

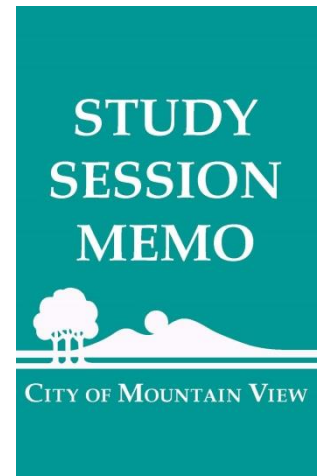
DATE: December 4, 2018

TO: Honorable Mayor and City Council

FROM: Ria Hutabarat Lo, Transportation Manager
Dawn S. Cameron, Assistant Public Works
Director
Michael A. Fuller, Public Works Director

VIA: Daniel H. Rich, City Manager

TITLE: **Discuss Proposed Amendments to Chapter 19,
Article VI of the City Code Related to
Bicycles, Roller Skates, Coasters, and Electric
Personal Assistive Mobility Devices**



PURPOSE

The purpose of this Study Session is to receive input on the proposed regulatory framework for the update of City Code Chapter 19, Article VI, “Bicycles, Roller Skates, Coasters, and Electric Personal Assistive Mobility Devices.”

BACKGROUND

At the September 5, 2017 City Council meeting, staff presented recommendations for “cleanup” amendments to Article VI of Chapter 19 of the Mountain View City Code (MVCC) related to using bicycles, electric personal assistive mobility devices (EPAMDs), motorized and electric boards, and other transportation devices on City sidewalks. The City Council, in lieu of introducing the proposed ordinance recommended by staff, directed staff to work on a larger rewrite of the regulations related to using bicycles and transportation devices on City sidewalks and streets when allowed by the California Vehicle Code (CVC). Council directed staff to approach the topic more comprehensively in order to arrive at understandable and sensible rules that better took into account the Mountain View context, working closely with the Bicycle/Pedestrian Advisory Committee (B/PAC) and other stakeholders.

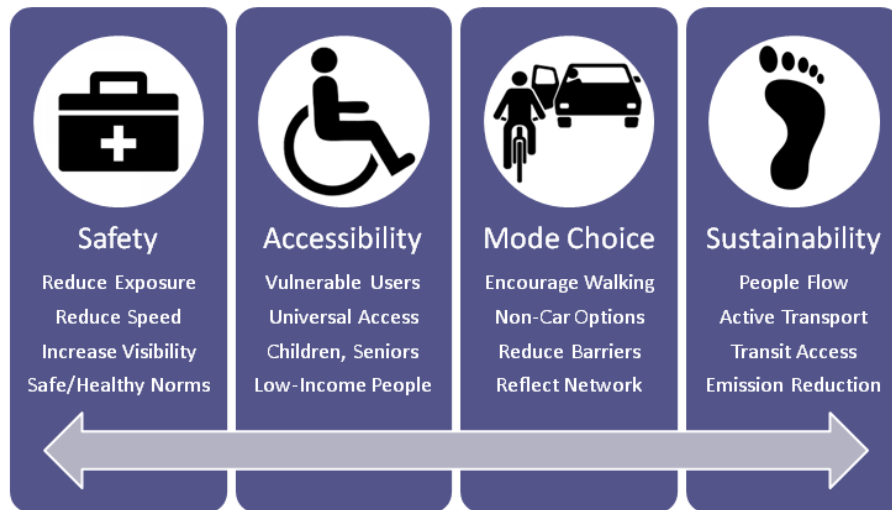
In terms of considering potential revisions to the MVCC, transportation devices refer to relatively small, lightweight human-powered or electrically motorized contraptions that are used to convey people for the purposes of transportation, exercise, and/or recreation. In general, transportation devices do not require a driver’s license to

operate.¹ Transportation devices do not include motor vehicles, motorbikes, autonomous vehicles, autonomous devices, or construction or landscaping equipment.

Committee and Community Outreach

On September 27, 2017, staff presented a work plan for updating the City ordinance on bicycles and transportation devices to the B/PAC. Staff subsequently conducted analysis, internal consultation, and community engagement activities, including a B/PAC input session on March 5, 2018 and a community workshop held on May 17, 2018.

