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; and require notification of state officials of this ordinance.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. Asterisks (*) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Administrative Code is hereby amended by adding Chapter 110, to read as follows:

CHAPTER 110:

SAN FRANCISCO BICYCLE YIELD ORDINANCE

SEC. 110.1. TITLE.

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

SEC. 110.2. FINDINGS.
(a) The City’s Transit-First Policy, as defined in Charter section 8A.115, states that “the primary objective of the transportation system must be the safe and efficient movement of people and goods,” and that “Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.” Resolution No. 511-10, adopted by the Board of Supervisors and signed by the Mayor in 2010, encourages departments and agencies of the City to adopt a goal of 20% of trips by bicycle by 2020. The San Francisco Municipal Transportation Agency (“SFMTA”) 2013-2018 Strategic Plan sets policy targets to make “bicycling a part of everyday life in San Francisco” and to increase the citywide bicycle mode share to at least 8% by 2018.

(b) The SFMTA’s “Annual Bicycle Count Survey 2014” shows a 206% increase in bicycle traffic since 2006.

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

(d) California Vehicle Code section 21200 states that a person riding a bicycle “is subject to all the provisions applicable to the driver of a vehicle” by the Vehicle Code’s Rules of the Road Division.

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

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

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

(h) In March of 2014, the Board of Supervisors unanimously passed, and the Mayor signed, Resolution No. 91-14 to adopt a “Vision Zero” plan to reduce traffic fatalities to zero in the next ten years. As part of “Vision Zero,” the Police Department (“SFPD”) implemented a “Focus on the Five” strategy to have each police district target traffic enforcement at its five most dangerous intersections.
and focus on the five most dangerous traffic violations: running red lights, running stop signs, violating pedestrian right-of-way, committing turning violations, and speeding. The SFPD is committed to focusing traffic enforcement on the behaviors most likely to result in someone being hit or killed on the City’s roadways.

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

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

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

SEC. 110.3. PURPOSE.

The purpose of this Chapter 110 is to:

(a) Establish the “San Francisco Right-of-Way Policy” to promote the City’s Transit First and Vision Zero policies, and to promote safety, tolerance, and harmony among all users of City Streets;
(b) Make citations for bicyclists for failure to stop at a stop sign the City’s 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;

(3) Require SFPD to issue quarterly reports on traffic stops, citations, injuries and
fatalities; and

(4) Transmit notification of the enactment of this Chapter to state elected officials who
represent the City.

SEC. 110.4. DEFINITIONS.

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

"Lowest traffic enforcement priority" means that all traffic enforcement activities related to
traffic offenses other than those for bicyclists failing to stop at a stop sign shall be given a higher
priority than traffic enforcement activities related to bicyclists failing to stop at a stop sign, except as
provided below.

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

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

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

(b) That all users of City streets yield to SFMTA vehicles at intersections whenever feasible
because yielding to SFMTA makes public transit faster and more reliable, which benefits all users of
City streets:
(c) That automobile drivers and bicyclists always yield to pedestrians at intersections and
remain vigilantly aware of pedestrians at all times; and

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

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

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

(1) Slows to a safe speed for the existing conditions when approaching a stop sign and,
if required for safety, stops before entering the intersection; and

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

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

SEC. 110.7. TRAFFIC CITATION AND INJURY REPORTING.

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

(1) The total number of traffic stops broken down by mode of transit; and
(2) The total number of traffic citations broken down by type of citation and mode of transit.

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

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

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

SEC. 110.8. TRANSMITTAL TO STATE GOVERNMENT.

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

SEC. 110.9. CONFLICT WITH STATE OR FEDERAL LAW.

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

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

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

By: 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; 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 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.