February 7, 1975

Hon. Darryl R. White  
Secretary of the Senate  
State Capitol  
Sacramento, CA 95814

Dear Mr. White:

Hon. James D. Driscoll  
Chief Clerk of the Assembly  
State Capitol, Room 3194  
Sacramento, CA 95814

Dear Mr. Driscoll:

Attached is the Final Report to the Legislature required by Senate Concurrent Resolution 47 adopted in the 1973-74 Session.

The report gives recommendations of the Statewide Bicycle Committee pertaining to bicycle operation issues of Statewide significance. The committee consisted of representatives from CALTRANS, the California Highway Patrol, the Office of Traffic Safety, the Department of Parks and Recreation, the California Association of Bicycle Organizations, the League of California Cities, the County Supervisors Association of California, the Automobile Club of Southern California, and the Legislature.

The issues studied are very complex and in some cases, controversial. Recommendations were made only after considering much testimony, both within the committee and from the general public.

The report includes recommendations on bicycle operations, equipment, facilities and safety education as well as a model bicycle ordinance for use by local jurisdictions and suggestions for changes in the Vehicle Code regarding rules of the road and safety equipment.

Sincerely,

HOWARD C. ULLRICH  
Director of Transportation

Attachment
EXECUTIVE SUMMARY

The purpose of this report, a brief background of bicycling activities in California and recommendations concerning bicycle problems are presented to the Legislature by the SCR 47 Statewide Bicycle Committee. These recommendations include changes in the California Vehicle Code regarding:

* Rules of the road and operation in bicycle lanes – new laws and changes in present laws are proposed which would affect motorists, bicyclists and pedestrians.

* Bicycle safety equipment – new laws and changes are presented. Recommendations for reflectors are not in agreement with present state laws or proposed federal standards.

Other recommendations include:

* Bicycle facilities – further studies to evaluate facilities and adherence to uniform minimum design standards are proposed.

* Bicycle safety education – recommendations developed by the Committee and others from a previous panel are presented.

A Model Bicycle Ordinance patterned after the Uniform Traffic Ordinance and developed for use by local jurisdictions is presented. Bicycle registration is included to facilitate implementation of the State law which is effective on January 1, 1975.
### CONTENTS

<table>
<thead>
<tr>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PART I</strong></td>
<td></td>
</tr>
<tr>
<td>Purpose</td>
<td>1</td>
</tr>
<tr>
<td>Background</td>
<td>1</td>
</tr>
<tr>
<td>History of the Committee</td>
<td>3</td>
</tr>
<tr>
<td>Overview</td>
<td>4</td>
</tr>
<tr>
<td><strong>Recommendations</strong></td>
<td></td>
</tr>
<tr>
<td>Bicycle Operations</td>
<td>5</td>
</tr>
<tr>
<td>Bicycle Equipment</td>
<td>12</td>
</tr>
<tr>
<td>Bicycle Facilities</td>
<td>15</td>
</tr>
<tr>
<td>Bicycle Safety Education</td>
<td>16</td>
</tr>
<tr>
<td>Other issues</td>
<td>20</td>
</tr>
<tr>
<td><strong>PART II</strong></td>
<td></td>
</tr>
<tr>
<td>Model Bicycle Ordinance</td>
<td>PART II</td>
</tr>
<tr>
<td><strong>PART III</strong></td>
<td></td>
</tr>
<tr>
<td>Appendices</td>
<td>PART III</td>
</tr>
<tr>
<td>Work Plan Proposal</td>
<td>Appendix A</td>
</tr>
<tr>
<td>Statewide Bicycle Committee Members</td>
<td>Appendix B</td>
</tr>
<tr>
<td>Advisory List</td>
<td>Appendix C</td>
</tr>
<tr>
<td>Attorney General’s Opinion</td>
<td>Appendix D</td>
</tr>
</tbody>
</table>
PART I

PURPOSE

The purpose of this report is to summarize the findings and recommendations of the Statewide Bicycle Committee as required by Senate Concurrent Resolution 47 (Mills, 1973).

BACKGROUND

The bicycle is a major transportation and recreation mode for approximately seven to ten million people in California. New bicycle sales have been increasing steadily through 1973. According to the Bicycle Institute of America, nationwide bicycle sales totaled 3.7 million bicycles in 1960. In 1973, this figure had risen to a record 15.6 million with Californians alone accounting for approximately 1 million or more. Over half of these were adult bicycles sold to persons over 15 years old, and this indicates that bicycles can no longer be considered as just a child’s toy. More new bicycles were sold in California in 1973 than automobiles, and it appears that this situation was repeated in 1974.

With this increase in sales and use has come an increase in bicycle–motor vehicle accidents. In 1969 the California Highway Patrol recorded 5,244 accidents including fatalities. In 1972 the number had more than doubled to 10,622. In 1973, this number decreased slightly to 10,535; however, almost half of the reported accidents involved cyclists over 15 years old. Although exact figures are not available yet, the California Highway Patrol estimates an increase in bicyclist fatalities for 1974.

Clearly, much work needs to be done. Improved existing roadways, improved and new, well–designed cycling facilities, increased bicycle safety education programs coupled with strict law enforcement, and consistent statewide laws and ordinances are means to improve the situation for both the cyclist and the motorist.

What is being done now? The California Department Transportation (CALTRANS) encourages bicycle use and is developing a nonmotorized element in the California Transportation Plan. The element emphasizes the importance of the bicycle’s role as a transportation vehicle on public roads. State highways are being inventoried for present and potential nonmotorized use. Bicycle route touring guides have been printed and distributed to thousands of cyclists, and the demand for maps of this type appears to be increasing. CALTRANS is coordinating its efforts with regional and local transportation agencies to develop safe and efficient bikeways.

The Department of Parks and Recreation is preparing a plan for a statewide system of travel and overnight accommodations for nonmotorized travelers, including bicyclists, pursuant to legislation that emphasizes the need for such facilities. It is anticipated that improved facilities will reduce hazards to nonmotorized travelers. The Department, along with CALTRANS and other state departments, as well Federal and local agencies and interested groups, will participate in the planning and implementation of such a nonmotorized trail system.

The California Highway Patrol has developed and implemented a Bicycle Enforcement and Education Program which resulted in an eleven percent reduction in bicycle accidents occurring within its jurisdictions. The program was made available to cities and counties in manual form for use in their jurisdictions. The California Highway Patrol has also conducted an in-depth bicycle study which addresses accident trends, equipment factors, riders and bikeway systems. The study revealed that where bicycle laws are enforced, bicycle accidents are reduced.
The California Office of Traffic Safety is actively participating in bicycle safety programs. Major activities include the administering of Federal funds to local agencies for traffic safety demonstration projects and the conducting of an annual three month long bicycle safety public awareness effort. In the past three fiscal years, OTS has funded twenty-seven projects involving bicycle safety. Prior to the enactment of SCR 47, OTS also established a statewide bicycle safety committee. Some of the members of that committee served on the SCR 47 Statewide Bicycle Committee, and all participated as advisors.

The Department of Water Resources has opened 140 miles of service roads adjacent to the California Aqueduct to nonmotorized users only. Rest stops with water, shade and restrooms have been constructed at ten mile intervals on approximately half of this facility, and more construction is planned for 1975.

The County Supervisors Association of California and the League of California Cities act as general clearing houses for cities and counties. Reports, local ordinances and Information on bicycle operation and facilities are available at CSAC and League headquarters. CSAC and the League are actively monitoring legislation and recommending changes to improve bicycle safety. CSAC has also promoted the use of uniform bike route design standards through its Bicycle Committee, prior to the development of CALTRANS’ standards.

The California Association of Bicycling Organizations is a federation of bicycle clubs which has devoted efforts toward improving bicycling safety, utility and enjoyment. CABO is the means by which member clubs are coordinating their recreational and touring activities, working together promoting safe cycling programs and advising and helping local and state government agencies in the development of traffic laws and highway designs that are safe and suitable for all classes of users.

The Automobile Club of Southern California has conducted community and public service programs in bicycling for over forty years. Elements of these programs include an extensive bicycle safety education program. This program includes films, publications and training seminars, the Bicycle Safety Lane Program which provides for inspecting bicycles for mechanical defects, and a Technical Services Program for providing professional traffic engineering and transportation planning assistance to communities in their bicycle planning activities.

Many local agencies throughout the State are planning and constructing bikeways as local demand increases and as funds become available. However, the design of bikeways and the regulations governing their use by motorists and bicyclists are inconsistent and sometimes contradictory.

Some local police agencies provide bicycle safety education in public schools and to persons caught violating bicycle laws. Other cities have no programs. Although some agencies have operating programs, a statewide, uniform bicycle safety education program does not exist at present. The Department of Education plans to have a pilot program available for local school district use by 1975.

Despite all this effort, bicycle law enforcement programs vary widely among local jurisdictions. Bicycle law enforcement competes directly with drug abuse, drunken driving and other social problems and does not receive the priority that many concerned cyclists and motorists believe it deserves. Implementation of the State-wide Bicycle Committee recommendations can provide a means toward improving the situation for all road users.
HISTORY OF THE COMMITTEE

The Statewide Bicycle Committee was formed in January 1974, in accordance with Senate Concurrent Resolution 47 introduced by Senator James R. Mills in April 1973. The Committee was charged with the following responsibilities:

* To study problems related to bicycling in California.

* To review the California Vehicle Code and recommend changes which will benefit both bicyclists and motorists.

* To develop a Model Bicycle Ordinance for use by local jurisdictions.

SCR 47 assigned primary organization responsibility for the study to CALTRANS. Prior to the formation of the Statewide Bicycle Committee, CALTRANS developed a Work Plan Schedule (see Appendix A) to identify various study phases and act as a guide for the Committee. The Statewide Bicycle Committee was then organized to be composed of representatives from nine groups including CALTRANS, Office of Traffic Safety, California Highway Patrol, Department of Parks and Recreation, State Senate, League of California Cities, County Supervisors Association of California, Automobile Club of Southern California and the California Association of Bicycling Organizations. (See Appendix B.)

Financing and staffing for SCR 47 was provided by the State, local and private agencies represented on the Committee. CALTRANS provided clerical and reproduction services to disseminate information.

Representatives from CALTRANS and the Office of Traffic Safety investigated sources of outside funding, including Federal sources, and determined that funds were not available in time for the study. The 1973 Federal Highways Act authorized $5 million from the Highway Trust Fund for investigation and study of pedestrian and bicycle safety; however, funds had not been appropriated for this purpose.

