

**LEGISLATIVE DIGEST**

[Repealing the San Francisco Traffic Code and enacting Division I of the San Francisco Transportation Code, containing all provisions under the jurisdiction of the Board of Supervisors.]

**Ordinance repealing the San Francisco Traffic Code and enacting Division I of a new San Francisco Transportation Code, setting forth requirements for the regulation of transit, traffic, streets and parking under the jurisdiction of the Board of Supervisors, including the regulation of news gathering vehicles, enforcement authority, parking control, rules for driving, bicycle registration, towing and impoundment, abatement of nuisance vehicles, procedures on the temporary use or occupancy of public streets, violations, and establishment of a procedure for Board of Supervisors review of specified SFMTA decisions.**

Existing Law

The Traffic Code contains the City's laws governing regulation of the streets, transit, parking and driving. The Traffic Code is divided into 21 articles that address various aspects of parking and traffic regulation, including obedience to signs and traffic restrictions, pedestrians, rules for driving, speed limits, bicycles, streetcars, parking regulation, including parking meters and zones, residential parking and other types of preferential parking, towing, removal of abandoned vehicles, and procedures for the temporary closure of public streets.

Amendments to Current Law

The impetus for this legislation was the passage by the voters of Proposition A in November, 2007. Among other objectives, Prop. A is intended to give the Municipal Transportation Agency (SFMTA) expanded independence and authority to carry out its mission. Prop. A makes the SFMTA responsible for the management of parking and traffic functions within the City and gives the SFMTA exclusive authority to adopt regulations to control vehicle, bicycle and pedestrian traffic. In furtherance of this expanded grant of regulatory authority, Prop. A requires that the Board of Supervisors adopt an ordinance that repeals any existing Traffic Code provisions that are in conflict with Prop. A and convert those provisions to rules and regulations of the SFMTA Board of Directors.

This legislation takes the first step in this process by repealing in its entirety the existing Traffic Code and creating in its place a new Transportation Code. The Transportation Code will eventually consist of two divisions. Division I, established by this legislation includes those matters that remain under the jurisdiction of the Board of Supervisors, while Division II will consist of the rules and regulations promulgated by the SFMTA Board of Directors to encompass those areas that are placed under the jurisdiction of the SFMTA. As set forth below, many of the existing substantive requirements in the Traffic Code are now under the jurisdiction of the SFMTA and as a result will be moved to Division II.

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In addition to furthering the implementation of Prop. A, this legislation eliminates a number of existing Traffic Code provisions that are either outdated or preempted by state law. The legislation also replaces outdated or superceded references in the current Traffic Code, such as references to the Department of Parking and Traffic or the Parking and Traffic Commission.

The Traffic Code subjects that are placed in Division I of the Transportation Code include those that are beyond the authority of the SFMTA, such as provisions that direct other departments, as well as provisions that establish a prohibition or offense, powers that remain with the Board of Supervisors.

The following is a summary of the provisions of the current Traffic Code indicating the status of those provisions following the adoption of this legislation. It is not intended as a comprehensive comparison, but rather as a "road map" to enable interested persons to follow the reorganization and relocation of the subject areas currently governed by the Traffic Code. In a number of instances, while regulatory requirements are under the jurisdiction of the SFMTA, and thus slated for inclusion in Division II, the specific prohibitions are retained in Division I. In order to accommodate these circumstances, the legislation includes a new Article 10, consolidating prohibitions and violations.

Former Article 1 (Definitions and General Provisions): retained as new Article 1; definitions contained therein are revised and updated as needed, and former Section 8 (Historic Street Signs) is moved to new Article 2, Section 2.1.

Former Article 1.1 (News Gathering Vehicles): administrative provisions are retained in Division I as new Article 3; specific parking restrictions and exceptions are moved to Division II.

Former Article 2 (Authority of Police): Police Commission authority retained in new Article 4 of Division I, including authorities granted by existing Traffic Code Sections 32.14, 32.18 and 32.21A(b); existing sections 21-25 moved to Article 10 (Violations); remaining sections 14-18 deleted as either preempted by or duplicative of state law or already covered by existing City laws.

Former Article 3 (Obedience to Signs and Stopping or Parking): prohibitions concerning parking and traffic are generally retained in Division I, Article 10 (Violations). Substantive requirements for weight restrictions, loading zones, parking controls and parking conduct are generally moved to Division II, except for parking controls for public agency property and authority to direct traffic (former Sections 32.21A(b) and 33), which are relocated to Division I, Article 4. A number of provisions relating to parking conduct are deleted because they are preempted by or duplicate state law.

Former Article 4 (Pedestrians): prohibitions on failure to use crosswalks, failure to cross at right angles are retained in Division I, Article 10 (Violations); remaining provisions are deleted as either preempted, duplicative of state law or obsolete.

