

Minutes of a Meeting of
ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE

held February 27, 2014

5:30 p.m.

Present: Councilman Steve Lee, Chair
Councilman Dwight Clark

Absent: Councilwoman Lieske, due to a work commitment

Also Present: Law Director Ebert, Prosecutor Gary Hotz, Councilman Henderson,
Pat McGannon, Jennifer Smillie of the Village Bicycle Cooperative

Audience: Warren Remein, Richard C. Dillon, Carl Gonzalez, Ted Vovos,
Marvin Ronaldson, Lawrence Kuh, Jim Sheehan

Mr. Lee called this third meeting of the Environment, Safety and Community Services Committee of 2014 to order at 5:30 p.m. Mr. Lee thanked everyone for their attendance this evening.

Bicycle Ordinances, Codified Ordinance Chapter 377

Mr. Lee advised that work on this ordinance began in the fall, and we are now getting very close to finalize the revisions. He thanked everyone for their work and cooperation in getting this ordinance rewritten. It is hoped to have the ordinance presented for first reading on Monday, March 3, 2014.

The following changes were discussed:

Reference to the Diversion Program whereby the Court would send someone to a training program has been moved to the penalty section.

Streetcars and traffic trolleys have been eliminated from 377.04.

Tricycles have been eliminated from 377.05.

Mr. Henderson discussed the proposed law change to require a cyclist ride within three feet of the edge of the roadway. Mr. McGannon stated that there is a point when it is never safe to be within that zone. Mr. Henderson suggested that the law read that "Every person operating a bicycle on a roadway shall ride within three feet of the right edge of the roadway or as near to the right side of the roadway as practicable. Mr. Henderson stated that he feels this will be helpful from a specificity and educational standpoint. Others have stated that it is best to encourage bicyclists to stay to the edge of the road within three feet when practicable.

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Mr. McGannon stated that he spoke with the author of House Bill 389 and he said that would be inconsistent with the state law and part of ORC 4511.07. Also, the city would not receive their Bicycle Friendly Community designation if this was included.

Law Director Ebert advised that a Charter city can be more restrictive than state law. The whole issue with this, and the single-file riding on Lake Road, is safety. Mr. McGannon noted that it is not always safe to ride within three feet of the curb. When you dictate that people should be riding within three feet of the curb, safety is a factor because within three feet of the curb is a zone where there is a lot of debris. When they teach traffic safety skills, you are told to ride where the right tire of the vehicle would be. The lanes on Lake Road, and Wolf Road, are not really wide enough to have a car passing safely without having to go over the double yellow line, waiting for cars coming in the opposite direction to clear. State law says the rights of a bike are the same as the rights of a car. They are not as wide as a car so they don't need to be all the way over. Mr. Ebert stated that using the phrase "as far to the right as practicable" gives more latitude. Mr. Kuh noted the importance of the educational process for young, new riders.

Mr. Lee noted that Section (b) further amplifies the same concept: "(b) this section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it is otherwise unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane." Further discussion followed.

Mr. Remain asked about the situation that occurs when a cyclist approaches a left turn lane, straight ahead, lane, and right turn only lane. Mr. McGannon stated that the cyclist must remain in the lane according to the direction he is proceeding. He acknowledged that this is sometimes irritating to motorists when the cyclist must change lanes. Mr. Vovos suggested installing bike lanes in these types of areas. Mr. McGannon noted that the Share the Road signs indicate where the bicycles should be positioned. Mr. Ebert suggested bringing this to the attention of the Service Department when street striping is done. Mr. Lee asked Mr. McGannon to submit a list of the areas in which these markings would be helpful and promote safety.

Section 377.06 – Clarifying language was added in Section 377.06(b). Generally, throughout the city you can ride a bicycle on the sidewalk with the exception of some areas that will be designated prohibiting bicycle riding by signage erected.

Section (f) states "No person shall operate a bicycle on a sidewalk at a speed greater than an ordinary walk when approaching or entering a crosswalk or approaching or crossing a driveway if a vehicle is approaching the crosswalk or driveway."

Section 377.08 Emerging from Alley or Driveway (b) "No bicycle or tricycle shall be used to carry more persons at one time than the number for which it is designed and equipped" was deleted. It was determined that this section was redundant.

Section 377.09 –The reference to “motorcycle” in this section has been removed.

Section 377.10 Riding Bicycles Abreast. The current code states riding must be done on the streets single file throughout the city. The proposed code is for riding two abreast throughout the city, except Lake Road. Mr. Lee stated that he knows uniformity is an important concern, but the Police Chief has communicated that Rocky River has two lanes most of the way through the city on Lake Road. Bay Village only has two lanes near Huntington Beach and Cahoon Road.

