

# SUMMARY OF BICYCLE RELATED LAWS FROM:

CALIFORNIA VEHICLE CODE\*\*

CALIFORNIA STREETS & HIGHWAY CODE\*\*

CALIFORNIA GOVERNMENT CODE\*\*

CALIFORNIA PUBLIC UTILITIES CODE\*\*

CALIFORNIA PENAL CODE\*\*

CALIFORNIA PUBLIC RESOURCES CODE\*\*

CALIFORNIA CODE OF REGULATIONS (CCR)\*\*

U.S. GOVERNMENT CODE (FEDERAL CODE)\*\*

(JULY 24, 2008)

\*\* Please read disclaimer at back of document \*\*

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## California Vehicle Code

**Bicycle (Defined - From CVC) (Also See CVC 405, 406, 473 & 39000 and S & H Code Sect. 890.2)**

**231** A *bicycle* is a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels. Persons riding bicycles are subject to the provisions of this code specified in Sections 21200 and 21200.5.

**Bicycle (Defined - From CVC Sect. 39000) (See Also Section 231, 405, 406, 473 & S & H Code 890.2)**

**39000** (The full Section 39000 repeats on Pg. 16) "*Bicycle*", for the purposes of this division, means any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears having either two or three wheels (one of which is at least 20 inches in diameter) or having a frame size of at least 14 inches, or having four or more wheels.

**Bicycle (Defined - From Streets & Highway Code) (See Also CVC Sections 231, 405, 406, 473 & 39000)**

**890.2.** As used in this chapter, "*bicycle*" means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having either two or three wheels in a tandem or tricycle arrangement.

**Bicycle (Defined – From U.S. Government Code)**

**652.3(a)** ðBicycleö - a vehicle having two tandem wheels, propelled solely by human power, upon which any person or persons may ride.

**Crosswalk (Defined)**

**275** "Crosswalk" is either: (a) That portion of a roadway included within the prolongation or connection of the boundary lines of sidewalks at intersections where the intersecting roadways meet at approximately right angles, except the prolongation of such lines from an alley across a street.

(b) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface. Notwithstanding the foregoing provisions of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

**Driver (Defined) (See Also Section 21200 Below)**

**305** A "*driver*" is a person who drives or is in actual physical control of a vehicle. The term "driver" does not include the tillerman or other person who, in an auxiliary capacity, assists the driver in the steering or operation of any articulated firefighting apparatus.

### **Golf Cart (Defined)**

**345.** "Golf cart" is a motor vehicle having not less than three wheels in contact with the ground, having an unladen weight less than 1,300 pounds, which is designed to be and is operated at not more than 15 miles per hour and designed to carry golf equipment and not more than two persons, including the driver.

### **Low-Speed Vehicle (Also known as Neighborhood Electric Vehicles or NEVs) (See CVC 345 & 21260)**

**385.5.** (a) A "low-speed vehicle" is a motor vehicle that meets all of the following requirements:

- (1) Has four wheels.
  - (2) Can attain a speed, in one mile, of more than 20 miles per hour and not more than 25 miles per hour, on a paved level surface.
  - (3) Has a gross vehicle weight rating of less than 3,000 pounds.
- (b) (1) For the purposes of this section, a "low-speed vehicle" is not a golf cart, except when operated pursuant to Section 21115 or 21115.1.
- (2) A "low-speed vehicle" is also known as a "neighborhood electric vehicle."

### **Motor-Driven Cycle (Defined)**

**405.** A "motor-driven cycle" is any motorcycle with a motor that displaces less than 150 cubic centimeters. A motor-driven cycle does not include a motorized bicycle, as defined in Section 406.

### **Motorized Bicycle (Defined) (See Also Sections 231 and 39000 Above & 24016 Below)**

**406.** (a) A "motorized bicycle" or "moped" is any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

(b) A "motorized bicycle" is also a device that has fully operative pedals for propulsion by human power and has an electric motor that meets all of the following requirements:

- (1) Has a power output of not more than 1,000 watts.
- (2) Is incapable of propelling the device at a speed of more than 20 miles per hour on ground level.
- (3) Is incapable of further increasing the speed of the device when human power is used to propel the motorized bicycle faster than 20 miles per hour.

### **Motorized Quadricycle (Defined)**

**407.** A "motorized quadricycle" is a four-wheeled device, and a "motorized tricycle" is a three-wheeled device, designed to carry not more than two persons, including the driver, and having either an electric motor or a motor with an automatic transmission developing less than two gross brake horsepower and capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground. The device shall be utilized only by a person who by reason of physical disability is otherwise unable to move about as a pedestrian or by a senior citizen as defined in Section 13000.

### **Motorized Scooter (Defined)**

**407.5.** (a) A "motorized scooter" is any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor. This device may also have a driver seat that does not interfere with the ability of the rider to stand and ride and may also be designed to be powered by human propulsion.

(b) A device meeting the definition in subdivision (a) that is powered by a source other than electrical power is also a motorized scooter.

### **Pedestrian (Defined)**

**467** (a) A "pedestrian" is a person who is afoot or who is using any of the following:

- (1) A means of conveyance propelled by human power other than a bicycle.
- (2) An electric personal assistive mobility device.

(b) "Pedestrian" includes a person who is operating a self-propelled wheelchair, motorized tricycle, or motorized quadricycle and, by reason of physical disability, is otherwise unable to move about as a pedestrian, as specified in subdivision (a).

**Pocket Bike (Defined) (See Also CVC 9955 Below)**

**473.** (a) A "pocket bike" is a two-wheeled motorized device that has a seat or saddle for the use of the rider, and that is not designed or manufactured for highway use. "Pocket bike" does not include an off-highway motorcycle, as defined in Section 436.

**Sidewalk (Defined)**

**555** "Sidewalk" is that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

**Street (Defined)**

**590** "Street" is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Street includes highway.

**Vehicle (Defined)**

**670** A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

**California Driver's Handbook**

**1656.3.** (a) The department shall include within the California Driver's Handbook, as specified in subdivision (b) of Section 1656, language regarding each of the following:

(3) The importance of respecting the right-of-way of others, particularly pedestrians, bicycle riders, and motorcycle riders.

**DMV - Keeping of Violation Records (See Also Section 40303.5 Below)**

**1803 (b)** [Note: Sub-sections (a) through (b)(5) omitted for brevity]

The following violations are not required to be reported under subdivision (a):

(6) Violations for which a person was cited as a pedestrian or while operating a bicycle or a motorized scooter.

**Pocket Bike - Access Limitation Sticker (See Also CVC 473 , 21207.5, 21225, 21229 & 21968)**

**9955.** (a) A manufacturer of a pocket bike shall affix on the pocket bike a sticker with a disclosure stating that the device is prohibited from being operated on a sidewalk, roadway, or any part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public lands open to off-highway motor vehicle use.

(b) The disclosure required under subdivision (a) shall meet the following requirement:

(1) Be printed in not less than 14-point boldface type on a sticker that contains only the disclosure.

**Local Regulations of Bicycles On Sidewalks & Public Property, (See also Section 21206 Below)**

**21100.** Local authorities may adopt rules and regulations by ordinance or resolution regarding the following matters: [Note: Sub-sections (a) through (i) omitted for brevity]

(h) Operation of bicycles ..... on the public sidewalks.

**Public Agencies and California State University System May Adopt Rules/Regulations for Bicycles**

**21113** [Note: Sub-sections (a) through (d) omitted for brevity]

(e) A transit development board may adopt ordinances, rules, or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, skateboards, and roller skates on property under the control of, or any portion of property used by, the board.

(f) A public agency, including, but not limited to, the Regents of the University of California and the Trustees of the California State University, may adopt rules or regulations to restrict, or specify the conditions for, the

use of bicycles, motorized bicycles, skateboards, and roller skates on public property under the jurisdiction of that agency.

**Golf Carts – Use on Roadways (See Also CVC 21716 Below)**

**21115** (a) If a local authority finds that a highway under its jurisdiction is located adjacent to, or provides access to, a golf course and between the golf course and the place where golf carts are parked or stored or is within or bounded by a real estate development offering golf facilities, the local authority may, by resolution or ordinance, designate the highway or portion of the highway for combined use and prescribe rules and regulations that shall have the force of law. No highway shall be so designated for a distance of more than one mile from the golf course if the highway is not located within a development or beyond the area of a development. Upon the designation becoming effective it shall be lawful to drive golf carts upon the highway in accordance with the prescribed rules and regulations.

**Golf Cart - Crossing Zones (See Also CVC 21760 Below)**

**21115.1** (a) Notwithstanding Section 21115, a local authority may, by ordinance or resolution, establish crossing zones, for use by golf carts at any time other than during darkness, on any street, other than a state highway, that has a posted speed limit of 45 miles per hour or less and that is immediately adjacent to a golf course. The crossing zones shall be at an angle of approximately 90 degrees to the direction of the roadway. The ordinance or resolution shall not become effective until the addition of proper signs, markers, or lighting, or any combination of those, will permit the establishment of a golf cart crossing with reasonable safety.  
(c) For purposes of this section, a "golf cart" includes a low-speed vehicle [See Section 385.5].

**Bikeways on Canal Banks & Levees (See Also Title 23 #132 Within CCR Section)**

**21116.** (c) Nothing in this section prohibits the establishment of bicycle paths or routes (as prescribed by Article 6.5 (commencing with Section 5078) of Chapter 1 of Division 5 of the Public Resources Code) on levees, canal banks, natural watercourse banks, or pipeline rights-of-way.

**Operation of Bicycles on California Roadways (Collectively Sections 21200 - 21212)**

**Bicyclists Rights & Peace Officers Use of Bicycles**

**21200.** (a) Every person riding a bicycle upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle by this division, including, but not limited to, provisions concerning driving under the influence of alcoholic beverages or drugs, and by Division 10 (commencing with Section 20000), Section 27400, Division 16.7 (commencing with Section 39000), Division 17 (commencing with Section 40000.1), and Division 18 (commencing with Section 42000), except those provisions which by their very nature can have no application. (b) (1) Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, operating a bicycle during the course of his or her duties is exempt from the requirements of subdivision (a), except as those requirements relate to driving under the influence of alcoholic beverages or drugs, if the bicycle is being operated under any of the following circumstances:

- (A) In response to an emergency call.
- (B) While engaged in rescue operations.
- (C) In the immediate pursuit of an actual or suspected violator of the law.

(2) This subdivision does not relieve a peace officer from the duty to operate a bicycle with due regard for the safety of all persons using the highway.

**Alcohol Use by Bicyclist**

**21200.5.** Notwithstanding Section 21200, it is unlawful for any person to ride a bicycle upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug. Any person arrested for a violation of this section may request to have a chemical test made of the person's blood, breath, or urine for the purpose of determining the alcoholic or drug content of that person's blood pursuant to Section 23612, and, if so requested, the arresting officer shall have the test

performed. A conviction of a violation of this section shall be punished by a fine of not more than two hundred fifty dollars (\$250). Violations of this section are subject to Section 13202.5.

**Bike Equipment - Lights, Reflectors, Brakes, Handlebars & Frame Size (Modified 01/01/2008)**

**21201.** (a) No person shall operate a bicycle on 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.

(b) No person shall operate on the highway a 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.

(c) No person shall operate upon a highway a bicycle that is of a size that prevents the operator from safely stopping the bicycle, supporting it in an upright position with at least one foot on the ground, and restarting it in a safe manner.

(d) A bicycle operated during darkness upon a highway, a sidewalk where bicycle operation is not prohibited by the local jurisdiction, or a bikeway, as defined in Section 890.4 of the Streets and Highways Code, shall be equipped with all of the following:

(1) A lamp emitting a white light that, while the bicycle is in motion, illuminates the highway, sidewalk, or bikeway in front of the bicyclist and is visible from a distance of 300 feet in front and from the sides of the bicycle.

(2) A red reflector on the rear that 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.

(3) A white or yellow reflector on each pedal, shoe, or ankle visible from the front and rear of the bicycle from a distance of 200 feet.

(4) A white or yellow reflector on each side forward of the center of the bicycle, and a white or red reflector on each side to the rear of the center of the bicycle, except that bicycles that are equipped with reflectorized tires on the front and the rear need not be equipped with these side reflectors.

The reflectors and reflectorized tires shall be of a type meeting requirements established by the department.

(e) A lamp or lamp combination, emitting a white light, attached to the operator and visible from a distance of 300 feet in front and from the sides of the bicycle, may be used in lieu of the lamp required by paragraph (1) of subdivision (d).

**Blue Warning Lights On Bicycles - Peace Officers Only**

**21201.3.** (a) A bicycle or motorized bicycle used by a peace officer, as defined in Section 830.1 of, subdivision (a), (b), (c), (d), (e), (f), (g), or (i) of Section 830.2 of, subdivision (b) or (d) of Section 830.31 of, subdivision (a) or (b) of Section 830.32 of, Section 830.33 of, subdivision (a) of Section 830.36 of, subdivision (a) of Section 830.4 of, or Section 830.6 of, the Penal Code, in the performance of the peace officer's duties, may display a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle or motorized bicycle.

(b) No person shall display a steady or flashing blue warning light on a bicycle or motorized bicycle except as authorized under subdivision (a).

**Reflectors (Sale of Approved Type)**

**21201.5.** (a) No person shall sell, or offer for sale, a reflex reflector or reflectorized tire of a type required on a bicycle unless it meets requirements established by the department. If there exists a federal Consumer Product Safety Commission regulation applicable to bicycle reflectors, the provisions of that regulation shall prevail over provisions of this code or requirements established by the department pursuant to this code relative to bicycle reflectors.

(b) No person shall sell, or offer for sale, a new bicycle that is not equipped with a red reflector on the rear, a white or yellow reflector on each pedal visible from the front and rear of the bicycle, a white or yellow reflector on each side forward of the center of the bicycle, and a white or red reflector on each side to the rear of the center of the bicycle, except that bicycles which are equipped with reflectorized tires on the front and rear need not be equipped with these side reflectors.

(c) Area reflectorizing material meeting the requirements of Section 25500 may be used on a bicycle.

**Ride on Right Hand Side of Road & “Taking The Lane” (See Sections 22208, 21654, 21716 & 21754)**

**21202.** (a) Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge, subject to the provisions of Section 21656. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(4) When approaching a place where a right turn is authorized.

(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 that roadway as practicable.

**Hitching Rides - Attaching to Vehicles (See Also Sect. 21712 Below)**

**21203.** No person riding upon any motorcycle, motorized bicycle, bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any streetcar or vehicle on the roadway.

**Riding on Bicycle - One Person Per Permanent Seat**

**21204.** (a) No person operating a bicycle upon a highway shall ride other than upon or astride a permanent and regular seat attached thereto.

(b) 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 four years of age or younger, or weighs 40 pounds or less, the seat shall have adequate provision for retaining the passenger in place and for protecting the passenger from the moving parts of the bicycle.

**Carrying Articles & Packages**

**21205.** 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.

**Local Bicycle Ordinances (See Also 21100 and 21113 Above and Section 21210 Below)**

**21206.** 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, provided such regulation is not in conflict with the provisions of this code.

**Local Establishment of Bicycle Lanes**

**21207.** (a) This chapter does not prohibit local authorities from establishing, by ordinance or resolution, bicycle lanes separated from any vehicular lanes upon highways, 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.

