

Meeting Date: 7/19/2016

Report Type: Consent

Report ID: 2016-00623

Title: (Pass for Publication) Ordinance Amending Chapter 10.76 and Repealing Section 12.44.070 of the Sacramento City Code Relating to Riding Bicycles on Sidewalks [Continued from 06/14/2016 and 07/12/2016]

Location: Citywide

Recommendation: 1) Review an ordinance amending sections 10.76.010 and 10.76.030, and repealing section 12.44.070 of the Sacramento City Code relating to riding bicycles on sidewalks to ensure the safety of both pedestrians and bicyclists and to reflect current practices; and 2) pass for publication the ordinance title as required by Sacramento City Charter 32(c) to be adopted on July 26, 2016.

Contact: Fedolia "Sparky" Harris, Principal Planner (916) 808-2996; Hector Barron, City Traffic Engineer, (916) 808-2669, Department of Public Works

Presenter: None

Department: Public Works Department

Division: Transportation Division

Dept ID: 15001911

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Ordinance Amendment (Redline)
- 4-Ordinance Amendment (Clean)

City Attorney Review

Approved as to Form
Maila Hansen
6/8/2016 4:42:43 PM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 5/27/2016 7:09:30 AM

Description/Analysis

Issue: As bicycling grows in popularity as a mode of transportation in Sacramento consistent with the goals and policies of the General Plan, the number of cyclists who ride on our sidewalks continues to increase. At this time, it is appropriate to update the City Code related to riding bicycles on sidewalks to ensure the safety of both pedestrians and bicyclists and to reflect current practices.

Policy Considerations: The following Sacramento 2035 General Plan policies support the recommended changes to the City Code:

M 1.1.1 Right-of-Ways - The City shall preserve and manage rights-of-way consistent with: the circulation diagram, the City Street Design Standards, the goal to provide Complete Streets as described in Goal M 4.2, and the modal priorities for each street segment and intersection established in Policy M4.4.1: Roadway Network Development, Street Typology System.

M 1.2.1 Multimodal Choices - The City shall develop an integrated, multimodal transportation system that improves the attractiveness of walking, bicycling, and riding transit over time to increase travel choices and aid in achieving a more balanced transportation system and reducing air pollution and greenhouse gas emissions.

M 5.1.2 Appropriate Bikeway Facilities - The City shall provide bikeway facilities that are appropriate to the street classifications and type, number of lanes, traffic volume, and speed on all rights-of-way.

M 5.1.5 Motorists, Bicyclists, and Pedestrian Conflicts - The City shall develop safe and convenient bikeways, streets, roadways, and intersections that reduce conflicts between bicyclists and motor vehicles on streets, between bicyclists and pedestrians on multi-use trails and sidewalks, and between all users at intersections.

M 5.1.14 Encourage Bicycle Use - The City shall encourage bicycle use in all neighborhoods, especially where short trips are most common.

The recommended changes to the City Code are consistent with the City's Strategic Plan goal to make Sacramento a safer place for residents, businesses and visitors.

The recommended changes to the City Code are consistent with Goal #1 of the City's 2013 Economic Development Strategy and specifically:

Action 1.32: Seek opportunities to continue park planning, park master planning, and the design and development of new or renovation of existing neighborhood, community and regional parks, bikeways and open space throughout the city to continue support of a healthy quality of life for Sacramento.

Economic Impacts: None

Environmental Considerations:

California Environmental Quality Act (CEQA): CEQA only applies to projects that have the potential for causing a significant effect on the environment. The requested action is not a project under CEQA.

Sustainability: The recommended action supports the Climate Action Plan goal to create a connected multi-modal transportation network that increases the use of sustainable modes of transportation (e.g., walking, biking, transit) and reduces dependence on automobiles.

Commission/Committee Action: On November 6, 2014, the Law & Legislation Committee initiated a discussion to modernize the City of Sacramento's Code Chapter 10.76 addressing bicycling on sidewalks. Staff presented a summary of the issues as well as common code elements from other jurisdictions. Public comment was received from several people.

