[Transportation Code - Narration by Tour Bus Drivers]

Ordinance amending the Transportation Code to prohibit drivers of tour buses not regulated as passenger stage corporations or charter party carriers from narrating while driving; and affirming the Planning Department's determination under the California Environmental Quality Act.

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 Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 150119 and is incorporated herein by reference. The Board affirms this determination.

Section 2. Findings.

The Board of Supervisors finds:

(a) The City of San Francisco continues to see fatalities caused by collisions between pedestrians and motorists with 2014 ending with 18 pedestrian fatalities and 3 cyclist fatalities. The Board of Supervisors has convened multiple hearings on pedestrian and cyclist safety
which reveal an urgent need for action on a combined strategy of engineering, education, and enforcement to eliminate traffic fatalities.

(b) The City of San Francisco adopted a Pedestrian Strategy in 2013 to reduce serious or fatal pedestrian injuries by 25 percent by 2016 and by 50 percent by 2021. The Board of Supervisors has adopted a VISION ZERO Three Point Plan on file with the Clerk of the Board of Supervisors in File No. 140047, to end all Pedestrian and Bicycle fatalities by 2024.

(c) Distracted driving by motorists poses a significant risk of injury or death to motorists, pedestrians, and bicyclists. According to the California Traffic Safety Survey in 2013, 36% of Californians surveyed thought that talking while driving posed the biggest safety problems on California roadways, and nearly 70% of California drivers surveyed said they had been hit or nearly hit by a driver who was talking or texting.

(d) A tour bus driver who is narrating a tour while driving is likely to be speaking to the bus’s passengers, en masse, during the vast majority of time during the tour. Further, the job of driving a tour bus is in important respects more complex than driving an automobile. Thus, the safety problems created by talking while driving are at their zenith when a tour bus driver, in addition to attending to his or her driving responsibilities, is also providing narration to passengers.

(e) San Francisco streets are extremely congested, given population increases in recent years and the reduction in traffic lanes and routes created by construction projects and road repairs. The narrowness of many traffic lanes and the driving challenges presented by the City’s topography exacerbate the congestion problem. The congestion on San Francisco streets heightens the safety risks associated with a tour bus driver narrating a tour while driving.
Accordingly, the Board of Supervisors has concluded that prohibiting narration by tour bus drivers in the City will reduce distracted driving and advance traffic safety by reducing the likelihood of collisions and injuries caused by distracted driving.

Section 3. The Transportation Code is hereby amended by adding Section 7.2.89, to read as follows (Section 7.2 being reprinted below solely to provide context):

SEC. 7.2. INFRACTIONS.

In addition to public offenses created by the Vehicle Code, the actions listed in this Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant; or (e) with respect to any other Public Property, except with the permission of, and subject to such conditions and regulations as are imposed by the agency that owns the property that are available for public inspection at the agency's offices.

SEC. 7.2.89. TOUR NARRATION BY BUS DRIVERS.

For the driver of any City Tour Bus to engage in Tour Narration while such vehicle is in motion on any public street. For purposes of this Section 7.2.89, “City Tour Bus” shall mean a bus carrying passengers for compensation that is not required to be authorized by the California Public Utilities Commission to operate as either a charter party carrier or a passenger stage corporation under the California Public Utilities Code, and “Tour Narration” shall mean providing regular or ongoing oral information to passengers other than communications concerning payment of fares, announcement of stops, vehicle operation, safety or emergency procedures, occasional brief responses to questions initiated by passengers, or any communication to passengers that is required by law. “Tour
Narration” shall also not include any communication to passengers made by a person other than the operator, or any recorded communication delivered to passengers.

Section 4. 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.

Section 5. No conflict with State or Federal Law. Nothing in this ordinance shall be interpreted or applied so as to create any requirement, power or duty in conflict with any federal or state law.

Section 6. Undertaking for the General Welfare. In enacting and implementing this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officer and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 7. Severability. If any subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or
unconstitutional without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional.

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

By:  
DAVID A. GREENBURG
Deputy City Attorney
City and County of San Francisco

Tails

Ordinance

File Number: 150119  Date Passed: April 14, 2015

Ordinance amending the Transportation Code to prohibit drivers of tour buses not regulated as passenger stage corporations or charter party carriers from narrating while driving; and affirming the Planning Department's determination under the California Environmental Quality Act.

March 19, 2015 Government Audit and Oversight Committee - RECOMMENDED

March 31, 2015 Board of Supervisors - CONTINUED ON FIRST READING
   Ayes: 9 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Tang and Wiener
   Excused: 2 - Mar and Yee

April 07, 2015 Board of Supervisors - PASSED, ON FIRST READING
   Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

April 14, 2015 Board of Supervisors - FINALLY PASSED
   Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/14/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved 4/14/15