To accommodate the many diverse groups not directly represented on the Committee, an advisory group was formed. The advisors were individuals who were interested in the study and who could provide valuable information to the Committee. As the study progressed additional advisors were added on a volunteer or suggested basis. Many advisors attended the Committee meetings, and all others were informed of the Committee’s decisions through a newsletter following most of the meetings. Approximately 200 advisors participated in the study. (See Appendix B.)

Various subcommittees were appointed within the Statewide Bicycle Committee. The subcommittees conducted separate meetings to develop specific recommendations for presentation to the Committee. The subcommittees included:

* Public Involvement — to determine methods for generating additional public involvement and interest in SCR 47.

* Ordinances — to compile and review local ordinances and vehicle code regulations.

* Registration — to review existing registration ordinances and recommend a model bicycle registration ordinance.
* Operations — to review existing laws and regulations and recommend changes governing bicycle operation.

* Equipment Standards — to review existing laws and regulations and recommend changes pertaining to bicycle safety equipment.

* Facilities — to review existing and planned bicycle facilities and recommend changes which promote traffic safety.

Meetings were conducted in Sacramento by the Statewide Bicycle Committee on a monthly basis or more often as needed beginning in January 1974. In September, the Committee developed its “Preliminary Recommendations”. In order to provide the advisors and other interested persons with an opportunity to review and comment in person on these recommendations, public meetings were held in Redding, San Francisco, Fresno, Santa Barbara, Los Angeles and San Diego in late September and early October 1974. A Final Statewide Public Meeting was held in Sacramento on October 15, 1974. A total of approximately 800 people attended the public meetings and the hearing and provided many valuable comments. Advance notices of the meetings were printed in approximately 800 California newspapers. Announcements of the meetings were individually mailed to approximately 2,500 cycling clubs, law enforcement agencies, public works directors, traffic engineers, planners educators and others. The meetings appeared to be well received by those attending, and they illustrate the need for public involvement in studies of this type.

OVERVIEW

Some issues covered in this report are controversial, and concerns and diverse opinions on have been expressed by different groups throughout this study.

The organization of the Statewide Bicycle Committee has been criticized by groups who felt that they were not adequately represented on the committee. These groups included parent—teacher associations, local police agencies, bicycling clubs and others. What is significant about this criticism are the facts that there are so many different groups involved with bicycling and that there are such diverse views regarding bicycling depending on the level of involvement.

This criticism was weighed, and in the final analysis the Statewide Bicycle Committee was organized according to SCR 47 and was limited to a workable size of the nine members as previously noted.

The subject of bike lanes striped on public roads became and remains one of the two main issues confronted by the committee. This subject is controversial among planners, traffic engineers, police agencies, motorists, bicyclists and others. This Committee’s bike lane recommendations reflect a considerable amount of time and effort researching and listening to the pros and cons of bike lanes from many sources. The recommendations represent the opinion of the majority of the Committee members but not a full consensus.

The subject of rules of the road became the second major issue in this study. This subject and the subject of bike lanes are closely related, and the committee was unable to come to a unanimous agreement regarding rules of the road for all cyclists.
Part of the controversy is the fact that cyclists are bicycle operators of almost all ages with widely varying degrees of skill and experience and with different reasons for bicycling. Consequently, it is difficult to define "design-cyclist" for the purpose of establishing rules that would apply equally and fairly to all. It is virtually impossible to develop special laws that provide judgment factors for inexperienced bicyclists without discriminating against responsible, skilled and experienced cyclists who need no additional special laws to operate safely on public roads.

The fundamental issue of cyclists’ right to use public roads became an issue during the development of the bike lane and bicycle operation recommendations. Some experienced cyclists have pointed to instances where any laws which restrict cyclists to bike lanes is the first step to restricting cyclists from their basic right to use the public roads.

The following recommendations are presented for consideration by the Legislature in enacting laws for the public good.

RECOMMENDATIONS

Operations

The Committee was charged by the Legislature “to review the California Vehicle Code to identify provisions which give motorists and bicyclists inadequate guidelines when such traffic conflicts, and to recommend amendments as appropriate...”

The California Vehicle Code defines bicyclists as drivers of vehicles for purposes of rules of the road and accident reporting. This principle provides good guidance for cyclists and other highway users, providing the laws are obeyed. In most accidents involving bicyclists and motorists, the bicyclist was deemed at fault for violating one or more laws. Many bicyclists and motorists do not seem to know that, with some notable exceptions, bicyclists are subject to the same rules of the road as motorists. This problem is compounded when local jurisdictions enact special laws such as mandatory sidewalk riding, restrictions requiring bicyclists to turn left from the right hand edge of the roadway when a bike lane exists, or restrictions requiring motorists to turn right from a position that is not hear the right hand edge of the roadway when a bike lane exists. These special rules confuse cyclists and motorists and can cause misunderstandings and accidents. For this reason it is imperative that all rules of the road be uniform statewide and stated clearly in the California Vehicle Code.

Riding on the wrong side of the road, operating without lights during darkness, and not stopping for stop signs are the violations most often committed by cyclists who are cited. Enacting more restrictive laws for cyclists will probably have little effect on improving cycling behavior. Instead, uniform interpretation, increased education and enforcement and the clarifying of sections subject to varied interpretation would appear to cause a greater effect on improving bicycling safety.

The California Vehicle Code sections pertaining to bicycling have been thoroughly reviewed and discussed by the Committee. The recommendations shown below were developed by the Committee to help improve bicycling safety and more clearly define the bicycle’s role as a vehicle on public highways.
CVC 21200 (Laws Applicable to Bicycle Use – Bicycle Defined)

Every person riding a bicycle upon a roadway has all the rights and is subject to all the duties applicable to the driver of a vehicle by this division and Division 10 (commencing with section 20000), except those provisions which by their very nature can have no application.

A bicycle is a device upon which any person may ride, propelled by human power through a belt, chain, or gears, and having either two or three wheels in a tandem or tricycle arrangement.

No change in this present law is recommended.

CVC 21202 (Duty of Bicycle Operator: Operation on Roadway)

(a) Except as provided in subdivision (b), every person operating a bicycle upon a roadway shall ride as near the right-hand curb on edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Any person operating a bicycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Testimony presented to the Committee indicates that this section has caused more confusion and frustration among motorists, bicyclists and law enforcement agencies than any other bicycle section in the California Vehicle Code. It is apparent that interpretation and enforcement of this section by local police agencies is not uniform throughout the State.

At least one county district attorney has advised local police agencies that one intent of Section 21202 is to prohibit bicyclists from turning left from a left turn lane because bicyclists “...shall ride as near the right hand curb or edge of the roadway as practicable.” The California Highway Patrol and most other local police agencies have not interpreted this section in this manner.

Interpretation of the section also varied among committee members and advisors. A “Formal Opinion” pertaining to specific questions regarding this section was requested from the State Attorney General’s Office. (See Appendix C.) Dissemination of this opinion will contribute to a more consistent interpretation of the present section by law enforcement officials throughout the State. However, the Committee does not feel that CVC 21202 is adequate in its present form to properly guide motorists and cyclists in sharing the roadway.

After considerable discussion and debate, the Committee recommends that Section 21202 be amended to clearly indicate that bicyclists can legally:

1. Make a left turn from a left turn lane or pocket in accordance with CVC Section 21200. It is not the Committee’s intent to require cyclists to turn left in this manner but to allow this maneuver. In congested urban traffic, it may be safer for most cyclists to dismount and cross an intersection as pedestrians.
2. Travel to the left of the right hand edge of the roadway to avoid hazardous conditions. Debris, parked cars and abrupt or broken pavement edges are hazards commonly identified by cyclists. It is essential for cyclists’ safety to travel as far to the left of the right hand edge of the roadway as necessary to avoid these and other hazards.

3. Occupy a full lane to avoid being forced off the roadway when the lane is too narrow for a vehicle to pass safely in the lane, in accordance with CVC Section 21656. It is not unusual for a motorist to attempt to pass a cyclist in the same lane when it is not safe to do so. This often results in the cyclist being forced off the roadway. Cyclists contend that it is safer in a narrow lane to occupy the full lane, thereby causing the motorist to pass in an adjacent lane or to wait until the cyclist moves off the roadway at the first safe and available opportunity in accordance with CVC Section 21656. The Committee believes that such a maneuver is in agreement with the provisions of CVC Section 21200 and should be clarified by amending CVC Section 21202.

4. Have all the rights and be subject to all the duties of a driver of a vehicle when passing another vehicle. Testimony and legal opinions presented to the Committee indicate that CVC Section 21202 is ambiguous in that it does not specify if a bicyclist can legally pass to the left of a slower moving vehicle. Some persons have argued that inexperienced cyclists and children should not pass on the left because they are more vulnerable to injury and more difficult to see than motor vehicles. Also, most bicyclists cannot accelerate quickly in changing traffic situations. Experienced cyclists have indicated that it is their right to pass on the left according to CVC Section 21200. They also state that it is safer because most motorists usually don’t expect to be passed on the right and don’t look for vehicles there. It is the Committee’s intent to permit bicyclists to pass on the left, subject to all the duties of a driver of a vehicle.

5. Occupy any available lane when traveling at the same speed as other traffic. Testimony presented to the committee indicates that most people agree that normally, the safest place to operate a bicycle or motor vehicle on the roadway is as near the right hand curb or edge of the roadway as practicable when traveling slower than other traffic. Some cyclists have indicated that it is unsafe to travel near the curb when moving at the same speed or faster than other traffic because the visibility and room to maneuver is limited. It is the Committee’s opinion that on level roads few cyclists travel faster than motor vehicles. However, the committee believes that it is safe and reasonable for cyclists moving at the same speed as other traffic to occupy any available lane, especially when traveling on long downhill grades or when moving left to prepare for a left turn.
6. Travel no more than two abreast when traffic is not impeded. The Committee recognizes that riding abreast is not safe or practical for bicyclists on most busy urban streets. However, it is also apparent that on roadways with wide shoulders or designated bikelanes, bicyclists traveling two abreast normally do not impede traffic or create a hazard to themselves or other users. Therefore, the Committee recommends that this section be amended as above.

CVC 21203 (Hitching Rides) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any streetcar or vehicle on the roadway.

No change in this present law is recommended.

CVC 21204 (Riding on Bicycle) (a) Amend to read: No person operating a bicycle upon a highway shall ride other than upon or astride a permanent and regular seat attached thereto.

The Committee recommends that the word "propelling" be changed to "operating" as in this amended section. This change makes the section more general and prohibits an operator from sitting on a rear carrier or fender while coasting down hill, for example.

(b) Repeal and enact to read: No operator shall allow a person riding as a passenger and no person shall ride as a passenger on a bicycle upon a highway other than upon or astride a separate seat attached thereto. If the passenger is a child, the seat shall have adequate provision for retaining the child in place and for protecting the child from the moving parts of the bicycle.

