October 15, 2019

The Honorable Garrett L. Wong  
Presiding Judge  
Superior Court of California, County of San Francisco  
400 McAllister Street, Department 206  
San Francisco, CA 94102

RE: Civil Grand Jury Report - Pedestrian Safety in the Era of Electric Mobility Devices

Dear Judge Wong:

The Board of Supervisors’ Government Audit and Oversight Committee conducted a public hearing on September 19, 2019, to review the findings and recommendations of the 2018-2019 Civil Grand Jury report, entitled “Pedestrian Safety in the Era of Electric Mobility Devices.”

Prior to the Committee meeting, the following City Departments submitted required responses to the Civil Grand Jury:

- Office of the Mayor:  
  Received September 16, 2019;
- Office of the City Attorney:  
  Received September 11, 2019;
- Police Department:  
  Received September 16, 2019
- Municipal Transportation Agency:  
  Received September 16, 2019; and
- Department of Public Health:  
  Received September 16, 2019.

During the September 19, 2019 meeting, the Government Audit and Oversight Committee prepared a resolution responding to the requested findings and recommendations identified in the report. The response was prepared by Resolution No. 424-19, enacted on October 11, 2019.

By this message, the Office of the Clerk of the Board of Supervisors is transmitting Resolution No. 424-19 to your attention.
If you have any questions, please contact John Carroll, Government Audit and Oversight Committee Clerk at (415) 554-4445, or via email to john.carroll@sfgov.org.

Sincerely,

Angela Calvillo
Clerk of the Board

c:
Sophia Kittler, Mayor’s Office
Kanishka Karunaratne Cheng, Mayor’s Office
Andres Power, Mayor’s Office
Sally Ma, Mayor’s Office
Rebecca Peacock, Mayor’s Office
Jon Givner, Office of the City Attorney
Ben Rosenfield, City Controller
Todd Rydstrom, Office of the Controller
Peg Stevenson, Office of the Controller
Tonia Lediju, Office of the Controller
Mark de la Rosa, Office of the Controller
Alisa Somera, Office of the Clerk of the Board
Debra Newman, Office of the Budget and Legislative Analyst
Severin Campbell, Office of the Budget and Legislative Analyst
Reuben Holober, Office of the Budget and Legislative Analyst
Jennifer Millman Tell, Office of the Budget and Legislative Analyst

Rasha Harvey, 2018-2019 Foreperson, San Francisco Civil Grand Jury
Ettore Leale, 2019-2020 Foreperson, San Francisco Civil Grand Jury
Dr. Grant Colfax, Director, Department of Public Health
Greg Wagner, Department of Public Health
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Tom Maguire, Executive Director, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Joel Ramos, Municipal Transportation Agency
Viktoriya Wise, Municipal Transportation Agency
Chief William Scott, Police Department
Rowena Carr, Police Department
Asja Steeves, Police Department
Deirdre Hussey, Police Department
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2018-2019 Civil Grand Jury Report, entitled "Pedestrian Safety in the Era of Electric Mobility Devices;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Clerk of the Board)

10/1/2019 Board of Supervisors - ADOPTED
   Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

10/11/2019 Mayor - RETURNED UNSIGNED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE
I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

October 15, 2019
Date

Angela Calville
Clerk of the Board
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2018-2019 Civil Grand Jury Report, entitled "Pedestrian Safety in the Era of Electric Mobility Devices;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget.

WHEREAS, Under California Penal Code, Section 933 et seq., the Board of Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior Court on the findings and recommendations contained in Civil Grand Jury Reports; and

WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a county agency or a department headed by an elected officer, the agency or department head and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the response of the Board of Supervisors shall address only budgetary or personnel matters over which it has some decision making authority; and

WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of Supervisors must conduct a public hearing by a committee to consider a final report of the findings and recommendations submitted, and notify the current foreperson and immediate past foreperson of the civil grand jury when such hearing is scheduled; and

WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b), the Controller must report to the Board of Supervisors on the implementation of recommendations that pertain to fiscal matters that were considered at a public hearing held by a Board of Supervisors Committee; and

Supervisor Mar
BOARD OF SUPERVISORS
WHEREAS, The 2018-2019 Civil Grand Jury Report, entitled "Pedestrian Safety in the Era of Electric Mobility Devices" ("Report") is on file with the Clerk of the Board of Supervisors in File No. 190789, which is hereby declared to be a part of this Resolution as if set forth fully herein; and

WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond to Finding No. F7, as well as Recommendation No. R6, contained in the subject Report; and

