



DATE: September 5, 2017

CATEGORY: New Business

DEPT.: Public Works

TITLE: **Ordinance Amending Article VI of Chapter 19 of the Mountain View City Code Related to Bicycles, Roller Skates, Coasters, and Electric Personal Assistive Mobility Devices**

RECOMMENDATION

Introduce an Ordinance Amending Article VI of Chapter 19 of the Mountain View City Code Related to Bicycles, Roller Skates, Coasters and Electric Personal Assistive Mobility Devices (EPAMDs), to be read in title only, further reading waived, and set a second reading for September 26, 2017 (Attachment 1 to the Council report).

BACKGROUND

The California Vehicle Code (CVC) regulates the use of vehicles and bicycles on streets and highways in California. Streets and highways include ways that are publicly maintained and open to the public for vehicular travel. Cities and other local jurisdictions, such as the City of Mountain View, may only regulate vehicles and other conveyances, including bicycles, on streets and highways for purposes of travel as State law expressly authorizes. State law authorizes the City to regulate the riding of bicycles upon public sidewalks. In addition, the City may regulate bicycle parking and operation of pedestrian and bicycle facilities as long as the regulations do not conflict with State law.

Article VI of Chapter 19 of the Mountain View City Code regulates the use of bicycles, roller skates, coasters, and other EPAMDs on sidewalks, roadways, and other facilities within the City. The Bicycle/Pedestrian Advisory Committee's (B/PAC) Fiscal Year 2015-16 Work Plan, approved by City Council on September 8, 2015, included a work item to review Article VI and identify suggested revisions to the City Code to improve the pedestrian and bicycling environment in Mountain View.

At the March 30, 2016 B/PAC meeting, staff provided a preliminary assessment of Article VI and recommended repealing or amending code sections that have been preempted under State law, are out of date, and/or require additional clarification. The B/PAC reviewed staff recommendations and suggested additional code revisions. Staff

returned to the B/PAC on August 31, 2016 with a proposed amended Article VI. The B/PAC was generally supportive of the proposed amendments and recommended some additional modifications. With a few exceptions, staff concurred with the B/PAC's additional revisions and incorporated them.

ANALYSIS

The proposed amendments to Article VI as shown in Attachment 1 reflect both staff recommendations and input from the B/PAC. Each proposed ordinance revision is described below and includes a discussion about B/PAC recommendations that were not included. Unless stated otherwise, the section numbers and headings used are from the proposed ordinance as set forth in Attachment 1.

- **Section 19.51 – Definitions.**

This is a new section that specifies CVC definitions apply unless otherwise provided in Article VI. The section also adds a definition for “transportation device,” which means roller skates (including in-line skates), nonmotorized scooters, skateboards, and electrically motorized boards.

Use of the term “transportation device” eliminates the need to list every type of device throughout the ordinance. The B/PAC suggested adding “and other similar devices” to the definition to stay ahead of the expected continuation of technological advances in personal mobility devices. Staff advised that such language is vague and may not be enforceable. In addition, State law notably makes specific delineation between devices governed by the State versus those governable by local jurisdiction and, depending on the device, the City may not have the authority to regulate it. For this reason, staff does not recommend adding this phrase to the definition.

- **Section 19.52 – Riding bicycles or transportation devices on sidewalks.**

The existing ordinance prohibits bicycle riding on sidewalks in the business district, with the business district boundaries defined in Article I of Chapter 19 as “All portions of the city except residential and agricultural zones.” The revised ordinance proposes that bicycle and transportation device riding be prohibited on sidewalks where designated by City Council and signed. Children under the age of 13 would be exempt from the prohibition. Rather than designating the prohibited sidewalks within the ordinance, the prohibited sidewalks will be approved by City Council resolution, making it simpler to revise or add sidewalk

locations in the future. Attachment 2 is a draft resolution that the City Council could adopt at the second reading of the ordinance, which would prohibit bicycle riding on sidewalks along Castro Street from Central Expressway to High School Way/Yosemite Avenue and along San Antonio Road from California Street to El Camino Real. Pedestrian volumes along Castro Street and San Antonio Road are too high to share sidewalk space with bicyclists. These locations, recommended by staff, were supported by the B/PAC.