The Committee recommends this section to prohibit passengers from riding on handlebars, top tube or elsewhere on the bicycle except upon or astride a separate seat. It is not the intent of this recommendation to prohibit an adult from carrying an infant on his back in a child carrier. Passengers riding on a bicycle other than on a seat can create an unbalanced and unsafe condition.

CVC 21205 (Carrying Articles) No person operating a bicycle shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handlebars.

No change is recommended in this present law.

CVC 21206 (Local Regulation) Amend to read: This chapter does not prevent local authorities, by ordinance, from regulating the registration of bicycles and the parking and operation of bicycles on pedestrian or bicycle facilities, providing such regulation is not in conflict with the provisions of this code.
The Committee recommends that this section be amended in this manner so that all laws pertaining to rules of the road for bicyclists, bicycle equipment and operator licensing will be uniform statewide and contained in the California Vehicle Code.

CVC 21207  (Bicycle Lanes) Amend to read: This chapter does not prevent local authorities from establishing, by ordinance or resolution, bicycle lanes separated from any vehicular lanes upon roadways, other than State highways as defined in Section 24 of the Streets and Highways Code and county highways established pursuant to Article 5 (commencing with Section 1720) of Chapter 9 of Division 2 of the Streets and Highways Code, provided such bicycle lanes installed after the effective date of this section conform to the minimum standards established by the California Department of Transportation.

Many cities and counties have developed plans for the future construction or delineation of bicycle lanes. Some of the bicycle lanes already constructed are considered unsafe because of poor design, poor construction and lack of maintenance. Experience shows, for example, that often bike lanes have been striped where roadway width is adequate and then ended at conflict areas such as where the pavement narrows.

It is the Committee’s Intent by amending this section to require that future bicycle lanes and paths conform to minimum statewide standards to eliminate unsafe practices. It is also the Committee’s intent that local authorities be given consideration to develop demonstration projects approved by CALTRANS to test and evaluate new ideas thereby furthering the state of the art of bicycle facilities design. Some bicycle paths separated from the roadway but within the highway right of way have been constructed. When separate paths are provided, most bicyclists will use them if the paths are well designed, constructed and maintained. However, there is a small but growing proportion of bicyclists, the experienced adult, who may want to use the roadway in all cases for his own personal safety to avoid conflicts with children, dogs and inexperienced bicyclists. Some committee members have indicated that this citizen’s right to use the roadway should be protected and guaranteed. Exceptions are certain prohibited freeways when an adequate alternative route exists. Other committee members have indicated that all cyclists should be required to use separate bike paths when provided to eliminate bicycle—motor vehicle conflicts. Evaluation of demonstration projects is necessary before recommendations on this can be made.

CVC 21208  (Operation in Bicycle Lanes) Enact: Whenever a bicycle lane has been established on a roadway pursuant to Section 21207, any person operating a bicycle upon such highway, traveling in the direction of the bicycle lane, shall normally ride within the bicycle lane except when overtaking and passing another bicycle proceeding in the same direction within the lane, when preparing for a left or right turn at an intersection or into a public or private road or driveway, when overtaking and passing a pedestrian or vehicle within the lane or about to enter the lane, or when reasonably necessary to avoid road hazards such as, but not limited to, debris, gravel buildup or road surface deterioration or in other emergency situations.
This issue is so complex and controversial that after reading and hearing all the public testimony, the Committee recommends this proposed bike lane law by the close vote of 5 to 4. The California Vehicle Code does not provide specific guidance for bicyclists operating in a bicycle lane on the roadway. The Committee recommends that a section concerning this subject be added to the California Vehicle Code so that the law is uniform statewide.

The Committee has received oral and written criticism regarding the proposed bike lane law. The proposed law has been criticized for being both too lenient and too restrictive as well as being too wordy and complex.

Persons criticizing this recommendation for being too lenient have indicated that they think bike lanes are useless unless motorists can be sure that bicyclists will use them and stay in them. It is the Committee’s intent to insure that bicyclists are not restricted entirely to bicycle lanes, but that bicyclists be required to normally operate in bike lanes when bicyclists are on roadways where bike lanes have been established.

Others have criticized the proposed law as being too restrictive. They have indicated that, if enacted, this recommendation reduces bicyclists’ rights as drivers of vehicles on the roadway, as stated in CVC Section 21200, and it increases bicyclists’ hazards and duties. For example, they state that if a bicyclist chooses to leave the bike lane to avoid debris and the bicyclist is involved in an accident, then the bicyclist must prove to a court that he had a legitimate reason for being in the traffic lane. This appears to place an undue burden on the bicyclist. The Committee has recognized this concern but recommends this proposal as a guideline for legislation which should provide greater safety for the children and inexperienced bicyclists using bike lanes.

The Committee knows that this recommendation is somewhat wordy and complex. A shorter version that was considered was:

“Whenever a bicycle lane has been established on a roadway pursuant to Section 21207, any person operating a bicycle upon such roadway, traveling in the direction of the bicycle lane, shall normally ride within the lane whenever practicable.”

Because of the different interpretations of the word “practicable”, this version was rejected. The intent of the adopted version is to educate all roadway users that bicyclists have numerous legitimate reasons for leaving a bicycle lane and legal rights to do so.

CVC 21209 (Motor Vehicle Operation in Bicycle Lanes) Enact: Whenever a bicycle lane has been established on a roadway pursuant to Section 21207 any person operating a motor vehicle on such highway shall not drive in the bicycle lane except to park where parking is permitted, to enter or leave the highway or to prepare for a right turn.

The California Vehicle Code currently provides no guidance for the operation of a motor vehicle on a highway containing a bicycle lane. The Committee recommends that this section be enacted to provide a uniform statewide law for motorists.
CVC 21210 (Right Turn on Roadway with Bicycle Lanes) Enact:
When necessary to make a right hand turn on a roadway which
has a bicycle lane to the right of the motor vehicle lane,
the motorist must merge into the bike lane in accordance
with Section 21658 and make his turn as close as
practicable to the right hand curb or edge of the roadway
in accordance with Section 22100.

Most cities have not enacted an ordinance governing a motorist making a right
turn on a roadway containing a bike lane, and the California Vehicle Code does
not address this subject. It appears that motorist in most cities cross a bike
lane stripe and travel to the far right hand edge of the roadway to begin a right
turn. This type of right turn is illegal in the City of Davis where the motorist
is required to begin his right turn from a position to the left of a bike lane
stripe.

It is the Committee’s opinion that inconsistent local rules of the road like this
cause confusion and lead to additional conflicts at intersections. For this
reason the Committee recommends that motorists be required to merge into the
bike lane and make a right turn in the usual manner as close as practicable to
the right-hand curb or edge of the roadway.

CVC 212X1 (Bicycle Parking) Enact: No person shall leave a bicycle
lying on its side on any sidewalk, or shall park a bicycle
on a sidewalk in a position that does not leave an adequate
path for pedestrian traffic. Local authorities may by
ordinance or resolution prohibit bicycle parking in designated
areas of the public highway provided that appropriate signs
are erected.

It is the Committee’s intent to prohibit cyclists from creating hazards by parking
bicycles in a careless manner on sidewalks. It is apparent that few facilities
for bicycle parking exist in business districts in most California cities, and
this contributes to bicycle parking problems. It is recommended that such
facilities be provided to encourage more persons to use bicycles for basic trans-
portation in urban areas. It is also the Committee’s opinion that local author-
ties should be required to erect signs to notify bicyclists where bicycle
parking is prohibited.

CVC 212X2 (Bicycle Operation in Crosswalks) Enact: No person shall
ride a bicycle to cross a roadway within a marked or unmarked
crosswalk.

Intersections appear to be the major points of conflict between bicyclists,
motorists, and pedestrians. The Committee has recommended that motorists yield
the right of way to bicyclists operating on sidewalks. However, the Committee
also recommends that bicyclists be required to dismount and walk their bicycle
when crossing a roadway within a marked or unmarked crosswalk. The assumption
is that most motorists watch for pedestrians in crosswalks and often do not see
faster moving bicyclists. The intent is to reduce the speed of the bicyclist
in the crosswalk to minimize conflicts.
CVC 21604 (Public or Private Property) Amend to read: The driver of a vehicle about to enter or cross a highway from any public or private property, or from an alley shall yield the right of way to all vehicles and bicycles approaching on the highway.

The California Vehicle Code presently allows bicyclists to operate on pedestrian facilities separated from the roadway. Motorists crossing pedestrian facilities are not currently required by the California Vehicle Code to yield the right of way to bicyclists on these facilities. Thus, if a motorist using a driveway hits a bicyclist using a sidewalk, the motorist could conceivably avoid liability. The intent of this amendment is to clarify this situation.

CVC 2196X (Pedestrians on Bicycle Paths) Enact: No pedestrian shall proceed along a bicycle path or lane where there is an adjacent adequate pedestrian facility.

The Committee recommends that pedestrians be required to use available pedestrian facilities to avoid conflicts with bicycles and other vehicles on the roadway.

CVC 22111 (Hand Signals) Amend to include: Right turn optional – right hand and arm extended horizontally to the right side of the bicycle.

The standard right turn hand signal is unsuitable for bicyclists using the dropped portion of low handlebars. With the body sloping forward, most bicyclists cannot raise their left arm vertically upward. The bicyclist often appears to be pointing forward instead of signaling for a right turn. Since most motorists, including motorcyclists, use flashing signal lights instead of hand signals, the Committee believes that this recommendation will not be misinterpreted by motorists, bicyclists or pedestrians.

Equipment

Standards for bicycle equipment were extensively reviewed and discussed by the Statewide Bicycle Committee. Local ordinances, the 1974 California Vehicle Code provisions and the federal safety standards proposed by the Consumer Products Safety Commission received considerable attention.

The equipment recommendations developed by the Committee emphasize that cyclists should not be required to buy additional equipment unless the need for a specific item has been clearly identified, and unless the item has demonstrated that it significantly improves cyclists’ safety. Bicycle reflector requirements were the most controversial issues in this section.

In September 1974, Assembly Bill 3329, which initially dealt with bicycle registration, was signed into law with an effective date of January 1, 1975. This bill was amended just prior to becoming law to include multiple reflector requirements for all bicycles operated on public roads during daylight hours. The Committee did not learn of the reflector amendment until after the bill became law. The Committee’s recommendations are not in total agreement with the new law.
Proposed federal safety standards for bicycles were published by the Consumer Products Safety Commission on July 16, 1974, with an effective date of January 1, 1975. The Committee reviewed the standards and developed reflector recommendations that did not agree with those published in the proposed standards. On September 9-10, 1974, a public meeting was conducted by the Commission to give bicycle manufacturers, dealers, users and others an opportunity to comment on the standards. Partly as a result of the criticism of the proposed standards and the discussion that occurred at the meeting, the effective date of the standards has been postponed indefinitely.

