



Staff Report Details (With Text)

File #: 16-749 **Version:** 1 **Name:** Bicycle Regulation
Type: Minute Order **Status:** Action Item
File created: 3/13/2017 **In control:** BICYCLE & PEDESTRIAN ADVISORY COMMITTEE
On agenda: 3/16/2017 **Final action:**
Title: Administrative Update to Bicycle Regulations in Culver City Municipal Code (CCMC Chapter 7.04)
Sponsors:
Indexes:
Code sections:
Attachments: 1. CCMC Bicycle Ordinance, 2. 2017-03-16 Alex Fisch

Date	Ver.	Action By	Action	Result
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Administrative Update to Bicycle Regulations in Culver City Municipal Code (CCMC Chapter 7.04)

Meeting Date: March 16, 2017

Contact Person/Dept: Eric Bruins/Public Works Department

Phone Number: (310) 253-5616

Fiscal Impact: Yes ☐ No ☒ **General Fund:** Yes ☐ No ☒

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☒

Public Notification: (Email) Bicycle & Pedestrian (03/13/17);

Department Approval: Charles Herbertson, Public Works Director/City Engineer (03/13/17)

RECOMMENDATION

That the Bicycle & Pedestrian Advisory Committee (BPAC) recommend that the City Council adopt an ordinance amending Title 7, Traffic Code, of the Culver City Municipal Code (CCMC), Chapter 7.04 - Bicycles - repealing and reserving §7.04.200 et. seq. in order to eliminate conflicts and redundancies with the California Vehicle Code.

BACKGROUND/DISCUSSION

In the State of California, the California Vehicle Code preempts local traffic regulation, unless authority is provided explicitly by statute:

CVC §21(a) Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the state and in all counties and municipalities therein, and a local authority shall not enact or enforce any ordinance or resolution on the matters covered by this code, including ordinances or resolutions that establish regulations or procedures for, or assess a fine, penalty, assessment, or fee for a violation of, matters covered by this code, unless expressly authorized by this code.

Many cities, including Culver City, have outdated municipal codes related to bicycles dating from the 1950s and 60s that predate the applicable CVC sections, many of which were written in the 1970s. As a result, these municipal codes either are redundant or conflict with state law. The 2010 Bicycle & Pedestrian Master Plan identified the need to update these code sections accordingly.

The State has delegated three aspects of bicycle regulation to local jurisdictions: bicycle registration, sidewalk riding, and electric bicycles. The proposed ordinance would not change any of these regulations. Staff does not recommend changing the City's policies on bicycle registration or electric bicycles. Staff has begun discussions with CCPD on the need to update the sidewalk riding code section, but this policy change requires further vetting by the Bicycle & Pedestrian Advisory Committee (BPAC).

The majority of the CCMC sections relating to bicycle riding are redundant or conflict with the CVC. Provisions of the Culver City Municipal Code that are preempted by the CVC are unenforceable. Removing them from the code will have no impact on law enforcement, since officers should already be issuing citations for the applicable CVC violation. Having these codes on the books creates confusion for residents looking for accurate information about bicycle laws.

The following code sections would be repealed by the proposed ordinance:

CCMC	CVC	Topic
§7.04.200	§21200	Both sections state that bicyclists must follow traffic laws, however the CVC section is clearer and more specific.
§7.04.205	§21200	This CCMC section states that bicyclists must also follow signs and signals, which is also required by the CVC.
§7.04.210	§21204	Both sections prohibit multiple people riding on one bicycle that is not designed to carry that number of people. The CVC section is clearer and more specific.
§7.04.215	§21204	Both sections prohibit multiple people riding on one bicycle that is not designed to carry that number of people. The CVC section is clearer and more specific.
§7.04.220	§21202	Both sections regulate where in the roadway a bicyclist may ride. The CCMC does not include the important exceptions contained in the CVC. The CCMC also places an undue burden on bicyclists that is not consistent with the CVC, which could create an additional liability or prevent an injured bicyclist from recovering damages from the at-fault party in the event of a collision.

§7.04.225	§21804, §21952	This section clarifies that, like a vehicle driver, bicyclists are required to yield when crossing a sidewalk or entering the roadway. This is already required because bicycle riders have the same rights and responsibilities as drivers.
§7.04.230	§21202	This section regulates riding in a group. Where in the roadway a bicyclist is allowed to ride is regulated by CVC §21202. The City does not have the authority to create additional restrictions on lane position.
§7.04.235	§21205	Both sections prohibit bicyclists from carrying anything that prevents them from keeping at least one hand on the handlebars. The CCMC and CVC sections are nearly identical.
§7.04.240	§21210	Both sections regulate bicycle parking. While the CVC does allow the City to create its own ordinance, the City's code is unnecessarily restrictive and prevents innovative parking solutions. For example, the CCMC provision would prohibit parking a bicycle at the City's bike corral because it is located in the street.
§7.04.245	§21200	This CCMC provision is known as a "mandatory sidepath law" and is illegal in California. All bicyclists are afforded all the rights and responsibilities of drivers of motor vehicles, including the right to ride on all city streets, whether or not there is a parallel bike path (e.g. Culver Boulevard).
§7.04.255	§21203	Both sections prohibit bicyclists from attaching themselves to moving vehicles. The CCMC and CVC are nearly identical.
§7.04.300	§21201	Both sections set minimum standards for lights and reflectors for bicyclists riding at night. The State standards are superior.
§7.04.305	§21201	This CCMC provision requires bicyclists to have a bell or other audible device, even though there is no similar requirement in the CVC. The City does not have the authority to require supplemental equipment on bicycles.
§7.04.310	§21201	Both sections require bicycles to be equipped with a brake. The CCMC and CVC are nearly identical.
§7.04.415	n/a	This CCMC provision regulates bicycle rentals, including all rental bicycles to be registered and licensed, with a license plate displayed. Future bike share bikes would not comply with this requirement since they do not have license plates.

CCMC §7.04.400 et. seq. require bicycle dealers to report purchases and sales of used bicycles to the Culver City Police Department in order to detect theft and recover stolen bicycles. CCPD has requested that these CCMC sections be retained.

FISCAL ANALYSIS

There would be no fiscal impact from the proposed ordinance.

ATTACHMENTS

1. Proposed Ordinance

MOTION

That the Bicycle & Pedestrian Advisory Committee (BPAC) recommends that the City Council adopt an Ordinance amending Chapter §7.04 Bicycles of Title 7, Traffic Code, of the Culver City Municipal Code, repealing and reserving §7.04.200 et. seq. in order to eliminate conflicts and redundancies with the California Vehicle Code.