Enforcing Laws for Cycling Safety

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Founder
www.CyclistVideoEvidence.com

San Mateo County BPAC
02/18/21
• 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
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. You 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: WY29
TIME: ABOUT 5:45:30 PM - SEE VIDEO
WHERE: KING MOUNTAIN ROAD
VEHICLE: DODGE DAKOTA
MODEL: GAS
LICENSE PLATE: 6Y5549
- SEE VIDEO I HAVE PHOTOGRAPHS FROM
VIDEO ON YOUTUBE: ASSAULT WY18-1200 BY DODGE DAKOTA
6Y5549 AT 730 KING MOUNTAIN ROAD,
WORCESTER, MA
REPORT BY: PETER GRACE
415-613-2269
SHIPPING@PETERGRACE.COM

INCIDENT: SEE VIDEO
A NUMBER OF US WERE ASCENDING KING MOUNTAIN ROAD
- BETWEEN THE RON'S ENTRANCE WAY AND THE SATURDAY WAY
- ENTRANCE
- IN THIS SECTION OF ROAD HAS DOUBLE YELLOW LINES
- A CALL CAME FROM RELAYING "CALL UP"
- I COULD SEE A BLIND CORNER LIGHT HANGING
- 4 THE TRUCK WAS OVER THE DOUBLE YELLOW LINES A BIT FASTER
- MY BROTHER SAID I STOPPED
- A CYCLIST WAS DESCENDING MOUNTAIN

A STRONG FRONT LIGHT AHEAD OF ME CALLED
- RIDE UP!
- THE TRUCK PASSES ME AT THE EXACT MOMENT THE DESCENDING
- CYCLIST PASSES. THE TRUCK亞ALLY WERE OVER THE DOUBLE
- YELLOW LINES

PT0

- THE TRUCK PASSES ME AT THE EXACT MOMENT THE DESCENDING
- CYCLIST WASHED UP. THE TRUCK WANTED TO OVER THE DOUBLE
- YELLOW LINES

PT0

- I WAS VERY CONFUSED AS THE SLOWING I TOOK TO
- BE A DELIBERATE PACT AND THE POWER WOULD
- NOT BE GREAT POWER
- I TOOK TO BE GREAT POWER
- I DID NOT KNOW WHAT THE DRIVER WOULD DO
- NEXT
- THE DRIVER THEN SPED UP AND SHOUTED MORE
- PROPRIETIES
- SCARY
- A BAD MAN SAWED ME AND I SAW A VIDEO OF THE SAME
- ACTION...AS A MAN IN A VIDEO OF THE SAME
- TRUCK, ALSO PULLING AND COUSING THE DOUBLE
- YELLOW LINES ON A BLIND CORNER

FRANK MASSENDON WAS KILLED DESCENDING KING MOUNTAIN
ROAD IN AUGUST BY A VEHICLE CRASHING WITH A
CYCLIST IN FRONT. THE DODGE DAKOTA ON THE DOWN HILL LANE.
WE WERE VERY LUCKY THAT THIS DID NOT HAPPEN
ON WEDNESDAY EVENING

Pete

PETER GRACE
TRENDWOOD CITY 6/9/20
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 Dughis 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
“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.”
“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
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.

Unsafe streets are a feature, not a bug.
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

Criminal Near Misses
- Charge driver and possibly prosecute

Three Foot Violations
- Police send hand signed warning letter

"Pre" Near Misses
- Generate data for traffic planners
How can cities achieve Safe Shared Streets?

- Adopt the [www.SafeSharedStreets.org](http://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.
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