

Enforcing Laws for Cycling Safety

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Founder

www.CyclistVideoEvidence.com

San Mateo County BPAC

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- I used to enjoy riding 36 miles every morning but stopped cycling in October 2015 because I didn't feel safe riding on the roads
- I founded CyclistVideoEvidence.com to give cyclists the confidence to ride on the roads



Mission

Increase the number of cyclists who feel safe and confident riding on the roads

There is huge latent demand for cycling

People around the world
flocked to cycling
when roads were closed
due to the Covid pandemic

FOROTR

The top reason cyclists stop cycling and potential cyclists don't start

When a motor vehicle hits a cyclist or causes a criminal near miss
the incident must be given the same priority
as an incident involving any other deadly weapon

It must be investigated, cited and charged

Legal Definition of Assault with a Deadly Weapon

The legal definition of California Penal Code Section 245 primarily focuses on what is known as the “**elements of the crime**” are covered under CALCRIM 875 and include the following:

1. You committed an act against someone that would **probably** result in the application of force
2. Your act was with a deadly weapon or an act that would **likely** produce great bodily injury
3. Your act was done **willfully and purposeful**
4. You **reasonably** knew your act would lead a reasonable person to believe your act would result in the application of force on another person
5. You had **the ability** to apply force with a deadly weapon likely to produce great bodily injury
6. You were **not acting in self-defense or defense of another person**

If you use a deadly weapon to **frighten or intimidate** another person, you can be convicted

5 criminal incidents against San Mateo, Alameda and Contra Costa County cyclists

and hate crimes on King's Mountain Road

In all five cases the cyclists had no confidence law enforcement would enforce the laws
As their advocate **we had to convince them to submit their incident reports to law enforcement**
and demand the drivers be charged

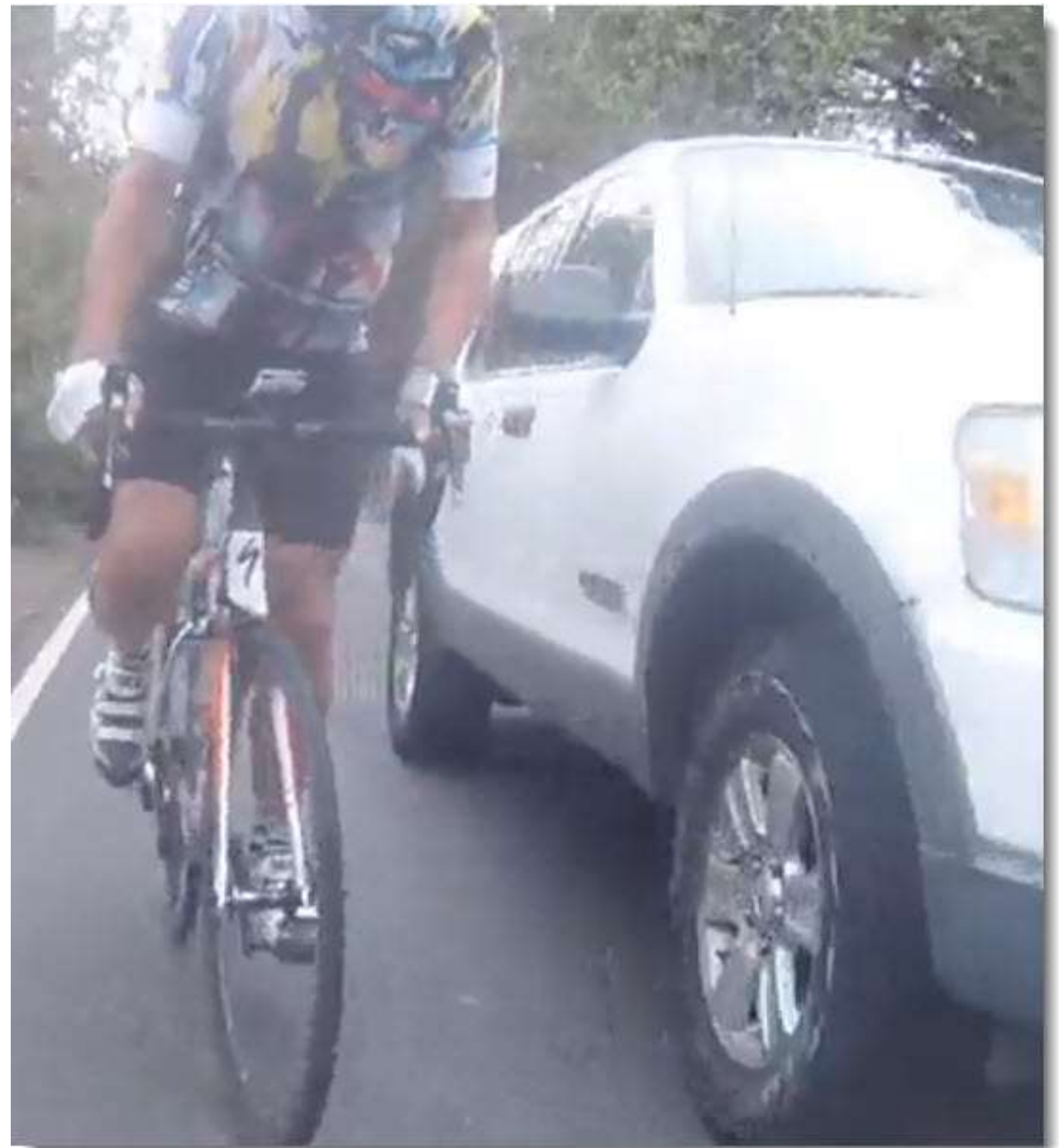
It's incredible how many barriers law enforcement erects to cyclists' criminal incident reports