The equipment recommendations proposed by the Statewide Bicycle Committee are presented below.

CVC 21201 (Equipment Requirements) (a) No person shall operate a bicycle upon a roadway unless it is equipped with a brake which will enable the operator to make one braked wheel skid on dry, level, clean pavement.

No change in this present law is recommended.

(b) No person shall operate upon the highway any bicycle equipped with handlebars so raised that the operator must elevate his hands above the level of his shoulders in order to grasp the normal steering grip area.

No change in this present law is recommended.

(c) Repeal and enact to read: No person shall operate upon a highway a bicycle which is of such a size as to prevent the operator from stopping the bicycle, supporting it in an upright position with at least one foot on the highway surface and restarting it in a safe manner.

The intent of this recommendation is to prohibit small children from operating bicycles that are too large for them. This requirement is considered essential for a child to safely operate the bicycle and was not controversial by the public or the Committee.

(d) Amend to read: Every bicycle/operator combination operated upon any highway during darkness shall be equipped with a lamp emitting a white light which, while the bicycle is in motion, illuminates the roadway in front of the cyclist and which is visible from a distance of 300 feet in front and to the sides of the bicycle and with a red reflector on the rear which shall be visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. The reflector is to be of a type approved by the Department.

This recommendation changes the present law by:

* Requiring that a light used during darkness illuminate the roadway in front of the cyclist.

* Allowing a cyclist to attach a light to the bicycle or his body.
* Allowing the use of a generator powered light which does not emit light when the bicycle is stopped.

* Requiring that the light be visible to the sides of the bicycle.

The requirement for a red rear reflector is currently law and no change is recommended.

The Committee agrees unanimously that the lighting specified above is essential for safe operation during darkness. Proper lighting on bicycles is more effective than reflectors because reflectors do not emit light and cannot be seen without light. These facts are especially apparent on poorly lighted separated bicycle paths and rural highways.

The Committee initially intended that the California Highway Patrol be required to approve lights for use on a bicycle. However, after hearing further concerns expressed by the California Highway Patrol, we do not recommend adoption of that requirement.

It is the Committee’s opinion that more emphasis should be placed on proper lighting as a primary requirement for bicycle operation during darkness. It is also the Committee’s opinion that multiple reflectors should be emphasized and promoted more as a supplement to proper lighting instead of as a substitute.

CVC 21201.5 (a) Repeal and enact to read: On and after January 1, 197_, no person shall sell or offer for sale for use on a bicycle, a reflex reflector that is not approved by the Department.

The present law requires pedals, reflex reflectors and reflectorized tires for sale for use on a bicycle to be approved by the Department. This recommendation eliminates the requirement for approval of pedals and reflectorized tires.

It is the Committee’s opinion that the Department should be required to inspect, test and approve reflectors for use on bicycles, but that no significant safety benefit is achieved and needless expense is created by requiring the Department to approve other bicycle components.

(b) Repeal and enact to read: No person shall sell or offer for sale a new bicycle that is not equipped with a white or yellow reflector on each pedal, such reflector to be approved by the Department and to be visible from the front and rear of the bicycle during darkness from a distance of 200 feet.

The intent of this recommendation is to provide some distinctive reflective visibility for children and inexperienced cyclists operating during darkness. Many experienced cyclists have objected to requirements for pedal reflectors. Some pedals with rear mounted reflectors and with toe clips and straps are difficult to rotate to an upright position when starting a bicycle. For this reason some cyclists prefer to use pedals without reflectors. The Committee assumes that most cyclists will not remove the reflectors from the pedals because most new cyclists do not use toe clips and straps. This recommendation does not require that new pedals sold individually be equipped with reflectors or that used bicycles be equipped with pedals with reflectors.
(c) Repeal and enact to read: No dealer shall sell or offer for sale a bicycle unless it is equipped on the rear with a red reflector of a type approved by the Department.

This recommendation repeals the present law requiring multiple reflectors on new bicycles for sale by dealers. The Committee’s Intent is to require a single red rear reflector on all new and used bicycles sold by dealers. The Committee believes that a person buying a bicycle should be encouraged to buy additional lights, reflectors, and reflectorized clothing, if he is considering operating his bicycle during darkness, but that he should not be required to pay for multiple reflectors on a bicycle that he plans to use during daylight only.

(d) Area reflectorizing material meeting the requirements of Section 26500 may be used on a bicycle.

No change in this present law is recommended.

(e) Repeal. (Operational requirements for multiple reflectors on a bicycle.)

This recommendation repeals the present law requiring multiple reflectors on the front, sides, and rear of a bicycle for operation on a public highway during daylight and darkness. It is the Committee’s opinion that reflectors provide little safety benefits for bicyclists during daylight, but that they can help motorists to identify bicyclists during darkness.

The Committee has recommended that cyclists be required to use a white front light and a red rear reflector during darkness. We also recommend that cyclists be encouraged to use additional lights and reflectors and reflective clothing during darkness, but that the additional visibility items not be made mandatory.

Facilities

The Committee reviewed the information available concerning bicycle facilities constructed on and off public roads. Much confusing and opposing testimony was presented, and the personal views of different committee members still vary considerably.

It appears that facilities constructed around the State vary widely as to their design and degree of maintenance and success or failure. There has been no conclusive evidence to substantiate that these facilities are safer or more dangerous than no facility at all. Adequate engineering data to properly evaluate the safety aspects of the facilities involved is difficult to establish. This is further complicated by the changing status of the bicycle traffic and the fact that bicycles are extremely difficult to count with mechanical counters.

The Committee member viewpoints and viewpoints of public testimony vary between two extreme positions. The first is that bicycle lanes are dangerous because they encourage behavior that is not in conformance with the rules of the road and create a false sense of security. The second is that bike lanes enhance safety because they separate the two modes of traffic and create a greater sense of security.
For this reason, the Committee agreed that it is essential that additional and immediate studies be conducted to properly evaluate bicycle facilities, a task which this Committee was unable to undertake because of time constraints and because of the lack of conclusive “state of the art” evaluation in this field.

The Committee recommendations concerning bicycle facilities are shown below.

1. It is recommended that, pending further studies, all new facilities be designed in accordance with CALTRANS Bike Route Design Standards, Section 7-1000 of the Highway Design Manual, and the “Standard Bicycle Route Signs and Markings”, as recommended by the California Traffic Control Devices Committee, and adopted by the Director of Transportation. Specific comments intended to clarify and improve the Bike Route Design Standards have been submitted to CALTRANS Division of Highways.

2. It is recommended that the Legislature appropriate sufficient funds and authorize further studies concerning the evaluation of bicycle facilities. Since considerable controversy exists among experts concerning the adequacy of these facilities, criteria must be developed, tested, and evaluated from an engineering, safety, and use standpoint. Therefore, it is recommended that CALTRANS, in conjunction with local government agencies and after consultation with the Department of Parks and Recreation, the California Highway Patrol, local government agencies and user groups, develop criteria, test and evaluate facilities, and adopt rules and regulations prescribing uniform standards and specifications for bicycle transportation facilities. It is estimated that an appropriation of $60,000 will be required to begin this study.

Bicycle Safety Education

Although the Statewide Bicycle Committee was not mandated to involve itself in the area of bicycle safety education, the Committee took the approach that it had to look at all aspects of bicycles and bicycle safety if it was to develop valid and viable recommendations to the Legislature.

The subcommittee assigned to reviewing educational needs primarily accepted the findings of the Traffic Safety Education Task Force Bicycle Safety Education Resource Panel. This Panel consisted of educators, bicyclists and administrators (as well as other qualified personnel) and spent two years studying the state of the art in bicycle safety education and making recommendations for a California Department of Education implementation plan based on its findings. The recommendations of the Task Force, based on the Resource Panel Report, are currently being reviewed by the Department of Education.

The committee is in essential agreement with each of the following California Traffic Safety Education Task Force recommendations. (The precise wording of these recommendations is available from the Department of Education.)
1. That the California State Department of Education study and adopt the framework of the programs recommended for each of the target groups identified by the Task Force Bicycle Resource Panel, and that these programs be pilot tested and put into a form useful to California schools and other agencies in counteracting the California bicycle accident problem.

2. That various funding sources be explored for the purpose of development and testing of comprehensive traffic safety education programs including the teaching of bicycle safety, or where appropriate, special bicycle safety programs.

3. More research should be conducted to determine whether the critical behaviors outlined by the Task Force Bicycle Resource Panel for each age group are in fact those contributing to the greatest number of bicycle accidents. If this were known, our educational system could be better designed so that it would become more effective in preparing young cyclists for safe roadway operation.

4. Further research should be conducted to determine ways of modifying negative traffic attitudes and deviant traffic behaviors among bicyclists and motorists alike. These methods must be incorporated into the educational program because poor attitude is as much a factor in bicycle accidents as is lack of knowledge of the rules of the road.

5. K–12 bicycle safety education programs should be implemented by the Department of Education in cooperation with the local school districts as part of the school curriculum, either separately or integrated with other appropriate subjects.

6. All schools in California should provide some instruction in bicycling skills, hazard identification and avoidance techniques, and related proficiency requirements before a child is allowed to bring his bike to school.

The committee additionally makes the following recommendations to supplement those of the Task Force Bicycle Resource Panel:

1. Bicycle safety education should be provided in public and private schools annually from kindergarten through twelfth grade, including high school driver education courses. The committee concurs with the age groupings and teaching goals established by the Task Force Bicycle Resource Panel, but it is unclear whether the Panel intended for this education to be scheduled once for each age group or repeated annually for all within the age group. The committee recommends that it be repeated annually for two reasons:

   a. To educate students new to California or absent during earlier education.
b. To reinforce earlier training. The benefit of annual education far outweighs the cost in teacher salary, and an annual presentation as part of the regular curriculum is easier to administer than a special program every third year.

2. Preschool and adult courses should be made available through public agencies. While on-the-bike training is not feasible at the preschool level, attitude training should be begun. Many adults have never ridden a bicycle, many never a 10-speed, and many ride by either no rules or pedestrian rules which they think are correct behavior for bicyclists (i.e., riding against traffic). Neither preschool children nor adults would be exposed to the Department of Education K–12 program. They should receive education from other related public agencies such as Adult Education, Parks and Recreation programs, etc. Additionally, the adult course would serve to educate parents to the proper behaviors and they would be less likely to contradict the teachings at the K–12 program or set a bad example for the child.