(b) Bicycle lanes established pursuant to this section shall be constructed in compliance with Section 891 of the Streets and Highways Code.

**Motorized Bicycles on Bikeways (See Also 9955, 21225, 21229, 21230, 21716, 21720 & 21968 Below)**

**21207.5.** Notwithstanding Sections 21207 and 23127 of this code, or any other provision of law, no motorized bicycle may be operated on a bicycle path or trail, bikeway, bicycle lane established pursuant to Section 21207, equestrian trail, or hiking or recreational trail, unless it is within or adjacent to a roadway or unless the local authority or the governing body of a public agency having jurisdiction over such path or trail permits, by ordinance, such operation.

### **Riding Within A Bike Lane (Also See Sections 21202, 21716, 21754)**

**21208.** (a) Whenever a bicycle lane has been established on a roadway pursuant to Section 21207, any person operating a bicycle upon the roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride within the bicycle lane, except that the person may move out of the lane under any of the following situations:

(1) When overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if the overtaking and passing cannot be done safely within the lane.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

(4) When approaching a place where a right turn is authorized.

(b) No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in Chapter 6 (commencing with Section 22100) in the event that any vehicle may be affected by the movement.

### **Vehicles Prohibited in Bicycle Lanes**

**21209.** (a) No person shall drive a motor vehicle in a bicycle lane established on a roadway pursuant to Section 21207 except as follows:

(1) To park where parking is permitted.

(2) To enter or leave the roadway.

(3) To prepare for a turn within a distance of 200 feet from the intersection.

(b) This section does not prohibit the use of a motorized bicycle in a bicycle lane, pursuant to Section 21207.5, at a speed no greater than is reasonable or prudent, having due regard for visibility, traffic conditions, and the condition of the roadway surface of the bicycle lane, and in a manner which does not endanger the safety of bicyclists.

### **Parking Bicycles (See Also Section 21206 Above)**

**21210.** No person shall leave a bicycle lying on its side on any sidewalk, or shall park a bicycle on a sidewalk in any other position, so that there is not 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.

### **Obstructing Bikeways (Also See Section 21970 Below)**

**21211.** (a) No person may stop, stand, sit, or loiter upon any class I bikeway, as defined in subdivision (a) of Section 890.4 of the Streets and Highways Code, or any other public or private bicycle path or trail, if the stopping, standing, sitting, or loitering impedes or blocks the normal and reasonable movement of any bicyclist.

(b) No person may place or park any bicycle, vehicle, or any other object upon any bikeway or bicycle path or trail, as specified in subdivision (a), which impedes or blocks the normal and reasonable movement of any bicyclist unless the placement or parking is necessary for safe operation or is otherwise in compliance with the law.

(c) This section does not apply to drivers or owners of utility or public utility vehicles, as provided in Section 22512.

(d) This section does not apply to owners or drivers of vehicles who make brief stops while engaged in the delivery of newspapers to customers along the person's route.

(e) This section does not apply to the driver or owner of a rubbish or garbage truck while actually engaged in the collection of rubbish or garbage within a business or residence district if the front turn signal lamps at each side of the vehicle are being flashed simultaneously and the rear turn signal lamps at each side of the vehicle are being flashed simultaneously.

(f) This section does not apply to the driver or owner of a tow vehicle while actually engaged in the towing of a vehicle if the front turn signal lamps at each side of the vehicle are being flashed simultaneously and the rear turn signal lamps at each side of the vehicle are being flashed simultaneously.

### **Helmet Requirements**

**21212.** (a) A person under 18 years of age shall not operate a bicycle, a nonmotorized scooter, or a skateboard, nor shall they wear in-line or roller skates, nor ride upon a bicycle, a nonmotorized scooter, or a skateboard as a passenger, upon a street, bikeway, as defined in Section 890.4 of the Streets and Highways Code, or any other public bicycle path or trail unless that person is wearing a properly fitted and fastened bicycle helmet that meets the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC), or standards subsequently established by those entities. This requirement also applies to a person who rides upon a bicycle while in a restraining seat that is attached to the bicycle or in a trailer towed by the bicycle.

(b) Any helmet sold or offered for sale for use by operators and passengers of bicycles, nonmotorized scooters, skateboards, or in-line or roller skates shall be conspicuously labeled in accordance with the standard described in subdivision (a) which shall constitute the manufacturer's certification that the helmet conforms to the applicable safety standards.

(c) No person shall sell, or offer for sale, for use by an operator or passenger of a bicycle, nonmotorized scooter, skateboard, or in-line or roller skates any safety helmet which is not of a type meeting requirements established by this section.

(d) Any charge under this subdivision shall be dismissed when the person charged alleges in court, under oath, that the charge against the person is the first charge against that person under this subdivision, unless it is otherwise established in court that the charge is not the first charge against the person.

(e) Except as provided in subdivision (d), a violation of this section is an infraction punishable by a fine of not more than twenty-five dollars (\$25). The parent or legal guardian having control or custody of an unemancipated minor whose conduct violates this section shall be jointly and severally liable with the minor for the amount of the fine imposed pursuant to this subdivision.

### **Motorized Scooters - Operating & Parking on Bicycle and Pedestrian Facilities**

**21225.** This article does not prevent a local authority, by ordinance, from regulating the registration of motorized scooters and the parking and operation of motorized scooters on pedestrian or bicycle facilities and local streets and highways, if that regulation is not in conflict with this code.

### **Operation of Motorized Scooters: Operating in Bicycle Lanes**

**21229.** (a) Whenever a Class II bicycle lane has been established on a roadway, any person operating a motorized scooter upon the roadway shall ride within the bicycle lane, except that the person may move out of the lane under any of the following situations:

- (1) When overtaking and passing another vehicle or pedestrian within the lane or when about to enter the lane if the overtaking and passing cannot be done safely within the lane.
  - (2) When preparing for a left turn, the operator shall stop and dismount as close as practicable to the right-hand curb or right edge of the roadway and complete the turn by crossing the roadway on foot, subject to the restrictions placed on pedestrians in Chapter 5 (commencing with Section 21950).
  - (3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.
  - (4) When approaching a place where a right turn is authorized.
- (b) No person operating a motorized scooter shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in Chapter 6 (commencing with Section 22100) in the event that any vehicle may be affected by the movement

### **Operation of Motorized Scooters: Local Regulation of Bicycle Paths, Trails, or Bikeways**

**21230.** Notwithstanding any other provision of law, a motorized scooter may be operated on a bicycle path or trail or bikeway, unless the local authority or the governing body of a local agency having jurisdiction over that path, trail, or bikeway prohibits that operation by ordinance.

### **Neighborhood Electric Vehicles – Operation Of, On Streets & Highways (See CVC 385.5 & 21115.1)**

**21260.** (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963) or Chapter 8 (commencing with Section 1965) of Division 2.5 of the Streets and Highways Code, the operator of

a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b)(1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle [See Section 21115.1]

### **Placement of Mirrors and Visual Aids on Exits to Alleys**

**21356.5.** Local authorities may place signs, mirrors, or other visual or audible devices at exits from alleys that are under their jurisdiction to warn drivers to watch for pedestrians and bicyclists on the sidewalk prior to exiting the alley.

### **Bicycle Signals**

**21450.** Whenever traffic is controlled by official traffic control signals showing different colored lights, color-lighted arrows, or color-lighted bicycle symbols, successively, one at a time, or in combination, only the colors green, yellow, and red shall be used, except for pedestrian control signals, and those lights shall indicate and apply to drivers of vehicles, operators of bicycles, and pedestrians as provided in this chapter.

### **Bicycle Signals**

**21456.2.** (a) Unless otherwise directed by a bicycle signal as provided in Section 21456.3, an operator of a bicycle shall obey the provisions of this article applicable to the driver of a vehicle. (b) Whenever an official traffic control signal exhibiting different colored bicycle symbols is shown concurrently with official traffic control signals exhibiting different colored lights or arrows, an operator of a bicycle facing those traffic control signals shall obey the bicycle signals as provided in Section 21456.3.

### **Bicycle Signals**

**21456.3.** (a) An operator of a bicycle facing a green bicycle signal shall proceed straight through or turn right or left or make a U-turn unless a sign prohibits a U-turn. An operator of a bicycle, including one turning, shall yield the right-of-way to other traffic and to pedestrians lawfully within the intersection or an adjacent crosswalk.

(b) An operator of a bicycle facing a steady yellow bicycle signal is, by that signal, warned that the related green movement is ending or that a red indication will be shown immediately thereafter.

(c) Except as provided in subdivision (d), an operator of a bicycle facing a steady red bicycle signal shall stop at a marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection, and shall remain stopped until an indication to proceed is shown.

(d) Except when a sign is in place prohibiting a turn, an operator of a bicycle, after stopping as required by subdivision (c), facing a steady red bicycle signal, may turn right, or turn left from a one-way street onto a one-way street. An operator of a bicycle making a turn shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to traffic lawfully using the intersection.

(e) A bicycle signal may be used only at those locations that meet geometric standards or traffic volume standards, or both, as adopted by the Department of Transportation.

### **Driving on the Right Side of Highway & Left Turn Exemption**

**21650.** Upon all highways, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement.

(b) When placing a vehicle in a lawful position for, and when the vehicle is lawfully making, a left turn.

(c) When the right half of a roadway is closed to traffic under construction or repair.

(d) Upon a roadway restricted to one-way traffic.

(e) When the roadway is not of sufficient width.

(f) When the vehicle is necessarily traveling so slowly as to impede the normal movement of traffic, that portion of the highway adjacent to the right edge of the roadway may be utilized temporarily when in a condition permitting safe operation.

(g) This section does not prohibit the operation of bicycles on any shoulder of a highway, where the operation is not otherwise prohibited by this code or local ordinance.

#### **Bicyclist Responsibility To Travel In The Same Direction as Traffic on Highway or Shoulder**

**21650.1.** A bicycle operated on a roadway, or the shoulder of a highway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.

#### **Slow Moving Vehicles Must Use Right Lane (Also See Section 21202 Above & 21656 Below)**

**21654.** (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 at 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.

(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 Department of Transportation, 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.

#### **Slow Moving Vehicles Must Use Turn-Outs If Blocking 5 Or More Vehicles (See Also 21202 & 21654)**

**21656.** On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow-moving vehicle, including a passenger vehicle, behind which five or more vehicles are formed in line, shall turn off the roadway at the nearest place designated as a turnout by signs erected by the authority having jurisdiction over the highway, or wherever sufficient area for a safe turnout exists, in order to permit the vehicles following it to proceed. As used in this section a slow-moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

#### **Towing A Bicyclist (See Also Section 21203 Above)**

**21712.** (e) No person shall knowingly drive a motor vehicle which is towing any person riding upon any motorcycle, motorized bicycle, bicycle, coaster, roller skates, sled, skis, or toy vehicle.

#### **Golf Carts On Roadways (See Also 21115 & 21115.1 Above)**

**21716.** Except as provided in Section 21115.1 and Chapter 6 (commencing with Section 1950) of Division 2.5 of the Streets and Highways Code, no person shall operate a golf cart on any highway except in a speed zone of 25 miles per hour or less. (Editor's Note - Section 21202, 21229, 21656 and 21654 apply here wherein golf carts could conflict with bicyclists/pedestrians/motor scooters in the slow travel lane, in a designated bicycle lane or shoulder areas.)

#### **Right Turns When Crossing A Bike Lane**

**21717.** Whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane that is adjacent to his lane of travel to make a turn, the driver shall drive the motor vehicle into the bicycle lane prior to making the turn and shall make the turn pursuant to Section 22100.

#### **Pocket Bike: Prohibited Use (See Also 473, 9955, 21207.5, 21225, 21229 & 21968)**

**21720.** A pocket bike shall not be operated on a sidewalk, roadway, or any other part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public lands open to off-highway motor vehicle use.

### **Passing Another Vehicle Or Bicycle**

**21750.** The driver of a vehicle overtaking another vehicle or a bicycle proceeding in the same direction shall pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle or bicycle, subject to the limitations and exceptions hereinafter stated.

### **Passing on Right & Slow Vehicles Use Right Lane (See Also Sect. 21202, 21208, 21716 Above)**

**21754.** The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

- (a) When the vehicle overtaken is making or about to make a left turn.
- (b) Upon a highway within a business or residence district with unobstructed pavement of sufficient width for two or more lines of moving vehicles in the direction of travel.
- (c) Upon any highway outside of a business or residence district with unobstructed pavement of sufficient width and clearly marked for two or more lines of moving traffic in the direction of travel.
- (d) Upon a one-way street.
- (e) Upon a highway divided into two roadways where traffic is restricted to one direction upon each of such roadways.

The provisions of this section shall not relieve the driver of a slow moving vehicle from the duty to drive as closely as practicable to the right hand edge of the roadway.

### **Inoperative Traffic Control Devices (May Apply to Loop Detectors That Won't Detect Bicycles)**

**21800 (d) (1)** The driver of any vehicle approaching an intersection which has official traffic control signals that are inoperative shall stop at the intersection, and may proceed with caution when it is safe to do so. This subparagraph shall apply to traffic control signals that become inoperative because of battery failure.

### **Vehicles/Drivers Yield to Pedestrians (See Section 305 Above)**

**21950.** (a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

(c) The driver of a vehicle approaching a pedestrian within any marked or unmarked crosswalk shall exercise all due care and shall reduce the speed of the vehicle or take any other action relating to the operation of the vehicle as necessary to safeguard the safety of the pedestrian.

(d) Subdivision (b) does not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection.

### **Bikes & Pedestrians on Freeways**

**21960.** (a) The Department of Transportation and local authorities, by order, ordinance, or resolution, with respect to freeways, expressways, or designated portions thereof under their respective jurisdictions, to which vehicle access is completely or partially controlled, may prohibit or restrict the use of the freeways, expressways, or any portion thereof by pedestrians, bicycles or other non-motorized traffic or by any person operating a motor-driven cycle, motorized bicycle, or motorized scooter. A prohibition or restriction pertaining to bicycles, motor-driven cycles, or motorized scooters shall be deemed to include motorized bicycles; and no person may operate a motorized bicycle wherever that prohibition or restriction is in force. Notwithstanding any provisions of any order, ordinance, or resolution to the contrary, the driver or passengers of a disabled vehicle stopped on a freeway or expressway may walk to the nearest exit, in either direction, on that side of the freeway or expressway upon which the vehicle is disabled, from which telephone or motor vehicle repair services are available.

(b) The prohibitory regulation authorized by subdivision (a) shall be effective when appropriate signs giving notice thereof are erected upon any freeway or expressway and the approaches thereto. If any portion of a county freeway or expressway is contained within the limits of a city within the county, the county may erect signs on that portion as required under this subdivision if the ordinance has been approved by the city pursuant to subdivision (b) of Section 1730 of the Streets and Highways Code.

(c) No ordinance or resolution of local authorities shall apply to any state highway until the proposed ordinance or resolution has been presented to, and approved in writing by, the Department of Transportation.

(d) An ordinance or resolution adopted under this section on or after January 1, 2005, to prohibit pedestrian access to a county freeway or expressway shall not be effective unless it is supported by a finding by the local authority that the freeway or expressway does not have pedestrian facilities and pedestrian use would pose a safety risk to the pedestrian.