WHEREAS, Finding No. F7 states: “A key obligation of the Pedestrian Safety Advisory Committee (PSAC) is to prepare and submit annual reports to the Board of Supervisors (BOS). These reports are to include pedestrian injury and fatality statistics and root cause analysis, to recommend changes in policies, funding and enforcement. PSAC has not prepared or submitted an annual report since 2011;” and

WHEREAS, Recommendation No. R6 states: “The Board of Supervisors should allow the Public Safety Advisory Committee to terminate on October 1, 2019 as designated in the San Francisco Municipal Code;” and

WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior Court on Finding No. F7, as well as Recommendation No. R6, contained in the subject Report; now, therefore, be it

RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that they partially disagree with Finding No. F7 for reason as follows: annual reports were prepared by the Pedestrian Safety and Advisory Committee for 2012, 2013, 2014, and 2018; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation No. R6 will not be implemented because the recommendation is unwarranted or unreasonable, in light of the Pedestrian Safety Advisory Committee's progress over the last
year in addressing quorum issues, the ongoing declared state of emergency for pedestrian safety, and that the Pedestrian Safety Advisory Committee is the sole advisory body reporting to the Board on this crucial issue, the Board of Supervisors intends to extend the sunset date for the committee for an additional year, during which time the committee is advised to review and recommend changes in its structure to improve its efficacy going forward; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the implementation of the accepted findings and recommendations through his/her department heads and through the development of the annual budget.
Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2018-2019 Civil Grand Jury Report, entitled "Pedestrian Safety in the Era of Electric Mobility Devices;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget.

September 19, 2019 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

September 19, 2019 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

October 01, 2019 Board of Supervisors - ADOPTED
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 10/1/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

10/11/2019
Date Approved
I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo  
Clerk of the Board  

10/11/2019  
Date
August 29, 2019

Hon. Garrett L. Wong  
Presiding Judge  
San Francisco Superior Court  
400 McAllister Street  
San Francisco, CA 94102

Re: City Attorney’s Office Response to the July 16, 2019 Civil Grand Jury  
Report entitled, “Pedestrian Safety in the Era of Electric Mobility Devices”

Dear Judge Wong:

In accordance with Penal Code Sections 933 and 933.05, the Office of the City Attorney  
submits the following response to the July 2019 Civil Grand Jury Report entitled, Pedestrian  
Safety in the Era of Electric Mobility Devices. The Grand Jury requested that this office respond  
to the report.

For each Civil Grand Jury finding for which the Grand Jury has requested a response, the  
statutes require the respondent to either:

1. agree with the finding; or

2. disagree with it, wholly or partially, and explain why.

For each Civil Grand Jury recommendation for which the Grand Jury has requested a  
response, the statutes require the respondent to report:

1. that the recommendation has been implemented, with a summary explanation of  
   how it was implemented;

2. the recommendation has not been implemented, but will be implemented in the  
   future, with a time frame for the implementation;

3. the recommendation requires further analysis, with an explanation of the scope of  
   that analysis and a time frame for the officer or agency head to be prepared to  
   discuss it (less than six months from the release of the report); or

4. that the recommendation will not be implemented because it is not warranted or  
   reasonable, with an explanation of why that is.
Findings 5 and 6, and Recommendation 5 seek a response from the City Attorney, among others. The City Attorney submits the following responses on behalf of the City Attorney’s Office:

**Finding 5.**

_The Pilot terms between the City and permittees require them to indemnify the City from injury and damage claims. However, Scoot and Skip Terms of Service put responsibility for injury, damage, and equipment inspection on the User._

**City Attorney’s Office Response To Finding 5.**

Partially agree and disagree. It is correct that the permittees in the City’s Powered Scooter Share Pilot Program, including Skip and Scoot, are required to indemnify the City. While Scoot and Skip in their Terms of Service pass down responsibility for liability to their individual users, Scoot and Skip are still each primarily responsible to the City through the indemnity for any claims against the City related to activity authorized under the respective operator’s permit with the City.

**Finding 6.**

_Current terms and conditions in the Skip agreement expose a contractual gap that delegates initial responsibility for scooter inspection and maintenance to their independent contractors, Skip Rangers, who receive no specific training from Skip. Scoot, however, hires and trains its employees to provide the inspection and maintenance services._

**City Attorney’s Office Response To Finding 6.**

Partially agree and disagree. While it appears that the Skip Charger Agreement referenced in the report does not contain an express training requirement, that omission does not necessarily mean that the Skip Rangers lack the requisite training or experience to properly inspect its scooters. Moreover, the SFMTA informs us that the Skip Rangers are made up of 80% independent contractors and 20% Skip employees, and that Skip employees are trained. We do not know about the training or experience of the independent contractors and do not express an opinion about that.

