

BOARD of SUPERVISORS



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MEMORANDUM

TO: Chief Greg Suhr, Police Department
Sheriff Ross Mirkarimi, Sheriff's Department
Ed Reiskin, Executive Director, Municipal Transportation Agency
George Gascon, District Attorney
Jeff Adachi, Public Defender
Carla Johnson, Director, Mayor's Office on Disability
Barbara Garcia, Director, Department of Public Health
Louis Liss, Pedestrian Safety Advisory Committee &
Bicycle Advisory Committee

FROM:  Alisa Somera, Assistant Clerk, Board of Supervisors

DATE: January 5, 2016

SUBJECT: LEGISLATION DUPLICATED AND REFERRED TO COMMITTEE

On December 15, 2015, Supervisor Avalos duplicated the amended File No. 150943 (same subject) and the Board of Supervisors referred the following duplicated matter back to the Land Use and Transportation Committee for an additional public hearing:

File No. 151268

Ordinance amending the Administrative Code to add Chapter 110 to establish the "San Francisco Right-of-Way Policy" to promote safety, tolerance, and harmony among all users of City Streets; make arrests and citations of bicyclists for failure to stop at a stop sign the lowest traffic enforcement priority, provided that the bicyclist first slows to a safe speed and yields the right-of-way to any other vehicle or pedestrian in the intersection; require quarterly reports from the Police Department on statistics related to traffic enforcement, injuries, and fatalities; urge the Municipal Transportation Agency to develop a program to educate the public about the Bicycle Yield Enforcement Policy; and require notification of state officials of this Ordinance.

If you have any comments or reports to be considered with the proposed legislation, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email: alisa.somera@sfgov.org.

- c: Christine Fountain, Police Department
- Kathy Gorwood, Sheriff's Department
- Kate Breen, Municipal Transportation Agency
- Janet Martinsen, Municipal Transportation Agency
- Dillon Auyoung, Municipal Transportation Agency
- Cristine Soto DeBerry, Office of the District Attorney
- Maxwell Szabo, Office of the District Attorney
- Greg Wagner, Department of Public Health
- Colleen Chawla, Department of Public Health

1 [Administrative Code - Bicycle Yield Enforcement Policy]

2

3 **Ordinance amending the Administrative Code to add Chapter 110 to establish the “San**

4 **Francisco Right-of-Way Policy” to promote safety, tolerance, and harmony among all**

5 **users of City Streets; make arrests and citations of bicyclists for failure to stop at a**

6 **stop sign the lowest traffic enforcement priority provided that the bicyclist first slows**

7 **to a safe speed and yields the right-of-way to any other vehicle or pedestrian in the**

8 **intersection; require quarterly reports from the Police Department on statistics related**

9 **to traffic enforcement, injuries, and fatalities; urge the Municipal Transportation**

10 **Agency to develop a program to educate the public about the Bicycle Yield**

11 **Enforcement Policy; and require notification of state officials of this Ordinance.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.

13 **Additions to Codes** are in *single-underline italics Times New Roman font*.

14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.

15 **Board amendment additions** are in double-underlined Arial font.

16 **Board amendment deletions** are in ~~Arial font~~.

17 **Asterisks (* * * *)** indicate the omission of unchanged Code

18 subsections or parts of tables.

19 Be it ordained by the People of the City and County of San Francisco:

20 Section 1. The Administrative Code is hereby amended by adding Chapter 110, to

21 read as follows:

22 **CHAPTER 110:**

23 **SAN FRANCISCO BICYCLE YIELD ORDINANCE**

24 **SEC. 110.1. TITLE.**

25 *This Chapter 110 shall be known as the San Francisco Bicycle Yield Ordinance.*

SEC. 110.2. FINDINGS.

1
2 (a) The City's Transit-First Policy, as defined in Charter section 8A.115, states that "the
3 primary objective of the transportation system must be the safe and efficient movement of people and
4 goods," and that "Bicycling shall be promoted by encouraging safe streets for riding, convenient
5 access to transit, bicycle lanes, and secure bicycle parking." Resolution No. 511-10, adopted by the
6 Board of Supervisors and signed by the Mayor in 2010, encourages departments and agencies of the
7 City to adopt a goal of 20% of trips by bicycle by 2020. The San Francisco Municipal Transportation
8 Agency ("SFMTA") 2013-2018 Strategic Plan sets policy targets to make "bicycling a part of everyday
9 life in San Francisco" and to increase the citywide bicycle mode share to at least 8% by 2018.

