Draft Memo to the Department of Public Safety

Enclosed is a draft memo for BPAC's review prior to its finalization. This draft memo is addressed to the Department of Public Safety to relay the Commission's request to emphasize certain traffic enforcement elements.

CITY OF SUNNYVALE
DEPARTMENT OF PUBLIC WORKS
MEMORANDUM
(Draft for BPAC Review)

June 10, 2011

To: Dayton Pang, Acting Chief of Public Safety

From: Heba El-Guendy, Bicycle and Pedestrian Advisory Commission Liaison
Through: Marvin A. Rose, Director of Public Works
Jack Witthaus, Transportation and Traffic Division Manager

Subject: Request by Bicycle and Pedestrian Advisory Commission to Emphasize Certain Traffic Enforcement Elements

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This memorandum is sent in response to a request initiated by the Bicycle and Pedestrian Advisory Commission (BPAC). The Commission members would like to enhance the education and traffic enforcement efforts for all road users with respect to Commission's perception of important or frequently violated traffic laws.

Accordingly, the BPAC members requested emphasizing certain State and City codes for the reference of the officers of the City's Traffic Enforcement Unit when they encounter relevant behaviors while on patrol. This could be achieved through any appropriate or feasible means, from increased enforcement to simply making road users aware of the laws.

Please find attached a list that contains paraphrased statements that BPAC would like to emphasize followed by the associated sections of the California Vehicle Code and/or the City Municipal Code.

I would also like to use this opportunity to request your Department's response to BPAC on the current approach for educating the traveling public and enforcement of the law.

Pedestrians:

- Pedestrians should use pedestrian walkways or sidewalks when adequate, not bicycle facilities *(CA Vehicle Code 21966 - No Pedestrian shall proceed along a bicycle path or lane where there is an adjacent adequate pedestrian facility).*

- Jay walking and pedestrians out of crosswalks *(CA Vehicle Code 21954 - (a) Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard).*

Bicyclists:

- Bicycles must ride with the flow of traffic *(CA Vehicle Code 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).*

- Bicycles must have a head light and red reflector on the rear (tail light) for after dark use *(CA Vehicle Code 21201(1) and 21201(2) – 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. 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). (City Code 10.56.130 – On other than a public highway, which is regulated by California Vehicle Section 21201, every bicycle operated or used in the City of Sunnyvale shall be equipped with the items of equipment specified in the Vehicle Code Section 21201).*

- Obey traffic lights and stop signs *(CA Vehicle Code 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; and, (b) Whenever an official traffic control signal exhibiting different colored bicycle symbols is shown concurrently with official 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). (CA Vehicle Code 21462 – The driver of any vehicle, the person in charge of any animal, any pedestrian, and the motorman of any streetcar shall obey the intersections of any official traffic signal applicable to him and placed as provided by law, unless otherwise directed by a police or traffic officer or when it is necessary for the purpose of avoiding a collision or in case of other emergency, subject to exemptions granted by Section 21055).*

Cars:

- Right of way infractions in order to include tailgating, passing dangerously close to a cyclist and cutting off during right or left turns *(CA Vehicle Code 21703 - The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable*

and prudent, having due regard for the speed of such vehicle and the traffic upon, and the condition of, the roadway).

- Opening cars doors without looking for cyclists or other traffic, is a collision hazard *(CA Vehicle Code 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 upon the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers).*

- Use a bike lane only for making turns, and merge properly into the lane *(CA Vehicle Code 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).*

- Do not allow the obstruction of bikeways, bicycle paths or trails *(CA Vehicle Code 21211 – (a) No person may stop, stand, sit, or loiter upon any Class I Bikeway, as defined in subsection (a) of Section 890.4 of the Streets and Highway 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 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.* Exemptions for utility vehicles, newspaper delivery vehicles, garbage trucks, and tow vehicles are under the code subsections c, d, e and f*).*

- Infringing on pedestrian right-of-way, blocking, or not stopping at crosswalks *(CA Vehicle Code 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. (b) The provisions of this section shall not relieve a pedestrian from the duty of using due care for his or her safety. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard. No pedestrian shall unnecessarily stop or delay traffic while in a marked or unmarked crosswalk. (c) The provisions of subdivision (b) shall 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).*