#### **Pedestrians On Bike Paths & Lanes**

**21966.** No pedestrian shall proceed along a bicycle path or lane where there is an adjacent adequate pedestrian facility.

#### **Motorized Skateboards on Bike Paths & Trails (See Also 9955, 21207.5, 21225, 21229, 21720 & 21730)**

**21968.** No motorized skateboard may be propelled on any sidewalk, roadway, or any other part of a highway or on any bikeway, bicycle path or trail, equestrian trail, or hiking or recreational trail.

#### **Vehicles Blocking Crosswalks or Sidewalks (See Also Section 21211 Above)**

**21970.** (a) No person may stop a vehicle unnecessarily in a manner that causes the vehicle to block a marked or unmarked crosswalk or sidewalk.

#### **Turns & Turn Signals**

**22107.** No person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in this chapter in the event any other vehicle may be affected by the movement.

#### **Signaling Distance**

**22108.** Any signal of intention to turn right or left shall be given continuously during the last 100 feet traveled by the vehicle before turning.

#### **Signal Lamps**

**22110.** (a) The signals required by this chapter shall be given by signal lamp, unless a vehicle is not required to be and is not equipped with turn signals. Drivers of vehicles not required to be and not equipped with turn signals shall give a hand and arm signal when required by this chapter.

#### **Hand and Arm Signals**

**22111.** All required signals given by hand and arm shall be given from the left side of a vehicle in the following manner:

(a) Left turn--hand and arm extended horizontally beyond the side of the vehicle.

(b) Right turn--hand and arm extended upward beyond the side of the vehicle, except that a bicyclist may extend the right hand and arm horizontally to the right side of the bicycle.

(c) Stop or sudden decrease of speed signal--hand and arm extended downward beyond the side of the vehicle.

#### **Slow Vehicles in/on Roadways**

**22400.** (a) No person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic unless the reduced speed is necessary for safe operation, because of a grade, or in compliance with law.

No person shall bring a vehicle to a complete stop upon a highway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with law.

#### **Utility Vehicles Parked or Blocking in Bicycle Facilities**

**22512** Except as otherwise indicated in subdivision (b), none of the following provisions shall apply to the driver or owner of any service vehicle owned or operated by or for or operated under contract with a utility or public utility, ..... used in the construction, operation, removal, or repair of utility or public utility property or facilities, if warning devices are displayed and when the vehicle is stopped, standing, or parked at the site of work .....upon, in, over, under, or adjacent to a highway, bicycle lane, bikeway, or bicycle path or trail,

.....(a) Sections 21112, 21211, 21707, 21708, 22507.6, 24605, 25253, 25300, 27700, and 27907. (b) This chapter, except Sections 22507, 22509, 22515, and 22517. (c) Chapter 10 (commencing with Section 22650).

### **Opening Car Doors**

**22517.** No person shall open the door of a vehicle on the side available to moving traffic unless it is reasonably safe to do so and can be done without interfering with the movement of such traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

### **Remote Parking Lots (Park & Ride Lots)**

**22518.** Fringe and transportation corridor parking facilities constructed, maintained, or operated by the Department of Transportation pursuant to Section 146.5 of the Streets and Highways Code shall be used only by persons using a bicycle or public transit, or engaged in ridesharing, including, but not limited to, carpools or vanpools. No person shall park any vehicle 30 feet or more in length or engage in loitering or camping, or vending or any other commercial activity, on any fringe or transportation corridor parking facility.

### **Throwing Objects at Vehicles (at a Bicyclist ?????) (Also See Penal Code 240 & 245 Below)**

**23110.** (a) Any person who throws any substance at a vehicle (bicycle????) or any occupant thereof on a highway is guilty of a **misdemeanor**.

(b) Any person who, **with intent** to do great bodily injury, maliciously and willfully throws or projects any rock, brick, bottle, metal or other missile, or projects any other substance capable of doing serious bodily harm at such vehicle or occupant thereof is guilty of a **felony** and upon conviction shall be punished by imprisonment in the state prison.

### **Flammable Substance Disposal**

**23111.** No person in any vehicle and no pedestrian shall throw or discharge from or upon any road or highway or adjoining area, public or private, any lighted or non-lighted cigarette, cigar, match, or any flaming or glowing substance.

### **Throwing/Disposal of Trash In A Roadway / Dumping Items Within A Highway Right-of-Way (Penal Code Section 245 Listed Below May Also Apply)**

**23112.** (a) No person shall throw or deposit, nor shall the registered owner or the driver, if such owner is not then present in the vehicle, aid or abet in the throwing or depositing upon any highway any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or damage traffic using the highway, or any noisome, nauseous, or offensive matter of any kind.

(b) No person shall place, deposit, or dump, or cause to be placed, deposited, or dumped, any rocks, refuse, garbage, or dirt in or upon any highway, including any portion of the right-of-way thereof, without the consent of the state or local agency having jurisdiction over the highway.

### **Trails and Paths - Motor Vehicle Use on Trails and Bike Paths**

**23127.** No person shall operate an unauthorized motor vehicle on any state, county, city, private, or district hiking or horseback riding trail or bicycle path that is clearly marked by an authorized agent or owner with signs at all entrances and exits and at intervals of not more than one mile indicating no unauthorized motor vehicles are permitted on the hiking or horseback riding trail, or bicycle path, except bicycle paths which are contiguous or adjacent to a roadway dedicated solely to motor vehicle use. For the purpose of this section "unauthorized motor vehicle" means any motor vehicle that is driven upon a hiking or horseback riding trail without the written permission of an agent or the owner of the trail or path. This section does not apply to the operation of an authorized emergency or maintenance vehicle on a hiking or horseback riding trail or bicycle path whenever necessary in furtherance of the purpose for which the vehicle has been classed as an authorized emergency vehicle. Any person who violates this section is guilty of a misdemeanor.

## **Vehicles On Toll Bridges & Toll Roads (Collectively Sections 23300 - 23330)**

### **Definition of a Vehicular Crossing**

**23254.** A "vehicular crossing" is any toll bridge or toll highway crossing and the approaches thereto, constructed or acquired by the Department of Transportation under the provisions of the California Toll Bridge Authority Act.

### **Bicycles Not Permitted on Vehicle Crossings (Toll Bridges & Toll Highway Crossings)**

**23330.** Except where a special permit has been obtained from the Department of Transportation under the provisions of Article 6 (commencing with Section 35780) of Chapter 5 of Division 15, none of the following shall be permitted on any vehicular crossing: [Note: Other sub-sections omitted for brevity.]

(b) Bicycles, motorized bicycles, or motorized scooters, unless the department by signs indicates that bicycles, motorized bicycles, or motorized scooters, or any combination thereof, are permitted upon all or any portion of the vehicular crossing by the Department of Transportation

**Editor's Note - IF bicycles ARE permitted on Vehicular Crossings (Toll Bridges) then the following sections may also apply:**

### **Vehicular Crossing - Toll Fee Liability**

**23301.** Every vehicle which enters into or upon any vehicular crossing immediately becomes liable for such tolls and other charges as may from time to time be prescribed by the California Transportation Commission.

### **Refuse to Pay Tolls**

**23302.** (a) It is unlawful for any person to refuse to pay tolls or other charges on any vehicular crossing or toll highway

### **Vehicular Crossing - Evading Tolls**

**23302.5.** (a) No person shall evade or attempt to evade the payment of tolls or other charges on any vehicular crossing or toll highway.

### **Motorized Bicycle Criteria (See Also Section 406 Above)**

**24016.** (a) A motorized bicycle described in subdivision (b) of Section 406 shall meet the following criteria:

(1) Comply with the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission (16 C.F.R. 1512.1, et seq.) or the requirements adopted by the National Highway Traffic Safety Administration (49 C.F.R. 571.1, et seq.) in accordance with the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. Sec. 1381, et seq.) for motor driven cycles.

(2) Operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied, or operate in a manner such that the motor is engaged through a switch or mechanism that, when released, will cause the electric motor to disengage or cease to function.

(b) All of the following apply to a motorized bicycle described in subdivision (b) of Section 406:

(1) No person shall operate a motorized bicycle unless the person is wearing a properly fitted and fastened bicycle helmet that meets the standards described in Section 21212.

(2) A person operating a motorized bicycle is subject to Sections 21200 and 21200.5.

(3) A person operating a motorized bicycle is not subject to the provisions of this code relating to financial responsibility, driver's licenses, registration, and license plate requirements, and a motorized bicycle is not a motor vehicle.

(4) A motorized bicycle shall only be operated by a person 16 years of age or older.

(5) Every manufacturer of a motorized bicycle shall certify that it complies with the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission (16 C.F.R. 1512.1, et seq.).

(c) No person shall tamper with or modify a motorized bicycle described in subdivision (b) of Section 406 so as to increase the speed capability of the bicycle.

### **Bicyclists - Earphones & Headsets**

**27400.** A person operating a motor vehicle or bicycle may not wear a headset covering, or earplugs in, both ears. This prohibition does not apply to any of the following:

[Note: Sub-sections (a) through (d) omitted for brevity.]

(e) A person using a prosthetic device that aids the hard of hearing.

### **Helmet Specifications for Motorized Bicycles**

**27802.** (a) The department may adopt reasonable regulations establishing specifications and standards for safety helmets offered for sale, or sold, for use by drivers and passengers of motorcycles and motorized bicycles as it determines are necessary for the safety of those drivers and passengers. The regulations shall include, but are not limited to, the requirements imposed by Federal Motor Vehicle Safety Standard No. 218 (49 C.F.R. Sec. 571.218) and may include compliance with that federal standard by incorporation of its requirements by reference. Each helmet sold or offered for sale for use by drivers and passengers of motorcycles and motorized bicycles shall be conspicuously labeled in accordance with the federal standard which shall constitute the manufacturer's certification that the helmet conforms to the applicable federal motor vehicle safety standards.

(b) No person shall sell, or offer for sale, for use by a driver or passenger of a motorcycle or motorized bicycle any safety helmet which is not of a type meeting requirements established by the department.

### **Helmet Requirements for Motorized Bicycles**

**27803.** (a) A driver and any passenger shall wear a safety helmet meeting requirements established pursuant to Section 27802 when riding on a motorcycle, motor-driven cycle, or motorized bicycle.

(b) It is unlawful to operate a motorcycle, motor-driven cycle, or motorized bicycle if the driver or any passenger is not wearing a safety helmet as required by subdivision (a).

(c) It is unlawful to ride as a passenger on a motorcycle, motor-driven cycles, or motorized bicycle if the driver or any passenger is not wearing a safety helmet as required by subdivision(a).

(d) This section applies to persons who are riding on motorcycles, motor-driven cycles, or motorized bicycles operated on the highways.

### **Buses & Trolleys - Bicycle Rack Equipped - Length of Buses or Trolleys**

**35400.** (a) A vehicle may not exceed a length of 40 feet.

(b) This section does not apply to any of the following:

(3)(A) An articulating bus or articulated trolley coach that does not exceed a length of 60 feet.

(B) An articulated bus or articulated trolley coach described in subparagraph (A) may be equipped with a folding device attached to the front of the bus or trolley if the device is designed and used exclusively for transporting bicycles. The device, including any bicycles transported thereon, shall be mounted in a manner that does not materially affect efficiency or visibility of vehicle safety equipment, and shall not extend more than 36 inches from the front body of the bus or trolley coach when fully deployed. The handlebars of a bicycle that is transported on a device described in this subparagraph shall not extend more than 42 inches from the front of the bus.

(8) A bus, when the excess length is caused by a device attached to the rear of the bus designed and used exclusively for the transporting of bicycles. This device may be up to 10 feet in length, if the device, along with any other device permitted pursuant to this section, does not cause the total length of the bus, including any device or load, to exceed 50 feet.

(9) A bus operated by a public agency or a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, used in transit system service, other than a school bus, when the excess length is caused by a folding device attached to the front of the bus which is designed and used exclusively for transporting bicycles. The device, including any bicycles transported thereon, shall be mounted in a manner that does not materially affect efficiency or visibility of vehicle safety equipment, and shall not extend more than 36 inches from the front body of the bus when fully deployed. The handlebars of a bicycle that is transported on a device described in this paragraph shall not extend more than 42 inches from the front of the bus. A device described in this paragraph may not be used on a bus that , exclusive of the device, exceeds 40 feet in length or on a bus having a device attached to the rear of the bus pursuant to paragraph (8) .

(10) (A) A bus of a length of up to 45 feet when operating on those highways specified in subdivision (a) of Section 35401.5. (Editor's Note - Interstate Highways and Federal Aid Primary System Highways)  
(B) A bus operated by a public agency and on those highways specified in subparagraph (A) may be equipped with a folding device attached to the front of the bus that is designed and used exclusively for transporting bicycles. The device, including all bicycles transported thereon, may be mounted in a manner that does not materially affect efficiency or visibility of vehicle safety equipment, and may not extend more than 36 inches from the front body of the bus when fully deployed. The handlebars of a bicycle that is transported on a device described in this subparagraph may not extend more than 42 inches from the front of the bus. The total length of the bus, including the folding device or load, may not exceed 48.5 feet. A Route Review Committee, established under this subparagraph, shall review the routes where a public agency proposes to operate a 45-foot bus equipped with a front mounted bicycle rack. .... The purpose of the Route Review Committee is to ensure the safe operation of a 45-foot bus that is equipped with a front mounted bicycle rack. The Route Review Committee, by a unanimous vote, shall make a determination of which routes are suitable for the safe operation of a 45-foot bus that is equipped with a front mounted bicycle rack.....

### **Buses & Trolleys - Bicycle Rack (Bicyclists Responsibility to Properly Mount Bicycle in Rack)**

**35400** (e)(1) A person may not improperly or unsafely mount a bicycle on a device described in subparagraph (B) of paragraph (3) of subdivision (b), or in paragraph (9) or (10) of subdivision (b).  
(2) Notwithstanding subdivision (a) of Section 23114 or subdivision (a) of Section 24002 or any other provision of law, when a bicycle is improperly or unsafely loaded by a passenger onto a transit bus, the passenger (editor's note - i.e. the bicyclists), and not the driver, is liable for any violation of this code that is attributable to the improper or unlawful loading of the bicycle.

### **Bicycle Registration and Licenses (Collectively Sections 39000 - 39011)**

#### **Bicycle Defined for Licensing Purposes (Also See Section 231 Above)**

**39000.** "Bicycle", for the purposes of this division, means any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears having either two or three wheels (one of which is at least 20 inches in diameter) or having a frame size of at least 14 inches, or having four or more wheels.

#### **Bicycle Registration Forms**

**39001.** (a) The department shall procure and distribute bicycle license indicia and registration forms to all counties and cities which have adopted a bicycle licensing ordinance or resolution. Those counties and cities shall issue the indicia and registration form to the owner of any new bicycle, and may, upon request of the owner, issue an indicia and registration form to the owner of any bicycle which complies with Section 39007.

The department shall charge and collect a fee, not to exceed the cost of procuring and distributing the license indicia and registration form, for each bicycle license indicia and registration form issued. All fees collected pursuant to this section shall be deposited in the Motor Vehicle Account in the State Transportation Fund. Those fees are hereby continuously appropriated from the account for use by the department to defray costs to procure and distribute the bicycle license indicia and registration forms.