10 (b) The SFMTA's "Annual Bicycle Count Survey 2014" shows a 206% increase in bicycle
11 traffic since 2006.

12 (c) This dramatic increase in bicycle traffic has led to increased awareness of how some
13 provisions of the California Vehicle Code are not well suited to a multi-modal transportation system.

14 (d) California Vehicle Code section 21200 states that a person riding a bicycle "is subject to
15 all the provisions applicable to the driver of a vehicle" by the Vehicle Code's Rules of the Road
16 Division.

17 (e) An average person riding a bicycle generates about 100 watts of power, while the average
18 car generates about 100,000 watts of power.

19 (f) A bicyclist who slows to five miles per hour at an intersection uses 25% less energy than a
20 bicyclist who fully stops.

21 (g) The SFMTA has recognized the need for treating bicycles differently than motor vehicles by
22 creating a number of bicycle-specific facilities such as bike lanes, sharrows, and bike boxes.

23 (h) In March of 2014, the Board of Supervisors unanimously passed, and the Mayor signed,
24 Resolution No. 91-14 to adopt a "Vision Zero" plan to reduce traffic fatalities to zero in the next ten
25 years. As part of "Vision Zero," the Police Department ("SFPD") implemented a "Focus on the Five"

1 strategy to have each police district target traffic enforcement at its five most dangerous intersections
2 and focus on the five most dangerous traffic violations: running red lights, running stop signs,
3 violating pedestrian right-of-way, committing turning violations, and speeding. The SFPD is committed
4 to focusing traffic enforcement on the behaviors most likely to result in someone being hit seriously
5 injured or killed on the City's roadways.

6 (i) In 1982, Idaho adopted a law that allows bicyclists to treat stop signs as yield signs. A 2010
7 academic study titled "Bicycle Safety and Choice" found that bicyclist injuries in Idaho decreased
8 14.5% the first year after the law was adopted, and that Boise, Idaho's largest city, had lower bicyclist
9 injury rates than comparable cities such as Sacramento (30-61% safer) and Bakersfield (150-252%
10 safer).

11 (j) Strict enforcement of bicyclists failing to come to a complete stop at stop signs is
12 counterproductive because it (1) takes scarce enforcement resources away from more dangerous
13 violations, (2) is contrary to the way most bicyclists and drivers currently navigate intersections, (3)
14 could discourage people from bicycling because of the added exertion required to fully stop at every
15 stop sign, and (4) can slow down traffic patterns and increase congestion on the City's residential
16 streets.

17 (k) All road users have a legal and moral requirement to politely and safely share our streets.
18 Nothing in this Chapter 110 should be construed to condone the behavior of bicyclists who do not slow
19 to a safe speed at stop signs, fail to yield the right-of-way to another vehicle or pedestrian, or otherwise
20 endanger the safety of another vehicle or pedestrian.

21 **SEC. 110.3. PURPOSE.**

22 The purpose of this Chapter 110 is to:

23 (a) Establish the "San Francisco Right-of-Way Policy" to promote the City's Transit First and
24 Vision Zero policies, and to promote safety, tolerance, and harmony among all users of City Streets;
25

1 **(b) Make citations for bicyclists for failure to stop at a stop sign the City’s lowest traffic**
2 **enforcement priority, provided that the bicyclist first slows to a safe speed and yields the right-of-way**
3 **to any other vehicle or pedestrian in the intersection;**

4 **(c) — (3) Require SFPD to issue quarterly reports on traffic stops, citations, injuries and**
5 **fatalities; and**

6 **(d) — (4) Transmit notification of the enactment of this Chapter to state elected officials who**
7 **represent the City.**

8 **SEC. 110.4. DEFINITIONS.**

9 **“Law enforcement officer” means any peace officer employed by the City, and any other**
10 **employee of the City who is authorized to enforce traffic laws. “Law enforcement officer” does not**
11 **include the District Attorney or anyone acting on behalf of the District Attorney.**

12 **“Lowest traffic enforcement priority” means that all traffic enforcement activities related to**
13 **traffic offenses other than those for bicyclists failing to stop at a stop sign shall be given a higher**
14 **priority than traffic enforcement activities related to bicyclists failing to stop at a stop sign, except as**
15 **provided below.**

16 **SEC. 110.5. SAN FRANCISCO RIGHT-OF-WAY POLICY.**

17 **The City hereby establishes the San Francisco Right-of-Way policy to promote the City’s**
18 **Transit First and Vision Zero policy; to promote safety, tolerance, and harmony among all users of**
19 **City streets; and to encourage all users of City streets to respect others’ right-of-way and take their**
20 **turn when navigating intersections, and in furtherance of this policy urges the following:**