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Former Article 5 (Rules for Driving): sections 80-94 deleted as duplicative of state law; sections 98-98.2 (Bicycles) retained in Division I, Article 5; sections 96, 98.3, 103, 104(a), 108 (prohibitions) moved to Article 10 (Violations); sections 100 (skateboards), 102 (Telegraph Hill Blvd. weight restrictions), 104(c) (personal mobility devices) moved to Division II; sections 100.2-100.6 deleted due to expiration (sunset provision); section 104(b) deleted due to preemption.

Former Article 5A (Bicycle Registration Program): substantive provisions retained in Division I, Article 6.

Former Article 5B (Protection of Bicycle Facilities): sec. 110 deleted as these actions are within the jurisdiction of SFMTA; sec. 111 moved to Division II.

Former Article 6 (Streetcars): substantive prohibitions, including passenger conduct, retained in Division I, Article 10 (Violations). Section 120 is deleted as preempted, remaining sections moved to MTA Operator Regulations and Division II.

Former Article 7 (Penalties): moved to Division II.

Former Article 8 (Procedure in Dealing With Traffic Citations): entire Article deleted as either preempted or obsolete.

Former Article 9 (Procedure for Removing and Impounding Vehicles): sections 159, 159.10 retained in Division I, Article 10 (Violations); sections 168 and 170.1 are moved to Division II; sections 170.2-A and 170.2-B are retained in Division I, Article 7; and sections 160-166, 169-170, 171 and 172 are deleted as either preempted or obsolete.

Former Article 9A (Vehicles Removed from Private Lots): sec. 172.06 is retained in Division I, Article 10; section 172.09 is moved to Division II; remaining sections deleted as either preempted or obsolete.

Former Article 10 (Speed Limits): substantive requirements moved to Division II.

Former Article 11 (Regulation of Obstructions to Traffic): substantive requirements moved to Division II.

Former Article 12 (Parking Meter Regulations): substantive requirements in sections 201.1-201.4, 202.A-204, 210, 219.1-219.3 moved to Division II; prohibitions in sections 207 and 208 retained in Division I, Article 10 (Violations); section 213 substantially revised and retained in Division I, Article 9.

Former Article 13 (Port Area Traffic Regulations) was not substantively changed, but the existing provisions were divided among Article 1, Definitions, and Article 10, prohibitions.

Former Article 13A (Service Authority for Abatement of Abandoned Vehicles): Section 225 is retained in Division I, Article 7; remaining sections are deleted.

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Former Article 14 (Abatement and Removal of Abandoned Vehicles): Substantive provisions are retained in Division I, Article 8.

Former Article 15 (Residential Permit Parking Program): sections 307 and 317 deleted; remainder of Article moved to Division II except for prohibition provisions in sections 315 and 316, which are retained in Division I, Article 10 (Violations).

Former Article 16 (Carpool Permit Program): sections 401-406, 408, 409, 411 and 412 moved to Division II, except for the prohibitions in sections 412 and 413, which are retained in Division I, Article 10 (Violations).

Former Article 17 (Interstate Truck Terminal Routes) was deleted at SFMTA's recommendation since it has not been historically used.

Former Article 18 (Diagonal Parking Program): section 506 deleted; remainder moved to Division II.

Former Article 19 (Commercial Parking Program): substantive requirements moved to Division II.

Former Article 20 (Vanpool Permit Program): substantive requirements moved to Division II, except for penalty provisions, which are retained in Division I, Article 10 (Violations).

Former Article 21 (Temporary Use of Occupancy of Public Streets): retained in Division I as new Article 9, but is substantially updated. Because the Planning Department does not participate on the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), references to that department have been deleted. The generally applicable (non-emergency) deadline for submitting an application for permission for the temporary use or occupancy of a public street is changed from seven days to 30 days in advance of the event.

This Article is further revised to eliminate the set application fee, late application fee and hourly fee for displacement of Muni electric vehicle service, instead providing that these charges shall be as set by the SFMTA Board of Directors. In addition, the other permitting and inspection fees authorized by existing law are updated to include the current fee amounts, reflecting the previously-authorized inflation adjustments. The revisions also remove outdated references to the Department of Parking and Traffic, the General Manager of the Municipal Railway and the Parking and Traffic Commission. Duties previously assigned to the Director of the Department of Parking and Traffic and now assigned to the Director of Transportation.

Prohibitions establishing civil infractions and misdemeanors are consolidated in new Article 10.

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Background Information

As noted above, Prop. A, passed by the voters in November, 2007, requires the Board of Supervisors to adopt an ordinance that repeals any existing Traffic Code provisions in conflict with Prop. A and convert those provisions to rules and regulations of the SFMTA Board of Directors. This legislation takes the first step in that process.