



CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139
Tel. (617) 349-4121
Fax. (617) 349-4134

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Legal Counsel

Birge Albright
Gail S. Gabriel
Arthur J. Goldberg
Linda A. Stamper
Deborah R. Cautela
Nancy E. Glowa

December 12, 1996

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Bicycle regulation

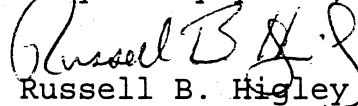
Dear Mr. Healy:

The question has arisen whether the extensive regulation of bicycle operation in G.L.c.85, s.11B preempts any local regulation of bicycle operation. It does not.

G.L.c.85, s.11B states that every person operating a bicycle has a right to use all public ways in the Commonwealth subject to traffic laws and regulations of the Commonwealth. It goes on to list many specific rules to which operators are subject. However, any implication that the statute was intended to preclude local regulation of bicycles is removed by G.L.c.85, s.11C, which refers to ordinances, rules or regulations of a city or town regulating the registration, equipment, control, operation or parking of bicycles. Section 11C also appears to permit local imposition of civil assessments for infractions of local laws.

For reference, I have attached a copy of a legal opinion issued March 3, 1995 concerning the Traffic Director's exclusive power to make rules and regulations regarding bicycles.

Very truly yours,


Russell B. Higley



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March 3, 1995

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: Council authority over bicycle riding on sidewalks;
Council Order #44 dated 1/9/95;
Committee Report Order #05 dated 2/27/95

Dear Mr. Healy:

The City Council requested an opinion as to its legal rights to prohibit bicycle riding on City sidewalks (copy attached). The exclusive authority over bicycle riding on sidewalks resides in the Director of Traffic and Parking pursuant to section 3 of the Special Act establishing the Department of Traffic and Parking in Cambridge, Chapter 455, Acts of 1961. The Council is without authority to prohibit bicycle riding on City sidewalks.

Section 3 of the Act provides that:

The traffic director shall have exclusive authority...to take any and all of the following actions, if he determines that such actions serve the public safety, welfare or convenience....

(a) The traffic director may adopt, alter or repeal rules and regulations...relative to vehicular and pedestrian traffic in the streets of the city and to the movement...of vehicles on, and their exclusion from, all or any streets...under the control of the city....

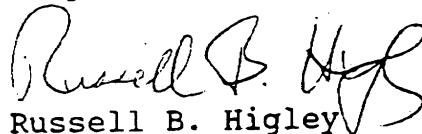
The Traffic Regulations define "vehicle" to include bicycles (Sec.

1.50) and define "street" to include sidewalks (Sec. 1.41). Article XII of the Traffic Regulations is entitled Regulations for Bicycles.

G.L.c.85, s.11B provides that "bicycles may be ridden on sidewalks outside business districts when necessary in the interest of safety, unless otherwise directed by local ordinance." The reference to "local ordinance", in Cambridge, should be read to mean "local traffic regulation," in light of the Special Act for Cambridge giving exclusive regulatory authority to the Director of Traffic and Parking.

Please contact me if I can be of further assistance.

Very truly yours,


Russell B. Higley

**Report to the City Council
from the Community
Development; Traffic,
Parking and
Transportation; Police;
and Law Departments**

Bicycling

Regulations, Enforcement, Education, and
Facilities

January 8, 1997

Bicycling

Report Summary

In response to the City Council's request for a plan to more effectively regulate bicyclists' behavior so they do not threaten their own safety or the safety of others, representatives of the Community Development; Traffic, Parking and Transportation; Police; and Law departments have met several times to coordinate efforts and develop strategies.

New strategies have been developed in the following areas:

Education

A preliminary safety education plan has been drafted (see below). Also included is a summary of the City's recent safety education efforts. Members of the Bicycle Committee and Pedestrian Advisory Committee have expressed interest in helping to further develop and implement the plan. The Police Department is developing a safety education program to take into the schools.