21 **(a) That all users of City streets—pedestrians, bicyclists, and automobile drivers—immediately**
22 **yield the right-of-way to an authorized emergency vehicle that is sounding a siren;**

23 **(b) That all users of City streets yield to SFMTA vehicles at intersections whenever**
24 **feasible because yielding to SFMTA makes public transit faster and more reliable, which**
25 **benefits all users of City streets;**

1 (be) That automobile all drivers and bicyclists always yield to pedestrians at intersections in
2 the roadway and remain vigilantly aware of pedestrians at all times; and

3 (cd) That bicyclists always yield to others at intersections in accordance with the right-of-way
4 rules defined in the California Vehicle Code.

5 **SEC. 110.6. LOWEST TRAFFIC ENFORCEMENT PRIORITY FOR BICYCLISTS WHO**
6 **SAFELY YIELD AT STOP SIGNS.**

7 (a) Law enforcement officers shall make enforcement of California Vehicle Code section
8 22450(a) for bicyclists that fail to stop at a stop sign the lowest traffic enforcement priority provided
9 that the bicyclist:

10 (1) Slows to a safe speed for the existing conditions, which shall in all cases be no
11 more than six miles per hour, when approaching a stop sign, maintains a distance of at least six
12 feet from any pedestrian, and, if required for safety, stops before entering the intersection; and

13 (2) Yields the right-of-way to any vehicle or pedestrian in the intersection or
14 approaching the intersection so closely as to constitute an immediate hazard during the time the
15 bicyclist is moving across or within the intersection.

16 (b) Nothing in this section 110.6 shall be construed to discourage law enforcement officers
17 from citing a bicyclist operating a bicycle for failure to yield at a stop sign if the bicyclist fails to slow
18 to a safe speed, fails to yield the right-of-way to another vehicle or pedestrian, or otherwise endangers
19 the safety of another vehicle or pedestrian.

20 (c) Nothing in this Section 110.6 shall be construed to prevent a Law enforcement
21 officer from enforcing California Vehicle Code Section 22450(a) against cyclists who do not
22 safely yield as described in this Section 110.6(a) at a particular intersection, street, or corridor
23 if the Law enforcement officer concludes, based on the number of collisions between
24 automobiles, bicycles or pedestrians, that such enforcement is necessary to protect public
25 safety.

1 **SEC. 110.7. TRAFFIC CITATION AND INJURY REPORTING.**

2 (a) On a quarterly basis (the first Tuesday in February, May, August, and November), the
3 SFPD shall send a written report to the Mayor, the Board of Supervisors, the Police Commission, the
4 SFMTA Board of Directors, the Bicycle Advisory Committee, and the Pedestrian Safety Advisory
5 Committee, covering the previous quarter (quarters commencing January 1, April 1, July 1, and
6 October 1). The report shall contain the following information, if available, for the reporting period:

7 (1) The total number of traffic stops broken down by mode of transit; and

8 (2) The total number of traffic citations broken down by type of citation and mode of
9 transit; and

10 (3) A breakdown of traffic stops and citations of bicyclists by race or ethnicity,
11 age, and sex, as provided in Administrative Code Chapter 96A.

12 (b) On a quarterly basis (the first Tuesday in February, May, August, and November) the
13 SFPD, in consultation with the Department of Public Health, shall send a written report to the Mayor,
14 the Board of Supervisors, the Police Commission, the SFMTA Board of Directors, the Bicycle Advisory
15 Committee, and the Pedestrian Safety Advisory Committee, covering the previous quarter (quarters
16 commencing January 1, April 1, July 1, and October 1). The report shall contain the information listed
17 in subsections (1) and (2) below, if available, for the reporting period and for at least the preceding
18 four reporting periods, to provide context with respect to data trends and permit consideration of the
19 statistical instability of smaller numbers and potential seasonal variation. The report should be
20 restricted to bicyclist-involved collisions – defined as collisions in which a bicyclist was involved as
21 either the injured party or as a party involved but not injured in the collision:

22 (1) For bicyclist-involved collisions, the total number of traffic injuries and fatalities
23 categorized by injury severity, transportation mode of the person injured or killed (bicyclist,
24 pedestrian, driver, motorcyclist), and collision type (e.g., driver-bicyclist, bicyclist-pedestrian, bicyclist
25 only, etc.); and

1 (2) For bicyclist-involved collisions at intersections, the total number of traffic injuries
2 and fatalities categorized by injury severity, intersection type (e.g. stop signs, traffic signals, no
3 signage/signalization), transportation mode of the person injured or killed, collision type, and party at
4 fault.