**Recommendation 5.**

_SFMTA, City Attorney, and TNCs should review and if necessary modify the City-Permittee agreement, the TNC-User agreement, and any other related agreements to assure that responsibility for risk management is allocated to the party/parties best able to manage such risks. This review and potential modification of terms across all agreements should be initiated prior to the end of the existing Pilot. Any necessary revisions should be incorporated and implemented in all agreements for the replacement program to follow at the conclusion of the Pilot._

**City Attorney’s Office Response To Recommendation 5.**

Recommendation #5 has been implemented in part. In consultation with the SFMTA, the City Attorney’s Office has reviewed the City permits, the agreements between the Powered
Scooter Share Operators\(^1\) and their users, and the Skip Charger Agreement referenced in the report before the end of the existing Pilot Program.

In consultation with the SFMTA, the City Attorney's Office has specifically reviewed whether to modify the permit terms to fill any potential gap in responsibility as between the Powered Scooter Share Operators and their independent contractors. At the end of July 2019, SFMTA issued a new permit application for the replacement permit program, and the SFMTA informs us that it anticipates issuing the next round of permits with a term to commence after the Pilot Program concludes in mid-October 2019. The permit application contains anticipated terms and conditions for the new program, and includes the following new clause in the permit terms to address any potential gap in responsibility between permittee and its independent contractors for obligations under the permit:

Permittee may subcontract or delegate portions of its obligations only upon prior written approval of SFMTA. Permittee is responsible for, and must supervise, its personnel and all subcontractors, including independent contractors, who perform obligations under the permit. Any agreement made in violation of this provision shall be null and void.

Also, SFMTA added a provision requiring that permittees “educate and train” any independent contractors who perform any part of the permittee’s maintenance, cleaning, staffing, and repair plan.

Recommendation #5 has not been implemented as to modifying the City permits to allocate risk as between the Powered Scooter Share Operators and users to the party best able to manage such risks. The City Risk Manager recommended that it is not advisable for the City to insert itself into the risk allocation as between the Powered Scooter Share Operators and their customers because the City could face unwarranted risk exposure for assessments for which it does not have the authority to manage. Based on that recommendation, the SFMTA did not modify the permits to allocate risk between the operators and users.

We hope this information is helpful.

Very truly yours,

DENNIS J. HERRERA
City Attorney

\(^1\) The Grand Jury Report refers to the Powered Scooter Share Operators as “Transportation Network Companies” or “TNCs.” We do not use that term because, under State law, that term has a specific meaning and refers to “prearranged transportation services ... to connect passengers and drivers using a personal vehicle.” (Cal. Pub. Util. Code § 5431.)
September 16, 2019

The Honorable Garrett L. Wong  
Presiding Judge, Superior Court of California, County of San Francisco  
400 McAllister Street, Room 008  
San Francisco, CA 94102

Dear Judge Wong,

In accordance with Penal Code 933 and 933.05, the following is in response to the 2018-2019 Civil Grand Jury Report, Pedestrian Safety in the Era of Electric Mobility Devices. We would like to thank the members of the Civil Grand Jury for their interest in public safety and emerging mobility options, and their efforts in making the City safe and livable by eliminating traffic fatalities.

Vision Zero SF is San Francisco’s street safety policy, adopted in 2014, that commits the City to build better safety streets, educate the public on traffic safety, enforce traffic laws, and adopt policy changes to eliminate traffic fatalities and reduce severe injuries. Vision Zero integrates pioneering research, education, enforcement, and street engineering changes in order to change behavior and save lives. Using data collected, the City identifies trends and determines where safety projects are most urgently needed, and these streets are a top priority for engineering improvements to protect the most vulnerable road users, which are walkers and bikers.

The report focuses on ways to improve education and outreach for pedestrian and motorized device users, enforcement of existing ordinances and laws to help reduce injuries, injury data to capture and identify root causes, and contractual terms regarding liability and responsibility for injuries, device maintenance and repair. The City has invested in education and public outreach, including a safety awareness education campaign for scooter riders, and will continue to educate the public on traffic safety, enforce traffic laws, and make data-driven decisions. We welcome the Civil Grand Jury’s findings and recommendations and will seek to incorporate them into the next steps of the project, as appropriate.

A detailed response from the Mayor’s Office, Police Department, Municipal Transportation Agency, and Department of Public Health to the Civil Grand Jury’s findings and recommendations is attached.

