



Date: November 29, 2006  
 Committee Meeting Date: December 13, 2006  
 Board Meeting Date: January 4, 2007  
 ACTION      DISCUSSION   X   INFO     

**BOARD MEMORANDUM**

**TO:** Bicycle and Pedestrian Advisory Committee  
 Santa Clara Valley Transportation Authority  
 Board of Directors

**THROUGH:** Michael T. Burns   
 General Manager

**FROM:** Carolyn M. Gonot   
 Chief Development Officer

**SUBJECT:** California Vehicle Code §21960: Bicycle Access to Expressways

---

The purpose of this memorandum is to frame a discussion of options for restoration of the 2003 language of California Vehicle Code §21960 pertaining to bicycles on expressways.

**BACKGROUND:**

On September 21, 2004, the state legislature passed Senate Bill 1233, the omnibus transportation bill to address minor, non-controversial issues that would make non-substantive changes to state law. This bill included changes to California Vehicle Code (CVC) §21960, which were initiated and sponsored by the County of Santa Clara. This bill amended CVC §21960 to allow local jurisdictions to prohibit pedestrians and bicycles on any roadway designated as an “expressway.” The most significant changes to the text are shown below (in bold text), the full changes to CVC §21960 are presented in Attachment A:

- (a) The Department of Transportation and local authorities, (1) by order, ordinance, or resolution, with respect to freeways, **expressways**, or designated portions thereof under their respective jurisdictions, to which (2) **vehicle access is completely or partially controlled, may** prohibit or restrict the use of the freeways, expressways, or any portion thereof by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle, motorized bicycle, or motorized scooter...

The County of Santa Clara Roads and Airports Department staff has stated that the intent was only to allow Santa Clara County to prohibit pedestrians from expressways where it is unsafe for pedestrians. However, by inserting the word “expressway” into the existing CVC section that refers both pedestrians and bicycles, the County may now prohibit bicycles from expressways. Prior to this change, California law permitted bicycles on every public roadway, except freeways where so posted and toll bridges.

**DISCUSSION:**

These changes to the CVC were included in SB 1233 without input from any outside agency or the public. Lack of public discourse about the change to CVC §21960 has raised concerns within the local bicycling community because it is a significant departure from existing County policy and practice and state law. In addition, it has raised statewide concern since the definition of “expressway” is ambiguous in the legislation and thus opens the door for any county to designate an arterial(s) as an expressway and therefore prohibit bicycles from those arterials.

Since Spring 2005, the VTA Bicycle and Pedestrian Advisory Committee (BPAC) has discussed this issue at its meetings both with and without County staff present. The issues and concerns generated by the legislative change remain unresolved, and the concern expressed by the members of the bicycle community are still present two years after SB 1233 passed.

**FISCAL IMPACT:**

There is no impact to the VTA Enterprise fund as a result of this action.

Prepared by: Michelle DeRobertis, Senior Transportation Planner  
Reviewed by: Chris Augenstein, Transportation Planning Manager

**ATTACHMENT A**  
**Amended Language for CVC §21960**  
**Freeways and Expressways: Use Restrictions**

Note: The 2004 amendment added the *italicized* material.

21960. (a) The Department of Transportation and local authorities, (1) by order, ordinance, or resolution, with respect to freeways, *expressways*, or designated portions thereof under their respective jurisdictions, to which (2) *vehicle access is completely or partially controlled, may* prohibit or restrict the use of the freeways, *expressways*, or any portion thereof by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle, motorized bicycle, or motorized scooter. (3) *A* prohibition or restriction pertaining to bicycles, motor-driven cycles, or motorized scooters (4) shall be deemed to include motorized bicycles; and no person may operate a motorized bicycle wherever that prohibition or restriction is in force. Notwithstanding any provisions of any order, ordinance, or resolution to the contrary, the driver or passengers of a disabled vehicle stopped on a freeway *or expressway* may walk to the nearest exit, in either direction, on that side of the freeway *or expressway* upon which the vehicle is disabled, from which telephone or motor vehicle repair services are available.

(b) The prohibitory regulation authorized by subdivision (a) shall be effective when appropriate signs giving notice thereof are erected upon any freeway *or expressway* and the approaches thereto. *If any portion of a county freeway or expressway is contained within the limits of a city within the county, the county may erect signs on that portion as required under this subdivision if the ordinance has been approved by the city pursuant to subdivision (b) of Section 1730 of the Streets and Highways Code.*

(c) No ordinance or resolution of local authorities shall apply to any state highway until the proposed ordinance or resolution has been presented to, and approved in writing by, the Department of Transportation.

*(d) An ordinance or resolution adopted under this section on or after January 1, 2005, to prohibit pedestrian access to a county freeway or expressway shall not be effective unless it is supported by a finding by the local authority that the freeway or expressway does not have pedestrian facilities and pedestrian use would pose a safety risk to the pedestrian.*