3. Bicycle safety education should strongly emphasize how to follow the vehicle code rules, rather than just require memorization of the rules. It has been determined through studies that the bicyclist is more frequently at fault than the motor vehicle driver when involved in a bicycle–motor vehicle accident. Studies also indicate that it is not always the bicyclist's lack of knowledge of rules of the road, but poor attitude and deliberate violation of those rules, or lack of understanding of the rule (for instance, riding as far to the right as practicable). This same education will be necessary for law enforcement personnel as it seems that they, too, interpret the actions permitted by law differently.

4. Bike safety education must include on-the-bicycle on-the-road (or simulated road) practice to develop proper bicycle handling expertise in both normal and emergency situations. In many respects, the bicycle is as difficult to handle as an automobile; in some respects more so. Surface cracks in a road go almost undetected by an automobile driver, but can be a serious hazard for the person riding a bicycle with only two very narrow tires. The history of California Driver Education Laws has supported the necessity of behind-the-wheel experience before being issued a driving license, especially the new law which requires a course completion certificate for anyone under the age of 17½. This should be true as well for bicyclists because they have considerably less external protection.

5. The Commission on Peace Officer Standards and Training (POST) should include mandatory bicycle safety and enforcement training in both the Basic Course and the Advanced Officer course required of officers from departments participating in the program.
Interpretation of the intent of California Vehicle Code sections and the lack of bicycle enforcement motivation appear to be two major problems in bicycle safety enforcement. As POST training is received at least once every three years by officers serving over 99.5% of the State populace, it would be the best agency for disseminating the necessary information. Contacts for assistance in developing the bicycle safety and enforcement motivation portion of both courses should be obtained through the Office of Traffic Safety, California Association of Chiefs of Police, California Peace Officers Association and any other agency directly affected.

6. Juvenile court judges, traffic court judges and referees, and all other judicial personnel who work with Vehicle Code violation adjudication should be required to take the same bicycle safety and enforcement motivation program as that provided for peace officers. Increased apprehension of violators will have little benefit if adjudication does not understand and support enforcement. Additionally, enforcement will undoubtedly decrease if traffic courts dismiss bicycle violations as being inconsequential.

7. The California Department of Education, in conjunction with the California Department of Motor Vehicles, the California Highway Patrol, and other appropriate agencies (including user groups and local public agencies) should develop an adult level bicycle safety information text and disseminate such to all State and local government personnel involved in bicycle program activities. This will help to alleviate duplication of efforts within a single jurisdiction and outline effective areas of responsibility. The content of this text should include the considerations to be made in developing and implementing various bicycle programs, and outline the interaction necessary with other agencies and programs for the most effective program for the least amount of money.

8. The Department of Motor Vehicles should take a leading role in a public information effort advising motorists and other road users of their rights and responsibilities in relation to bicyclists, as well as making motorists aware of the bicyclists’ needs on the roadway. Three suggestions for accomplishing this are:

   a. Include more bicycle related questions on the driver’s license examination.

   b. Include more educational information in the annual registration renewal announcements.

   c. Expand the bicycle safety material in the Drivers’ Handbook.
9. Adequate funding for implementation of the above recommendations should be appropriated by the State Legislature to assure statewide uniformity.

Other Issues

Other Issues considered by the Committee include:

* **Statewide Bicycle Committee** – The need exists for a change in the state of the art of bicycle facilities design and bicycle safety education. This Committee was formed and a multidisciplinary approach was followed throughout the study to identify problems and recommend solutions. This approach is necessary in future bicycle studies because so many diverse groups and agencies are affected by resulting legislation. This study has resulted in many contacts and working relationships that should be continued. It is suggested that an ongoing Statewide Bicycle Committee be retained and funded to serve in an advisory capacity for future bicycle studies resulting from legislation initiated by this report.

* **Minimum Age Requirements** – Mr. Clint Letler of the City of Santa Barbara, California presented the report, "CHILDREN BICYCLISTS: SHOULD A MINIMUM AGE BE REQUIRED" to the Committee. This report provides data to support the concept of restricting bicyclists until they reach a specified minimum age from using public roadways. The Committee believes that this subject merits further study before being considered for implementation statewide.

* **Bicycle Safety Education** – The Committee believes that the following suggestions deserve further study, also:

  1. To mandate that juvenile violator schools be established in each court jurisdiction with strict guidelines developed for referral to such schools by judges and referees. These schools would have a special bicycle safety course for bicycle violators, and parent participation would be required.

  2. To require skills proficiency courses in bicycling as part of the physical education curriculum. Consideration could be given to intramural and interschool competition and safe bicycling practices and adherence to the rules of the road could be emphasized.

  3. To require operator’s licenses for bicyclists and require that all persons under a certain age (possibly 16) be required to take an approved bicycle safety education course before applying for the license.
PART II

MODEL BICYCLE

ORDINANCE

Developed by the
SCR 47 Statewide Bicycle Committee

January 1975
# UNIFORM TRAFFIC ORDINANCE

## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>ARTICLE I. DEFINITIONS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Definitions of Words and Phrases</td>
<td>1</td>
</tr>
<tr>
<td>1.1</td>
<td>California Vehicle Code Definitions to be Used</td>
<td>1</td>
</tr>
<tr>
<td>1.2</td>
<td>Central Business District/Central Traffic District</td>
<td>1</td>
</tr>
<tr>
<td>1.3</td>
<td>Council</td>
<td>1</td>
</tr>
<tr>
<td>1.4</td>
<td>Bicycle/Bike</td>
<td>1</td>
</tr>
<tr>
<td>1.5</td>
<td>Bicycle Dealer</td>
<td>1</td>
</tr>
<tr>
<td>1.6</td>
<td>Bicycle Lane</td>
<td>1</td>
</tr>
<tr>
<td>1.7</td>
<td>Bicycle Path</td>
<td>1</td>
</tr>
<tr>
<td>1.8</td>
<td>Bicycle Route</td>
<td>1</td>
</tr>
<tr>
<td>1.9</td>
<td>Cyclist</td>
<td>2</td>
</tr>
<tr>
<td>1.10</td>
<td>Holidays</td>
<td>2</td>
</tr>
<tr>
<td>1.11</td>
<td>Official Time Standard</td>
<td>2</td>
</tr>
<tr>
<td>1.12</td>
<td>Pedestrian</td>
<td>2</td>
</tr>
<tr>
<td>1.13</td>
<td>Police Officer</td>
<td>2</td>
</tr>
<tr>
<td>1.14</td>
<td>School Days</td>
<td>2</td>
</tr>
<tr>
<td>1.15</td>
<td>Vehicle Code</td>
<td>2</td>
</tr>
</tbody>
</table>

## ARTICLE II. TRAFFIC ADMINISTRATION

<table>
<thead>
<tr>
<th>Section</th>
<th>ARTICLE II. TRAFFIC ADMINISTRATION</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0</td>
<td>Police Administration</td>
<td>2</td>
</tr>
<tr>
<td>2.1</td>
<td>Duty of the Traffic Division</td>
<td>2</td>
</tr>
<tr>
<td>2.2</td>
<td>Bicycle Accident Studies</td>
<td>2</td>
</tr>
<tr>
<td>2.3</td>
<td>Bicycle Safety Education</td>
<td>3</td>
</tr>
<tr>
<td>2.4</td>
<td>Bicycle Licensing</td>
<td>3</td>
</tr>
<tr>
<td>2.5</td>
<td>Bicycle Operators Licensing</td>
<td>6</td>
</tr>
<tr>
<td>2.6</td>
<td>Annual Bicycle Safety Report</td>
<td>6</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>2.7 Bicycle Committee</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>2.8 Duties of the Bicycle Committee</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

**ARTICLE III. ENFORCEMENT AND OBEEDIENCE TO TRAFFIC REGULATIONS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.0 Authority of Police and Fire Department Officials</td>
<td>6</td>
</tr>
<tr>
<td>3.1 Persons Other Than Officials Shall Not Direct Traffic</td>
<td>7</td>
</tr>
<tr>
<td>3.2 Obedience to Police or Authorized Officers</td>
<td>7</td>
</tr>
<tr>
<td>3.3 Obstruction or Interference With Police or Authorized Officer</td>
<td>7</td>
</tr>
<tr>
<td>3.4 Report of Bicycle Accident</td>
<td>7</td>
</tr>
</tbody>
</table>

**ARTICLE IV. TRAFFIC CONTROL DEVICES**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.0 Authority to Install Traffic Control Devices</td>
<td>8</td>
</tr>
<tr>
<td>4.1 Traffic Control Signs Required for Enforcement Purposes</td>
<td>8</td>
</tr>
<tr>
<td>4.2 Obedience to Traffic Control Devices</td>
<td>8</td>
</tr>
<tr>
<td>4.3 Bicycle Lane Markings</td>
<td>8</td>
</tr>
<tr>
<td>4.4 Authority to Remove, Relocate or Discontinue Traffic Control Devices</td>
<td>8</td>
</tr>
</tbody>
</table>

**ARTICLE XVII. SPECIAL OPERATING PROVISIONS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.0 State Authority</td>
<td>9</td>
</tr>
<tr>
<td>17.1 Operation on Sidewalks</td>
<td>9</td>
</tr>
<tr>
<td>17.2 Closing of Streets for Bicycle Racing</td>
<td>9</td>
</tr>
<tr>
<td>17.3 Bicycles on Pedestrian Bridges</td>
<td>9</td>
</tr>
<tr>
<td>17.4 Bicycle Parking</td>
<td>9</td>
</tr>
</tbody>
</table>
UNIFORM BICYCLE ORDINANCE FOR CALIFORNIA CITIES

Foreword

Little needs to be said about the significant increases in bicycle use during recent years. Attending these increases are various concerns revolving around the need for uniform laws and ordinances for the safe operation of bicycles within the roadway. In 1973, Senate Concurrent Resolution No. 47 established a special Statewide Bicycle Committee to review and analyze problems relating to the operation of bicycles; to review the California Vehicle Code to identify conflicts and recommend amendments; and to develop a Model Bicycle Ordinance “suitable for the guidance of local jurisdictions in adopting local bicycle ordinances”.

This Model Ordinance is purposely patterned after, and is intended to supplement a local jurisdiction’s traffic ordinance as described in the League of California Cities’ UNIFORM TRAFFIC ORDINANCE FOR CALIFORNIA CITIES, dated July 1964. It, like the Uniform Traffic Ordinance, is written in the “city” format. This is in no way intended to suppress the adoption of amendments necessary for county application. While the SCR 47 Committee hopes that every city and county making use of this Model Ordinance has a previously adopted Traffic Ordinance, the Model Ordinance will purposely repeat several articles pertinent to both ordinances for the user’s convenience.