On May 12, 2015, the Law & Legislation Committee reconvened to discuss the item further. City staff presented draft ordinance concepts and members of the Committee commented on the ideas that were presented. Public comment was received. At the conclusion of the discussion, the Committee directed staff to get additional public input and return to the Committee with a draft ordinance to be reviewed and forwarded to the City Council. After receiving input from members of the public, City staff revised the ordinance.

On September 2, 2015, the Draft Ordinance Review Committee made minor changes to the draft ordinance language.

On September 8, 2015, the Law & Legislation Committee heard public comment and passed a motion approving and forwarding to City Council an Ordinance amending sections 10.76.010 and 10.76.030, and repealing section 12.44.070 of the Sacramento City Code referring to riding bicycles on sidewalks with direction to staff to 1) establish an annual review of the program, 2) look at best practices regarding progressive fines for repeat offenders, and 3) review the possibility of establishing speed elements for the signage.

Accordingly, the City Manager or his designee shall report to the City Council annually regarding the success of the bicycle requirements established by the proposed ordinance.

Rationale for Recommendation: There is an inherent conflict when bicycles are ridden on sidewalks in areas with high levels of pedestrian activity due to differences in maneuverability, reaction time, and constrained right-of-way. While it is understood that riding on the street is not a desired choice by many bicyclists, these recommendations are designed to address areas of high pedestrian activity and likely high areas for conflicts. The City will continually improve the network of facilities available to serve the full spectrum of bicyclists through upcoming efforts such as the Downtown Transportation Study and the Bicycle Master Plan.

The proposed amendments to the City Code clarify issues that exist within the current language. In particular, there is an overall lack of understanding by the public about the existing rules for bicycling on sidewalks. Law enforcement personnel have found that the provisions in the Code are not clear, which makes consistent enforcement challenging. By placing signs to indicate where bicycling is prohibited, bicyclists can be better informed of the law and the signs can be helpful to law enforcement. Establishing the location of the signs will be accomplished through a City process that does not require future amendments to the City Code, thereby offering flexibility for varying conditions. Finally, the recommendation: includes a revision to the fine recognizing that \$5 is not an adequate deterrent; provides a lesser amount for the first violation because first-time violators may simply be uninformed; and, increases the fine for subsequent violations because a significant increase is necessary to deter repeat offenders.

Financial Considerations: None

LBE: Not applicable.

Background

Sacramento averages approximately 200 crashes involving bicycles and cars per year. One to two crashes per year have resulted in fatalities. This figure is important because bicycling as a means of transportation continues to grow in Sacramento for several reasons including climate, terrain, convenience, cost, and health consciousness.

One outcome of this growth is an increase in the number of bicyclists who choose to ride on City sidewalks instead of in bicycle lanes or in mixed-flow traffic. This choice often creates conflicts with pedestrians on the sidewalks and turning vehicles on the road. The conflicts are generally caused by the different speeds at which bicyclists and pedestrians travel; limited maneuverability on the sidewalk by bicyclists; lack of audible warning given to pedestrians by approaching bicyclists; and, vehicular conflicts at driveways and intersections. The situation is further complicated by obscured sightlines, challenging pavement conditions, and conflicts with other sidewalk users including children and pets.

Many bicyclists avoid riding on sidewalks but riding in the street requires the confidence to interact with motor vehicles that are often traveling substantially faster than the bicyclist. For many bicyclists the risks associated with riding on the street outweigh the risks associated with riding on the sidewalk due to the degree of injury that could result from an incident with a motor vehicle. This choice creates issues for pedestrians, especially in areas of high concentration, because the pedestrians have no alternative to the use of the sidewalk.

