



## Takoma Park City Council Meeting – September 6, 2017

### Agenda Item 4

#### Work Session

Second Discussion of Proposed Amendment to City Code for Operating Bicycles and Wheelchairs on Sidewalks

#### Recommended Council Action

Discuss proposed amendments to City Code ahead of September 20 voting session, including whether Council wishes to:

- Permit bicycles on sidewalks in general
- Permit bicycles on sidewalks where permitted as indicated by signage (i.e. on MD State Highways)
- Permit bicycles on sidewalks in general, and restrict as indicated by signage (i.e. in Old Takoma)
- Permit only children on smaller bicycles to ride on sidewalks
- Permit Capital Bikeshare riders to ride bicycles on sidewalks in close proximity to Bikeshare stations
- Clarify that wheelchairs and other such mobility enabling devices are permitted

#### Context with Key Issues

##### Background

On November 15, 2015, the Safe Roadways Committee presented a request to Council to amend the City Code to allow bicyclists to ride on sidewalks. A discussion of this recommendation occurred on October 6, 2016. Council held an initial work session on March 1, 2017, which resulted in a request for an additional work session as well as input from the City's Crossing Guards.

##### Existing Legal Conditions and Considerations

Takoma Park strives to create a welcoming environment for all roadway users, and has prioritized improvements to infrastructure that increase the safety and comfort of bicyclists, pedestrians, and those that use mobility devices. However, patterns of development in the City, restrictions on what we are able to do on state roadways, and the amount of space in the public Right-of-Way (ROW) have made it difficult to create adequate, dedicated spaces for each mode user. Bicyclists are expected to share roadway space with vehicles, and narrow ROWs and heavy vehicular traffic can make this difficult and dangerous. This is especially an issue along arterial roadways that provide key connections for bicycle commuters to and from Takoma Park, where speeds and vehicle capacity make cycling in vehicle lanes feel particularly hazardous (for example, on MD 320, MD 196, MD 197, MD 320, MD 410, Piney Branch, Flower, & Eastern).

In the State of Maryland, riding bicycles on the sidewalk is prohibited unless it is allowed by local laws (county or municipality). Montgomery County Code permits bicyclists to ride on sidewalks throughout the county. Takoma Park City Code section 13.16.050 states that *"No person shall ride any bicycle on, over or upon any walk or sidewalk in this City."* In practice, however, many people in Takoma Park ride on the sidewalk out of concern for their own safety.

Under current Maryland law, motorists are not required to yield to bicyclists who ride their bicycles through crosswalks, and motorists cannot be charged with striking a bicyclist riding across a crosswalk unless the motorist is speeding or otherwise driving in a negligent manner. Effective October 1, 2017, however, the Maryland Vehicle Law grants the right of way to bicyclists riding their bikes through a crosswalk connecting sidewalks on which bike riding is permitted, and motorists will be required to yield to such riders just as they must yield for pedestrians in a crosswalk. While this new law will apply in Montgomery County, unless the Council amends the City Code to permit riding on sidewalks, bicyclists

riding through crosswalks that connect two segments of sidewalk within the City will not enjoy the right of way over motorists.

#### Signage, Children, and Capital Bikeshare

During the March 1 work session, Council also discussed the possibility of permitting all bicyclists on sidewalks where permitted by signage, children aged 12 years or younger on smaller bicycles (with wheels that have less than 26 inch diameter), and in a certain proximity to Capital Bikeshare stations, which are often located behind sidewalks. Regarding signage, if Council decides to permit bicyclists on certain sidewalks, we would need to develop a process for determining which sidewalks would qualify. Regarding children on small bicycles, it should be noted that the Crossing Guards were supportive of this Code change in light of unpredictable and dangerous conditions for children on City roadways. Regarding Capital Bikeshare stations, we would need to determine an acceptable proximity.

Each of these options would pose enforcement challenges.