Enforcement

The Police have made enforcement of regulations, especially sidewalk cycling, a priority. From October through December 1996, 278 cyclists were stopped for traffic violations, mostly for sidewalk cycling in Harvard or Central Square. A report is attached.

Ticket books are being redesigned to better reflect enforcement of bicyclist infractions. Police officers are receiving in-service training on bicycle law enforcement. In addition, a new system of bicycle/pedestrian accident data collection is being developed; this data will help guide future accident prevention efforts.

Signs stating that sidewalk bicycling is banned have been posted in Harvard and Central squares.

Regulations

A subcommittee including members of the Pedestrian Advisory Committee and the Bicycle Committee, representatives of the Traffic, Parking, and Transportation, Community Development, and the Police departments, and others have met regularly since June 1996 to develop regulations for dealing with bicycle riding on sidewalks. The committee looked at behaviors that endanger or cause discomfort to pedestrians, why cyclists use sidewalks, how to enforce regulations, and how to educate the public. A draft report of their

recommendations is attached. The final regulations will be written by the relevant City departments.

Facilities

The policy of creating on-street facilities for cyclists will continue. A summary is attached. In addition, the City's traffic calming measures improve bicycle and pedestrian safety.

Bicycle Safety Education

Past Projects

Bike rodeos

- May 1993 — Bicycle Fair (Recreation Dept. and Kiwanis).
- October 1995 – Kennedy Park (Cambridge Police Bicycle Patrol and Recreation Dept.).
- June 1996 – Danehy Park (Community Development and Bicycle Patrol).

Bicycle Safety Week in the schools, June 3-8 1996

- Presentations to fourth, fifth, and sixth graders in 10 elementary schools. About 1500 safety education kits with water bottles and literature for parents and children distributed.

Information tables (and bike safety quiz)

- 1993 and 1994 – Police open houses.
- 1994, 1995, and 1996 – Transportation Awareness Day (Kendall Square).
- April 1995 – Earth Day celebration.
- 1995 and 1996 – Cambridge River Fest.
- October 1995 – Huron Ave. bicycle lane opening.
- June and September 1996 – Cambridge Hospital events.

Written Information distributed

- About 35,000 maps since January 1995 (8200 were purchased by Harvard).
- About 3200 safety flyers (2300 as part of the signs on the street campaign).
- Bicycle and Pedestrian Safety information included in Traffic, Parking and Transportation Dept. street sweeping schedule pamphlet.
- Hang tags with bicycle rules distributed through Cambridge bicycle stores.
- Safe cycling notice translated into 5 languages and distributed to every child in Cambridge elementary schools – June 1994.
- Educational “ticket” developed for distribution by the Cambridge Police Department.

Other

- Refrigerator magnets (Bicycles/Cars/Same roads/Same laws) designed and distributed at various events.
- Bumper stickers (Bicycles/Cars/Same roads/Same laws) designed and distributed by Bicycle Committee.
- Bicycle safety display at Cambridge Public Library – May 1995.

- Bicycle safety information posters in first floor lobby at 57 Inman St. from November 1995 to July 1996.
- Bicycle safety training provided to 55 City staff.

Media

- Weekly *TAB* column, "Sole Survivor" – Nov. 1995-March 1996.
- Cable TV appearance – Spring 1996 (two programs).
- Various other articles in the *Globe*, *Chronicle*, *Crimson*, *Phoenix*, and neighborhood newsletters.

Street events

- October 7 and 8, 1996, during morning and evening rush hours: City officials and volunteers held safety signs in Porter, Harvard and Central Square.
- 1996 St. Patrick's Day Parade: safety information handed out along the route.

Physical facilities

Bicycle lanes serve an educational purpose. They indicate to motorists and cyclists that bicycles belong on the street and they indicate that cyclists should ride with the traffic.

Similar activities are planned for 1997.

DRAFT

Proposed Safety Education Plan

This draft includes possible elements of an education plan. It is the first step in developing a framework for a multiyear travel safety education program. City staff will work with the Pedestrian Advisory Committee, the Bicycle Committee, the universities, and others to design and carry out the program.