The current City Code section 10.76.010 for bicycling on sidewalks can be summarized as follows:

- Bicycling on sidewalks is prohibited with exceptions
- Bicycling on sidewalks is allowed in “residence districts”
- Bicycling on sidewalks is geographically prohibited within the boundary of the Downtown Plaza
- Bicycling on sidewalks is allowed when signage is installed indicating an adopted bike route
- Bicycling on sidewalks is allowed for police and other officials
- Where bicycling on sidewalks is allowed, all bicyclists are required to yield to pedestrians
- Violations of this code section are enforced by a fine of \$5

During the November 6, 2014 and the May 12, 2015 meetings of the Law and Legislation Committee, comments from the public and from Committee Members were received. Many members of the public indicated that the City Code should be strengthened and ways to reduce the conflicts between bicyclists and pedestrian should be sought. Bicycle advocates expressed a concern that by prohibiting bicycling on sidewalks without providing an adequate alternative facility, bicycling would be less viable.

Members of the Committee expressed concerns about the need to make bicycling on the sidewalks available for children who may not be competent to ride in the streets. At the November meeting there was concern that there may not be an easy way to adequately address all the locations where bicycling in sidewalks can be allowed or prohibited.

Committee members expressed an interest in seeing how effective the changes might be. They requested that metrics be established before and after the first stages of implementation. In response to this, some “before” data exists from bicycle counts taken by the Sacramento Area Bicycle Advocates between 2007 and 2013. Within the Central City, the portion of bicyclists using the sidewalks ranges from 20% to 78%, depending on the location. As such, the City Manager or his designee shall report to the City Council annually regarding the success of the bicycle requirements established by the proposed ordinance.

Committee Members agreed that the current fine for violations should be significantly increased from the current \$5 per incident. There was agreement that the fines should be on a graduated scale. Committee Members also expressed an interest in making more improvements that would provide better bicycle facilities in the Downtown area. They indicated a need to expedite these improvements in conjunction with prohibiting bicycling on sidewalks.

In the proposed ordinance amendments the provisions prohibiting bicycling on sidewalks except within residence districts would be removed. In lieu, a new provision is proposed to prohibit bicycling on sidewalks where signs are posted. The proposed language will not change the practice of bicycling on sidewalks where posted signs allow riding, the provisions for police and other officials to use sidewalks in the course of performing their duties, and the requirement for bicyclists to yield to pedestrians in the locations where bicycling on the sidewalks is permitted while language further defining proper yielding has been added. Finally, the proposed language will change the penalties for Code violations to a \$25 fine for first offenders, a \$100 fine for a second

offense of the same provision within one year, and a \$250 fine for each additional violation of the same provision within one year.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 10.76.010 AND 10.76.030, AND REPEALING SECTION 12.44.070 OF THE SACRAMENTO CITY CODE, RELATING TO RIDING BICYCLES ON SIDEWALKS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 10.76.010 of the Sacramento City Code is amended to read as follows:

10.76.010 Riding bicycles on sidewalks.

A. ~~Except as authorized under subsection B of this section, n~~No person shall ride a bicycle on a sidewalk where a sign is posted indicating that bicycling is prohibited. ~~except within a residence district or where a sidewalk is designated as part of an established bicycle route. Pedestrians shall have the right of way on sidewalks. The city manager shall establish a process for designating sidewalks where such signs are posted. Signs will be posted in compliance with the California Manual on Uniform Traffic Control Devices.~~

B. ~~The provisions of subsection A of this section shall~~ Subsection A of this section does not apply to the following persons:

1. Peace officers, as defined in California Penal Code ~~s~~Section 830, who are ~~actually~~ on scheduled duty and ~~who are~~ acting within the course and scope of their employment.

~~2. Employees of the Sacramento downtown district (hereafter "district") who meet all of the following standards: (i) perform guide or related services as employees of the district; (ii) are actually on scheduled duty and are acting within the course and scope of their employment with the district; (iii) have been designated in writing by the district as required to ride a bicycle; and (iv) have received a permit from the city manager after making written application therefor.~~

~~23.~~ 23. On-duty emergency medical personnel as designated by the fire chief of the city.