The SCR 47 Committee wishes to emphasize that the city attorney will be responsible for any final draft of a local bicycle ordinance and should refer to the General Statement and Detailed Explanation portions of the Uniform Traffic Ordinance which is attached hereto. We hope that city officials responsible for the administration of traffic laws within a jurisdiction will find this document helpful toward meeting local needs.
GENERAL STATEMENT

The League of California Cities’ UNIFORM TRAFFIC ORDINANCE FOR CALIFORNIA CITIES is directed to the user’s attention. The SCR 47 Committee suggests that a local Bicycle Ordinance be properly incorporated within each jurisdiction’s existing Traffic Ordinance. For the user’s convenience the League’s Uniform Traffic Ordinance in its entirety is included in this appendix of this model Bicycle Ordinance. While this Model Ordinance has numbered its article relating to bicycles as Article XVII, which is next in sequence in the League’s Uniform Traffic Ordinance, each jurisdiction should refer to its own Traffic Ordinance for proper numbering of the bicycle article.

The National Highway Safety Act of 1966 gives special emphasis, within Highway Safety Act Standard Number 6, to uniform traffic laws and ordinances. In part, the Standard describes the need for achieving uniformity in laws and ordinances not only among states but within states. As discussed in the Uniform Traffic Ordinance, the basic intent of this Model Bicycle Ordinance is to invite local awareness and application of Uniform bicycle regulations for all roadway users. We refer the user to the General Statement portion of the Uniform Traffic Ordinance, page 3, paragraph 3, which states in part:

... “that the regulation of traffic upon the streets of a city is not one of those municipal affairs which by the constitution chartered cities are given a power superior to that of the State Legislature, but that such power is subject to the general laws of the State and ordinances inconsistent therewith are invalid.”

California’s Vehicle Code, Division II, Article 4, provides the basic legislative guidance through which local jurisdictions shall gauge their local ordinances. It is the intent of the SCR 47 Committee, through this Model Ordinance, that the clear principle of the Uniform Traffic Ordinance to avoid conflicts with State statutes, be strictly adhered to. In this regard, the user is again referred to the Uniform Traffic Ordinance and its suggested check list of questions to be answered when a new local traffic ordinance is proposed:

* Is substantially the same regulation already in the vehicle code? If so, duplication is void.

* If not, is the same subject matter covered by State traffic laws?

* If the subject matter is covered, is express power granted local authorities to enact local regulations?

* If the subject matter is not covered, cities have power under Section 7 of Article XI of the California Constitution to adopt local regulations.

Local ordinances then should be confined to those permissive areas discussed in the California Vehicle Code, exercising care to conform to the provisions of Vehicle Code Sections 21400 and 21401 relating to official traffic control devices. Special reference is also given to Vehicle Code Section 21106(f) relating to the operation of bicycles upon the public sidewalk; to Section 23127, relating to motor vehicles on bicycle paths; and to Sections 21206 and 21207 relating to local bicycle regulations and to bicycle lanes.
The SCR 47 Committee has also taken the liberty of repeating, within this Model Bicycle Ordinance, several portions of the League’s Uniform Traffic Ordinance for aiding the user in understanding the relationship of the Bicycle Ordinance to the Traffic Ordinance. Again, in incorporating our Article XVII into a local Traffic Ordinance, it is not necessary to repeat these duplications.

Certain suggested ordinance provisions within the Traffic Administration portion of this Model Ordinance are offered as guidance toward the maintenance of a thorough traffic safety program under the administration of the local traffic engineer. While some of these provisions, such as the Annual Bicycle Safety Report or the Bicycle Committee, are not essential to an operating Traffic Ordinance, it is recommended that they be incorporated into each jurisdiction’s traffic management effort both for the purpose of developing a continuing monitor of local bicycle and traffic safety matters and for improving a Statewide monitoring of bicycling facilities and laws for assuring the proper development and application of proven methods toward accommodating this mode of travel safely and efficiently.
ARTICLE I

Definitions

Section 1.0 Definitions of Words and Phrases
The following words and phrases when used in this ordinance shall, for the purposes of this ordinance, have the meanings respectively ascribed to them in this Article.

Section 1.1 California Vehicle Code Definitions To Be Used
Whenever any words or phrases are defined in the Vehicle Code of the State of California and amendments thereto, such definitions shall prevail.

Section 1.2 Central Business District/Central Traffic District
All streets and portions of streets within the area described as follows: All that area bounded by ________________________.

Section 1.3 Council
The Council of the City of ______________________________.

Section 1.4 Bicycle/Bike
Any device upon which any person may ride, propelled by human power through a belt, chain, or gears, and having either two or three wheels in tandem or tricycle arrangement. (21200 CVC)

Section 1.5 Bicycle Dealer
Any person, firm, partnership, or corporation which is engaged wholly or partly in the business of selling bicycles, or buying or taking in trade bicycles for the purposes of resale, selling or offering for sale, or otherwise dealing with bicycles, whether or not such bicycles are owned by such person or entity. The term also includes agents or employees of such person or entity. (39100 CVC)

Section 1.6 Bicycle Lane
Any lane within the roadway designated by signs and markings for the operation of bicycles.

Section 1.7 Bicycle Path
Any specifically designated area for bicycle travel, physically separated from the roadway.

Section 1.8 Bicycle Route
Any route recommended for bicycle travel which may include bicycle paths and public streets for accommodating bicycle riders.
Section 1.9 **Cyclist**
Any bicycle operator.

Section 1.10 **Holidays**
Within the meaning of the ordinance, holidays shall be __________
_______________.

Section 1.11 **Official Time Standard**
Whenever certain hours are named herein, they shall mean standard
time or daylight saving time as may be in current use in this City.

Section 1.12 **Pedestrian**
Any person afoot or any cyclist having dismounted a bicycle and then
proceeding to move the bicycle afoot.

Section 1.13 **Police Officer**
Every officer of the Police Department of this City or any officer
authorized to direct or regulate traffic or to make arrests for
violations of traffic regulations.

Section 1.14 **School Days**
Whenever referred to herein, and within the meaning of this ordinance,
school days shall be those weekdays as may be currently and officially
established as regular school attendance days within this City.

Section 1.15 **Vehicle Code**
The Vehicle Code of the State of California.

**ARTICLE II**

—Traffic Administration—

Section 2.0 **Police Administration**
There is hereby established in the Police Department of this City a
Traffic Division to be under the control of an Officer of Police
appointed by and directly responsible to the Chief of Police.

Section 2.1 **Duty of the Traffic Division**
It shall be the duty of the Traffic Division, in conjunction with the
duties described within this City’s Uniform Traffic Ordinance, with
such aid as may be rendered by other members of the Police Department,
to enforce this Ordinance, and all of the Vehicle Code Laws applicable
to bicycle traffic in this City, and to make arrests for traffic
violations, and to investigate bicycle accidents, and to cooperate with
the City Traffic Engineer and other officers of the City in the adminis-
tration of this ordinance and in developing ways and means to improve
traffic conditions and bicycle safety.

Section 2.2 **Bicycle Accident Studies**
The Traffic Division shall cooperate with the City Traffic Engineer
in conducting studies of bicycle accidents and in determining
remedial measures.
Section 2.3 Bicycle Safety Education
(Pending action by Legislature on SCR 47 Committee recommendations.)

Section 2.4 Bicycle Licensing

2.4.01 Effective Date this Chapter. This Chapter shall supersede all previous legislation enacted by __________________ concerning bicycle licensing, and shall become effective immediately.

2.4.02 Definitions. As used in this Chapter, the following terms and words shall have the following meanings:

a. The term BICYCLE REGISTRATION CERTIFICATE (REGISTRATION CERTIFICATE) shall mean and include that ownership card issued by the Licensing Agency or Agent of ______________ upon receipt of the designated license fee.

b. The term BICYCLE LICENSE shall mean and include license tag or decal designated by the State of California in accordance with Section 39001 of the California Vehicle Code, to be permanently affixed to the bicycle in a visible location and which bears a unique number permanently assigned to that bicycle by the State.

c. The term LICENSING AGENCY shall mean and include that party or parties designated by the Chief of Police as official Licensing Agencies for bicycles in ________________.

2.4.03 Bicycle License Required. No person residing in the City of ________________ shall operate a bicycle on any street or sidewalk, or upon any public path set aside for the exclusive or semi-exclusive use of bicycles, within the city (county) of ________________, unless such bicycle has been licensed under the provisions of this ordinance.

For purposes of this Chapter, the Chief of Police and his representatives shall be designated as the official Licensing Agent. The Chief of Police is hereby authorized to appoint any person or persons to assist in the capacity of Bicycle Licensing Agencies. Each Licensing Agency shall license bicycles for persons residing in ________________ only; all other bicycle license applicants shall be referred to their respective city or jurisdiction of residency. Licensing Agencies shall submit monthly reports to the Licensing Agent indicating both a monthly and year-to-date summary of all licensing activities and fees collected.

2.4.04 Bicycle Registration Certificate/Bicycle License - Issuance.
At the time that any person licenses a bicycle and pays the established license fee in accordance with the provisions of this Chapter, the Licensing Agency shall provide him with a Registration Certificate bearing the date, owner’s name, address, telephone number, Bicycle License number, the bicycle manufacturer,
type and frame number and any other descriptive material concerning the bicycle deemed necessary by the Licensing Agent, and, provisions for the transfer of ownership of said bicycle. In addition, at the time of licensing, the bicycle owner shall be issued his permanent Bicycle License bearing the unique number reflecting the proper Indicia procured from the Director of Motor Vehicles pursuant to Section 39001 of the California Vehicle Code. The Bicycle License shall remain in effect for the period of two years.

2.4.05 Sale or Transfer of Bicycle. Whenever any person sells, trades, disposes of, or transfers any bicycle licensed pursuant to the provisions of this Chapter, he shall endorse upon the Registration Certificate previously issued for such bicycle a written transfer of same, setting forth the name, address, and telephone number of the transferee, the date of transfer, the signature of the transferer, and shall deliver said Registration Certificate, so endorsed, to the Licensing Agency at the time of transfer. The transferee shall within ten days after such transfer, apply to said Licensing Agency for a transfer of the Registration Certificate. A fee of one-dollar shall be charged for said transfer of ownership.

2.4.06 Lost or Stolen License Receipt/Bicycle Plate -- Report/Replacement. In event that any Registration Certificate issued pursuant to the provisions of this Chapter, be lost or stolen, the Licensee of such bicycle shall immediately notify the Licensing Agency, and within ten days after such notification shall apply to said Licensing Agency for a duplicate Registration Certificate; whereupon, said Licensing Agency shall issue to such Licensee a duplicate Registration Certificate, upon payment to said Licensing Agency of a fee of one-dollar.

