



Takoma Park City Council Meeting – September 27, 2017 Agenda Item 1

Voting Session

Ordinance permitting wheelchairs on sidewalks and prohibiting the riding of bicycles on sidewalks with exceptions.

Recommended Council Action

Vote on ordinance at second reading.

Context with Key Issues

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.

In the State of Maryland, riding bicycles on the sidewalk is prohibited unless it is allowed by local law. The Montgomery County Code permits bicyclists to ride on sidewalks throughout the county. Takoma Park City Code section 13.16.050 provides that “[n]o person shall ride any bicycle on, over or upon any walk or sidewalk in this City.” 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.

After a series of work sessions, the Council decided that the dangers to pedestrians and cyclists posed by allowing bicycling on sidewalks are greater than the dangers posed to cyclists by requiring them to ride on the street and denying them the right of way when riding through crosswalks. The Council identified appropriate exceptions to the prohibition on riding on sidewalks, including:

1. Allowing children aged twelve and under to ride on sidewalks (with a question for the Police Department about whether or not the language regarding size of bike be included, and whether supervising adults should be permitted on sidewalks with the child(ren) they are supervising)
2. Authorizing the City Manager to designate areas where riding on the sidewalk is permitted because of dangerous roadway conditions
3. Allowing bike share users to ride on the sidewalk near bike share stations

The Council's consideration of the City Code provisions regarding riding on sidewalks revealed the lack of express authorization for the use of wheelchairs on sidewalks, so the Council requested that such a provision be added to the Code.

The position of the Takoma Park Police Department is that the inclusion of language about the size of bike wheels is not recommended and that supervising adults should be permitted on sidewalks.

At First Reading, the Council asked whether the City should specifically address the issue of riding bicycles in crosswalks. The City Attorney advises that the right to ride bicycles on crosswalks is regulated by the Maryland Vehicle Law and that local governments do not have the authority to legislate on that issue. The Maryland Vehicle Law expressly recognizes the authority of local governments to permit riding bicycles on sidewalks, and provides that “[i]n a place where a person may ride a bicycle on a sidewalk or sidewalk area, a person may also ride a bicycle from the curb or edge of the roadway in or through a crosswalk to the opposite curb or edge of the roadway.” Therefore, for the City to allow the riding of bicycles on crosswalks connecting sidewalks, the only way to do so is to authorize bicycle riding on sidewalks on both ends of the crosswalk. (The revision to the State law that went into effect on October 1 grants bicyclists the same right of way enjoyed by pedestrians in sidewalks if the bicyclist is lawfully riding in the crosswalk, e.g., where the local government has permitted riding on sidewalks.)

The proposed ordinance includes a slight modification to the amendment approved by the Council at First Reading regarding bike sharing stations. The amendment at First Reading authorized riding on the sidewalk from the bike sharing station to the nearest curb cut. The attached Ordinance would also allow riding on the sidewalk from the nearest curb cut to the bike sharing station.

Council Priority

A Livable Community for All; Environmentally Sustainable Community

Environmental Impact of Action

This project facilitates bike sharing and walking as modes of transportation.

Fiscal Impact of Action

This action will have minimal fiscal impact. It may result in the installation of signs designating areas where cyclists are permitted to ride on the sidewalk.

Racial Equity 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.

In other jurisdictions, enforcement of sidewalk bicycling bans have been shown to disproportionately target minorities and the city will work to ensure that is not the case for any enforcement pursued in Takoma Park.

Attachments and Links

- Proposed Ordinance
- [Cover memo from first work session – March 1, 2017](#)
- [Cover memo from second work session – September 6, 2017](#)
- [Presentation on bicycles and wheelchairs on sidewalks – September 6, 2017](#)

Introduced by:

First Reading: Sept. 20, 2017

Second Reading:

Effective Date:

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE 2017-_____

AMENDING THE *TAKOMA PARK CODE*, TITLE 13, VEHICLES AND TRAFFIC, TO PERMIT THE USE OF WHEELCHAIRS ON CITY SIDEWALKS AND TO PERMIT THE RIDING OF BICYCLES ON SIDEWALKS IN LIMITED CIRCUMSTANCES

WHEREAS, the current Takoma Park Code does not expressly authorize the use of wheel chairs on sidewalks; and

WHEREAS, the current Takoma Park Code prohibits bicycle riding on sidewalks by any person at any time; and

WHEREAS, the Council wishes to recognize the right of people that use wheelchairs to use City sidewalks; and

WHEREAS, the Council recognizes that in some circumstances it may be safer for children to ride their bicycles on the sidewalk than on the street; and

WHEREAS, the Council recognizes that there may be some locations in the City where it is safer for bicyclists to ride on the sidewalk than on the street; and

WHEREAS, the Council recognizes that bike sharing is a popular form of transportation in the City and that bike sharing stations are located on or near sidewalks.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

SECTION 1. Title 13, Vehicles and Traffic, of the *Takoma Park Code* shall be amended as follows:

**CHAPTER 13.16
SPECIAL TRAFFIC REGULATIONS**

13.16.050 Riding on sidewalk prohibited—Exceptions.

A. Operators of motorized and non-motorized wheelchairs shall have all the rights and duties applicable to pedestrians.

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B. Except as provided in subsection C of this section, no person shall ride any bicycle on, over or upon any walk or sidewalk in this City.

C. Bicycle riding on sidewalks is permitted as follows:

1. Children 12 years old or younger may ride on sidewalks in all areas of the City.
2. Adults who are actively supervising a child or children 12 years old or younger may ride bicycles on sidewalks.
3. All persons may ride bicycles on sidewalks in areas where the City Manager has determined that it is necessary for the safety of bicyclists and does not pose a significant safety risk to pedestrians. Such areas shall be posted with signage authorizing the riding of bicycles with reference to the need for caution.
4. Persons utilizing bike share stations authorized by the City may ride bike share bicycles on the sidewalk between the bike share station and the nearest accessible curb cut. Such stations shall be posted with signs describing the City policy relating to bicycling on sidewalks.

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.

SECTION 2. This Ordinance will be effective immediately.

ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS _____ DAY OF _____ 2017, BY ROLL-CALL VOTE AS FOLLOWS:

AYE:

NAY:

ABSENT:

ABSTAIN:

EXPLANATORY NOTE: Additions to the Code are underlined. Deletions from the Code are indicated with ~~strikethrough~~.