~~C. The city manager shall, prior to issuance of any permit pursuant to subsection (B)(2) of this section, develop and implement an appropriate application form, criteria to implement the standards set forth in subsection (B)(2) of this section, and a form of permit. No permit shall be issued without a written request from the district, which designates individual employees as being required to ride bicycles in the course and scope of their duties as employees of the district. The city manager may limit the number of permits issued pursuant to this section.~~

C. Where bicycling on a sidewalk is permitted, the following apply:

1. Bicyclists must yield the right-of-way to pedestrians by slowing down, stopping, or dismounting, as needed.

2. Before passing a pedestrian traveling in the same direction, bicyclists must give the pedestrian an audible warning.

SECTION 2.

Section 10.76.030 of the Sacramento City Code is amended to read as follows:

10.76.030 Responsibility for child or ward – of parent or guardian — Penalties **Violations of this chapter and penalties.**

A. No person parent of any child or the guardian of any ward shall authorize or knowingly permit any such child or ward in their care or custody to violate any of the provisions of this chapter.

B. Any person who violates a provision of this chapter is guilty of an infraction violation of this chapter shall be deemed to be an infraction. Except as otherwise specifically provided, a violation of a provision of this chapter is punishable by (1) the fine imposed for any such violation shall not exceed the sum of five dollars a fine not exceeding \$25 for a first violation; (2) a fine not exceeding \$100 for a second violation of the same provision within one year; and (3) a fine not exceeding \$250 for each additional violation of the same provision within one year.

SECTION 3.

Section 12.44.070 of the Sacramento City Code is repealed.

12.44.070 Bicycle riding and parking.

~~A. Except as authorized under subsection B of this section, or Chapter of this code regarding the regulation of pedicabs, no person shall ride a bicycle upon that portion of K Street Mall between 7th Street and 4th Street.~~

~~B.——The provisions of subsection A of this section shall not apply to the following persons:~~

~~1.——Peace officers, as defined in Section 830, who are on scheduled duty and who are acting within the course and scope of their employment;~~

~~2.——Employees of the Sacramento downtown district (hereafter “district”) who meet all of the following standards: (a) perform guide or related services as employees of the district; (b) are on scheduled duty and are acting within the course and scope of their employment with the district; (c) have been designated in writing by the district as required to ride a bicycle; and (d) have received a permit from the city manager after making written application therefor;~~

~~3.——On-duty emergency medical personnel as designated by the fire chief of the city.~~

~~C.——The city manager shall, prior to issuance of any permit pursuant to subsection (B)(2) of this section, develop and implement an appropriate application form, criteria to implement the standards set forth in subsection (B)(2) of this section, and a form of permit. No permit shall be issued without a written request from the district, which designates individual employees as being required to ride bicycles in the course and scope of their duties as employees of the district. The city manager may limit the number of permits issued pursuant to this section.~~

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SECTION 1.

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10.76.010 Riding bicycles on sidewalks.

A. No person shall ride a bicycle on a sidewalk where a sign is posted indicating that bicycling is prohibited. The city manager shall establish a process for designating sidewalks where such signs are posted. Signs will be posted in compliance with the California Manual on Uniform Traffic Control Devices.

B. Subsection A of this section does not apply to the following persons:

1. Peace officers, as defined in California Penal Code section 830, who are on scheduled duty and acting within the course and scope of their employment.

2. On-duty emergency medical personnel as designated by the fire chief of the city.

C. Where bicycling on a sidewalk is permitted, the following apply:

1. Bicyclists must yield the right-of-way to pedestrians by slowing down, stopping, or dismounting, as needed.

2. Before passing a pedestrian traveling in the same direction, bicyclists must give the pedestrian an audible warning.

SECTION 2.

Section 10.76.030 of the Sacramento City Code is amended to read as follows:

10.76.030 Responsibility for child or ward – Violations of this chapter and penalties.

A. No person shall authorize or knowingly permit any child or ward in their care or custody to violate any of the provisions of this chapter.

B. Any person who violates a provision of this chapter is guilty of an infraction. Except as otherwise specifically provided, a violation of a provision of this chapter is punishable by (1) a fine not exceeding \$25 for a first violation; (2) a fine not exceeding \$100 for a second violation of the same provision within one year; and (3) a fine not exceeding \$250 for each additional violation of the same provision within one year.

SECTION 3.

Section 12.44.070 of the Sacramento City Code is repealed.