5 **SEC. 110.8. BICYCLE YIELD ENFORCEMENT POLICY EDUCATION PLAN**

6 The Board of Supervisors encourages the SFMTA and the San Francisco County
7 Transportation Authority to develop a program by March 31, 2015/2016 to educate the public
8 about the Bicycle Yield Enforcement Policy. The program should prioritize promoting
9 pedestrian safety and educating bicyclists about their responsibility to safely yield to others at
10 intersections.

11 **SEC. 110.89. TRANSMITTAL TO STATE GOVERNMENT.**

12 To support policies to modernize bicycle laws to better promote safety, tolerance, and harmony
13 among all users of City streets, ~~beginning three months after the effective date of this Chapter 110,~~
14 and ~~continuing annually thereafter,~~ the Clerk of the Board of Supervisors shall send copies of this
15 Chapter and letters to the Governor of California, and all elected officials representing San
16 Franciscans in the California Assembly and the California Senate. ~~The letters shall state, "The City~~
17 and County of San Francisco has enacted an ordinance to deprioritize offenses by a bicyclist
18 for failure to stop at stop signs, provided that the bicyclist slows to a safe speed and yields the
19 right-of-way to any other vehicle or pedestrian." ~~The Clerk shall send this letter annually until~~
20 state laws are changed accordingly.

21 **SEC. 110.910. CONFLICT WITH STATE OR FEDERAL LAW.**

22 Nothing in this Chapter 110 shall authorize the City to impose any duties or obligations in
23 conflict with limitations on municipal authority imposed by state or federal law.

1 Section 2. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8 By:


9 JANA CLARK
Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Bicycle Yield Enforcement Policy]

Ordinance amending the Administrative Code to add Chapter 110 to establish the “San Francisco Right-of-Way Policy” to promote safety, tolerance, and harmony among all users of City Streets; make arrests and citations of bicyclists for failure to stop at a stop sign the lowest traffic enforcement priority provided that the bicyclist first slows to a safe speed and yields the right-of-way to any other vehicle or pedestrian in the intersection; require quarterly reports from the Police Department on statistics related to traffic enforcement, injuries, and fatalities; urge the Municipal Transportation Agency to develop a program to educate the public about the Bicycle Yield Enforcement Policy; and require notification of state officials of this ordinance.

Existing Law

California Vehicle Code section 21200 requires bicyclists to abide by the Vehicle Code’s Rules of the Road, including Vehicle Code section 22450(a). Vehicle Code section 22450(a) requires that drivers stop at stop signs. Therefore, under state law, bicyclists are required to stop at stop signs. Neither State law, nor local law require particular traffic enforcement priorities.

Amendments to Current Law

This ordinance would amend the Administrative Code to establish the “San Francisco Right-of-Way Policy” to promote safety, tolerance, and harmony among all users of City Streets. In addition, this ordinance would require that law enforcement officers authorized to enforce the traffic laws make arrests and citations of bicyclists for failure to stop at a stop sign the lowest traffic enforcement priority provided that the bicyclist first slows to a safe speed (no more than six miles per hour) and yields the right-of-way to any other vehicle or pedestrian in the intersection. This ordinance does not intend to prohibit law enforcement officers authorized to enforce traffic laws from citing bicyclists for failing to stop at signs. Finally, this ordinance requires quarterly reports from the Police Department on statistics related to traffic enforcement, injuries, and fatalities; and requires notification of state officials of this ordinance.

The ordinance would also urge the Municipal Transportation Agency and the San Francisco County Transportation Authority to develop a program by March 31, 2016 to educate the public about the policy, prioritizing promoting pedestrian safety and educating bicyclists about their responsibility to safely yield to others at intersections.

Background Information

This legislative digest reflects amendments made by the Land Use and Transportation Committee on December 7, 2015, urging the SFMTA and the Transportation Authority to develop an education program, requiring additional demographic data in quarterly reports, providing that bicycles should yield at a speed of no more than six miles per hour, and making additional clarifying changes. The digest also reflects amendments adopted by the Board on December 15, 2015 providing that bicycles should yield more than six feet from the closest pedestrian, and providing additional clarifications.

On December 15, 2015, the Board of Supervisors duplicated the ordinance, passing the ordinance as amended on first reading and referring the duplicated ordinance to committee for further consideration. This is the legislative digest for the duplicated ordinance.

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