Section 19.52 also sets forth sidewalk riding requirements, including riding at a safe speed, using due care, yielding to pedestrians, and traveling in the same direction as vehicles are required to be driven upon the roadway.

The B/PAC recommended providing some exceptions to the requirement that sidewalk riding be in the same direction as traffic, such as: (1) when travelling 5 miles per hour (mph) or less; (2) when a sidewalk is located on only one side of the street; or (3) when the vehicle speed limit is 35 mph or greater. Staff does not recommend including exceptions in the ordinance. Wrong-way riding on the street is the number one cause of bicyclist at-fault collisions in Mountain View and many other jurisdictions across the country. The same conditions contributing to collisions when bicyclists ride against traffic in the street apply to riding on the sidewalk. Prohibiting riding against traffic on both streets and sidewalks is consistent with education efforts to minimize the behavior.

- **Existing Code Section 19.52 – Method of riding upon roadways.**

Repeal of this section is recommended. The CVC regulates the operation of bicycles on roadways and preempts City Code regulations regarding the operation of bicycles on roadways; therefore, this section is not enforceable.

- **Section 19.53 – Number of persons allowed to ride upon bicycles on sidewalks.**

The revisions clarify that the prohibition for a bicycle to carry more than one person on sidewalks does not apply for bicycles built to carry two or more persons or to properly attached devices designed to carry a child. This section also repeals language regarding the public right-of-way because the CVC regulates the operation of bicycles on roadways and preempts City Code regulations regarding the operation of bicycles on roadways; therefore, this provision is not enforceable.

- **Section 19.54 – Use of bicycles and transportation devices in any city-owned parking structures.**

The proposed amendment clarifies that bicycle and transportation device riding is prohibited in City-owned parking structures except for the limited purpose of accessing bicycle parking. It also repeals language about bicycle and transportation device riding on sidewalks which is addressed in Section 19.52.

- **Section 19.55 – Use of transportation devices on roadways is prohibited.**

The revision replaces the references to coasters, roller skates, and other devices with the term “transportation devices.”

- **Section 19.57 – Authority to seize and hold bicycles and transportation devices.**

Revisions for this section update the procedures for seizing bicycles, including requiring a second citation within a one-year period, and a notice and opportunity to request a hearing.

- **Section 19.58 – Bicycle parking spaces.**

The proposed ordinance clarifies requirements for parking bicycles on sidewalks. It continues to prohibit bicycle parking on sidewalks except in bicycle racks or lockers or areas designated for bicycle parking (such as bicycle share corrals) because pedestrian and Americans with Disabilities Act (ADA) access must be maintained at all times.

The B/PAC recommended that the ordinance simply prohibit parking bicycles in a manner that blocks or impedes sidewalk access, including ADA accessibility. Staff does not recommend this revision because it assumes that the bicyclist has the expertise to determine whether the parked bike will interfere with pedestrian or ADA accessibility. The City Traffic Engineer designates bicycle parking locations based on an engineering review that ensures that sidewalk areas are kept clear and meet accessibility requirements. Staff is working to provide additional bicycle parking as appropriate through the City’s annual Capital Improvement Program and private development review process.

FISCAL IMPACT – None.

ALTERNATIVES

1. Adopt the proposed ordinance with modified amendments to Article VI of Chapter 19.
2. Do not adopt the proposed ordinance and retain the existing Article VI of Chapter 19.
3. Provide other direction to staff.

PUBLIC NOTICING

Agenda posting and a copy of the report on the City website and copy to B/PAC.

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Attachments: 1. Draft Ordinance, Chapter 19, Article VI
2. Draft Resolution

cc: Bicycle/Pedestrian Advisory Committee