



## City Council Agenda Item

**City Council Meeting Date:** September 6, 2022

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Dean Albro, City Manager  
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Jeff Malawy, City Attorney  
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**SUBJECT:** Introduction of Ordinance No. 1697(22) Repealing Section 10.52.130 of the Lompoc Municipal Code in Order to Allow the Riding of Bicycles on City Sidewalks

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### **Recommendation:**

Staff recommends the City Council discuss and consider whether to introduce, for first reading by title only with further reading waived, Ordinance No. 1697(22) deleting Section 10.52.130 of the Lompoc Municipal Code (LMC) in order to allow the riding of bicycles on City sidewalks (attached).

### **Background:**

The California Vehicle Code (CVC) contains the state laws that specify where and how bicycles must operate. For the most part, bicyclists have the same rights and responsibilities as motor vehicle drivers (CVC 21200). Individual cities and counties control whether bicyclists may ride on sidewalks (CVC 21206). Section 10.52.130 of the LMC prohibits the riding of bicycles on any sidewalk in the City. At the City Council meeting on July 19, 2022, the City Council requested that an agenda item be brought to the City Council to discuss potentially removing this prohibition.

### **Discussion:**

#### *Public Works Considerations*

Even in areas where biking on the sidewalk is legal, doing so can be dangerous for the biker and those traveling on foot. Sidewalks are not typically designed with bicycle use in mind. There can be low hanging branches, signs, or other obstructions that create hazards for a bicyclist. There is a risk of going too fast, losing control and hitting bystanders with a moving bicycle. Additionally, cyclists moving from the sidewalk into a

street or driveway crossing are liable to go unnoticed by drivers unaccustomed to scanning for bikes.

The growing popularity of electronic bikes (ebikes) is also a concern. They are faster and quieter than regular bikes. Ebikes are considered bicycles under state law, and therefore individual cities and counties control whether ebikes are allowed on sidewalks. Currently ebikes are not allowed on sidewalks in Lompoc, because bicycle riding on sidewalks is prohibited by the LMC. Allowing bicycle riding on sidewalks would also allow ebikes on sidewalks, enhancing the dangers cited above to pedestrians and motorists. The City Council could decide to prohibit ebikes on sidewalks but allow regular bicycles.

### *Liability Considerations*

The City may be liable for injuries to bicyclists riding on a City sidewalk if they are injured by the dangerous condition of the sidewalk. The liability is the same *whether or not the City has an ordinance prohibiting biking on the sidewalk*. Under California law, cities owe a duty of care to people riding bikes on sidewalks *even if biking on sidewalks is prohibited*. Therefore, repealing the City's ban on sidewalk biking would not help or hurt the City's case in court, in the event of a future injury and lawsuit.

However, if the City Council feels that biking on the sidewalk is dangerous and could lead to injuries, then keeping the ban in place and enforcing the ban presumably would reduce the chances that such an injury and lawsuit would occur in the first place, because enforcement would reduce the number of bicyclists on sidewalks.

### *Public Safety Considerations*

The Police Department does not recommend repealing Section 10.52.130 as that section is useful in law enforcement efforts.

### **Fiscal Impact:**

None.

### **Conclusion:**

Adopting the proposed ordinance would make it legal to ride bicycles on sidewalks in the City.

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Respectfully submitted,

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Dean Albro, City Manager

A handwritten signature in blue ink, appearing to read "Jeff Malawy", is written over a horizontal line.

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Jeff Malawy, City Attorney

Attachment: Ordinance No. 1697(22))