Each signatory prepared its own responses and is able to respond to questions related to its respective parts of the report.

Thank you again for the opportunity to comment on this Civil Grand Jury report.
Sincerely,

London N. Breed  
Mayor

Dr. Grant Colfax  
Director, Department of Public Health

William Scott  
Chief, Police Department

Tom Maguire  
Interim Director, Municipal Transportation Agency
<table>
<thead>
<tr>
<th>Report Title</th>
<th>F2</th>
<th>Agreement:</th>
<th>Recommendation Text</th>
<th>Respondent Assigned by</th>
<th>Recommendation Response Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019)</td>
<td>F2</td>
<td>Agree with the finding</td>
<td>The campaign outreach included graphics that demonstrated safe and unsafe behaviors while riding a scooter, and &quot;Dos and Don'ts&quot; ads placed on the exterior and interior of MUNI buses and light rail vehicles. SFMTA distributed campaign information to Scoot and Skip, who shared them with users and the public, and shared the digital version with the Board of Supervisors and community partners. Also, SFMTA Taxi Enforcement staff distributed campaign information to the public while in the field issuing scooter citations.</td>
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<td>The successful expansion of marked and protected bike lanes represents an opportunity to include signage indicating bike lanes are also for use by e-scooter riders. There is no signage currently indicating where e-scooters should ride, and insufficient signage to discourage riding on sidewalks.</td>
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<td>Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019)</td>
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<td>Disagree, partially</td>
<td>Traffic Company takes action (whether the officers witness a moving violation by a bicycle, pedestrian, or powered mobility device). However, the enforcement campaigns have focused on vehicle violations, so the vast majority of traffic fatalities are due to motor vehicle violations. Traffic Company’s operation-based enforcement sends officers to high-injury corridors to focus on violations relating to speeding, yielding pedestrians right-of-way at a crosswalk, running red lights, running stop signs, and failing to yield while turning.</td>
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<td>Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019)</td>
<td>F2</td>
<td>Disagree, partially</td>
<td>SFMTA in coordination with Vision Zero SF should design a public safety campaign regarding a scooter use, laws, safety and helmet use. This campaign should include TNC participation and utilize various means of outreach including ads on MUNI trains, buses, streetcar, social media, and TNC apps no later than June 30, 2020.</td>
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<td>Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019)</td>
<td>F2</td>
<td>Disagree, partially</td>
<td>While scooters are permitted to use bicycle lanes, the lanes themselves are legislated as &quot;bicycle lanes.&quot; SFMTA adheres to the California Manual on Uniform Traffic Control Devices (CA MUTCD), which provides for uniform standards and specifications for all official traffic control devices in California and governs signs and striping for all public roads in the state. CA MUTCD Section 9C-1.5.C defines lane-use markings for bicycle lanes as follows: 1. &quot;Bicycle lane—the preferential lane-use marking for a bicycle lane shall consist of a bicycle symbol or the word marking BKE LANE (see Chapter 9C and Figures 9C-1 and 9C-5 through 9G-5).&quot; 2. No additional lane-use markings—including scooter markings—are permitted in bicycle lanes at this time, per the CA MUTCD. 3. The CA MUTCD does not currently have signs or stencils for scooters; therefore, the recommended signs and stencils would not be allowed on public roads in San Francisco. Additionally, given that the City has approximately 300 miles of bicycle lanes, adding signs and signage to all bicycle lanes would be cost prohibitive. SFMTA will investigate the feasibility of adding visual symbols on sidewalks and High-Injury Networks to discourage sidewalk use by e-scooters.</td>
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</table>

*F2: The campaign Outreach included graphics that demonstrated safe and unsafe behaviors while riding a scooter, and "Dos and Don'ts" ads placed on the exterior and interior of MUNI buses and light rail vehicles. SFMTA distributed campaign information to Scoot and Skip, who shared them with users and the public, and shared the digital version with the Board of Supervisors and community partners. Also, SFMTA Taxi Enforcement staff distributed campaign information to the public while in the field issuing scooter citations.*
### Pedestrian Safety in the Era of Electric Mobility Devices
*July 17, 2019*

