



THE RIDE ZONE

Volume 12, Issue 3

www.stocktonbikeclub.org

March, 2010

Bicyclists and California Law

by Brian DeSousa, Vice President, California Association of Bicycling Organizations (CABO)

Recent events in the news have illustrated the need for motorists and bicyclists to “share the road”. Yet often times both motorists and bicyclists are often unaware of bicyclists’ rights and duties. Therefore, this article takes a look at laws governing bicycling on roadways in California. (Disclaimer: I am not an attorney, but I have spent my own time reviewing laws applicable to bicycling.)

When looking at bicycling law, is it sufficient to only look at the state level, or must we also look at local ordinances? Here’s what the California Vehicle Code (CVC) has to say:

21. Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein.

Since operation of bicycles on public roadways is covered by the vehicle code, cities and counties are preempted from such regulation. Areas where localities are given authority to regulate are sidewalk bicycling (allowed unless prohibited) and registration of bicycles (can only be required for residents).

The “enabling law” that allows bicyclists to use the public roadways is as follows:

21200. (a) Every person riding a bicycle upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle by this division, ... except those provisions which by their very nature can have no application.

“Highway” is a vehicle code term for a public road or street. (Bicyclists are allowed to use any public road that is open to motorists, with the exception of prohibited freeways.)

“Provisions applicable ... by this division” refers to the rules of the road in the vehicle code. So although bicycles are defined as “devices” elsewhere in the code, bicyclists are required to follow the same movement rules as vehicle drivers.

What does this mean for bicyclists? First, 21650 requires driving on the right half of the roadway, and on roads two or more marked lanes in one direction, 21658 requires being completely within a lane. There are other laws that require stopping at stop signs and red lights, making right turns from the right side of the street, making left turns from the left turn pocket, etc.

Does this mean bicyclists can ride in any lane they want? Drivers of slow moving vehicles have an additional requirement:

21654. (a) Notwithstanding the prima facie speed limits, any vehicle proceeding upon a highway at a speed less than the normal speed of traffic moving in the same direction at such time shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Therefore, drivers of slow moving vehicles are required per 21654 to use the right most lane (the “or close as practicable to the right” wording would only be controlling on roads without marked lanes) unless passing another driver or making a left turn. Also, per 21656, a driver of a slow moving vehicle on a two lane road is required to move over to allow five or more vehicles are waiting behind to pass. Neither restriction applies to bicyclists who are not slower than traffic.

So far, the operating rules for bicyclists are identical to those for motorists. However, on roads without bike lanes, bicyclists have an additional law that regulates roadway positioning:

21202. (a) Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge, subject to the provisions of Section 21656. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(4) When approaching a place where a right turn is authorized.

(b) Any person operating a bicycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of that roadway as practicable.

While this is similar to 21654, the key difference is that while it is sufficient to be anywhere in the right most lane to comply with 21654, a bicyclist must share the right most

The Ride Zone

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The Ride Zone is **emailed** to all members of the Stockton Bicycle Club. Printed copies are available at local bike shops in and near Stockton. A membership application is on the back page of the printed version.

All submissions to *The Ride Zone* must reach the editor by the 15th of the month prior to publication. Email to trekkiedad@comcast.net or call Gary Colburn at (209) 946-0675.

Members: Please be sure our membership chair has your valid email address or is notified that you wish to receive the printed version.

lane per 21202 unless certain conditions apply.

Note that the word "practicable" gives a cyclist more latitude than the word "possible". One example is a road with on street parking – while it would be possible to ride close to the parked cars, it would not be practicable to do so due to the potential of being hit by a parked car door.

When the exceptions to 21202 apply, slower moving bicyclists do not have to comply with the "as close as practicable to the right" provisions of 21202, but they are still required to use the right most lane per 21654. One example is the exception for lanes that are too narrow to safely share. In that case, a bicyclist may choose to "control the lane" by operating in or near the center of the right most lane to discourage close passing within the lane.

The exception for "approaching a place where a right turn is authorized" not only gives bicyclists latitude to be far enough left to avoid a motorist overtaking and then making a right turn across the bicyclist's path, but it also allows bicyclists adequate clearance to avoid being too close to motorists pulling out of driveways and intersections.

Note that a shoulder is not part of the roadway (although it is part of the highway) and therefore its use is allowed per 21650 but not required. Bike lanes are part of the roadway and are regulated per 21208. The wording of 21208 is similar to that of 21202, except the "as close as practicable to the right" requirement is replaced with a requirement to use the bike lane. Since bicyclists may want to leave the bike lane for operating reasons similar to avoiding the right hand edge, the exceptions to 21208 are also similar to that of 21202.

