarding continued work organizing archives and converting FOPVL documents to electronic files.