In the event that any Bicycle License issued pursuant to the provisions of this Chapter, be lost or stolen, the licensee shall immediately notify the Licensing Agency of such loss, and shall within ten days apply to said Licensing Agency for a new Bicycle License; whereupon, said Licensing Agency shall issue to such Licensee a new Bicycle License upon payment to said Licensing Agency of a fee of one-dollar.

2.4.07 Fees. The fees required to be paid pursuant to the provisions of this Chapter are:

a. For each new Bicycle License, and Registration Certificate, the maximum sum of two-dollars per year or any portion thereof.

b. For each transfer of Registration Certificate, the sum of one-dollar.

c. For each replacement of Bicycle License or Registration Certificate, the sum of one-dollar.
d. For each impounding fee for bicycles found to be in violation of this Chapter, a sum of ____ (To be determined by the City Council not to exceed the sum of five-dollars pursuant to California Vehicle Code Section 39011).

e. For each violation of this Chapter, a fine of two-dollars.

2.4.08 Tampering with Registration Certificate/Bicycle License/Serial Number Prohibited. It is unlawful for any person to tamper with, destroy, mutilate or alter any Registration Certificate issued pursuant to the provisions of this Chapter.

It is unlawful for any person to remove, destroy, mutilate or in any way alter or tamper with any Bicycle License issued pursuant to the provisions of this Chapter.

It is unlawful for any person to remove, alter or mutilate the serial Number of any bicycle frame licensed under the provisions of this Chapter.

2.4.09 Bicycle Dealers - Weekly Bicycle Sales Reports Required. Any person engaged in the business of buying, selling or trading new or used bicycles within ____________________ is hereby required to make a weekly report to the Licensing Agent giving the name, address and telephone number of a persons either buying, selling or trading new or used bicycles and the bicycle manufacturer, type, frame number, and Bicycle License number, if any.

2.4.10 Bicycles in Violation of Chapter - Impounding/Fee. The Licensing Agency shall have the right to impound and retain possession of any bicycle in violation of the provisions of this Chapter, and may retain possession of such bicycle until the provisions of this Chapter are complied with. A fine of two-dollars shall be imposed for any violation of this Chapter pursuant to Section 39011 of the Vehicle Code.

2.4.11 Bicycle Fund. All amounts collected in excess of the cost of conducting and administering the bicycle licensing program, including reasonable cost-reimbursement to Licensing Agencies, shall be placed in a special Bicycle Fund. The Bicycle Fund shall be used to improve bicycle safety programs and to establish and maintain bicycle facilities including but not limited to, bicycle paths and lanes.

2.4.12 Police Authorized to Number Bicycle Frames. All bicycles sold as of the effective date of this article shall have, as a means of identification, serial numbers stamped on the frame of the bicycle in a manner determined by the Director of Motor Vehicles. The Police Department (or other appropriate city or county agency) may stamp numbers on the left
rear fork ends of such bicycles not bearing manufacturers serial numbers.

2.4.13 **Rental Agencies.** A rental agency operating within the City of ________________ shall not rent or offer any bicycle for rent unless said bicycle is licensed as provided in this Chapter.

Section 2.5 **Bicycle Operators Licensing**
(No recommendation by SCR 47 Committee)

Section 2.6 **Annual Bicycle Safety Report**
The City Traffic Engineer with the advice of the Chief of Police or Chief of the Traffic Division; the bicycle committee and, at the Council’s discretion, others having to do with bicycle matters shall prepare an annual bicycle safety report. It is to include accident data; enforcement, licensing, registration and educational activities; and other data which he deems pertinent. The report shall be submitted to the Council on or before ______ ______ of each calendar year.

Section 2.7 **Bicycle Committee**
There is hereby established an advisory traffic committee to serve without compensation, consisting of the City Traffic Engineer; the Chief of Police or, at his discretion, as his representative, the Chief of the Traffic Division; a member of the City Council and one representative each from the City Engineer’s office, the City Attorney’s Office, local school districts, and such number of other City officers and representatives of unofficial bodies as may be determined and appointed by the Council. The Chairman of the Committee shall be appointed by and serve at the pleasure of the Council.

Section 2.8 **Duties of the Bicycle Committee**
It shall be the duty of the Bicycle Committee to suggest the most practicable means for coordinating the activities of all officers and agencies of this City having authority with respect to the administration or enforcement of bicycle regulations; to stimulate and assist in the preparation and publication of bicycle-related reports; to receive complaints having to do with bicycle matters; and to recommend to the legislative body of this City and to the City Traffic Engineer, the Chief of the Traffic Division and other City officials, ways and means for improving bicycling and the administration and enforcement of bicycle regulations.

ARTICLE III

—Enforcement and Obedience to Traffic Regulations—

Section 3.0 **Authority of Police and Fire Department Officials**
Officers of the Police Department and such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic
laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department or members of the Fire Department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this Ordinance.

Section 3.1 Persons Other Than Officials Shall Not Direct Traffic
No person other than an officer of the Police Department or a member of the Fire Department or a person authorized by the Chief of Police or a person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as herein provided, any mechanical pushbutton signal erected by order of the City Traffic Engineer.

Section 3.2 Obedience to Police or Authorized Officers
No person shall fail or refuse to comply with, nor shall he perform any act forbidden by, any lawful order, signal, or direction of a traffic or police officer, or a member of the Fire Department, or a person authorized by the Chief of Police or by law.

Section 3.3 Obstruction or Interference with Police or Authorized Officer
No person shall interfere with or obstruct in any way a police officer or other officer or employee of this City in his enforcement of the provisions of this Ordinance.

Section 3.4 Report of Bicycle Accident
a. In addition to any other requirements imposed by this Ordinance or by Division 10 of the Vehicle Code, the operator of a bicycle involved in any accident at whatever location within this City, which accident results in injury to any person or in property damage in excess of $___________ shall within twenty-four (24) hours after such accident make a written report of such accident to the Police Department of this City.

b. Every such report shall state the date and time when and the place where the accident took place, the names and addresses of the person owning and of the person operating such bicycle, the registration number of every such bicycle, and shall briefly describe the circumstances of the accident.

c. The operator of any bicycle involved in an accident shall not be subject to the requirements or penalties of this Section if and during the time he is physically incapable of making a report, but in such event he shall make a report as required in 3.4, (a) within 24 hours after regaining ability to make such report.
ARTICLE IV

Traffic Control Devices

Section 4.0 Authority to Install Traffic Control Devices
Reference is hereby made to this City’s Uniform Traffic Ordinance No. _______________________, said Ordinance having established the authority, power, and duty upon the City Traffic Engineer to place and maintain or to cause to be placed and maintained any official traffic control devices for the direct or incidental regulation of bicycle traffic and to make effective the provisions of this Ordinance. Pursuant to Vehicle Code Sections 21400 and 21401, the City Traffic Engineer shall conform to the provisions of the California Vehicle Code, the California Traffic Manual and the provisions of this Ordinance, and shall Make a determination of the applicability of such devices only upon the basis of traffic engineering principles and traffic investigations.

Section 4.1 Traffic Control Signs Required for Enforcement Purposes
No provision of the Vehicle Code or of this Ordinance for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice thereof.

Section 4.2 Obedience to Traffic Control Devices
The operator of any bicycle shall obey the instructions of any official traffic control device placed in accordance with this Ordinance with the exceptions granted herein or unless otherwise directed by a police officer or other authorized person.

Section 4.3 Bicycle Lane Markings
The City Traffic Engineer, whenever a determination is made through traffic engineering studies, is hereby authorized to mark and designate bicycle lanes, pursuant to 4.0 of this Ordinance, upon the surface of the roadway to designate that portion of the roadway to be traveled by bicycles and may place signs or may cause signs to be placed to prohibit or restrict parking, standing or stopping of motor vehicles to maintain the effectiveness of said lanes.

Section 4.4 Authority to Remove, Relocate, and Discontinue Traffic Control Devices
The City Traffic Engineer is hereby authorized to remove, relocate, or discontinue the operation of any bicycle facility or bicycle-related traffic control device not specifically required by the Vehicle Code or by this Ordinance whenever he shall determine in any particular case that the conditions which normally warrant or require the installation no longer exist.
Section 17.0  **State Authority**
Reference is hereby made to California Vehicle Code Division 11, Article 4, relating to laws applicable to bicycle use and equipment, and by such reference any and all statutes relating to the operation of bicycles are hereby incorporated into this Ordinance. Every person operating a bicycle on a roadway has all the rights and is subject to all the duties applicable to the driver of a motor vehicle by the laws of this State or by the ordinances of this City except those provisions of laws and ordinances which by their nature can have no application, and except as otherwise provided in this Article.

Section 17.1  **Operation Upon Sidewalks**
No person shall ride a bicycle upon a sidewalk within the central business district, as described by this Ordinance, nor shall any person ride upon any other sidewalk within this City which has been posted with signs prohibiting such riding.

Section 17.2  **Closing of Streets for Bicycle Racing**
The Council may authorize the temporary closing of a portion of any highway within the City pursuant to Vehicle Code Section 21101 (e) for the purpose of allowing a bicycle racing event.

Section 17.3  **Bicycles on Pedestrian Bridge**
No person shall ride a bicycle upon any pedestrian bridge within this City which has been posted with signs prohibiting such riding.

Section 17.4  **Bicycle Parking**
No person shall park a bicycle at any location which has been posted with signs prohibiting such parking.
APPENDIX B

SCR-47 Statewide
Bicycle Committee

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Sacramento, CA 95821

Ms. Barbara Bania
Office of Traffic Safety
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California Association of Bicycling Organizations
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Mr. Neil Good
State Senate
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Mr. William Owen
League of California Cities
226 F Street
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Mr. Manuel Puentes
Automobile Club of Southern California
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Los Angeles, CA 90007

Mr. Merick Chaffee
Department of Parks and Recreation
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Mr. Lloyd Roberts
County Supervisors Association of California
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Officer Jim Swatsenbarg
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Mr. Richard Paine
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Mr. Gordon Burns
Mr. Rod Mowbray
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Bicycling Magazine Club
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Mr. Fred DeLong
National Safety Chairman, L.A.W.
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League of American Wheelmen
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Mr. Eric Petersen
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Sierra Club Transportation Committee
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Mr. Ron Smith
Mr. Charles Spencer
Mr. Richard Arnold
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Berkeley, CA 94720

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Stockton, CA 95204

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Velo Club Tamalpais
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Redwood City Police Department  
Redwood City, CA 94063

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Pittsburgh CA 94565

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City of Chula Vista
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Memorandum

To: Richard Rogers, Chairman
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From: Office of the Attorney General

Subject: Opinion No. CV 74/224 IL - Vehicle Code section 21202

In your letter of August 22, 1974, you raised the question as to what effect, the addition of section 21202 of the Vehicle Code has on other sections of the Vehicle Code. In particular, you proposed the following questions:

1. Can a bicyclist legally make a left turn from a left turn lane or pocket?

2. Can a bicyclist legally overtake and pass to the left of a slower moving vehicle or motor vehicle?

3. Can a bicyclist legally travel to the left of the right hand edge of the roadway to avoid hazards such as potholes, debris, raveled pavement, etc.?