<table>
<thead>
<tr>
<th>#</th>
<th>Description</th>
<th>Mayor [September 15, 2019]</th>
<th>Recommended Action</th>
<th>ISFPD, SFPD, and ZSFG will coordinate to develop a data acquisition plan to improve data collection on factors associated with injury not currently captured in injury data sources, including user education and infrastructure factors, by June 30, 2020. The plan will include data sharing with SFMTA as permissible, to inform safety efforts.</th>
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<tr>
<td>F4</td>
<td>Injury data collected to-date by Zuckerberg San Francisco General Hospital (ZSFG), SF Police Department (SFPD), and Pilot permittees categorize types of injuries but not root causes such as damaged infrastructure, pedestrian safety and device training, reckless use (speeding, distracted driving, and/or using sidewalks).</td>
<td>Disagree, partially</td>
<td>It is critical that the permits include the City’s Powered Scooter Share Pilot Program, including Skip and Scoot, are required to indemnify the City, while Scoot and Skip in their Terms of Service put responsibility for injury, damage, and equipment inspection on the User.</td>
<td>SFMTA, City Attorney, and TNCs should review and, if necessary, modify the City-Pilot agreement, the TNC-Scooter agreement, and any other related agreements to assure that responsibility for risk management is allocated to the parties/parties best able to manage such risks. This review and potential modification of terms across all agreements should be initiated prior to the end of the existing Pilot. Any necessary revisions should be incorporated and implemented in all agreements for the replacement program.</td>
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<tr>
<td>F5</td>
<td>The Pilot terms between the City and permittees require them to indemnify the City from injury and damage claims. However, Scoot and Skip Terms of Service put responsibility for injury, damage, and equipment inspection on the User.</td>
<td>Disagree, partially</td>
<td>It is critical that the permits include the City’s Powered Scooter Share Pilot Program, including Skip and Scoot, are required to indemnify the City, while Scoot and Skip in their Terms of Service put responsibility for injury, damage, and equipment inspection on the User.</td>
<td>SFMTA, City Attorney, and TNCs should review and, if necessary, modify the City-Pilot agreement, the TNC-Scooter agreement, and any other related agreements to assure that responsibility for risk management is allocated to the parties/parties best able to manage such risks. This review and potential modification of terms across all agreements should be initiated prior to the end of the existing Pilot. Any necessary revisions should be incorporated and implemented in all agreements for the replacement program.</td>
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**2018-2019 Civil Grand Jury Findings, Recommendations, and Responses to Findings and Recommendations**
| Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019) | F5 | Current terms and conditions in the Skip agreement expose a contractual gap that delegates initial responsibility for scooter inspection and maintenance to their independent contractors, Skip Rangers, who receive no specific training from Skip. Instead, however, skip hires and trains its employees to provide the inspection and maintenance services. | May 15, 2019 | Disagree, partially | When it appears that the Skip-Charger Agreement referenced in the report does not contain an express training requirement, that omission does not necessarily mean that the Skip Rangers lack the requisite training or experience to properly inspect its scooters. Moreover, SFMTA understands that the Skip Rangers are made up of 85% independent contractors and 15% Skip employees, and that Skip employees are trained. |
| Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019) | F3 | SF Traffic Company enforcement efforts are currently limited to street vehicle traffic and do not include enforcement of moving violations occurring on sidewalks. | Chief, San Francisco Police Department | Disagree, partially | Traffic Company takes action when the officers witness a moving violation by a bicycle, pedestrian, or powered mobility device. However, the enforcement campaigns have focused on vehicle violations, as the vast majority of traffic fatalities are due to motor vehicle violations. Traffic Company’s operation-based enforcement sends officers to high-injury corridors to focus on violations relating to speeding, including pedestrian right-of-way violations, running red lights, running stop signs, and failing to yield while turning. |
| Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019) | E4 | Injury data collected to date by Zuckerberg San Francisco General Hospital (ZSFHG), SF Department of Transportation (SFMTA), and First permits categorizes types of injuries but not root causes (such as damaged infrastructure, predisposing factors or poorly marked lanes), adherence (inadequate safety and device training), or reckless use (speeding, distracted driving, and/or using sidewalks). | Chief, San Francisco Police Department | Disagree, partially | The City partially disagrees with the finding, in "root cause" data for powered scooter injuries is collected by SFPD in the primary and associated collision factors, which include speeding and other behaviors of people using scooters or driving by people analyzed by SFMTA and SFOPH. SFOPH also collects data on infrastructure factors (distracted driving) and cell phone use, as determinative by the reporting officer. In addition, SFMTA’s Traffic Collision Reporting Unit and SFMTA have implemented a rapid response system within 72 hours of fatal accidents to discuss cause(s) of collision and related factors. We agree that information on damaged infrastructure or education of device users is not readily captured from available injury data sources to Inform analyses. |
| Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019) | R5 | SFMTA, City Attorney, and TNCs should review and if necessary modify the City-Pedestrian agreement, the TNC-User agreement, and any other related agreements to assure that responsibility for risk management is allocated to the party/ies best able to manage such risk. This review and potential modificiation of terms across all agreements should be initiated prior to the end of the existing Pilot. Any necessary revisions should be incorporated and implemented in all agreements for the replacement program to follow at the conclusion of the Pilot. | Mayor | Has been implemented | The City Attorney’s Office has reviewed, in consultation with SFMTA, the City-permits, the agreements between the Powered Scooter Share Operators and their insurers, and the Skip Charger Agreement referenced in the report before the end of the existing Pilot Program. The City Attorney’s Office has specifically reviewed, in consultation with SFMTA, whether to modify the permit terms to fill any potential gap in responsibility between the powered scooter share operators and their independent contractors. At the end of July 2022, SFMTA issued a new permit application for the replacement permit program, and SFMTA anticipates issuing the next round of permits with a term to commence after the Pilot Program concludes in mid-October 2023. The permit application contains anticipated terms and conditions for the new program, and includes the following new clause in the permit terms to address any potential gap in responsibility between permit holders and their independent contractors for obligations under the permit: Permitee may subcontract or delegate portions of its obligations only upon prior written approval of SFMTA. Permittee is responsible for, and must superintend, its personnel and all subcontractors, including independent contractors, who perform obligations under the permit. Any agreement with SFMTA. |

