ORDINANCE NO. 2017-03
AN ORDINANCE OF THE ALBANY CITY COUNCIL
AMENDING CHAPTER 8 OF THE ALBANY MUNICIPAL CODE,
BICYCLE REGULATIONS

WHEREAS, Section 8-12 of the Albany Municipal Code regulates bicycles in the City of Albany; and

WHEREAS, Section 8-12.4.b prohibits adults and children over the age of 16 from riding bicycles on sidewalks; and

WHEREAS, the City of Albany has approved a mixed-use development project located at the corner of San Pablo Avenue and Monroe Street; and

WHEREAS, the UC Village mixed use project includes a two-way bicycle path adjacent to the sidewalk on the west side of San Pablo Avenue; and

WHEREAS, on the north side of the UC Village project, the two-way bicycle path terminates mid-block; and

WHEREAS, it is not safe for bicyclists on the bicycle-path to transition to San Pablo Avenue roadway mid-block; and

WHEREAS, San Pablo Avenue is a state highway subject to the jurisdiction of the California Department of Transportation; and

WHEREAS, the California Department of Transportation requested that the City of Albany adopt regulations allowing bicyclists to continue on the sidewalk on the west side of San Pablo Avenue to the intersection of San Pablo Avenue and Marin Avenue; and
WHEREAS, the City of Albany Traffic and Safety Commission held a public meeting on January 26, 2017, considered all public comments received, and approved a motion recommending that the City Council approve an ordinance allowing bicyclists to ride on the sidewalk at this location; and

WHEREAS, the City of Albany Traffic and Safety Commission in the course of their review, the Traffic and Safety Commission also requested unrelated technical corrections to Section 8-12.4; and

WHEREAS, on April 3, 2017, the City Council held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request;

NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1: CHAPTER 8 OF THE ALBANY MUNICIPAL CODE, SECTION 8-12.4.b TITLED “RIDING ON SIDEWALKS” IS HEREBY AMENDED AS FOLLOWS:

b. Riding on Sidewalks. No person shall ride or operate a bicycle on any sidewalk in the City, except that:

1. juveniles under the age of sixteen (16) years, exercising due care and giving the pedestrian the right-of-way, may ride and operate their bicycles upon the sidewalk, except such sidewalks as are in front of schools, stores or buildings used for business purposes.

2. persons of any age, exercising due care and giving the pedestrian the right-of-way, are allowed to ride on the west sidewalk of San Pablo Avenue, from the intersection of San Pablo Avenue and Marin Avenue to the northern limit of the two-way bicycle path north of Monroe Avenue; and on the south sidewalk of Dartmouth Street
within 100 feet of the southeast corner of San Pablo Avenue and Dartmouth Street. Bicycle speed limit is 10 miles per hour when riding on the sidewalk.

SECTION 2: CHAPTER 8 OF THE ALBANY MUNICIPAL CODE.
SECTION 8-12.4.d TITLED “TOWING OTHER VEHICLES” IS HEREBY AMENDED AS FOLLOWS:

Deleted in its entirety.

SECTION 3: CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The Municipal Code changes are determined to be categorically exempt from the requirements of CEQA per Section 15301, “Existing Facilities” of the CEQA Guidelines, which allows safety protection measures that involves negligible expansion of use.

SECTION 4: SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5: PUBLICATION AND EFFECTIVE DATE.

This ordinance shall be posted at three public places within the City of Albany and shall become effective thirty days after the date of its posting.
PASSED AND ADOPTED by the City Council of the City of Albany at its
meeting on the 17th day of April 2017, by the following vote:
AYES: Council Mbrs: Barnes, Maass, Nason, Pilch, Mayor McQuaid
NOES:
ABSENT:
ABSTAIN:

[Signature]
PEGGY MCQUAID, MAYOR
ORDINANCE NO. 2017-03

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,
the 17th day of April, 2017 by the following votes:

AYES: Council Members Barnes, Maass, Nason, Pilch, Mayor McQuaid

NOES: none

ABSTAINED: none

ABSENT: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this
18th Day April, 2017.

Eileen Harrington

Eileen Harrington
DEPUTY CITY CLERK