Video clips illustrating bicyclists operating in cases where the exceptions to 21202 and 21208 apply are available at <<http://www.cyclistview.com/exceptions.htm>>.

For more information, refer to the "Rights and Duties of Cyclists" video at <<http://tinyurl.com/rightsandduties>>, the article "Bicycles and the Law: the Case of California" at <<http://www.cabobike.org/articles/bicycles-and-the-law>>, and the California Vehicle Code at <<http://www.dmv.ca.gov/pubs/vctop/vc/vc.htm>>.

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RIDE SCHEDULE – March 2010

- Helmets required.
- Rain or 'serious' threat of rain cancels.
- Rides may be amended and additional rides may be scheduled via the Stockton Bicycle Club Yahoo! Group. (details below).
- Josie Malik (951-4224) often leads additional rides on Sundays. It's best to call by Thurs.

For questions or to list a ride of your choice, please call or email Roberta Hoffman at 763-2807 or nikehoffman@comcast.net

New Riders Note: The riders stop and regroup at major intersections and atop climbs. There is a rest/refuel break about the middle of the ride. Unless otherwise stated, all rides are recreational in nature and intended for the enjoyment of all participants.

Terrain: F=flat, R=rolling, H=Hilly, VH=very hilly, M=mountain, MTB=mountain bike

Date	Time	Miles/ Terrain	Start Location	Description	Leader
Mon	9:00	30-35 F	Lodi 605 W. Kettleman Bicycle Cafe	Recovery Ride – A no drop ride Average Speed 14-17 mph	Don Hoffman
Tue	9:00	35-50 F	Lodi Emerson Park Hutchins & Elm	A show and go. Average speed 18-20 mph.	
Wed	9:00	50+ H/VH	ValleySprings Starbuck's Mar-Val Ctr	4-5 hour ride with stop for lunch Limited regrouping - Route to vary Avg. speed 15-17 mph (4500-5000')	
Thu	9:00	35-45 R/H	Wallace Rossetti's	Show and go	
Sat 6	9:00	45 H	Jamestown Main St. Park	45: Ward's/Old Ward's Ferry, Big Oak, Hwy 120, Jacksonville (4400')	
Sun 7	9:00	47 miles R/H	ValleySprings Starbuck's Mar-Val Shopping Ctr	47:Pardee Dam, Stoney, BV, Jackson Valley to Ione-Break at Clark's-Stkn Rd., Curran, Camanche, Campo Seco, VS(2700')	
Sun 7	8:30	24/35 R	Eugene Milton/Sonora Rds.	24: Sonora Rd., Knight's Ferry 35: Woodward Res., Rodden, Orange Blossom, Morrison, Sonora Breakfast stop in Knight's Ferry	Kevin 518- 6566
Sat 13	9:00	46/51 H	Wallace Rossettis	46: Camanche, Stoney, Jackson Break, Middle Bar, Paloma, Campo Seco (3700) 51: Jackson Break, Hwy 49 to Moke Hill (4500)	
Sun 14	9:00 Daylight Saving Time Begins	38/60 H/VH	Ione Howard Park	38: Plymouth, (2900') 60: Fiddletown, Hale Rd., Volcano, SC (4500')	Don Hoffman
Sat 20	9:00	24/36 R/H	Ione Howard Park	24: Willow Creek, Hwy 16, Carbondale, Irish Hill (700') 36: Willow Creek, Greilich, Old Sac, Plymouth, Carbondale (1400')	
Sun 21	8:30	30/60/87 H/VH/M	Patterson Wendy's area	30: Raines Park (?) 49: junction (3000') SCBC Joint ride 87: Mt. Hamilton (7000')	
Sat 27	9:00	56/93 H/VH	Livermore (library) 1188 S. Livermore Ave.	56: Mines Rd. (3600') 93: Mt. Hamilton (7500') Joint ride with Stanislaus Cty Bike Club	
Sun 28	9:00	35-40	Clements Fire Station	Route TBD Coffee on the Club after the ride	

For changes/additions to the ride schedule, participate in online discussions, or for other club news, join our Yahoo! Group at groups.yahoo.com/group/Stockton_Bicycle_Club or send an email to Stockton_Bicycle_Club-subscribe@yahoogroups.com.