(b) The director shall design the bicycle license indicia and registration form described in subdivision (a), and shall establish procedures for the distribution of the indicia and registration form to counties and cities. The indicia shall be adhesive, durable, flexible, and of a size to permit it to be affixed to the front of the seat tube of the bicycle frame. Each indicia shall bear a unique license number and shall be permanently assigned to a bicycle. Each registration form shall comply with Section 39005.

(c) Bicycle licenses shall be renewed uniformly throughout the state on January 1 of the third year following the year of registration. Renewal of a bicycle license shall be indicated by a supplementary adhesive device affixed parallel to, and above or below, the indicia, with the expiration date showing.

#### **Local Licensing Ordinances & Destruction of Licenses**

**39002.** (a) A city or county, which adopts a bicycle licensing ordinance or resolution, may provide in the ordinance or resolution that no resident shall operate any bicycle, as specified in the ordinance, on any street,

road, highway, or other public property within the jurisdiction of the city or county, as the case may be, unless the bicycle is licensed in accordance with this division.

(b) It is unlawful for any person to tamper with, destroy, mutilate, or alter any license indicia or registration form, or to remove, alter, or mutilate the serial number, or the identifying marks of a licensing agency's identifying symbol, on any bicycle frame licensed under this division.

#### **Copy of License to Owner of Bicycle**

**39003.** If a city or county has or adopts a bicycle licensing ordinance or resolution, indicia and a copy of the registration form obtained from the department shall be issued to the owner by the city or county or other licensing agency designated by it.

#### **Local Collection of Licensing Fees**

**39004.** Each licensing agency, by ordinance or resolution, may adopt rules and regulations for the collection of license fees. Revenues from license fees shall be retained by the licensing city or county and shall be used for the support of such bicycle ordinance or resolution, and may be used to reimburse retailers for services rendered. In addition, fees collected shall be used to improve bicycle safety programs and establish bicycle facilities, including bicycle paths and lanes, within the limits of the jurisdiction.

The fees required to be paid pursuant to this division are as follows:

- (a) For each new bicycle license and registration certificate, the sum shall not exceed four dollars (\$4) per year or any portion thereof.
- (b) For each transfer of registration certificate, the sum shall not exceed two dollars (\$2).
- (c) For each replacement of a bicycle license or registration certificate, the sum shall not exceed two dollars (\$2).
- (d) For each bicycle license renewal, the sum shall not exceed two dollars (\$2) per year.

#### **Maintenance of Records by Local Authorities**

**39005.** Cities and counties having a bicycle licensing ordinance or resolution shall maintain records of each bicycle registered. Such records shall include, but not be limited to, the license number, the serial number of the bicycle, the make and type, of the bicycle, and the name and address of the licensee.

Records shall be maintained by the licensing agency during the period of validity of the license or until notification that the bicycle is no longer to be operated.

#### **Bicycle Retailer To Supply Registration Forms to Purchaser**

**39006.** (a) Each bicycle retailer and each bicycle dealer shall supply to each purchaser a pre-registration form provided by the licensing agency and shall include, on the sales check or receipt given to the purchaser, a record of the following information: name of retailer, address of retailer, year and make of the bicycle, serial number of the bicycle if delivered to the purchaser in an assembled state, general description of the bicycle, name of purchaser, and address of purchaser. A copy of the preregistration form shall be filled out and forwarded by the purchaser to the appropriate licensing agency within 10 days from the date of sale.

(b) For the purposes of this division, a bicycle dealer is any person who sells, gives away, buys, or takes in trade for the purpose of resale, more than five bicycles in any one calendar year, whether or not such bicycles are owned by such person. "Bicycle dealer" also includes agents or employees of such person.

#### **Bicycle Serial Numbers On Bike Frame (See Also Penal Code 573(e))**

**39007.** After December 31, 1976, no bicycle retailer shall sell any new bicycle in this state unless such bicycle has legibly and permanently stamped or cast on its frame a serial number, no less than one-eighth inch in size, and unique to the particular bicycle of each manufacturer. The serial number only shall be stamped or cast in the head of the frame, either side of the seat tube, the toeplate, or the bottom sprocket (crank) housing.

#### **Disposal of Bicycle and Transfer of License**

**39008.** (a) Whenever any person sells or otherwise disposes of a bicycle, he shall endorse upon the registration certificate previously issued for such bicycle a written transfer of same, setting forth the name, address, telephone number of the transferee, date of transfer, and signature of the transferrer, and shall deliver the registration certificate, so endorsed, to the licensing agency within 10 days.

(b) Any person who purchases or otherwise acquires possession of a bicycle shall, within 10 days of taking possession, apply for the transfer of license to his own name. Cities and counties may establish rules and regulations to govern and enforce the provisions of this section.

### **Bicycle Owners Responsibility to Notify Local Agency of Address Change**

**39009.** (a) Whenever the owner of a bicycle licensed pursuant to an ordinance or resolution of a city or county changes his address, he shall within 10 days notify the appropriate licensing agency of the old and new address.

(b) In the event that any bicycle license indicia or registration form issued pursuant to the provisions of this division is lost, stolen, or mutilated, the licensee of such bicycle shall immediately notify the licensing agency, and, within 10 days after such notification, shall apply to the licensing agency for a duplicate license indicia or registration form. Thereupon, the licensing agency shall issue to such licensee a replacement indicia or registration form upon payment to the licensing agency of the appropriate fee.

### **Fines For Non-Compliance**

**39011.** No fine imposed for any violation of an ordinance or resolution, which is adopted pursuant to this division, shall exceed ten dollars (\$10).

### **Failure to Present Driver's License or Other Satisfactory Identification To A Law Enforcement Officer Optional Appearance Before a Magistrate**

**40303.** (a) Whenever a person is arrested (Editor's note - technically the issuance of a traffic citation is an arrest) for any of the offenses listed in subdivision (b) and the arresting officer is not {automatically} required to take the person ... before a magistrate, the arrested person shall, in the judgment of the arresting officer, either be given a 10 days' notice to appear, or be taken without unnecessary delay before a magistrate within the county in which the offense charged.... The officer may require that the arrested person, if he or she does not have satisfactory identification, place a right thumb print, or a left thumb print or finger print if the person has a missing or disfigured right thumb, on the 10 days' notice to appear when a 10 days' notice is provided.....

(b) Subdivision (a) applies to the following offenses:

- (16) Section 21200.5, relating to riding a bicycle while under the influence of an alcoholic beverage or a drug.

### **Notice to Correct Violation - Bicycle Equipment Infraction (See Also 1803(b)(6) above)**

**40303.5.** Whenever any person is arrested .....(Editor's note - technically a traffic citation is an arrest) ..... for any of the following offenses, the arresting officer shall permit the arrested person to execute a notice containing a promise to correct the violation in accordance with the provisions of Section 40610 unless the arresting officer finds that any of the disqualifying conditions specified in subdivision (b) of Section 40610 exist:

- (c) Section 21201, relating to bicycle equipment.

### **Schedule of Fines**

**42001.** [Note: Sub-sections (a) through (d) omitted for brevity]

(e) Notwithstanding any other provision of law, any local public entity that employs peace officers, as designated under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, the California State University, and the University of California may, by ordinance or resolution, establish a schedule of fines applicable to infractions committed by bicyclists within its jurisdiction. Any fine, including all penalty assessments and court costs, established pursuant to this subdivision shall not exceed the maximum fine, including penalty assessment and court costs, otherwise authorized by this code for that violation. If a bicycle fine schedule is adopted, it shall be used by the courts having jurisdiction over the area within which the ordinance or resolution is applicable instead of the fines, including penalty assessments and court costs, otherwise applicable under this code.

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## **California Streets & Highway Code**

### **Drainage Grates**

**161.** On construction projects, the department shall install on the surface of state highways upon which the operation of bicycles is permitted [note - all state highways except some freeways and expressways] only those types of grates which are not hazardous to bicycle riders.

### **State to Provide for a Multi-Modal Transportation System**

**885.** The Legislature hereby finds and declares that traffic congestion, air pollution, noise pollution, public health, energy shortages, consumer costs, and land-use considerations resulting from a primary reliance on the automobile for transportation are each sufficient reasons to provide for multimodal transportation systems.

### **Reason to Create a Statewide Bicycle Program**

**885.2.** The Legislature finds and declares all of the following: (a) California's bicycle programs have not been fully developed or funded. (b) The Legislature and Congress have enacted laws to reduce traffic congestion and improve air quality. (c) The components of a successful bicycle program include engineering and design of safe facilities, education of bicyclists, and the motoring public on lawful use of the highways, and enforcement of traffic laws. (d) Efforts to improve safety and convenience for nonmotorized transportation users are a proper use of transportation funds. (e) The design and maintenance of many of our bridges and highways present physical obstacles to use by bicycles. (f) The bicycle is a legitimate transportation mode on public roads and highways. (g) Bicycle transportation can be an important, low-cost strategy to reduce reliance on the single-passenger automobile and can contribute to a reduction in air pollution and traffic congestion.

### **State Bicycle Facilities Coordinator**

**886.** There is in the department a bicycle facilities coordinator who is responsible for the administration of bicycle-related activities of the department.

### **Non-Motorized Facility Defined (For a definition of "Multi-Modal" See Govt Code 65088.1)**

**887.** As used in this chapter, "nonmotorized transportation facility" means a facility designed primarily for the use of pedestrians, bicyclists, or equestrians. It may be designed primarily for one or more of those uses.

### **Statewide Bicycle Map**

**887.2.** The department, in cooperation with local agencies, shall publish a statewide map illustrating state highway routes available for the use of bicyclists and, where bicyclists are prohibited from using a state highway, illustrating, in such a case, safe, alternate routes available to the bicyclist.

### **Annual Report to Legislature**

**887.4.** Prior to December 31 of each year, the department shall prepare and submit an annual report to the Legislature summarizing programs it has undertaken for the development of non-motorized transportation facilities, including a summary of major and minor projects. The report shall document all state funding for bicycle programs, including funds from the Bicycle Transportation Account, the Transportation Planning and Development Account, and the Clean Air Transportation Improvement Act. The report shall also summarize the existing directives received by the department from the Federal Highway Administration concerning the availability of federal funds for the programs, together with an estimate of the fiscal impact of the federal participation in the programs.

### **Construction of Non-Motorized Facilities Paralleling State Highways**

**887.6.** Upon the request of a public agency, as defined by Section 6500 of the Government Code, the department may enter into an agreement with the agency for the construction and maintenance of non-motorized transportation facilities which generally follow a state highway right-of-way where the department has determined that the facility will improve safety and convenience for bicyclists. The department's

contribution, if any, to the cost of constructing the nonmotorized facilities shall be based upon a finding that the traffic safety or capacity of the highway will be increased.

#### **Construction of Non-Motorized Facilities Paralleling State Highways**

**887.8.** (a) After consulting with the law enforcement agency having primary traffic law enforcement responsibility with respect to the state highway, the department may construct and maintain nonmotorized transportation facilities approximately paralleling that highway.

(b) Where the traffic safety or capacity of the highway would be increased, the department shall pay for the construction and maintenance of nonmotorized transportation facilities approximately paralleling the highway.

#### **Construction of Freeways Severing Existing Non-Motorized Routes**

**888.** The department shall not construct a state highway as a freeway that will result in the severance or destruction of an existing major route for nonmotorized transportation traffic and light motorcycles, unless it provides a reasonable, safe, and convenient alternate route or such a route exists.

#### **Caltrans Shall Incorporate Non-Motorized Facilities On Freeways**

**888.2.** The department **shall** also incorporate nonmotorized transportation facilities in the design of freeways on the state highway system along corridors where nonmotorized facilities do not exist, upon a finding that the facilities would conform to the California Recreational Trails System Plan specified in Section 5070.7 of the Public Resources Code **or** upon a finding, following a public hearing, that the facilities would conform to the master plans of local agencies for the development of nonmotorized facilities and would not duplicate existing or proposed routes, and that community interests would be enhanced by the construction of the facilities.

#### **Minimal Yearly Allocation for Non-Motorized Transportation Facilities**

**888.4.** Each annual budget prepared pursuant to Section 165 shall include an amount of not less than three hundred sixty thousand dollars (\$360,000) for the construction of nonmotorized transportation facilities to be used in conjunction with the state highway system.

#### **Use of Federal Funds In Connection With State & Local Bicycle Programs**

**888.8.** The department may enter into any agreements, execute any documents, establish and manage any accounts or deposits, or take any other action that may be appropriate to receive and expend funds from the federal government in connection with state or local agency bicycle programs and nonmotorized transportation projects for which federal funds are available. The department may undertake demonstration projects and perform technical studies.

#### **Bicycle Transportation System**

**890.** It is the intent of the Legislature, in enacting this article, to establish a bicycle transportation system. It is the further intent of the Legislature that this transportation system shall be designed and developed to achieve the functional commuting needs of the employee, student, business person, and shopper as the foremost consideration in route selection, to have the physical safety of the bicyclist and bicyclist's property as a major planning component, and to have the capacity to accommodate bicyclists of all ages and skills.

#### **Bicycle Defined (See Also CVC Sect. 321 and 39000 and U.S. Govt. Code Sect 652.3 (a))**

**890.2.** As used in this chapter, **"bicycle"** means a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having either two or three wheels in a tandem or tricycle arrangement.

#### **Bicycle Commuter Defined**

**890.3.** As used in this article, **"bicycle commuter"** means a person making a trip by bicycle primarily for transportation purposes, including, but not limited to, travel to work, school, shopping, or other destination that is a center of activity, and does not include a trip by bicycle primarily for physical exercise or recreation without such a destination.

### **Bikeway / Bike Path / Bike Lane / Bike Route Defined (See Also U.S. Govt. Code 652.3(b), (c), (d) & (e))**

**890.4.** As used in this article, "**bikeway**" means all facilities that provide primarily for bicycle travel. For purposes of this article, bikeways shall be categorized as follows:

- (a) Class I bikeways, such as a "**bike path**," which provide a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians with cross flows by motorists minimized.
- (b) Class II bikeways, such as a "**bike lane**," which provide a restricted right-of-way designated for the exclusive or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and cross flows by pedestrians and motorists permitted (Note - but see U.S. Code Section 652.7(b)(3)(iii) in regard to parking prohibitions with Federal Aid Projects).
- (c) Class III bikeways, such as an onstreet or offstreet "**bike route**," which provide a right-of-way designated by signs or permanent markings and shared with pedestrians or motorists.

### **Minimum Design Standards for Bikeways**

**890.6.** The department, in cooperation with county and city governments, shall establish minimum safety design criteria for the planning and construction of bikeways and roadways where bicycle travel is permitted. The criteria shall include, but not be limited to, the design speed of the facility, minimum widths and clearances, grade, radius of curvature, pavement surface, actuation of automatic traffic control devices, drainage, and general safety. The criteria shall be updated biennially, or more often, as needed.

### **Uniform Specifications & Symbols for Signs, Markers and Traffic Control Devices**

**890.8.** The department shall establish uniform specifications and symbols for signs, markers, and traffic control devices to designate bikeways, regulate traffic, improve safety and convenience for bicyclists, and alert pedestrians and motorists of the presence of bicyclists on bikeways and on roadways where bicycle travel is permitted.