#### Wheelchairs and Other Mobility Devices

In addition to bicycles, the City Code currently also does not accommodate wheelchairs on sidewalks. Though this provision is not enforced against wheelchair users, City Code Section 13.16.050 states that: *No person shall ride or propel any handcart, wheelbarrow, sleigh or sled, carriage or other vehicle either in the manner commonly known as "coasting," or otherwise.* While there is nothing in the Code that explicitly restricts or allows the use of wheelchairs on sidewalks, Council has expressed interest in updating the City Code to clearly state that all mobility devices are allowed on sidewalks throughout the City to ensure consistency with federal accessibility requirements and current enforcement practices.

The attached document provides draft Code language for Council's discussion and consideration.

#### **Council Priority**

A Livable Community for All; Environmentally Sustainable Community

#### **Environmental Impact of Action**

An amendment to allow bicycles on sidewalks would encourage alternative modes of transportation and may make bicycling more accessible in a wider variety of circumstances and for a greater number of users.

#### **Fiscal Impact of Action**

N/A

#### **Racial Equity Impact of Action**

Amending the City Code to allow bicycles on the sidewalk could work to increase bicycling access to a more diverse portion of Takoma Park's population. The most recent demographic data from Capital Bikeshare shows that members are overwhelmingly white and studies show that there are greater barriers to bicycling for people of color. Many of Takoma Park's busiest and most dangerous roads for cycling are state highways located in Ward 6 with larger minority populations of 39.6% and 28.9% Black and Hispanic respectively, according to the 2010 Census. Legally allowing bicycling on the sidewalks could create better bicycling access in these areas and alleviate some safety concerns. It should be noted that the Safe Roadways Committee's report also spoke to positive racial equity impacts of allowing bicycles on sidewalks.

#### **Attachments and Links**

- Redline Code for Draft Amendments
- Link to: [Takoma Park Bikeways](#)
- Takoma Park Existing Bicycle Infrastructure Map
- Link to: [Study on Black and Latino Biking Experiences](#)

**.13.16.050 Requirements for Riding on Sidewalks** ~~Coasting and bicycle riding on sidewalk prohibited—Exception.~~

- A. Operators of motorized and non-motorized wheelchairs shall have all the rights and duties applicable to pedestrians. ~~No person shall ride or propel any handcart, wheelbarrow, sleigh or sled, carriage or other vehicle either in the manner commonly known as “coasting,” or otherwise.~~
- B. Bicycles may be operated upon sidewalks except in locations where in the judgement of the City Manager, it is necessary for the safety or control of vehicular or pedestrian traffic to prohibit the riding of bicycles. ~~No person shall ride any bicycle on, over or upon any walk or sidewalk in this City.~~
- C. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian. ~~Nothing under this section shall apply to baby carriages or small wagons propelled or drawn by hand, nor to children’s vehicles.~~
- D. No person shall ride, operate or use a bicycle, unicycle, skateboard, cart, wagon, rollerskates, or any other device moved primarily by human power, on a sidewalk in a careless, reckless, or wanton manner, or carelessly so as to endanger life or property.
- E. A violation of this section is a Class G offense. (Prior code § 13-61)
- F. This section shall expire on \_\_\_\_\_, 2019, and shall be of no effect thereafter.

[OR]

- G. Acknowledging that permitting bicycles on sidewalks can create safety issues that may not exist otherwise, the Council shall review the impact of this section on or about \_\_\_\_\_, 2019, to determine whether repeal or amendment is appropriate.

[OTHER POSSIBLE AMENDMENTS FOR CONSIDERATION]

- A. No person shall ride any bicycle upon sidewalks unless the rider is 12 years or younger and the wheels of the bicycle are less than 26 inches in diameter.

[AND/OR]

- B. No person shall ride any bicycle on, over or upon any walk or sidewalk in this City, except in locations indicated by signage, where in the judgement of the City Manager it is necessary for the safety of bicycles.

[AND/OR]

- C. No person shall ride any bicycle on, over or upon any walk or sidewalk in this City, except within 20 feet of Capital Bikeshare stations.

# New Ave Bikeway - City of Takoma Park

## Existing Bicycle Infrastructure