2018-2019 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

Page 3 of 6
## Pedestrian Safety in the Era of Electric Mobility Devices

**P1** The Pilot demonstrates a concurrent, updated safety awareness campaign, coinciding with the launch of the Pilot in October 2018. The campaign outreach included graphics that demonstrated safe and unsafe behaviors while riding a scooter, and "Don'ts & Dos" signage that was placed on the exterior and interior of MUNI buses and light rail vehicles. SFMTA distributed campaign information to Scoot and Skip, who shared them with users and the public, and shared the digital version with the Board of Supervisors and community partners. Also, SFMTA used enforcement staff to distribute campaign information to the public while in the field to new scooter situations.

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<tr>
<th>Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019)</th>
<th>F1</th>
<th>The Pilot demonstrates a concurrent, updated safety awareness campaign, coinciding with the launch of the Pilot in October 2018. The campaign outreach included graphics that demonstrated safe and unsafe behaviors while riding a scooter, and &quot;Don'ts &amp; Dos&quot; signage that was placed on the exterior and interior of MUNI buses and light rail vehicles. SFMTA distributed campaign information to Scoot and Skip, who shared them with users and the public, and shared the digital version with the Board of Supervisors and community partners. Also, SFMTA used enforcement staff to distribute campaign information to the public while in the field to new scooter situations.</th>
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<td>Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019)</td>
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<td>The successful expansion of marked and protected bike lanes represents an opportunity to include signage indicating bike lanes are also for use by e-scooter riders. There is no signage currently indicating where e-scooters should ride, and insufficient signage to discourage riding on sidewalks.</td>
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*Director, San Francisco Municipal Transportation Agency (September 15, 2019)*

**R1** SFMTA conducted its own concurrent, updated safety awareness campaign, coinciding with the launch of the Pilot in October 2018. The campaign outreach included graphics that demonstrated safe and unsafe behaviors while riding a scooter, and "Don'ts & Dos" signage that was placed on the exterior and interior of MUNI buses and light rail vehicles. SFMTA distributed campaign information to Scoot and Skip, who shared them with users and the public, and shared the digital version with the Board of Supervisors and community partners. Also, SFMTA used enforcement staff to distribute campaign information to the public while in the field to new scooter situations.

**R2** Signage, stencils, visual symbols illustrating e-scooters, and/or other messaging should be reviewed to ensure models do not use markings that a pedestrian can walk over or be behind, potentially compromising safety. The ideal design(s) should be developed and implemented by SFMTA no later than June 30, 2020.

*Director, San Francisco Municipal Transportation Agency (September 15, 2019)*

**R3** SFMTA is in coordination with Vision Zero SF to promote a public safety campaign encouraging e-scooter use, laws, safety and helmet use. This campaign should include NTA participation and utilize various means of outreach including ads on MUNI trains, buses, shelters, social media, and MUNI apps from later than June 30, 2020.