### **Uniform Signs & Safety Criteria for Signs, Markers and Traffic Control Devices**

**891.** All city, county, regional, and other local agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted shall utilize all minimum safety design criteria and uniform specifications and symbols for signs, markers, and traffic control devices established pursuant to Sections 890.6 and 890.8.

### **Bicycle Transportation Plan (City and/or County)**

**891.2.** A city or county may prepare a bicycle transportation plan, which shall include, but not be limited to, the following elements:

- (a) The estimated number of existing bicycle commuters in the plan area and the estimated increase in the number of bicycle commuters resulting from implementation of the plan.
- (b) A map and description of existing and proposed land use and settlement patterns which shall include, but not be limited to, locations of residential neighborhoods, schools, shopping centers, public buildings, and major employment centers.
- (c) A map and description of existing and proposed bikeways.
- (d) A map and description of existing and proposed end-of-trip bicycle parking facilities. These shall include, but not be limited to, parking at schools, shopping centers, public buildings, and major employment centers.
- (e) A map and description of existing and proposed bicycle transport and parking facilities for connections with and use of other transportation modes. These shall include, but not be limited to, parking facilities at transit stops, rail and transit terminals, ferry docks and landings, park and ride lots, and provisions for transporting bicyclists and bicycles on transit or rail vehicles or ferry vessels.
- (f) A map and description of existing and proposed facilities for changing and storing clothes and equipment. These shall include, but not be limited to, locker, restroom, and shower facilities near bicycle parking facilities.
- (g) A description of bicycle safety and education programs conducted in the area included within the plan, efforts by the law enforcement agency having primary traffic law enforcement responsibility in the area to

enforce provisions of the Vehicle Code pertaining to bicycle operation, and the resulting effect on accidents involving bicyclists.

(h) A description of the extent of citizen and community involvement in development of the plan, including, but not limited to, letters of support.

(i) A description of how the bicycle transportation plan has been coordinated and is consistent with other local or regional transportation, air quality, or energy conservation plans, including, but not limited to, programs that provide incentives for bicycle commuting.

(j) A description of the projects proposed in the plan and a listing of their priorities for implementation.

(k) A description of past expenditures for bicycle facilities and future financial needs for projects that improve safety and convenience for bicycle commuters in the plan area.

#### **Bicycle Plan - City & County - Approval Process**

**891.4.** (a) A city or county that has prepared a bicycle transportation plan pursuant to Section 891.2 may submit the plan to the county transportation commission or transportation planning agency for approval. The city or county may submit an approved plan to the department in connection with an application for funds for bikeways and related facilities which will implement the plan. If the bicycle transportation plan is prepared, and the facilities are proposed to be constructed, by a local agency other than a city or county, the city or county may submit the plan for approval and apply for funds on behalf of that local agency.

(b) The department may grant funds applied for pursuant to subdivision (a) on a matching basis which provides for the applicant's furnishing of funding for 10 percent of the total cost of constructing the proposed bikeways and related facilities. The funds may be used, where feasible, to apply for and match federal grants or loans.

#### **Call Boxes on Class 1 Paths in Sacramento Area**

**891.5.** The Sacramento Area Council of Governments, pursuant to subdivision (d) of Section 2551, may purchase, operate, and maintain call boxes on class 1 bikeways.

#### **Powers of Local Agencies to Establish Bikeways**

**891.8.** The governing body of a city, county, or local agency may do all of the following:

(a) Establish bikeways.

(b) Acquire, by gift, purchase, or condemnation, land, real property, easements, or rights-of-way to establish bikeways.

(c) Establish bikeways pursuant to Section 21207 of the Vehicle Code.

#### **Abandonment of Right-of-Ways**

**892.** (a) Rights-of-way established for other purposes by cities, counties, or local agencies shall not be abandoned unless the governing body determines that the rights-of-way or parts thereof are not useful as a nonmotorized transportation facility.

(b) No state highway right-of-way shall be abandoned until the department first consults with the local agencies having jurisdiction over the areas concerned to determine whether the right-of-way or part thereof could be developed as a nonmotorized transportation facility. If an affirmative determination is made, before abandoning the right-of-way, the department shall first make the property available to local agencies for development as nonmotorized transportation facilities in accordance with Sections 104.15 and 887.6 of this code and Section 14012 of the Government Code.

#### **Bicycle Transportation Account Continues in Existence**

**892.2.** (a) The Bicycle Transportation Account is continued in existence in the State Transportation Fund, and, notwithstanding Section 13340 of the Government Code, the money in the account is continuously appropriated to the department for expenditure for the purposes specified in Section 892.4. Unexpended moneys shall be retained in the account for use in subsequent fiscal years.

(b) Any reference in law or regulation to the Bicycle Lane Account is a reference to the Bicycle Transportation Account.

### **Bicycle Transportation Funds - Distribution of**

**892.4.** The department shall allocate and disburse moneys from the Bicycle Transportation Account according to the following priorities:

- (a) To the department, the amounts necessary to administer this article, not to exceed 1 percent of the funds expended per year.
- (b) To counties and cities, for bikeways and related facilities, planning, safety and education, in accordance with Section 891.4.

### **Bicycle Transportation Account - Continuously Appropriated Funds**

**892.5.** The Bikeway Account, created in the State Transportation Fund by Chapter 1235 of the Statutes of 1975, is continued in effect, and, notwithstanding Section 13340 of the Government Code, money in the account is hereby continuously appropriated to the department for expenditure for the purposes specified in this chapter. Unexpended money shall be retained in the account for use in subsequent fiscal years.

### **Justification for Expenditure of Funds for Bikeways**

**892.6.** The Legislature finds and declares that the construction of bikeways pursuant to this article constitutes a highway purpose under Article XIX of the California Constitution and justifies the expenditure of highway funds therefore.

### **Bicycle Transportation Account - Distribution of Funds**

**893.** The department shall disburse the money from the Bicycle Transportation Account pursuant to Section 891.4 for projects that improve the safety and convenience of bicycle commuters, including, but not limited to, any of the following:

- (a) New bikeways serving major transportation corridors.
- (b) New bikeways removing travel barriers to potential bicycle commuters.
- (c) Secure bicycle parking at employment centers, park-and-ride lots, rail and transit terminals, and ferry docks and landings.
- (d) Bicycle-carrying facilities on public transit vehicles.
- (e) Installation of traffic control devices to improve the safety and efficiency of bicycle travel.
- (f) Elimination of hazardous conditions on existing bikeways.
- (g) Planning.
- (h) Improvement and maintenance of bikeways.

In recommending projects to be funded, due consideration shall be given to the relative cost effectiveness of proposed projects.

### **Bicycle Transportation Account - Limits on Use of Federal Funds**

**893.2.** The department shall not finance projects with the money in accounts continued in existence pursuant to this article which could be financed appropriately pursuant to Article 2 (commencing with Section 887), or fully financed with federal financial assistance.

### **Retention of Priority - Shortage of Funds**

**893.4.** If available funds are insufficient to finance completely any project whose eligibility is established pursuant to Section 893, the project shall retain its priority for allocations in subsequent fiscal years.

### **Funding of Projects in Proportion to the Population**

**893.6.** The department shall make a reasonable effort to disburse funds in general proportion to population. However, no applicant shall receive more than 25 percent of the total amounts transferred to the Bicycle Transportation Account in a single fiscal year.

### **Distribution of Funds - Agreements with Local Agencies**

**894.** The department may enter into an agreement with any city or county concerning the handling and accounting of the money disbursed pursuant to this article, including, but not limited to, procedures to permit prompt payment for the work accomplished.

**Bicycle Transportation Plan/Account - Adoption of Guidelines for the BTA Plan & Account**

**894.2.** The department, in cooperation with county and city governments, shall adopt the necessary guidelines for implementing this article.

**Safe Routes to School (State Program)**

**2333.5.** (a) The department, in consultation with the Department of the California Highway Patrol, shall establish and administer a "Safe Routes to School" construction program for construction of bicycle and pedestrian safety and traffic calming projects.

(b) The department shall award grants to local governmental agencies under the program based on the results of a statewide competition that requires submission of proposals for funding and rates those proposals on all of the following factors:

- (1) Demonstrated needs of the applicant.
- (2) Potential of the proposal for reducing child injuries and fatalities.
- (3) Potential of the proposal for encouraging increased walking and bicycling among students.
- (4) Identification of safety hazards.
- (5) Identification of current and potential walking and bicycling routes to school.
- (6) Consultation and support for projects by school-based associations, local traffic engineers, local elected officials, law enforcement agencies, school officials, and other relevant community stakeholders.

(c) Any annual budget allocation to fund grants described in subdivision (b) shall be in addition to any federal funding received by the state that is designated for "Safe Routes to School" projects pursuant to Section 1404 of SAFETEA-LU or any similar program funded through a subsequent transportation act.

(d) Any federal funding received by the state that is designated for "Safe Routes to School" projects shall be distributed by the department under the competitive grant process, consistent with all applicable federal requirements.

(e) Prior to the award of any construction grant or the department's use of those funds for a "Safe Routes to School" construction project encompassing a freeway, state highway or county road, the department shall consult with, and obtain approval from, the Department of the California Highway Patrol, ensuring that the "Safe Routes to School" proposal compliments the California Highway Patrol's Pedestrian Corridor Safety Program and is consistent with its statewide pedestrian safety statistical analysis.

(f) The department is encouraged to coordinate with law enforcement agencies' community policing efforts in establishing and maintaining the "Safe Routes to School" construction program.

**Acquisition of Abandoned Railroad Rights-of-Way – Policy Statement**

**2540.** The Legislature hereby declares that it is the policy of the state to acquire abandoned railroad lines when the right-of-way for such lines has a potential public transportation use including, but not limited to, a use for highways, busways, bicycles, pedestrians, or guideways.

**Use of Eminent Domain to Acquire Abandoned Railroad Rights-of-Way**

**2548.** In the name of the people of the State of California or, upon authorization from a city, county, or transit district, in the name of such city, county, or transit district, the department may condemn for public transportation purposes, under the provisions of the Code of Civil Procedure relating to eminent domain, any right-of-way underlying an abandoned railroad line in fee or any lesser interest found by the department to be necessary.

The Legislature hereby finds and declares that the acquisition of such property is a public necessity and is compatible with the greatest public good and the least private injury.

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**California Government Code**

**Liability on Public Facilities**

**Hazardous Recreational Activity (Bicycle Racing) - Limits of Liability to Public Agencies**

**831.7.** (a) Neither a public entity nor a public employee is liable to any person who participates in a hazardous recreational activity, including any person who assists the participant, or to any spectator who knew or reasonably should have known that the hazardous recreational activity created a substantial risk of injury to himself or herself and was voluntarily in the place of risk, or having the ability to do so failed to leave, for any damage or injury to property or persons arising out of that hazardous recreational activity.

(b) As used in this section, "hazardous recreational activity" means a recreational activity conducted on property of a public entity which creates a substantial (as distinguished from a minor, trivial, or insignificant) risk of injury to a participant or a spectator.

"Hazardous recreational activity" also means:

(3) ..... bicycle racing or jumping, mountain bicycling, ....For the purposes of this subdivision, "mountain bicycling" does not include riding a bicycle on paved pathways, roadways, or sidewalks.

(c) Notwithstanding the provisions of subdivision (a), this section does not limit liability which would otherwise exist for any of the following:

(1) Failure of the public entity or employee to guard or warn of a known dangerous condition ...

(2) Damage or injury suffered in any case where permission to participate in the hazardous recreational activity was granted for a specific fee. For the purpose of this paragraph, a "specific fee" does not include a fee or consideration charged for a general purpose such as a general park admission charge, a vehicle entry or parking fee, or an administrative or group use application or permit fee,...

(3) Injury suffered to the extent proximately caused by the negligent failure of the public entity or public employee to properly construct or maintain in good repair any structure, recreational equipment or machinery, or substantial work of improvement utilized in the hazardous recreational activity out of which the damage or injury arose.

(4) Damage or injury suffered in any case where the public entity or employee recklessly or with gross negligence promoted the participation in or observance of a hazardous recreational activity. For purposes of this paragraph, promotional literature or a public announcement or advertisement which merely describes the available facilities and services on the property does not in itself constitute a reckless or grossly negligent promotion

(5) An act of gross negligence by a public entity or a public employee which is the proximate cause of the injury

### **State Property**

#### **Parking Facility Requirements at State Agencies & Building (See Also CCR Section 1867 below)**

**14679.5.** (a) Any state agency which has under its jurisdiction or control any parking facility, which is available to state officers and employees or to private persons who desire to conduct business with a state agency, shall construct, operate, and maintain bicycle and moped parking facilities for the use of bicycle and moped riders.

(b) If no parking facility under the jurisdiction and control of a state agency is available to state officers and employees or to private persons who desire to conduct business with a state agency, the state agency shall request the local authority having jurisdiction over streets and sidewalks immediately adjacent to the property of the state agency to provide parking spaces upon which parking facilities for use by bicycle and moped riders shall be constructed, operated, and maintained by such agency.

(c) As used in this section, "parking facility" means any facility or combination of facilities for parking which contains six or more parking spaces.

### **Transportation Planning & Programming (65080.1 - 65086.5)**

#### **Regional Transportation Plan**

**65080.1** (a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials.....

(b) The regional transportation plan shall include all of the following:

(b)(1) A policy element that describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, and pragmatic objective and policy statements.....The policy element of transportation planning agencies with populations that exceed 200,000 persons may quantify a set of indicators including, but not limited to, all of the following:

(b)(1)(C) Measures of means of travel, including, but not limited to, percentage share of all trips (work and non-work) made by all of the following .....(vi) Walking. (v) Bicycling.....

(b)(3)(B) The financial element of transportation planning agencies with populations that exceed 200,000 persons may include a project cost breakdown for all projects proposed for development during the 20-year life of the plan that includes total expenditures and related percentages of total expenditures for all of the following: ...(vii) Pedestrian and bicycle facilities.

### **Congestion Management (65088.1 - 65089.10)**

**Definitions** (For a definition of "Non-Motorized" see Streets & Highway Code 887)

**65088.1.** As used in this chapter the following terms have the following meanings:

(j) "**Multimodal**" means the utilization of all available modes of travel that enhance the movement of people and goods, including, but not limited to, highway, transit, nonmotorized, and demand management strategies including, but not limited to, telecommuting. The availability and practicality of specific multimodal systems, projects, and strategies may vary by county and region in accordance with the size and complexity of different urbanized areas.

### **In-fill Housing Waiver**

**65088.4.** (a) It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments within walking distance of mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs.

(b)(1)(B) Increased use of alternative transportation modes, such as mass transit, bicycling, and walking.

(2) Approve a list of flexible level of service mitigation options that includes roadway expansion and investments in alternate modes of transportation that may include, but are not limited to, transit infrastructure, pedestrian infrastructure, and ridesharing, vanpool, or shuttle programs.

### **Congestion Management Program**

**65089.** (a) A congestion management program shall be developed, adopted, and updated biennially, consistent with the schedule for adopting and updating the regional transportation improvement program, for every county that includes an urbanized area, and shall include every city and the county. The program shall be adopted at a noticed public hearing of the agency. The program shall be developed in consultation with, and with the cooperation of, the transportation planning agency, regional transportation providers, local governments, the department, and the air pollution control district or the air quality management district, either by the county transportation commission, or by another public agency, as designated by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county.