Most cyclists justifiably give up in frustration

6/23/20 - Glenn Kirby and John Barclay's assault, battery and reckless driving incident in San Bruno



10/10/20 – Steve Lubin's
Hwy 84, south of Bear Gulch
Road, assault and reckless
driving incident



10/28/20 - Peter Grace and Western Wheelers' group ride assault and reckless driving incident on King's Mountain Road



INCIDENT: 10/28/20

TIME: ABOUT 5:15-5:20pm - See video for exact time stamped

WHERE: 750 KING'S MOUNTAIN ROAD
- See Letter box in video

VEHICLE: DODGE PICK UP

MODEL: See video

LICENSE PLAT: GY 55948
- see video & have photographs from video

VIDEO ON YOUTUBE: ASSAULT W. 28,000 BY DODGE TRUCK
6Y55948 AT 750 KING'S MOUNTAIN ROAD,
WOODSIDE, CA

REPORT BY: PETER GRACE

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INCIDENT: See VIDEO

- A NUMBER OF US WERE ASCENDING KING'S MOUNTAIN ROAD BETWEEN THE ROAD "ENTRANCE WAY" AND THE HUDSPED PARK ENTRANCE
- THIS SECTION OF ROAD HAS DOUBLE YELLOW LINES
- A CALL CAME FROM [PHONE] "CAR UP"
- I COULD SEE A BLIND CORNER RIGHT AHEAD
- A THE TRUCK WAS OVER THE DOUBLE YELLOW LINES AS IT PASSED AT THE EXACT SAME MOMENT A CYCLIST WAS DESCENDING WITH A STRONG FRONT LIGHT AND PEOPLE AHEAD OF ME CALLED 'RISE UP'
- THE TRUCK PASSED ME AT THE EXACT MOMENT THE DESCENDING CYCLIST PASSED. THE TRUCK WHEELS WERE OVER THE DOUBLE YELLOW LINE

PJD ↓

- THE TRUCK PASSED US AND THEN SLOWED DOWN TO SUCH AN EXTREME POINT THAT I AM CATCHING UP WITH THE TRUCK. THIS GIVES ME A SOLID PHOTOGRAPH OF THE NUMBERPLATE. THE DRIVER SHOUTED WORDS INCLUDING "MOTHER FUCKER".
- I WAS VERY SCARED AS THE SLOWING, I TOOK TO BE A DELIBERATE ACT AND THE PROFANE WORDS I TOOK TO BE GREAT ANGER.
- I DID NOT KNOW WHAT THE DRIVER WOULD DO NEXT
- THE DRIVER THEN SPEEDS UP AND SHOUTED MORE PROFANITIES
- SCARY
- AARON SOLOMON HAS A VIDEO OF THE SAME TRUCK ALSO PASSING AND CROSSING THE DOUBLE YELLOW LINE ON A BLIND CORNER

FRANK MASTERSON WAS KILLED DESCENDING KING'S MOUNTAIN ROAD IN AUGUST BY A VEHICLE ~~PASSING~~ PASSING A CYCLIST AND BEING IN THE DOWN HILL LANE.

WE WERE VERY FORTUNATE THAT THIS DID NOT HAPPEN ON WEDNESDAY EVENING.