Mr. McGannon stated that speaking with the author of the state code he reiterated that no provision shall be inconsistent with the uniform rules of the road. Mr. Ebert repeated that there is a safety issue in regard to Lake Road. He noted that the Police Chief is very emphatic about keeping bicycle riding single file along Lake Road. Mr. Ebert noted that many bikers come from the west in the summertime and they are all riding single file. The issue is that Lake Road is a narrow width with curbs and gutters. There are no passing areas until you get to Huntington Beach. The road is curved. Further discussion followed. Mr. McGannon presented the opposite view of Mr. Ebert, stating that he feels it is safer to pass two abreast which is done more quickly than passing a group of single file cyclists. He noted that the Bicycle Federation has stated that if the regulation is not uniform with the state law for riding two abreast it will be an issue in attempting to have Bay Village designated as a Bike Friendly Community. The manuals passed out for bicycle safety at the state and county level say that it is legal to ride two abreast. Mr. Ebert stated that signs would be created and erected by the Bay Village Service Department indicating that Lake Road cyclists must ride single file. There are many laws in Bay Village that are unique to Bay Village due to the nature of the city. Mr. Hotz gave an example of a traffic code penalty that was different than the state code at one time.

Mr. Remein commented that we are not recognizing that bicycles should have an equal opportunity as a vehicle under the law in Bay Village. Mr. Ebert repeated that because of the uniqueness of Lake Road, and due to the safety issue, riding two abreast on Lake Road is a serious threat to safety. Cars travel at a faster rate of speed on Lake Road, and it is a curved road. Mr. Kuh noted that there are other roads just like Lake Road in Ohio where cyclists ride two abreast. Mr. Hotz stated that we are a home rule city and are empowered to create that law because it is a safety issue.

The question of mopeds riding two abreast on Lake Road will be researched by Mr. Ebert.

Mr. Jim Sheehan, former resident of Bay Village commented at some length, noting bicycle riding on Chagrin River Road, which is similar to Lake Road. If the road is not wide enough, it is hard to decide if you are going to share a lane. On this road, most motorists would have to go over the double yellow line to pass even individual cyclists. It is actually safer to have motorists think about using the double yellow line the same way you would passing another vehicle. The biggest danger to cyclists is when it is unclear to the motorists whether the cyclist is going to share the lane.

Mr. Ebert noted that Wolf Road was not considered for single-file riding only because it is not as busy as Lake Road. Rather than be too restrictive, they chose the more dangerous of the two roads based on speed and accidents that have occurred. Mr. Henderson noted the presence of many schools on Wolf Road and the windy road which affects visibility. Mr. Ebert stated that because of the speed on Lake Road, the stand of prohibiting two-abreast riding on Lake Road is more defensible than on Wolf Road.

Mr. Remein noted that when utility and landscaping vehicles park on Lake Road the motorists must go over the yellow line to pass.

Mr. Lee thanked everyone for their comments and noted that the ordinance will go on first reading with opportunities for more input and comments from the public during the three-reading sequence.

Section 377.11 – Reference to sidewalk was added to this section in part (c).

Section 377.12 – The new code will not mandate bells on bicycles.

Mr. Henderson presented the following ideas for consideration:

- 1) Add no person shall operate a bicycle while wearing more than one earphone attached to a phone, MP3 player, or other audio device. (Existing code in New York City).
- 2) At least one hand must be on the steering device, or handlebar.
- 3) No person shall ride while using a handheld communication device to write, send or read text-based communications.

Mr. Lee stated that the one-hand on the wheel is included in the code. The earphone and texting suggestions of Mr. Henderson will be added.

Section 377.15 – will be changed to address parking in a designated bicycle parking area when provided. If a rack is not provided, the bicycle shall not be parked to interfere with pedestrian or vehicular traffic.

Section 331.03 of the Traffic Code, Overtaking, Passing to Left, Driver's Duties

This section does not include the three feet requirement for passing a bicyclist for motor vehicles, and six feet when passing a bicyclist for commercial vehicles. The prosecutor's concern is the language would make it more difficult to make this section enforceable. Mr. Hotz commented that the burden of proof is beyond reasonable doubt and ordinances and statues are strictly construed. If there is a specific requirement of that type then it has to be met in the prosecution. A defense lawyer would be able to challenge effectively. He noted further that if a

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motorist can safely pass a cyclist at a lesser distance, that person would still be in violation of that restriction.

Further discussion followed.

Mr. Lee expressed appreciation to everyone for their attendance. He stated that Bay Village is a very bike-friendly community and we want to maintain and enhance that. The city is very fortunate to have bicycle advocates who are so knowledgeable about the rules for bicycle operation and safety.

Meeting adjourned at 6:50 p.m.

Steve Lee, Chair

Joan Kemper, Secretary