(b) The program shall contain all of the following elements:

(1) (A) Traffic level of service standards established for a system of highways and roadways designated by the agency. The highway and roadway system shall include at a minimum all state highways and principal arterials. No highway or roadway designated as a part of the system shall be removed from the system

(3) A travel demand element that promotes alternative transportation methods, including, but not limited to, carpools, vanpools, transit, bicycles, and park-and-ride lots; .....

### **Trip Reduction Plan (This Section Applies ONLY to the South Coast Air Quality Management District)**

**65089.10** (a) For purposes of this section, "plan" means a trip reduction plan or a related or similar proposal submitted by an employer to a local public agency for adoption or approval that is designed to facilitate employee ridesharing, the use of public transit, and other means of travel that do not employ a single-occupant vehicle.

(b) An agency may require an employer to provide rideshare data bases; an emergency ride program; a preferential parking program; a transportation information program; a parking cash-out program, as defined in subdivision (f) of Section 65088.1; a public transit subsidy in an amount to be determined by the employer; bicycle parking areas; and other non-cash value programs which encourage or facilitate the use of alternatives to driving alone. ....

(c) Employers shall provide employees reasonable notice of the content of a proposed plan and shall provide the employees an opportunity to comment prior to submittal of the plan to the agency for adoption.....

**Deficiency Plan**

**65089.4** (a) A local jurisdiction shall prepare a deficiency plan when highway or roadway level of service standards are not maintained on segments or intersections of the designated system. The deficiency plan shall be adopted by the city or county at a noticed public hearing.

(c) ..... The deficiency plan shall include all of the following:

(1) An analysis of the cause of the deficiency. This analysis shall include the following:

(3) A list of improvements, programs, or actions.....that will .....

(B) contribute to significant improvements in air quality, such as improved public transit service and facilities, improved non-motorized transportation facilities, high occupancy vehicle facilities, parking cash-out programs, and transportation control measures....

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**California Public Utilities Code**

**Local Transportation Fund**

**99230.** The designated transportation planning agency shall, from an analysis and evaluation of the total amount anticipated to be available in the local transportation fund....

**99233.** ð..... the fund shall be allocated by the designated transportation planning agency for the purposes specified in Sections 99233.1 to 99233.9, inclusive, in the sequence provided in those sections.

**99233.3.** Two percent of the remaining money in the fund shall be made available to counties and cities for facilities provided for the exclusive use of pedestrians and bicycles unless the transportation planning agency finds that the money could be used to better advantage for the purposes stated in Article 4 (commencing with Section 99260) and Article 4.5 (commencing with Section 99275), or for local street and road purposes in those areas where the money may be expended for such purposes, in the development of a balanced transportation system. Of the amount made available to a city or county pursuant to this section, 5 percent thereof may be expended to supplement moneys from other sources to fund bicycle safety education programs, but shall not be used to fully fund the salary of any one person.

**99233.11.** Funds made available to the County of Stanislaus and the cities in that county shall be allocated in the following order:

(c) To pedestrian and bicycle facilities, not more than 2 percent of the funds remaining, in accordance with Section 99233.3.

**99234.** (a) Claims for facilities provided for the exclusive use of pedestrians and bicycles or for bicycle safety education programs shall be filed according to the rules and regulations adopted by the transportation planning agency.

(b) The money shall be allocated for the construction, including related engineering expenses, of those facilities pursuant to procedures or criteria established by the transportation planning agency for the area within its jurisdiction, or for bicycle safety education programs.

(c) The money may be allocated for the maintenance of bicycling trails that are closed to motorized traffic pursuant to procedures or criteria established by the transportation planning agency for the area within its jurisdiction.

(e) Facilities provided for the use of bicycles may include projects that serve the needs of commuting bicyclists, including, but not limited to, new trails serving major transportation corridors, secure bicycle parking at employment centers, park and ride lots, and transit terminals where other funds are unavailable.

(i) In addition to the purposes authorized in this section, a portion of the amount available to a city or county pursuant to Section 99233.3 may be allocated to develop a comprehensive bicycle and pedestrian facilities plan, with an emphasis on bicycle projects intended to accommodate bicycle commuters rather than recreational bicycle users. An allocation under this subdivision may not be made more than once every five years.

(j) Up to 20 percent of the amount available each year to a city or county pursuant to Section 99233.3 may be allocated to restripe class II bicycle lanes.

**99400.** Claims may be filed under this article with the transportation planning agency by counties and cities for the following purposes and by transit districts for the purposes specified in subdivisions (c) to (e), inclusive:

(a) Local streets and roads, and projects which are provided for use by pedestrians and bicycles.

**99400.7.** Notwithstanding Sections 99232, 99268.3, and 99405, cities within the County of San Diego may file a claim under this article with the transportation planning agency to provide commuter ferry service on San Diego Bay for the purpose of servicing peak period commute trips for pedestrians and bicycles. The commuter ferry service may be located anywhere on San Diego Bay, but shall be consistent with the regional transportation plan, shall serve employment centers and high volume activity centers, and may be provided by contract with operators, private entities operating under a franchise or license, or nonprofit corporations organized pursuant to Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code.

**99401.5.** Prior to making any allocation not directly related to public transportation services, specialized transportation services, or facilities provided for the exclusive use of pedestrians and bicycles, the transportation planning agency shall annually do all of the following:

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## **California Penal Code**

*(Editor's Note – The next two sections would most likely apply to any person, or persons, who knowingly throws objects at, or in some manner strikes or intimidates (i.e. tries to run the bicyclist off the road) a bicyclist while riding on a roadway.*

### **Assault Defined**

**240** An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

### **Penalties for Assault (See Also CVC Sect. 23110, 23111 & 23112 Above)**

**245** (a) (1) Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm or by any means of force likely to produce great bodily injury shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both the fine and imprisonment.

### **Personal Property – Stolen Property & Removal of Identification/Serial Number (See Also CVC 39007)**

**537e** (a) Any person who knowingly buys, sells, receives, disposes of, conceals, or has in his or her possession any personal property from which the manufacturer's serial number, identification number, electronic serial number, or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, is guilty of a public offense, punishable as follows:

(1) If the value of the property does not exceed four hundred dollars (\$400), by imprisonment in a county jail not exceeding six months.

(2) If the value of the property exceeds four hundred dollars (\$400), by imprisonment in a county jail not exceeding one year.

For purposes of this subdivision, "personal property" includes, but is not limited to, the following:

(6) Any bicycle, exercise equipment, or any other entertainment or recreational equipment.

(b) When property described in subdivision (a) comes into the custody of a peace officer it shall become subject to the provision of Chapter 12 (commencing with Section 1407) of Title 10 of Part 2, relating to the disposal of stolen or embezzled property.

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## **California Public Resources Code**

### **Statewide System Of Recreation Trails**

**5070.7.** The director [Department of Parks and Recreation] shall cause to be prepared, and continuously maintained, a comprehensive plan for the development and operation of a statewide system of recreation trails. The plan, which shall be titled the California Recreational Trails System Plan, shall: (a) Assess the present and future demand for trail-oriented recreation uses. (b) Recommend an integrated and interconnecting system of trail routes designed to provide a wide range of recreational opportunities and to assure access and linkage to scenic, natural, historic, and recreational areas of statewide significance.

### **Elements of State Recreational Trails**

**5071.** The plan shall contain, but shall not be limited to, the following elements:

- (a) Pedestrian trails.
- (b) Bikeways.
- (c) Equestrian trails.
- (d) Boating trails.
- (e) Trails and areas suitable for use by physically disabled persons, the elderly.....
- (f) Cross-country skiing trails.
- (g) Heritage corridors.

### **Community Parklands Act of 1986**

**5712.** The grant funds authorized for the program may be expended by the recipient for any of the following purposes or any combination thereof:

- (f) Hiking, bicycling, and equestrian trails.

### **Environmental Quality - General**

**21081.2.** (a) Except as provided in subdivision (c), if a residential project, not exceeding 100 units, with a minimum residential density of 20 units per acre and within one-half mile of a transit stop, on an infill site in an urbanized area is in compliance with the traffic, circulation, and transportation policies of the general plan, applicable community plan, applicable specific plan, and applicable ordinances of the city or county with jurisdiction over the area where the project is located, and the city or county requires that the mitigation measures approved in a previously certified project area environmental impact report applicable to the project be incorporated into the project, the city or county is not required to comply with subdivision (a) of Section 21081 with respect to the making of any findings regarding the impacts of the project on traffic at intersections, or on streets, highways, or freeways.

(b) Nothing in subdivision (a) restricts the authority of a city or county to adopt feasible mitigation measures with respect to the impacts of a project on pedestrian and bicycle safety.

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## **California Code of Regulations (CCR)**

### **TITLE 2. ADMINISTRATION, DIVISION 1, ADMINISTRATIVE PERSONNEL, CHAPTER 3, DEPARTMENT OF PERSONNEL ADMINISTRATION, SUBCHAPTER 1, GENERAL CIVIL SERVICE RULES, ARTICLE 2, TRAVELING EXPENSES**

#### **Special Transportation.**

**§ 599.627.** (c) Where a privately owned bicycle is used in the conduct of official state business, the employee will be allowed to claim 4 cents per 1.6 kilometers (mile).

#### **Special Transportation**

**§ 599.627.1.** Special Transportation - Excluded Employees.

(c) Where a privately owned bicycle is used in the conduct of official state business, the employee will be allowed to claim 4 cents per mile.

### **TITLE 2. ADMINISTRATION, DIVISION 2, FINANCIAL OPERATIONS, CHAPTER 1, VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD, ARTICLE 8, TRAVELING EXPENSES**

#### **Special Transportation.**

**§ 712.** (c) Where a privately owned bicycle is used in the conduct of official state business, the employee will be allowed to claim 4 cents per 1.6 kilometers (mile).

### **TITLE 2. ADMINISTRATION, DIVISION 2. FINANCIAL OPERATIONS, CHAPTER 3. DEPARTMENT OF GENERAL SERVICES, SUBCHAPTER 2, CALIFORNIA STATE POLICE DIVISION, ARTICLE 1. GENERAL**

#### **Operation and Use of Bicycles, Roller skates, Skateboards, and Other Wheeled Conveyances on State Owned Property.**

**§ 1209.** (a) The riding, operation or use of bicycles, roller skates, skateboards, tricycles, or other wheeled conveyances is prohibited on State buildings and grounds except as follows:

(1) That portion of Capitol Park known as the "Thirteenth Street Walk" and described as that portion of Thirteenth Street between L and N Streets.....

(b) The parking of bicycles on State buildings and grounds is prohibited except at designated bicycle parking racks or facilities established by the Department.

(c) Otherwise permissible riding or operation of wheeled conveyances under this section shall be prohibited if such conveyance is operated or ridden in a manner other than is reasonable or prudent having due regard for pedestrians, weather, visibility, the traffic on, and the surface and width of the area's grounds. In no event shall a wheeled conveyance be operated or ridden at a speed which endangers the safety of persons or property.

### **TITLE 2. ADMINISTRATION, DIVISION 2. FINANCIAL OPERATIONS, CHAPTER 3. DEPARTMENT OF GENERAL SERVICES, SUBCHAPTER 4. OFFICE OF PUBLIC SCHOOL CONSTRUCTION, SUBGROUP 3.5. REGULATIONS RELATING TO SURPLUS SCHOOL PROPERTY; USE OF PROCEEDS, SUBGROUP 5.5. REGULATIONS RELATING TO THE LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998: (SCHOOL FACILITY PROGRAM), ARTICLE 8. NEW CONSTRUCTION AND MODERNIZATION GRANT DETERMINATIONS**

#### **New Construction - Additional Grant for High Performance Incentive.**

**§ 1859.71.6.** (a) In addition to any other funding authorized by these Regulations, the Board shall provide the grant amounts identified in Subsection (b) if all the following are met:

(1) The project includes all the prerequisites in each of the five HPRC to include Sustainable Sites, Water, Energy, Materials and Indoor Environmental Quality and related subcategory credits.

(2) Once the prerequisites in (a)(1) have been met, the district may select the criteria and credits it wishes to pursue to determine point award. Category, criteria and associated points are as follows:

(A) Sustainable Sites.

- 2. Transportation:
  - b. Bicycles equals one point;

**TITLE 2, ADMINISTRATION, DIVISION 3, STATE PROPERTY OPERATIONS, CHAPTER 3, CALIFORNIA MUSEUM OF SCIENCE AND INDUSTRY ARTICLE 1, GENERAL**

**Bicycles Use at California Museum of Science & Industry.**

**§ 4007.** The riding of bicycles in the park is prohibited except in and upon that portion of the park used by vehicular traffic.

**TITLE 5, EDUCATION, DIVISION 2, CALIFORNIA STATE LIBRARY, CHAPTER 3, CALIFORNIA READING AND LITERACY IMPROVEMENT AND PUBLIC LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 2000, ARTICLE 2, CALIFORNIA LIBRARY CONSTRUCTION AND RENOVATION PROGRAM**

**Grant Application Requirements.**

**§ 20440.** (a) Application for Bond Act grant funds

(1) For each application cycle, applicants shall submit:

(C) The conceptual plan submittal shall consist of the following:

- 2. A site plan showing the library building, automobile and bicycle parking, access roads, bicycle and pedestrian pathways, and any anticipated future expansion of the building and parking.....ö

**TITLE 5, EDUCATION, DIVISION 5, BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITIES, CHAPTER 1, CALIFORNIA STATE UNIVERSITY, SUBCHAPTER 5, ADMINISTRATION, ARTICLE 9, USE OF CALIFORNIA STATE UNIVERSITY BUILDINGS AND GROUNDS**

**Bicycles, Skateboards, Roller Skates, and Animals.**

**§ 42353.1.** (a) The president of the campus may permit forms of transportation on the campus in accordance with reasonable directives issued by the campus president. No person shall use forms of transportation upon the campus driveways, pathways, parking facilities or grounds except in accordance with directives issued by the campus president. The campus president may designate the campus areas that shall be open to use of forms of transportation, and shall place appropriate signs indicating the time and the conditions for their use. "Forms of transportation," shall include bicycles, motorized bicycles, scooters, motorized scooters, skateboards, roller skates including inline skates, and other forms of transportation that are not motor vehicles.

**TITLE 13, MOTOR VEHICLES, DIVISION 2, DEPARTMENT OF THE CALIFORNIA HIGHWAY PATROL, CHAPTER 2, LIGHTING EQUIPMENT, ARTICLE 1, LIGHTING EQUIPMENT SUBJECT TO REGULATION**

**Federally Regulated Equipment - Bike Lighting & Reflectors (See Also CVC 31201 & 21201.5)**

**§ 621.** Lighting equipment for which the department {CHP} is authorized to establish requirements and for which there is a mandatory Federal Motor Vehicle Safety Standard or Federal Consumer Product Safety Commission Regulation shall comply with the requirements in that standard or regulation. This provision applies not only to federally required original equipment devices and their replacements but also to additional devices of the same type that are not required by those standards but are regulated by the Vehicle Code.....This provision applies to the following items:

Type of Equipment

Bicycle reflectors, reflectorized pedals and reflectorized tires

CPSC No. FMVSS No

Part 1512

### **Referenced Publications for Bicycle Reflectors.**

**§ 624.** (a) Consumer Product Safety Commission regulations for bicycle reflectors, reflectorized pedals, and reflectorized tires may be obtained at the following address: Consumer Product Safety Commission, Washington, D.C. 20207.

