

Text of changes to Vehicle Code 21960 resulting from SB 1233.

The County Board of Supervisors ordered staff to seek repeal of these changes on 1/10/06.

Note: *Italics* are additions, ~~cross-outs~~ are deletions

Section 21960 of the Vehicle Code is amended to read:

Newly added “*expressway*.” Previously, bicycles and pedestrians could only be prohibited from freeways. Any road can be an *expressway* upon a declaration.

(a) The Department of Transportation and local authorities ~~may~~, by order, ordinance, or resolution, with respect to freeways, *expressways*, or designated portions thereof under their respective jurisdictions, to which ~~all rights of access have been acquired~~ *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. ~~Any~~ A prohibition or restriction pertaining to bicycles, motor-driven cycles, or motorized scooters 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.*

Indicates future intent.

(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.

Indicates future intent.

(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.*

County highway staff:

- 1) Falsely claims that wide shoulders are unsafe — which is a contradiction of 2003 Board policy, *and*
- 2) Stonewalls on complying with the 1991 Board order to create pedestrian paths along San Tomas.

Both wide shoulders and pedestrian paths are safe for pedestrians.

Eliminating the word “all” and adding “*vehicle access is ... partially controlled*” means bicyclist’s and pedestrian’s right to use public roadways is eliminated. This is especially so for arterial roads, most of which already limit driveways or “*vehicle access*”, and therefore, non-motorists can now be banned there.