Peter Grace
PETER GRACE
TRED WOOD CITY CHS
10/30/20

10/28/20 - Peter Grace and Western Wheelers' group ride assault and reckless driving incident on King's Mountain Road



3/14/19 – Keith Nowell's San Pablo Dam Road assault and reckless driving incident



9/18/14 - Bruce Dughi's Castro Valley assault
and reckless driving incident



Law enforcement's reflexive dismissal of criminal violations against cyclists

- Are these drivers repeat offenders and is law enforcement complicit in enabling these dangerous drivers?
- **Most cyclists justifiably give up** and do not report their collisions to law enforcement
 - FHWA research: up to 60% who end up in the emergency room do not report to law enforcement
- Does law enforcement have a bias against cyclists?
- Does law enforcement receive training to enforce the laws for cycling safety?
 - **There is a great divide between how non-cyclists perceive and minimize the threats cyclists face on the roads**
 - They have no visceral comprehension of the terror cyclists feel when assaulted or endangered by reckless drivers
- These cyclists are all “Strong and Fearless” which represents less than 1% of the potential cycling population
- If the “Strong and Fearless” feel terrorized, the other 99% will simply stop cycling or refuse to start
- We have several video compilations of harrowing, terror inducing criminal near misses that are almost always reflexively rejected by law enforcement

NHTSA & PBIC

The Role of Law Enforcement in Supporting Pedestrian and Bicyclist Safety: An Idea Book

*“In many States, basic law enforcement training is approximately 16 weeks. About a week may be devoted to motor vehicle law and traffic crash investigation, and within that, **many officers are fortunate to get even an hour of training time focused on pedestrian and bicyclist laws or issues.**”*

NHTSA & PBIC

The Role of Law Enforcement in Supporting Pedestrian and Bicyclist Safety: An Idea Book

“Research shows that near-miss incidents deter bicyclists from riding, and close calls are overwhelmingly more frequent than collisions.”

NHTSA & PBIC

The Role of Law Enforcement in Supporting Pedestrian and Bicyclist Safety: An Idea Book

“Cyclist Video Evidence, based out of Alameda, California, offers a website resource for bicyclists, enforcement agencies, and others to share videos of close calls and submit incident reports. The free platform provides documentation for law enforcement and government agencies to analyze and map near-miss data to gain perspectives on the realities bicyclists face and identify danger zones for road safety improvement.”

Near Misses and Perceived Risk


Academic research states near misses and perceived risk are the top reasons cyclists stop cycling and potential cyclists don't start

Not collisions

Collisions are relatively infrequent and highly underreported
Changing Law Enforcement and Government's exclusive focus on collisions to near misses prevents collisions

and aligns with the top factors limiting the potential cycling population

Dangerous By Design



Unsafe streets
are a feature,
not a bug

The National Complete Streets Coalition's bi-annual Dangerous By Design Report has repeatedly stated for years that streets are dangerous by design

But, even they exclusively focus on collisions and deaths

Focusing exclusively on collisions and deaths, is, ironically,
dangerous by design

Preventing collisions, deaths and injuries
by focusing on near misses is **intelligent by design**

Complete Streets Resolutions and Ped/Bike Plans

State safety is their number one goal

How can **cyclists** achieve Safe Shared Streets?

- Ride smart, follow the rules of the road
- Always ride with a camera to always have objective video evidence
 - Understand the Near Miss Spectrum
- Report all collisions and near misses to our free Incident Management System to identify dangerous areas, dangerous drivers and repeat offenders, before collisions occur.
- Report all collisions and criminal near misses to law enforcement

The Near Miss Spectrum




How can **cities** achieve Safe Shared Streets?

- Adopt the www.SafeSharedStreets.org resolution for a performance based action plan to achieve Safe Shared Streets
 - Commit to city-wide training and understanding of the Near Miss Spectrum and Perceived Risk
 - Commit to investigating all reported incidents of motor vehicle – bicycle collisions and criminal near misses
- Commit to publicly requesting cyclists to ride with a camera and submit all near miss incident reports to generate accurate and objective cyclist threat level data
 - Commit to securing funding to subsidize camera purchases for those that require assistance

How can **cities** achieve Safe Shared Streets?

- Commit to generating performance metrics for reported collisions and criminal near miss incidents
- Commit to publicly transparent collision and near miss metrics reporting
 - Commit to analyzing cyclist threat level data to reduce near misses and increase cyclists' confidence to ride on the road
 - Commit to utilizing cyclist threat level data to help secure local infrastructure improvement grants and funding
- Commit to a regular review and recommendations to achieve these commitments
 - Commit to evolving tactics as needed to achieve the top goal: **cyclist safety**



What gets measured gets done!

Cyclists, government and law enforcement
all
have critical roles in achieving
safe shared streets

Jurisdictional Risk

If law enforcement and the legal system do not enforce the laws for cycling safety, cyclists face a higher jurisdictional risk in those communities and have a justifiably higher FOROTR in those communities

Important New Cycling Safety Legislation

We have written legislation to specifically add cyclist and pedestrian safety to the driver's manual, examination and the reckless driving law.

We need to show **your legislators** there are many cyclists in their districts who do not feel safe riding on **their roads**.

We need **you** to join our petition!

It's the first post on the CyclistVideoEvidence.com home page.

Please encourage everyone you know to join!

Together we can create

Safe Shared Streets

Join us!

www.CyclistVideoEvidence.com

www.SafeSharedStreets.org