Based on this work, staff presented four suggested goals for the City Code update at the B/PAC meeting on June 27, 2018, as shown below:



At the June 27, 2018, meeting, B/PAC members generally supported the proposed priorities of ensuring safe pedestrian access on sidewalks and facilitating safe use of bicycles and transportation devices on-street. The B/PAC suggested that on sidewalks where riding would be prohibited (e.g., Castro Street), exceptions be made for children under 14 years of age. They also suggested that the speed of operation be considered and reflected in regulations regarding the operation of devices along sidewalks.

On September 26, 2018, staff returned to the B/PAC to propose a regulatory framework (discussed below) for the ordinance update. At this meeting, B/PAC members supported the proposed regulatory framework and recommended that more

¹ An exception is the CVC requires a driver's license for use of e-scooters.

information be provided to clarify the status of mobility devices used to assist people with disabilities, personal delivery devices (PDDs), and devices already addressed under the CVC. This additional information has been incorporated into this Study Session memo.

Staff also discussed the proposed regulatory framework with the Downtown Committee on September 11, 2018, the Youth Advisory Committee on October 8, 2018, and the Senior Advisory Committee on October 17, 2018.

- The Downtown Committee did not express any concerns with the proposed regulatory framework.
- The Youth Advisory Committee expressed a desire to ensure pedestrian safety and allow bikes to ride at a reasonable speed on sidewalks. They also expressed concern about unpredictable biking activity among riders of middle school age and allowing them to ride on sidewalks where bicycle riding on sidewalks would be prohibited.
- The Senior Advisory Committee requested clarification on the status of disability-related motorized scooters. Members of the Senior Advisory Committee also recommended that the ordinance update be accompanied by education strategies such as promotion of a Quick Response (QR) code link to Mountain View's rules for riding bicycles and transportation devices.

Staff returned to the B/PAC on November 28, 2018 to present the feedback from the other committees and discuss changes staff made to the proposed regulatory framework for the Council Study Session. Staff will share feedback from the November 28 B/PAC meeting at the Study Session.

Regulatory Context

The CVC regulates traffic control on streets and highways in California, which includes pedestrian, vehicular, and other conveyance traffic such as bicycles. Cities and other local jurisdictions, including the City of Mountain View, may only regulate traffic control where expressly authorized under the CVC. If State law is silent as to the operation of a particular device on the street or sidewalk, and does not authorize the local agency to enact regulations, the City cannot enact regulations.

Attachment 1 presents the classification and definitions of devices under the CVC, images of the devices, and the level to which the City can regulate these devices. Listed

below are the types of devices the City may regulate for use on City streets and/or sidewalks:

- Bicycles (standard and electric) – The City may regulate use on sidewalks and in crosswalks. The CVC regulates use and operational requirements for use on streets, including:

Bicycles must have lights and reflectors during darkness, users must ride close to the right-hand edge or within the bike lane, and users under 18 years old must wear helmets.

- Electric personal assistive mobility devices (EPAMDs) ² – The City may prohibit or restrict use on streets and/or sidewalks. If the City does not prohibit EPAMDs, the following CVC operational requirements apply, including:

EPAMD must have lights and reflectors during darkness, users must operate at a speed that is reasonable, prudent, does not endanger safety of people or property, and must yield to pedestrians, including people with disabilities.

- Roller skates (human-powered only) – The City may regulate use on streets and/or sidewalks. The CVC requires users under 18 years old to wear helmets.
- Skateboards (human-powered only) – The City may prohibit or restrict use on streets and/or sidewalks. The CVC requires users under 18 years old to wear helmets.
- Electrically motorized boards – The City may prohibit or restrict use on streets and/or sidewalks. If the City does not prohibit these devices, the following CVC operational requirements apply, including:

Electrically motorized boards must have specified lights and reflectors during darkness, users must be 16 years old or older, must wear a helmet, may not operate at speeds in excess of 15 mph, may only operate on roads with a speed limit of 35 mph or less unless operating entirely within a Class II or IV bikeway,³ and must operate at a speed that is reasonable, prudent, and does not endanger safety of people or property.

² EPAMD is defined in the CVC. A *Segway Personal Transporter* is an example of an EPAMD.

³ Class II bikeways are bike lanes and Class IV bikeways are protected or separated bicycle facilities.

