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MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
HEADQUARTERS
1245 3RD STREET

SAN FRANCISCO, CALIFORNIA 94158

December 4, 2015



GREGORY P. SUHR
CHIEF OF POLICE

Ms. Alisa Somera
Assistant Clerk
Land Use and Economic Development Committee
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Dear Ms. Somera:

RE: File No. 150943: Ordinance Amending the Administrative Code to Add Chapter 110, the San Francisco Bicycle Yield Ordinance

The San Francisco Police Department appreciates the opportunity to review the proposed legislation which would add Chapter 110 to the Administrative Code and provide our concerns regarding its content.

The Police Department fully supports the City's Transit-First Policy as defined in Charter section 8A.115, especially the statement that "the primary objective of the transportation system must be the safe and efficient movement of people and goods," as well as Resolution No. 511-10 encouraging departments and agencies of the City to adopt a goal of 20 percent of trips by bicycles by 2020. However, the provisions proposed by this legislation could create dangerous situations for those using our transportation system which includes motor vehicles, bicycles, and pedestrians, which is a major concern for the Police Department.

The Police Department fully supports the City's Vision Zero plan to reduce traffic fatalities and has implemented the "Focus on the Five" strategy to augment our efforts which include enforcement of the top five collision factors; running red lights (CVC §21453), running stop signs (CVC §22450(a)), violating pedestrian right-of-way (CVC §21950(a)), committing turning violations (CVC §21801), and speeding (CVC §22350). Although there is a commitment through directed enforcement efforts to "focus" on these top five violations at the top five most dangerous intersections, officers enforce all observed vehicle code violations throughout the city. The ultimate goal of these strategies is to increase the safety of our transportation system and ultimately reduce the number of traffic-related injuries and deaths.

If passed, this legislation would require the Police Department to make enforcement of violations of California Vehicle Code section 22450(a) by bicyclists the lowest traffic enforcement priority if the bicyclist slows to no more than 6 miles per hour, yields the right-of-way to any vehicle or pedestrian in the intersection, or endangers the safety of another vehicle or pedestrian. It would allow officers to cite a bicyclist only when any of these three provisions has been violated. As such, this legislation would encourage behavior by those using a specific mode of transportation

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to violate California Vehicle Code §22450(a) putting others at risk for injury ranging from minor to fatal.

From January 1, 2010, to December 31, 2014, bicyclists have been at fault for 30 percent of the collisions resulting from a failure to stop at a stop sign in violation of CVC §22450(a); that equates to 129 of the 427 injury and fatal collisions during that time period. In the first nine months of 2015, January 1 through September 30, there have been 447 collisions between bicycles and motor vehicles, including two bicycle fatalities. The driver of the motor vehicle was at fault in 216 (48 percent) of the incidents, the bicyclist 206 (46 percent) of the total, and 25 (6 percent) incidents are unknown.


It is unacceptable to encourage someone to break a law that could result in injury or death because it is "inconvenient" for the driver/bicyclist to come to a complete stop. All vehicles shall stop at a stop sign – period – and an officer must be allowed to perform all duties as required when a violation occurs. And, running a stop sign by any vehicle is a violation of CVC §22450(a), which is one of the top five collision factors included in the "Focus on the Five." An officer must have the discretion to issue a citation based on the circumstances at the time a violation occurs, including the seriousness of the offense and the danger posed by the violation, and not to be restricted from doing so based on it being a "low priority."

In regard to the reporting requirement outlined in Section 110.7, I respectfully request the language be changed to coincide with the current requirements imposed on the Police Department and other reporting departments by the Vision Zero collaborative and the Police Commission. This information is reported quarterly in April, July, October, and January. To have a second reporting requirement timeline for the same set of data would require additional resources at a cost to the public.

We must concentrate on enforcement of vehicle laws as they are written. These laws are there to protect people from injury and death caused by negligence, and running a stop sign is dangerous behavior which could cost someone their life.

If we can be of further assistance, please feel free to contact my office.

Sincerely,


GREGORY P. SUHR
Chief of Police

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