4. Can a bicyclist legally ride abreast of another bicyclist or must they ride single file?

Our conclusion is that section 21202 reflects a general rule governing the operation of bicycles; to wit, that bicycles are to be ridden as close as practicable to the right hand curb or edge of the roadway on a two-way roadway. It is our opinion, however, that this general rule does not preclude a bicyclist from making a left turn from a left turn lane or pocket, or from passing to the left of a slower moving vehicle, or from moving to the left to avoid hazards such as potholes, debris, etc. It is our opinion that section 21202 does preclude bicyclists from legally riding abreast of one another assuming both bicyclists are on the roadway.

1. All section references are to the Vehicle Code unless otherwise indicated.
The relevant statutory law concerning the operation of bicycles on California roadways is contained in Division 11, Chapter 1, Act 4 of the Vehicle Code, beginning with section 21200. Section 21200 provides in relevant part:

"Every person riding a bicycle upon a roadway has all the rights and is subject to all the duties applicable to the driver of a vehicle by this division and Division 10 (commencing with Section 20000), except those provisions which by their very nature can have no application." (Emphasis added.)

Therefore, by an express statutory provision, a person riding a bicycle on a roadway is granted all the rights and is subjected to all the duties applicable to drivers of vehicles, unless by their very nature they can have no application to bicycles. See 8 Cal.Jur.3d §200, p. 211. Section 21750 requires a driver of a vehicle to pass on the left. Section 21654 requires a slow moving vehicle to drive in the right hand lane except when passing.

2. It should be noted that the Vehicle Code distinguishes between vehicles and motor vehicles. Section 670 says a vehicle is a device by which any person or property may be propelled, moved, or drawn upon a highway excepting a device moved by human power or used exclusively upon stationary rails or tracks. While a bicycle is not a vehicle under this section (Thomson v. Kischassey, 144 Cal.App.2d 363 (1956), section 21200 makes the rider of bicycle subject to the laws applicable to the driver of a vehicle. Section 415 defines a motor vehicle as a vehicle which is self-propelled.

3. Section 21750 reads:

"The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle, subject to the limitations and exceptions hereinafter stated."

4. Section 21654 reads:

"(a) Notwithstanding the prima facie speed limits, any vehicle proceeding upon a highway at a speed less than the normal speed of traffic moving in the same direction of such time shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway."

(Fn. 4 contd. to next page)
or making a left turn. Section 22100 requires left turns to be made from the left lane.

Fn. 4 contd.

"(b) If a vehicle is being driven at a speed less than the normal speed of traffic moving in the same direction at such time, and is not being driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, it shall constitute prima facie evidence that the driver is operating the vehicle in violation of subdivision (a) of this section.

“(c) The State Department of Public Works, with respect to state highways, and local authorities, with respect to highways under their jurisdiction, may place and maintain upon highways official signs directing slow-moving traffic to use the right-hand traffic lane except when overtaking and passing another vehicle or preparing for a left turn.”

5. Section 22100 reads:

"Except as provided in Section 22101, the driver of any vehicle intending to turn upon a highway shall do so as follows:

"(a) Right Turns. Both the approach for a right-hand turn and a right-hand turn shall be made as close as practicable to the right-hand curb or edge of the roadway except:

“(1) Upon a highway having three marked lanes for traffic moving in one direction which terminates at an intersecting highway accommodating traffic in both directions, the driver of a vehicle in the middle lane may turn right into any lane lawfully available to traffic moving in such direction upon the roadway being entered.

“(2) When a right-hand turn is made from a one-way highway at an intersection, a driver shall approach the turn as provided in subdivision (a) and shall complete the turn in any lane lawfully available to traffic moving in such direction upon the roadway being entered.

"(b) Left Turns. The approach for a left turn shall be made as close as practicable to the left-hand edge of the extreme left-hand lane or portion of the roadway lawfully available to traffic moving in the direction of travel of (Fn. 5 contd. to next page)
The above Vehicle Code sections would clearly constitute the statutory law governing the operation of bicycles, but for the passage of section 21202 which provides as follows:

"(a) Except as provided in subdivision (b), every person operating a bicycle upon a roadway shall ride as near the right-hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

"(b) Any person operating a bicycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction."

Therefore, as a result of the enactment of section 21202, any person operating a bicycle on a two-way roadway must operate his bicycle as close as practicable to the right hand curb. The bicycle operator apparently has no discretion to operate his bicycle in any other place, and this would seem to take precedence over those statutes cited above which permit drivers to move to the left in certain specified circumstances.

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Fn. 5 contd.

such vehicle and, when turning at an intersection, the left turn shall not be made before entering the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered, except:

"(1) Upon a highway having three marked lanes for traffic moving in one direction which terminates at an intersecting highway accommodating traffic in both directions, the driver of a vehicle in the middle lane may turn left into any lane lawfully available to traffic moving in such direction upon the roadway being entered."

6. “Roadway” is defined as "that portion of a highway improved, designed, or ordinarily used for vehicular travel". §530. “Highway” is defined as “a way or place of whatever
(Fn. 6 contd. to next page)
situations. Indeed, this interpretation would be in accordance with the familiar rule of statutory construction that a special statute which deals expressly with a particular subject takes precedence over a general statute covering the same subject. Simpson v. Cranston, 56 Cal.2d 63, 69 (1961); see also, McGriff v. County of Los Angeles, 33 Cal.App.3d 394, 349 (1973), where the court stated:

"It is well established that 'Where the terms of a later specific statute apply to a situation covered by an earlier general one, the later specific statute controls.'"

In addition, it is certainly possible to argue that section 21202 precludes making left turns from the left turn pocket, or passing from the left, or moving to the left to avoid hazards, because the statute does not specifically provide for the above exceptions. Moreover, this omission is in sharp contrast to those statutes which indicate when motor vehicles shall be driven in the right hand lane or as close to the curb as is practicable (see §§ 21654, 21655, 21750, supra; also see §21658\(^7\)) because those statutes expressly

\[\text{Fn. 6 contd.}\]

nature, publicly maintained and open to the use of the public for purposes of vehicular travel", and the term, includes "street". §360. The terms are not synonymous: "highway" includes the whole of the area of public use, whereas "roadway" is, generally, a narrower corridor which, depending upon all the circumstances, may or may not include the shoulder or parking strip. See Pitcher v. Kniss, 10 Cal.App.3d 931, 938 (1970); compare Altman v. Peirano, 112 Cal.App.2d 8, 13 (1952).

7. Section 21658 reads:

"Whenever any roadway has been divided into two or more clearly marked lanes for traffic in one direction, the following rules apply:

"(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety.

"(b) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of the traffic device. (Fn. 7 contd. to next page)
provide that the vehicles may move to the left in certain situations. Therefore, we see that it can clearly be argued that section 21202 requires bicycles to be ridden as close as practicable to the right hand curb or edge of the roadway of a two-way highway and precludes any exception or deviation from this rule.

However, it is our opinion that such a narrow view of section 21202 would run counter to what we believe to be a fundamental rule of statutory construction, and that is that statutes must be given a reasonable and common sense construction in accordance with the apparent purpose and intention of the lawmakers (County of Alameda v. Kuchel, 32 Cal.2d 193, 199 (1948)) and one that is practical and that will lead to a wise policy rather than to absurdity, Unemp. etc. Com. v. St. Francis etc. Assn., 58 Cal.App.2d 271, 281 (1943); Kennard v. Rosenberg, 127 Cal.App.2d 340, 345 (1954).

Moreover, “a statute should be construed with reference to the entire statutory system of which it forms a part in such a way that harmony may be achieved among the parts.” Merrill v. Department of Motor Vehicles, 71 Cal.2d 907, 918 (1969); Select Base Materials v. Board of Equal., 51 Cal.2d 640, 645 (1959); Stafford v. L.A. etc. Retirement Board, 42 Cal.2d 795, 799 (1954).

It is our opinion that the Legislature did not intend, when they enacted section 21202 that bicyclists be required to make left hand turns from the right hand curb, across all the lanes of traffic on the highway and in front of the traffic moving in the same direction as the bicyclist. Surely the Legislature did not intend bicyclists to be precluded from passing on the left, or to, move to the left to

Fn. 7 contd.

"(c) Except as may otherwise be provided by directions given by traffic devices erected pursuant to subdivision (b), no housecar, or motor vehicle upon which is mounted a camper, which, if operated during darkness, would be subject to, the provisions of Section 25100, shall be driven in the extreme left lane of a freeway which has three or more marked lanes in one direction.

“This subdivision shall not apply to a driver who is preparing for a left turn or who is in the process of entering into, or exiting from, a highway, or to a driver who is necessarily required to drive in other than the right-hand lanes to continue on his intended route.”
avoid hazards in the roadway. Such a construction would be both unreasonable and absurd. Moreover, it is our opinion that section 21202 should be construed in harmony with sections 21750 requiring a driver of a vehicle to pass on the left and 22100 requiring left turns to be made from the left turn lane. Such a construction of section 21202 would be both reasonable and practical. It would mean that bicyclists must, as a general rule, ride as near the right hand curb or edge of the roadway as practicable, but can certainly move to the left when passing slower moving vehicles that are directly impeding their line of travel, or when preparing to make a left hand turn, or when attempting to avoid hazards in the roadway. As to your final question, however, it is our opinion that if two bicyclists are riding abreast of one another, both of whom are on the roadway, then the one on the left would be in violation of section 21202. Therefore, when bicyclists are operating on the roadway, they should ride in single file so as to avoid violation of the law.

While the above opinion correctly represents our views, section 21202 is clearly ambiguous and subject to a number of interpretations. Therefore, we would concur with your own counsel who has recommended that section 21202 be amended to expressly provide that bicyclists are permitted to move to the left when passing a slower moving vehicle, when preparing for a left hand turn, or when seeking to avoid hazards in the roadway.

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FAI:sb