- Motorized scooters – The City may regulate the operation on streets as long as the regulations are not in conflict with CVC operational requirements. The CVC prohibits riding motorized scooters on sidewalks. CVC operational requirements for use on streets include:

Motorized scooters must have specified lights and reflectors during darkness, users must have a valid driver's license, users under 18 must wear a helmet, may not carry passengers, operating speed is limited to 15 mph, and may only operate on a road with a speed limit in excess of 25 mph when within a Class II or IV bikeway unless a city allows operation on a road outside a bikeway with a speed limit of up to 35 mph.⁴

As shown in Attachment 1, the CVC specifically precludes the City from regulating certain devices and operating conditions. Items that the City cannot regulate include people who are walking, people using wheelchairs and other power-driven mobility devices that are needed because of a mobility disability, and people using certain human-powered nonbike devices such as human-powered scooters. The CVC also generally precludes the City from regulating on-street use of bicycles and electric bicycles,⁵ and sidewalk use of motorized skateboards and motorized scooters.

Personal Delivery Devices

On February 27, 2018, the City Council approved a nine-month pilot program to allow use of personal delivery devices (PDDs) on City sidewalks and crosswalks. In early October 2018, Starship Technologies received a permit to commence operations in the City. The CVC does not address PDDs. These devices have not been included in the proposed regulatory framework, however, due to the lack of existing information on their performance in public rights-of-way. During the pilot period, staff will evaluate the performance of PDDs on City rights-of-way and develop options for long-term regulation of PDDs in Mountain View.

DISCUSSION

Key objectives for the proposed regulatory framework are to make requirements clear, coherent, up-to-date, and enforceable, and to take a consistent approach for all devices to the extent the CVC allows. The proposed regulatory framework is shown in Table 1.

⁴ Includes new regulations effective on January 1, 2019.

⁵ The CVC authorizes cities to regulate bicycles (including electric bicycles) in crosswalks and on expressways and freeways.

Table 1: Proposed Regulatory Framework

RELEVANT DEVICE	RELEVANT DEVICE
Sidewalks	
• Bicycles • Electric bicycles • In-line and roller skates (human-powered) • Skateboards (human-powered) • EPAMDs • Electrically motorized boards	Permitted to operate on sidewalks subject to: • Operating with due care under the circumstances or conditions • Yielding to pedestrians Prohibited from riding on sidewalks in locations designated by Council and where signs are posted (e.g., Castro Street) • Children under 14 excepted Operational requirements: • Bicycles, electric bicycles, EPAMDs, and electrically motorized boards are subject to CVC requirements and restrictions where applicable
• Bicycles and transportation devices with a width of 3' or more (e.g., conference bikes) • Bike-car hybrids	Not permitted to operate on sidewalks
Streets	
• In-line and roller skates (human-powered) • Skateboards (human-powered) • EPAMDs • Electrically motorized boards • Motorized scooters	Permitted to operate on streets with speed limit of 35 mph or less unless on a Class II or IV bikeway • Subject to similar requirements as CVC rules for bicycles where applicable

NOTE: The following devices are classified as pedestrians and are, therefore, permitted under the CVC to operate along all sidewalks: wheelchairs, power-driven mobility devices needed because of a mobility disability, and human-powered scooters.

For sidewalks, the proposed regulatory framework allows for sidewalk riding by bicycles and those transportation devices that the City has authority to regulate, subject to the condition that riders operate with due care under the circumstances and yield to pedestrians.

The initial proposed regulatory framework presented to B/PAC and the other committees in September and October stated that bicycles and transportation devices riding on sidewalks would be subject to “operating at a reasonable walking pace, and yielding to pedestrians.” One B/PAC member expressed concern with this restriction, noting that the speed limit should be more context-sensitive and allow a “jogging pace” in some areas. The Youth Advisory Committee reiterated this concern and favored regulations that allow sidewalk riding at a safe speed based on the street context and time of day, as opposed to “walking pace,” which they interpreted as traveling at the same speed as walking a bike. Staff has since conducted a further review of this requirement and concluded that it presented an enforcement challenge and confusion over what is a “walking pace.” Thus, the proposed regulatory framework was modified to state “operating with due care under the circumstances and conditions, and yielding to pedestrians.” This change will be discussed with the B/PAC on November 28 and staff will share the B/PAC’s feedback at the Study Session.