### **TITLE 13. MOTOR VEHICLES, DIVISION 2. DEPARTMENT OF THE CALIFORNIA HIGHWAY PATROL, CHAPTER 4. SPECIAL EQUIPMENT, ARTICLE 4, FEDERALLY REGULATED EQUIPMENT**

#### **Safety Helmet Requirements for Motorized Bicycles & Motorcycles.**

**§ 982.** Motorcycle and motorized bicycle safety helmets governed by Vehicle Code Section 27802 shall meet Federal Motor Vehicle Safety Standard No. 218.

### **Title 13. MOTOR VEHICLES, DIVISION 2, DEPARTMENT OF THE CALIFORNIA HIGHWAY PATROL, CHAPTER 11, RULES APPLICABLE TO THE USE OF STATE PROPERTY, ARTICLE 3., RESTRICTIONS ON THE USE OF STATE BUILDINGS AND GROUNDS.**

#### **1867. Operation & Use of Bicycles, Roller Skates, Skateboards, and Other Wheeled Conveyances On State Property (See also Government Code Section 14679.5(A) above)**

- (a) The riding, operation or use of bicycles, roller skates, skateboards, or other wheeled conveyances is prohibited in or upon state property (as defined for this chapter [*editor's note - see Section 1851 below*]) except as follows: (*editor's note - no exceptions for bicycles were listed under subsections (a-c)*)
- (d) The parking of bicycles in or upon state property is prohibited except at designated bicycle parking racks or facilities established by the agency in control of a given state property.
- (f) This section shall not apply to any location defined as a street or highway under applicable provisions of the California Vehicle Code.

*Editor's Note - Section 1851(found earlier within Article 1) defines state property under this section as NOT including - property under the control of the University of California, the California state college system, the state fair grounds, state hospitals, state parks and beaches, state prisons, the youth authority and property under the jurisdiction of Caltrans as defined in the Streets and Highway Code Sections 660-670.*

### **TITLE 14. NATURAL RESOURCES, DIVISION 1, FISH AND GAME COMMISSION - DEPARTMENT OF FISH AND GAME, SUBDIVISION 2, GAME AND FURBEARERS CHAPTER 11, ECOLOGICAL RESERVES**

#### **Bicycle Restrictions at Ecological Reserves.**

**§ 630.** The areas specified in this chapter have been declared by the Fish and Game Commission to be ecological reserves..... Ecological reserves are established to provide protection for rare, threatened or endangered native plants, wildlife, aquatic organism and specialized terrestrial or aquatic habitat types. Public entry and use of ecological reserves shall be compatible with the primary purposes of such reserves, and subject to the following applicable general rules and regulations, except as otherwise provided for in the special area regulations:

(a) General Rules and Regulations:

(4) Motor Vehicles. No person shall drive, operate, leave, or stop any motor vehicle, bicycle, tractor, or other type of vehicle in an ecological reserve except on designated access roads and parking areas.

### **TITLE 14. NATURAL RESOURCES, DIVISION 1, FISH AND GAME COMMISSION - DEPARTMENT OF FISH AND GAME, SUBDIVISION 2, GAME AND FURBEARERS CHAPTER 8, WILDLIFE AND PUBLIC SHOOTING AREAS**

#### **Hunting, Firearms, and Archery Equipment Use and Permit Requirements on State and Federal Areas.**

§ 551. Editors Note - This section lists page after page of Federal & State wildlife areas where the use of bicycles are prohibited. Please consult the website listed below for specific locations.

**TITLE 14. NATURAL RESOURCES, DIVISION 3, DEPARTMENT OF PARKS AND RECREATION, CHAPTER 2, VEHICLES, BOATS, AIRCRAFT, HORSES, AND OPERATOR PROPELLED DEVICES**

**Dangerous Vehicle Operation.**

§ 4354. No person shall operate any vehicle, motor vehicle, off-highway vehicle, or bicycle negligently or willfully in such a manner as to pursue, harass, endanger, or injure any person or animal.

**TITLE 14. NATURAL RESOURCES, DIVISION 3, DEPARTMENT OF PARKS AND RECREATION, CHAPTER 14. CALIFORNIA EXPOSITION AND STATE FAIR (CAL-EXPO)**

**Vehicles - Operation, Stopping, Parking, Removal by Peace Officers.**

§ 4961. (e) No person shall operate or ride a bicycle, scooter, skateboard or other operator-propelled device on the grounds of Cal Expo unless authorized in writing by the General Manager.

**TITLE 14. NATURAL RESOURCES, DIVISION 6, RESOURCES AGENCY, CHAPTER 3, GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), ARTICLE 19, CATEGORICAL EXEMPTIONS**

**15300. Categorical Exemptions (Includes Bike Facilities) (See also Title 25, Division 1 - for Bike Exemptions Related to Housing Developments)**

Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA ..... In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

**15301. Existing Facilities. - Operation, Repair or Maintenance of**

**Class 1** - consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to:

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).

**15304. Minor Alterations to Land, Water and/or Vegetation**

**Class 4** - consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

(h) The creation of bicycle lanes on existing rights-of-way.

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS, DIVISION 7, BUREAU OF SECURITY AND INVESTIGATIVE SERVICES, ARTICLE 9, SKILLS TRAINING COURSE FOR SECURITY GUARDS**

**Appendix**

III. Elective Course Outlines - Objective: To familiarize and instruct the individual in basic employer requirements relating to the performance of guard duties. Additionally, to provide the employer and the individual with the opportunity to select additional course work to improve the skills and knowledge of the individual. The listed courses should include a mixture of written materials, lecture and exercises.....

- O. Driver Safety - 4 Hrs. Maximum
  - 2. Bicycles

**TITLE 20. PUBLIC UTILITIES AND ENERGY, DIVISION 2, STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION, CHAPTER 5, SITE CERTIFICATION, ARTICLE 6. POWER PLANT AND TRANSMISSION LINE JURISDICTIONAL INVESTIGATIONS, EXPEDITED CLEARANCE PROCESS**

**Information Requirements for an Application**

(g) Environmental Information

(6) Visual Resources

(C) In consultation with Energy Commission staff, identify i) any designated scenic roadways or scenic corridors and any visually sensitive areas that would be affected by the proposed project, including recreational and residential areas and ii) the locations of the key observation points to represent the most critical viewing locations from which to conduct detailed analyses of the visual impacts of the proposed project. Indicate the approximate number of people using each of these sensitive areas and the estimated number of residences with views of the project. Also identify any major public roadways and trails of local importance that would be visually impacted by the project and indicate the types of travelers (e.g., local residents, recreationists, workers, commuters, etc.) and the approximate number of vehicles, bicyclists and/or hikers per day.

**TITLE 21. PUBLIC WORKS, DIVISION 3. BUSINESS, TRANSPORTATION AND HOUSING AGENCY, CHAPTER 2, TRANSPORTATION DEVELOPMENT ACT, ARTICLE 1, PURPOSE AND AUTHORITY, CHAPTER 2, TRANSPORTATION DEVELOPMENT ACT**

**Application**

**§ 6602.** References to "operator" or "public transportation system" or "transit service claimant", under Article 4 (commencing with section 6630), are not applicable to claims filed or allocations made for local streets and roads or for facilities provided for use by pedestrians and bicycles or bicycle safety education programs pursuant to Public Utilities Code sections 99234 and 99400(a).

**TITLE 21. PUBLIC WORKS, DIVISION 3, BUSINESS, TRANSPORTATION AND HOUSING AGENCY, CHAPTER 2, TRANSPORTATION DEVELOPMENT ACT, ARTICLE 5, RESPONSIBILITIES OF TRANSPORTATION PLANNING AGENCY**

**Funds Reserved for Pedestrian and Bicycle Facilities**

**§ 6655.2.** The transportation planning agency may reserve moneys in the fund for later allocation to claimants for pedestrian and bicycle facilities or bicycle safety education programs pursuant to Public Utilities Code Section 99233.3 without designating the claimants to receive allocations from the amount. Such moneys may be allocated to claimants on such terms and conditions as the transportation planning agency may determine in accordance with Public Utilities Code Section 99234. Whenever the transportation planning agency finds that the amount, or any portion of the amount, so reserved could be used to better advantage for other purposes, that amount shall be added to the apportionments determined in accordance with Section 6644.

**TITLE 21. PUBLIC WORKS, DIVISION 4, CALIFORNIA TRANSPORTATION COMMISSION, CHAPTER 2, GUIDELINES FOR THE PREPARATION OF THE STATE AND REGIONAL TRANSPORTATION PROGRAMS**

**Project Listings Content, Priority Rankings, and Submission of Project Differences.**

**§ 8118.** The PSTIP, RTIPs, and STIP shall contain a listing of projects for the five-year period including the immediately upcoming fiscal year and the following four years.

(a) Project Listings. The PSTIP, the RTIPs, and the adopted STIP shall contain a geographic listing of major and minor projects (as defined in Section 8112(b)(4)).

(d) **Minor Projects Information.** The following information, to the extent possible, shall be included for minor projects:

(1) Minor projects in the State Highway Noise Attenuation, bicycle, and planting programs shall be identified and listed in the PSTIP and RTIPs in the same manner and detail as major projects.

**TITLE 22. SOCIAL SECURITY, DIVISION 3, HEALTH CARE SERVICES, SUBDIVISION 1, CALIFORNIA MEDICAL ASSISTANCE PROGRAM, CHAPTER 3, HEALTH CARE SERVICES, ARTICLE 4, SCOPE AND DURATION OF BENEFITS**

**Durable Medical Equipment**

**§ 51321.** (a) Durable medical equipment, as defined in Section 51160, is covered in accordance with the standards set forth in section 51303(a) and when provided on the written prescription of licensed practitioners within the scope of their practice as established in California law.....

(e) The following items are not covered by the program:

(6) Bicycles, tricycles, or exercise equipment .....

**TITLE 23. WATERS, DIVISION 1, RECLAMATION BOARD, CHAPTER 1, ORGANIZATION, POWERS AND STANDARDS, ARTICLE 8, STANDARDS**

**Bicycle Trails On Levees - Construction Of (See Also CVC Section 21116)**

**§ 132. (a) It is the board's policy to permit the construction of paved and unpaved bicycle trails by public agencies on levees and within floodways** under the board's jurisdiction, provided that the flood control purpose of the floodway facilities remains primary. Bicycle trails must meet the following general conditions:

(1) Where feasible, the bicycle trail must be located off of the levee.

(2) Repair or replacement of the bicycle trail that is damaged during an emergency flood fight procedure, routine maintenance, or any required improvement activity within an adopted plan of flood control must be made by, and at the sole expense of, the permittee or in accordance with an agreement for maintenance between the permittee and a public agency.

(3) The board and the local flood control maintaining agency retain the right to temporarily close the bicycle trail for improvement, maintenance, or during emergency flood fight activities.

(4) Bicycle trails within an adopted plan of flood control must be maintained to a level safe for bicycle traffic and acceptable to the local flood control maintaining agency and the Department of Water Resources.

**(b) Bicycle trails on a levee section are permitted under the following conditions:**

(1) The permittee shall defend, hold harmless, and indemnify the State of California and the local maintaining agency, and each of their boards, elected officials, officers, employees, and agents against all damages and claims of liability of whatever nature which arise from the use of the levee as a bicycle trail.

(2) The permittee must submit proposed use restrictions for the bicycle trail, and a plan for enforcement of the restrictions satisfactory to the board, prior to commencing construction. The restrictions, at a minimum, must restrict public access to the trail and to designated adjacent areas only, and must prohibit equestrian and motorized vehicle traffic, except as may be necessary for maintenance, restriction enforcement, and providing for public safety.

(3) The permittee must agree to bear the cost of any repairs to a flood control project facility that are made necessary by the presence or use of the bicycle trail.

(4) Paved bicycle trails constructed on the levee crown must have a minimum pavement width of twelve (12) feet and a minimum shoulder width of one (1) foot on each side of the pavement. The outer edges of the finished pavement may be no higher than the adjacent shoulders and the cross-section must be shaped and trimmed to produce a smooth transition from pavement to shoulder.

(5) Paved bicycle trails on the levee crown must be designed and paved to withstand a maximum load of 68,000 pounds from two consecutive sets of tandem axles. Soil tests may be required to determine design of the trail.

(6) The structural section of paved bicycle trails must consist of a minimum of six (6) inches of aggregate base beneath two (2) inches of asphalt concrete pavement, or equivalent, on a well compacted levee crown.

(7) The aggregate base shall extend beyond the pavement to allow drainage.

(8) The bicycle trail and all bicycle access ramps must be sloped to drain away from the levee crown.

(9) Bicycle access ramps on levee slopes must conform to the criteria set forth in the standards for access ramps in section 130.

(10) The bicycle trail may not be cut into the levee section but may be placed on fill along the levee slope provided it will not interfere with maintenance.

(11) The permittee must maintain the bicycle trail or provide evidence of agreement with a public agency for that agency to provide maintenance.

(12) The permittee may be required to prevent unauthorized vehicular access to bicycle trails by physical barriers, which must be removable to allow access for maintenance, inspection, and emergency vehicles. Vehicular access barriers will be secured by locks. Keys shall be provided to the Department of Water Resources and the local flood control maintaining agency.

(13) The permittee shall install permanent safety signs at all bicycle access points and at periodic intervals along the trail containing such language as: Levee Maintenance Road - Watch for Patrolling Vehicles.

(14) The permittee shall install permanent signs at all bicycle access points to control unauthorized use of bicycle trails.

**(c) Bicycle trails within a leveed floodway are permitted under the following conditions:**

(1) The permittee must submit proposed use restrictions for the bicycle trail and a plan for enforcement of such restrictions satisfactory to the board, prior to commencing construction. The restrictions, at a minimum, must restrict public access to the trail and to designated adjacent areas only, and shall prohibit equestrian and motorized vehicle traffic, except as may be necessary for maintenance, restriction enforcement, and providing for public safety.

(2) The permittee must agree to bear the cost of any repairs to a flood control project facility that are made necessary by the presence or use of the bicycle trail.

(3) Bicycle trails must be constructed at natural ground level wherever possible, and all fills greater than three (3) feet in height must be supported by appropriate engineering studies.

(4) The permittee must maintain the bicycle trail or provide evidence of an agreement with a public agency for that agency to provide maintenance.

(5) The permittee is required to prevent unauthorized vehicular access to bicycle trails by physical barriers, which must be removable to allow access for maintenance, inspection, and emergency vehicles. Vehicular access barriers will be secured by locks. Keys shall be provided to the Department of Water Resources and the local flood control maintaining agency.

(6) The permittee must install permanent signs at all bicycle access points to control unauthorized use of bicycle trails.