*Director, San Francisco Municipal Transportation Agency (September 15, 2019)*

**R4** The recommendation was implemented by October 2018. SFMTA conducted its own concurrent, updated safety awareness campaign, coinciding with the launch of the Pilot. Some details on this campaign are as follows: 1. Graphics demonstrate safe and unsafe behaviors while riding a scooter. 2. Developed "Scoot and Scoot" exterior and interior ads on MUNI buses and light rail vehicles, which ran city-wide for at least one month, beginning in October 2018. 3. Total impressions: 2,762,000 (metric measuring how many potential people saw the ad during the 4-week run). 4. Also developed printed collateral, printed 3,000 palm cards. 5. Distributed to Scoot and Skip, who then distributed them to users and the public. 6. SFMTA used enforcement staff to distribute them to the public while in the field to new scooter situations. 7. Digital version distributed to Board of Supervisors and community partners (LightHouse for the Blind, Independent Living Resource Center, Senior and Disability Action, OFIA, Mayor’s Office on Disability). 8. The scooter education campaign also ran on Vision Zero SF’s social media (Facebook and Twitter) and reached an additional 1,000 people.

*Director, San Francisco Municipal Transportation Agency (September 15, 2019)*

**R5** Requires further analysis

*Director, San Francisco Municipal Transportation Agency (September 15, 2019)*

While scooters are permitted to use bicycle lanes, the lanes themselves are legislated as "bicycle lanes." SFMTA adheres to the California Manual on Uniform Traffic Control Devices (CA MUTCD), which provides for uniform standards and specifications for all official traffic control devices in California and governs signs and signals for all public roads in the state. CA MUTCD Section 30.01 C. defines lane-use markings for bicycle lanes as follows:

1. "Bicycle lane—(the preferred lane-use marking for a bicycle lane shall consist of a bicycle symbol or the word marking BICYCLE LANE (see Chapter 9C and Figures 9C-1 and 9C-3 through 9C-4))."
2. "No additional lane-use markings—Including scooter markings—are permitted in bicycle lanes at this time, per the CA MUTCD."
3. The CA MUTCD does not currently have signs or stencils for scooters; therefore, the recommended signs and stencils would not be allowed on public roads in San Francisco. Additionally, given that the City has approximately 560 miles of bicycle lanes, adding stencils and signage to all bicycle lanes would be cost prohibitive.

SFMTA will investigate the feasibility of adding visual symbols on sidewalks and High-Injury Networks to discourage sidewalk use by e-scooters.
| Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019) | P4 | Injury data collected to-date by Zuckerberg San Francisco General Hospital (ZSFG), SF Police Department (SFDP), and Pilot permits to categorize types of injuries but not root causes such as damaged infrastructure (potholes or uneven marked lines), education (inadequate safety and device training), or reckless use (speeding, distracted driving, and/or using sidewalks). | Director, San Francisco Municipal Transportation Agency (September 15, 2019) | Disagree, partially | The City partially disagrees with the findings, as "root cause" data are collected by SFDP on the primary and associated collision factors, which include speeding and other behaviors of people using scooters or driving that are analyzed by SFMTA and SFPD. SFDP also collects data on infrastructure factors (distracted driving) and cell phone use, as determinable by the reporting officer. In addition, SFDP's Traffic Collision Investigative Unit, DPH, and SFMTA have implemented a rapid response system within 72 hours of fatal collisions to discuss causes of accidents and related factors. We agree that information on damaged infrastructure or education of device users is not readily captured from available injury data sources to inform analysts. | Director, San Francisco Municipal Transportation Agency (September 15, 2019) | Will be implemented | SFMTA, SFPD, and ZSFG will coordinate to develop a data acquisition plan to improve data collection on factors associated with injury not currently captured in injury data sources, including e-scooter user education and infrastructure factors, by June 30, 2020. The plan will include data sharing with SFDP, as permissible, to inform safety efforts. |

| Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019) | P5 | The Pilot terms between the City and permittees require them to intensify the City from injury and damage claims. However, Scoot and Skip Terms of Service put responsibility for injury, damage, and equipment inspection on the User. | Director, San Francisco Municipal Transportation Agency (September 15, 2019) | Disagree, partially | It is correct that the permittees in the City's Powered Scooter Share Pilot Program, including Scoot and Skip, are required to indemnify the City. While Scoot and Skip in their Terms of Service pass down responsibility for liability to their independent contractors, Scoot and Skip are still each primarily responsible to the City through the indemnity for any claims against the City related to activity authorized under the respective operator's permit with the City. | Director, San Francisco Municipal Transportation Agency (September 15, 2019) | Has been implemented | The City Attorney's Office has reviewed, in consultation with SFMTA, the agreements between the Powered Scooter Share Operators and their users, and the Scooter Charger Agreement referenced in the report for the end of the existing Pilot Program. The City Attorney's Office has specified, in consultation with SFMTA, the agreements between the Powered Scooter Share Operators and their independent contractors. At the end of July 2019, SFMTA issued a new permit applicable for the replacement permit program, and SFMTA anticipates issuing the next round of permits with a term to commence after the Pilot Program concludes in mid-October 2019. The permit application contains anticipated terms and conditions for the new program, and includes the following new clause in the permit terms to address any potential gap in responsibility between permittee and its independent contractors for obligations under the permit: Permittee may subcontract or delegate portions of its obligations only upon prior written approval of SFMTA. Permittee is responsible for, and must supervise, its personnel and all subcontractors, including independent contractors, who perform obligations under the permit. Any agreement
| Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019) | F6 | Current terms and conditions in the Skip agreement expose a contractual gap that delegates initial responsibility for scooter inspection and maintenance to their independent contractors, Skip Rangers, who receive no specific training from Skip. Instead, however, hires and trains its employees to provide the inspection and maintenance services. | Director, San Francisco Municipal Transportation Agency [September 15, 2019] | Disagree, partially | While it appears that the Skip Charger Agreement referenced in the report does not contain an express training requirement, that omission does not necessarily mean that the Skip Rangers lack the requisite training or experience to properly inspect its scooters. Moreover, SFMTA understands that the Skip Rangers are made up of 80% independent contractors and 20% Skip employees, and that Skip employees are trained. | R5 | SFMTA, City Attorney, and TNCs should review and, if necessary modify the City Permits Agreement, the TNC User Agreement, and any other related agreements to assure that responsibility for risk management is allocated to the parties/potential best able to manage such risks. This review and potential modification of terms across all agreements should be initiated prior to the end of the existing Pilot. Any necessary revisions should be incorporated and implemented in all agreements for the replacement program to follow at the conclusion of the Pilot. | Director, San Francisco Municipal Transportation Agency [September 15, 2019] | Has been implemented | The City Attorney’s Office has reviewed, in consultation with SFMTA, the agreements between the Powered Scooter Share Operators and their users, and the Skip Charger Agreement referenced in the report before the end of the existing Pilot Program. The City Attorney’s Office has specifically reviewed, in consultation with SFMTA, whether to modify the permit terms to fill any potential gap in responsibility between the Powered Scooter Share Operators and their independent contractors. At the end of July 2019, SFMTA issued a new permit application for the replacement permit program, and SFMTA anticipates issuing the next round of permits with a term to commence after the Pilot Program concludes in mid-October 2019. The permit application contains anticipated terms and conditions for the new program, and includes the following new clause in the permit terms to address any potential gap in responsibility between permits and its independent contractors for obligations under the permit. Permits may subcontract or delegate portions of its obligations only upon prior written approval of SFMTA. Permits is responsible for, and must supervise, its independent contractors, who perform obligations under the permit. Any agreement implemented. |

| Pedestrian Safety in the Era of Electric Mobility Devices (July 17, 2019) | F4 | Injury data collected to-date by Zuckerberg San Francisco General Hospital (ZSFG), SF Department of Public Health (SFDPH), SF Police Department (SFPD), and Pilot permits include categories of types of injuries but not root causes (such as damaged infrastructure, potholes or poorly marked lanes); education (inadequate safety and device training), or reckless use (speeding, distracted driving, and/or using skateboard). | Director, Department of Public Health [September 15, 2019] | Disagree, partially | The City partially disagrees with the finding, as “root cause” data for powered scooter injuries is collected by SFDPH on the primary and associated collision factors, which include speeding and other behaviors of people using scooters or driving that are analyzed by SFMTA and SFDPH. SFDB also collects data on infrastructure factors (distracted driving) and cell phone usage, as determinable by the reporting officer. In addition, SFDPH’s Traffic Collision Investigative Unit, SFPD, and SFMTA have implemented a rapid response system within 72 hours of fatal collisions to discuss causality of collision and related factors. We agree that information on damaged infrastructure or education of device user is not readily captured from available injury data sources to inform analysis. | R4 | ZSFG, SFDPH, SFPD, and TNCs should collectively improve injury data reporting to better support root cause analyses. SFMTA and the SFDPH should develop and oversee the revised data collection efforts and prepare a data acquisition plan for review by the above referenced organizations no later than June 30, 2020. | Director, Department of Public Health [September 15, 2019] | Will be implemented | STF, SFMTA, and ZSFG will contribute to develop a data acquisition plan to improve data collection on factors associated with injury not currently captured in injury data sources, including e-scooter user education and infrastructure factors, by June 30, 2020. The plan will include data sharing with SFDPH, as permissible, to inform-safety efforts. |