Also for sidewalks, the framework anticipates prohibiting riding bicycles and transportation devices on certain sidewalks (such as along sections of Castro Street and San Antonio Road), with an exception provided for children under 14 years of age.

While the B/PAC supported the age threshold of 14 years for the exception to prohibited riding on designated sidewalks, the Youth Advisory Committee commented about unpredictable biking activity among riders of middle school age and how this may affect pedestrians along the crowded sidewalk areas where bicycle and transportation device riding would otherwise be prohibited. They suggested a lower threshold of 10 or 11 years of age. The age threshold will be further discussed with the B/PAC on November 28, and staff will share the B/PAC’s feedback at the Study Session.

For streets, the proposed regulations would allow human-powered skates (in-line and roller skates), human-powered skateboards, EPAMDs, electrically motorized boards, and motorized scooters to operate on roads with a speed limit of 35 mph or less unless on a Class II or IV bikeway. This proposed requirement aims to establish consistency with CVC regulations for electrically motorized boards and motorized scooters.

Additionally, the proposed regulations would require people using human-powered skates (in-line and roller skates), human-powered skateboards, EPAMDs, electrically motorized boards, and motorized scooters on the street to comply with similar

requirements to CVC rules for bicycles. Relevant CVC requirements include equipping the device with lights and reflectors during darkness, riding in the bike lane or toward the right-edge of the road, not hitching rides on motor vehicles, riding in the same direction as motor vehicle traffic, not using earplugs in both ears, not riding under the influence of alcohol or drugs, yielding to pedestrians in crosswalks, not riding on freeways, and not parking in a manner that obstructs traffic or pedestrian access.

Proposed Framework Compared to Current Ordinance

A copy of City Code Chapter 19, Article VI, “Bicycles, Roller Skates, Coasters, and Electric Personal Assistive Mobility Devices,” is provided in Attachment 2. Based on Council’s direction, the regulatory framework that is proposed in Table 1 would be used to develop ordinance language to repeal and replace the following sections related to operation on streets and sidewalks:

- **SEC. 19.51. – Riding bicycles on sidewalks prohibited.**
No person shall ride a bicycle upon any sidewalk in the business district.
- **SEC. 19.55. – Use of coasters, roller skates, etc. on roadways prohibited.**
No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway.
- **SEC. 19.55A(1). – Electric personal assistive mobility devices.**
(1) No person shall use or operate an electric personal assistive mobility device (EPAMD) as defined in Chapter 38, Section 38.1 of this code, upon and along any sidewalk in the city.

Recommendation: Repeal the MVCC sections listed above and replace with new sections based on the regulatory framework presented in Table 1.

Proposed Revisions for Other Items in Current Ordinance

The current ordinance also includes regulations that have been superseded by the CVC or relate to bicycle and transportation device operation outside of their use on a street or sidewalk (such as parking). These regulations are listed below along with staff’s recommended approach for the revised ordinance.

- **SEC. 19.52. - Method of riding upon roadways.**

The rider of any bicycle on the roadway shall ride as nearly as practicable to the right-hand curb or edge of the roadway.

Recommendation: Repeal. Bike riding on roads is regulated by the CVC.

- **SEC. 19.53. - Number of persons allowed to ride upon bicycles.**

It shall be unlawful for the operator of a bicycle, when upon a public right-of-way, to carry another person upon such bicycle; provided, however, that this prohibition shall not apply to bicycles which are built for two (2) persons to ride and propel the same.

Recommendation: Repeal. Requirements for bicycles are regulated by the CVC.

- **SEC. 19.54. - Use of roller skates, in-line skates, skateboards, bicycles, and coasters in business districts or any city-owned parking structures.**

No person shall skate with roller skates or in-line roller skates, or propel any coaster-brake wagons or vehicles or skateboards or ride bicycles upon and along any sidewalk in any business district or in any city-owned parking structure, except riding a bicycle is allowed in city-owned parking structures for the limited purpose of accessing bicycle parking.

Recommendation: Amend. Regulations related to riding bicycles and other transportation devices on sidewalks are included in the new proposed regulatory framework. It is recommended to continue to restrict bicycle riding in City-owned parking structures to accessing parking only. However, in response to concerns that some bicyclists are actually riding to and from parked cars, it is recommended to delete the specific reference to bicycle parking as follows: "...except riding a bicycle is allowed in city-owned parking structures for the limited purpose of accessing bicycle parking."