**(d) Paved bicycle trails within ten (10) feet of the landside levee toe must have appropriate features that intercept seepage and prevent particle migration.**

**TITLE 25. HOUSING AND COMMUNITY DEVELOPMENT, DIVISION 1, HOUSING AND COMMUNITY DEVELOPMENT, CHAPTER 6.5, PROGRAM OPERATIONS SUBCHAPTER 3, CALIFORNIA ENVIRONMENTAL QUALITY ACT, ARTICLE 3, EXEMPT ACTIVITIES.**

**Categorical Exemptions For Bike Facilities Improvements & Repairs In Housing Developments (See Also Title 14, Division 6, Resources Agency - for Bicycle Facility Exemptions Under CEQA)**

**§ 6962.** The Guidelines establish classes of projects which have been determined not to have a significant effect on the environment and are therefore categorically exempt. Provided below are only those exempt

classes from Article 8 of the State EIR Guidelines which might be relevant to departmental activities. All class exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. Classes 3, 4, 5, 6, and 11 are not exempt if the project may impact on an environmental resource of hazardous or critical concern which is designated, precisely mapped and officially adopted pursuant to law by federal, state or local agencies. (Areas of concern include critical air basins and coastal zones.) A categorical exemption shall not be used where there is a reasonable possibility that the activity will have a significant effect due to unusual circumstances.

(a) Class 1: Existing Facilities. Class 1 consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

- (3) Highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities;

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## **U.S. GOVERNMENT CODE (REGARDING USE OF FEDERAL FUNDS)**

### **TITLE 23 - HIGHWAYS, CHAPTER 1 -- FEDERAL-AID HIGHWAYS**

#### **Sec. 134. Metropolitan Transportation Planning**

(a) Policy: It is in the national interest to:

(1) encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; í í í í

(b) Deleted for brevity.

(c) General Requirements:

(1) Development of long-range plans and tips. To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs for metropolitan planning areas of the State.

(2) Contents.--The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(d), (e), (f) and (g) deleted for brevity.

(h) Scope of Planning Process:

(1) In general - The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will: í í ..

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

#### **Sec. 135. Statewide transportation planning**

(a) General Requirements:

(1) Development of plans and programs. - To accomplish the objectives stated in section 134(a), each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State, subject to section 134.

(2) Contents. - The statewide transportation plan and the transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

(b) and (c) deleted for brevity.

(d) Scope of Planning Process:

(1) In general. - Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will: í í ..

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

## **PART 652—PEDESTRIAN AND BICYCLE ACCOMMODATIONS AND PROJECTS**

### **652.1 Purpose.**

To provide policies and procedures relating to the provision of pedestrian and bicycle accommodations on Federal-aid projects, and Federal participation in the cost of these accommodations and projects.

### **652.3 Definitions (See Calif. Vehicle Code Sect. 231 and Calif. S & H Code Sect. 890.4 (a), (b) & (c))**

(a) **Bicycle** - A vehicle having two tandem wheels, propelled solely by human power, upon which any person or persons may ride.

(b) **Bikeway** - Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

(c) **Bicycle Path (Bike Path)** - A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

(d) **Bicycle Lane (Bike Lane)** - A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

(e) **Bicycle Route (Bike Route)** - A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

(f) **Shared Roadway** - Any roadway upon which a bicycle lane is not designated and which may be legally used by bicycles regardless of whether such facility is specifically designated as a bikeway.

(g) **Pedestrian Walkway or Walkway** - A continuous way designated for pedestrians and separated from the through lanes for motor vehicles by space or barrier.

(h) **Highway Construction Project** - A project financed in whole or in part with Federal-aid or Federal funds for the construction, reconstruction or improvement of a highway or portions thereof, including bridges and tunnels.

(i) **Independent Bicycle Construction Project (Independent Bicycle Project)** - A project designation used to distinguish a bicycle facility constructed independently and primarily for use by bicyclists from an improvement included as an incidental part of a highway construction project.

(j) **Independent Pedestrian Walkway Construction Project (Independent Walkway Project)** - A project designation used to distinguish a walkway constructed independently and solely as a pedestrian walkway project from a pedestrian improvement included as an incidental part of a highway construction project.

(k) **Incidental Bicycle or Pedestrian Walkway Construction Project (Incidental Feature)** - One constructed as an incidental part of a highway construction project.

(l) **Non-construction Bicycle Project** - A bicycle project not involving physical construction which enhances the safe use of bicycles for transportation purposes.

(m) **Snowmobile** - A motorized vehicle solely designed to operate on snow or ice.

### **652.5 Policy**

The safe accommodation of pedestrians and bicyclists **should be** given full consideration during the development of Federal-aid highway projects, and during the construction of such projects. The special needs for the elderly and the handicapped shall be considered in all Federal-aid projects that include pedestrian facilities. **Where current or anticipated pedestrian and/or bicycle traffic presents a potential conflict with motor vehicle traffic, every effort shall be made to minimize the detrimental effects on all highway users who share the facility.** On highways without full control of access where a bridge deck is being replaced or rehabilitated, and where bicycles are permitted to operate at each end, **the bridge shall be reconstructed so that bicycles**

**can be safely accommodated when it can be done at a reasonable cost.** Consultation with local groups of organized bicyclists is to be encouraged in the development of bicycle projects.

#### **652.7 Eligibility**

(a) Independent bicycle projects, incidental bicycle projects, and non-construction **bicycle projects must be principally for transportation rather than recreational use** and must meet the project conditions for authorization where applicable.

(b) The implementation of pedestrian and bicycle accommodations may be authorized for Federal-aid participation as either incidental features of highways or as independent projects where all of the following conditions are satisfied.

(1) The safety of the motorist, bicyclist, and/or pedestrian will be enhanced by the project.

(2) The project is initiated or supported by the appropriate State highway agency(ies) and/or the Federal land management agency. Projects are to be located and designed pursuant to an overall plan, which provides due consideration for safety and contiguous routes.

(3) A public agency has formally agreed to:

(i) Accept the responsibility for the operation and maintenance of the facility,

(ii) Ban all motorized vehicles other than maintenance vehicles, or snowmobiles where permitted by State or local regulations, from pedestrian walkways and bicycle paths, and

(iii) Ban parking, except in the case of emergency, from bicycle lanes that are contiguous to traffic lanes.

(4) The estimated cost of the project is consistent with the anticipated benefits to the community.

(5) The project will be designed in substantial conformity with the latest official design criteria. (See §652.13.)

#### **652.9 Federal participation.**

(a) Independent walkway projects, independent bicycle projects and non-construction bicycle projects shall be financed with 100 percent Federal-aid primary, secondary or urban highway funds, provided the total amount obligated for all such projects in any one State in any fiscal year does not exceed \$4.5 million of Federal-aid funds or a lesser amount apportioned by the Federal Highway Administrator to avoid exceeding the annual \$45 million cost limitation on these projects for all States in a fiscal year. The Federal Highway Administrator may, upon application, waive this limitation for a State for any fiscal year. This limitation also applies to projects funded under §652.9(d). This limitation does not apply to projects of the type described in §652.9(c). The FHWA Offices of Direct Federal Programs and Engineering will coordinate projects of the type described in §652.9(d) to ensure that the annual cost limitations will not be exceeded.

(b) Specific eligibility requirements for Federal-aid participation in independent and non-construction projects are:

(1) An independent walkway project must be constructed on highway right-of-way or easement, or right-of-way acquired for this purpose. Independent walkway projects may be constructed separately or in conjunction with a Federal-aid highway construction project. Where an independent walkway project is located away from the Federal-aid highway right-of-way, it must serve pedestrians who would normally desire to use the Federal-aid route.

(2) An independent bicycle project may include the acquisition of land needed for the facility, or such projects may be constructed on existing highway right-of-way or easement acquired for this purpose. Independent bicycle projects may include construction of bicycle lanes, paths, shelters, bicycle parking facilities and other roadway and bridge work necessary to accommodate bicyclists.

(3) Non-construction bicycle projects must be related to the safe use of bicycles for transportation, and may include safety educational material and route maps for safe bicycle transportation purposes. Non-construction bicycle projects shall not include salaries for administration, law enforcement, maintenance and similar items required to operate transportation networks and programs, but may include cost of staff or consultants for development of specific non-construction projects.

(c) Bicycle and pedestrian accommodations may also be constructed as incidental features of highway construction projects. These incidental features may be financed with the same type of Federal-aid funds, including funds of the type described in §652.9(d) (except Interstate construction funds) and at the same Federal share payable as a basic highway project. These accommodations are not subject to the funding limitations for independent walkway, independent bicycle and non-construction bicycle projects. In the case of

the Interstate construction projects, Federal-aid Interstate construction funds may only be used to replace existing facilities that would be interrupted by construction of the project, or to mitigate specific environmental impacts. Interstate 4R funds provided by 23 U.S.C. 104(b)(5)(B) may be used only for incidental features. As incidental features, these accommodations must be part of a highway improvement and must be located within the right-of-way of the highway, including land acquired under 23 U.S.C. 319 (Scenic Enhancement Program). (d) Funds authorized for Federal lands highways (forest highways, public lands highways, park roads, parkways, and Indian reservation roads which are public roads), forest development roads and trails ( i.e. , roads or trails under the jurisdiction of the Forest Service), and public lands development roads and trails ( i.e. roads or trails which the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his/her control), may be used for independent bicycle routes and independent walkway projects. These funds may not be used for non-construction bicycle projects.

### **652.11 Planning**

Federally aided bicycle and pedestrian projects implemented within urbanized areas must be included in the transportation improvement program/annual (or biennial) element unless excluded by agreement between the State and the metropolitan planning organization.

### **652.13 Design And Construction Criteria**

(a) The American Association of State Highway and Transportation Officials' "Guide for Development of New Bicycle Facilities, 1981" (AASHTO Guide) or equivalent guides developed in cooperation with State or local officials and acceptable to the division office of the FHWA, shall be used as standards for the construction and design of bicycle routes. Copies of the AASHTO Guide may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, NW., Suite 225, Washington, DC 20001.

(b) Curb cuts and other provisions as may be appropriate for the handicapped are required on all Federal and Federal-aid projects involving the provision of curbs or sidewalks at all pedestrian crosswalks.

## **PART 655 - TRAFFIC OPERATIONS**

### **Subpart F - Traffic Control Devices on Federal-Aid and Other Streets and Highways**

#### **655.603 - Standards**

(a) NATIONAL MUTCD. The MUTCD approved by the Federal Highway Administrator is the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a). For the purpose of MUTCD applicability, open to public travel includes toll roads and roads within shopping centers, parking lot areas, airports, sports arenas, and other similar business and/or recreation facilities that are privately owned but where the public is allowed to travel without access restrictions. Military bases and other gated properties where access is restricted and private highway-rail grade crossings are not included in this definition.

(b) STATE OR OTHER FEDERAL MUTCDs (1) Where State or other Federal agency MUTCDs or supplements are required, they shall be in substantial conformance with the National MUTCD. Substantial conformance means that the State MUTCD or supplement shall conform as a minimum to the standard statements included in the National

(d) COMPLIANCE (2) *New or reconstructed highways*. Federal-aid projects for the construction, reconstruction, resurfacing, restoration, or rehabilitation of streets and highways shall not be opened to the public for unrestricted use until all appropriate traffic control devices, either temporary or permanent, are installed and functioning properly. Both temporary and permanent devices shall conform to the MUTCD.

(3) *Construction area activities*. All traffic control devices installed in construction areas using Federal-aid funds shall conform to the MUTCD. Traffic control plans for handling traffic and pedestrians in construction zones and for protection of workers shall conform to the requirements of 23 CFR part 630, subpart J, Traffic Safety in Highway and Street Work Zones.

## TITLE 23 - HIGHWAYS - CHAPTER 2 - OTHER HIGHWAYS

### Bicycle Transportation and Pedestrian Walkways

#### Sec. 217

(a) Use of STP and Congestion Mitigation Program Funds ... a State may obligate funds apportioned to it ... for construction of pedestrian walkways and bicycle transportation facilities and for carrying out non-construction projects related to safe bicycle use.

(b) Use of National Highway System Funds -- a State may obligate funds apportioned to it ... for construction of pedestrian walkways and bicycle transportation facilities on land adjacent to any highway on the National Highway System.

(c) Use of Federal Lands Highway Funds -- shall be available, ... for the construction of pedestrian walkways and bicycle transportation facilities in conjunction with such trails, roads, highways, and parkways.

(d) State Bicycle and Pedestrian Coordinators --Each State receiving an apportionment under sections 104(b)(2) and 104(b)(3) of this title shall use such amount of the apportionment as may be necessary to fund in the State department of transportation a position of bicycle and pedestrian coordinator for promoting and facilitating the increased use of nonmotorized modes of transportation, including developing facilities for the use of pedestrians and bicyclists and public education, promotional, and safety programs for using such facilities.

(e) Bridges -- In any case where a highway bridge deck being replaced or rehabilitated with Federal financial participation is located on a highway on which bicycles are permitted to operate at each end of such bridge, and the Secretary determines that the safe accommodation of bicycles can be provided at reasonable cost as part of such replacement or rehabilitation, then such bridge shall be so replaced or rehabilitated as to provide such safe accommodations.

(f) Federal Share -- For all purposes of this title, construction of a pedestrian walkway and a bicycle transportation facility shall be deemed to be a highway project and the Federal share payable on account of such construction shall be determined in accordance with section 120(b).

#### (g) Planning and Design

(1) In general --Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.

(2) Safety considerations --Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Safety considerations shall include the installation, where appropriate, and maintenance of audible traffic signals and audible signs at street crossings.

(h) Use of Motorized Vehicles --Motorized vehicles may not be permitted on trails and pedestrian walkways under this section, except for--

- (1) maintenance purposes;
- (2) when snow conditions and State or local regulations permit, snowmobiles;
- (3) motorized wheelchairs;
- (4) when State or local regulations permit, electric bicycles; and

(i) Transportation Purpose--No bicycle project may be carried out under this section unless the Secretary has determined that such bicycle project will be principally for transportation, rather than recreation, purposes.

#### (j) Definitions --In this section, the following definitions apply:

(1) Bicycle transportation facility --The term "bicycle transportation facility" means a new or improved lane, path, or shoulder for use by bicyclists and a traffic control device, shelter, or parking facility for bicycles.

(2) Electric bicycle --The term "electric bicycle" means any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.

(3) Pedestrian --The term "pedestrian" means any person traveling by foot and any mobility-impaired person using a wheelchair.

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**\*\*Note to Readers - Disclaimer\*\*** - The above assemblage of California & U.S. Codes, and code subsections, was compiled between January 2005 and July 2008 by the Caltrans District 6 (Fresno) Bicycle Facilities Coordinator (559) 444-2500 and is intended to be a guide to California & U.S. laws relating to bicycles. Actual wording (but not section headings and emphasis underlining) was obtained from either the [www.leginfo.ca.gov](http://www.leginfo.ca.gov), the [www.dmv.ca.gov/pubs/vctop/vc/vc.htm](http://www.dmv.ca.gov/pubs/vctop/vc/vc.htm), the [www.ceres.ca.gov/topic/envlaw/ceqa/guidelines](http://www.ceres.ca.gov/topic/envlaw/ceqa/guidelines) or the <http://ccr.oal.ca.gov> (look for the link to CCR) websites and is therefore deemed reliable. However - many sections and sub-sections obtained from those sites have been shortened for brevity and as such, readers should NOT rely solely upon the text contained herein without consulting the above listed websites to view the complete wording of any section(s) or subsection(s) presented herein or contact the desired agency to obtain a hard copy of their entire code. Any errors or omissions discovered by the reader should be directed to the phone number above.