- **SEC. 19.55A(2). - Electric personal assistive mobility devices.**

(2) Any use of public roadways or thoroughfares for commercial purposes, such as tours or other similar events, shall obtain a temporary use permit (TUP) in accordance with Article 36.

Recommendation: Retain.

- **SEC. 19.56. - Authority to seize and hold bicycles, etc.**

A police officer may seize and hold any bicycle, tricycle, roller skates, coasters, or similar devices belonging to any person violating the provisions of this article for a period of thirty (30) days.

Recommendation: Repeal. In light of constitutional concerns with enforcement and the fact the Police Department has not used this provision for some time, it is recommended the City repeal this provision.

- **SEC. 19.57. - Bicycle parking spaces.**

a. The city traffic engineer is hereby authorized to designate and establish bicycle parking spaces for use at such places and during such times as he may deem suitable and necessary. The city traffic engineer may also authorize the placing of bicycle parking racks in the spaces so designated.

Recommendation: Retain.

b. When official signs or markings restricting parking to bicycles only are in place, bicycles shall be parked only in such places, and no person shall park or stand any vehicle other than a bicycle or other two-wheeled vehicle in such a space. It shall further be unlawful to park any bicycle on any sidewalk except as hereinabove specified.

Recommendation: Amend. Revise the sidewalk parking requirements to be consistent with bike share parking requirements, such as parking only in designated spaces, bicycle racks, bicycle lockers, or on paved surfaces within the furniture zone (i.e., area between the sidewalk and curb) of the public right-of-way so as not to interfere with pedestrian travel and universal access. Bike share requirements for parking in the furniture zone include leaving a 6' clear zone for pedestrians walking in the sidewalk, leaving 15' clear zone at corner pedestrian ramps, and not parking adjacent to, or within, transit zones (e.g., bus stops, except at bike racks), loading zones, disabled parking zones, street furniture that requires pedestrian access (e.g., parking pay stations), restaurant sidewalk seating areas, planting areas, curb ramps, entryways, or driveways. Bicycles must be upright when parked.

RECOMMENDATION

Staff seeks input from Council regarding the following elements of the proposed regulatory framework:

1. Does the Council concur that bicycles and transportation devices less than 3' wide may be ridden on sidewalks subject to operating with due care under the

circumstances and yielding to pedestrians, except for those sidewalks designated by Council as prohibited (e.g., sections of Castro Street and San Antonio Road)?

2. For sidewalks where bicycle and transportation device riding would be prohibited, should the age limit for the exception for youth be under 14 years old, under 11 years old, or another age threshold?
3. Does the Council concur with the proposed regulatory framework for riding all transportation devices on streets? That is, human-powered and motorized devices may be ridden on streets with speed limits of 35 mph or less unless in a Class II or IV bikeways. Device users would be subject to similar operating requirements that apply to bicycles as applicable and where the City has the authority to regulate. Alternatively, would Council prefer that human-powered devices be limited to 25 mph streets but allow motorized on 35 mph streets?
4. Does the Council support the recommendations related to revising the current regulations for riding in City-owned parking structures and bicycle parking in sidewalk areas or to repealing the authority to seize and hold bicycles and transportation devices?

NEXT STEPS

Based on direction from the Council, staff will develop draft ordinance language to be presented to the public at a community meeting in early 2019. Following this second round of community engagement and input from B/PAC, staff will return to Council with draft ordinance language in spring 2019. Final ordinance language will be developed and is expected to be delivered to the Council by June 2019.

PUBLIC NOTICING

The City Council's agenda is advertised on Channel 26, and the agenda and this report appear on the City's Internet website at www.mountainview.gov. A notice of the availability of the Study Session memo was sent to the Bicycle/Pedestrian Advisory Committee, Downtown Committee, Youth Advisory Committee, Senior Advisory Committee, and attendees of the May 2018 community workshop.

RHL-DSC-MAF/TS/2/CAM
943-12-04-18CR-4

- Attachments:
1. Classification and Ability to Regulate Devices Under the CVC
 2. City Code Chapter 19, Article VI