Children

Goal: Each public elementary school child will participate in one interactive travel safety project/program a year. Travel safety includes safe biking, safe walking, and wearing seat belts. In high school, bicycle safety education will be targeted to cyclists, either at CRLS or at youth centers.

Lead Department: School Department, with Police, Recreation Assistance from Mass. Bike Safety Alliance

Cambridge Public Schools

- Travel safety should be incorporated into the elementary school curriculum. It is difficult for departments outside the school system to organize and implement a system-wide program, and it is less likely to be reinforced if it comes from outside the system. The Police should be invited into each school every year, but their presentation needs to be reinforced in the classroom. The Police are developing a new safety education program to bring to the third and sixth grades.
- At CRLS, find a student group to work with, maybe to make a video on bike safety or to design a contest of some sort. Investigate the best ways to reach high school students.
- Provide materials for after-school programs, including bike repair clinics.
- Continue bike rodeos.
- Incorporate safe driving around cyclists into driver education programs.

College Students

Goal: Virtually all Harvard, Lesley, and MIT students will know the bicycle laws and the reasons for them.

Lead Department: Police with campus police, CDD, Bicycle Committee

- Hold a campus contest in the Spring—give everyone who answers the questions a token gift, e.g., a magnet. Give people who get all the answers right a water bottle. Design quiz questions to target major cyclist behavior problems. Create a colorful portable display for tabling. (The display would make it easy to use volunteers, do tabling on weekends, and be present at events without having to do a lot of advance planning. The display should be changeable.)
- At Harvard: Explore flashing safety tips on the screen in the basement of Memorial Hall.
- Run Public Service Announcements on campus radio stations.
- Write a press release for campus newspapers about enforcement program.
- Try again to persuade MIT to buy maps for students.
- Provide safety information to be given to students when they register their bikes.
- Contact campus police for other ideas. Ask if they would be willing to send a semiannual email message to all students

General Public

Goal: The majority of Cambridge adults will be exposed each year to basic bicycle safety laws, including how to drive so cyclists are safe, and the reasons for the laws.

Lead Department: Community Development with Traffic, Parking and Transportation, Police

Publications

- Produce a colorful walking and cycling safety flyer for parents. Place it in pediatricians' offices and health clinics and distribute through the schools and libraries.
- Create a bicycle safety flyer for adults or distribute the current safe travel flyer.
- Continue to publish and distribute the map.
- Continue to include bicycle safety information in Traffic, Parking and Transportation pamphlet each year.
- Give safe driving around bicycles information to driving schools, cab companies
- Work with the Registry of Motor Vehicles to make safe driving around bicycles a more prominent part of its manual.

Media

- Appear on three cable TV shows a year.
- Look for and use opportunities to write newspaper stories.
- Work with Bicycle Committee and cable TV office on developing a video for use on television.

Events

- Continue to do tables at events. Have a portable, folding tabletop display so it is easy to use volunteers.

Cyclists

Goal: Provide everyone who buys a bicycle in Cambridge with safety information at the point of sale, when people are often especially receptive to information.

Lead Department: Police, with campus police departments, CDD, Bicycle Committee

Registration

The Police will engage in a campaign to improve the registration process and increase the number of bicycles registered.

- Work with campus police as planned.
- Interest the press in doing articles on the registration campaign.
- Provide registration materials at bike shops, including self addressed stamped envelope. Waive fee.
- Give out a leaflet, map, magnet (maybe in a bike bag) to everyone who registers a bicycle.

Bicycles on Sidewalks

Report from the Pedestrian Advisory Committee and the Bicycle Committee

January 7, 1997

Members of the Pedestrian Advisory Committee and the Bicycle Committee; representatives of the Police Department; the Community Development Department; the Department of Traffic, Parking, and Transportation; and others interested in the issue of bicycles on sidewalks, have met regularly over the past seven months to develop recommendations for policies, regulations, and programs to address the conflict between pedestrians and sidewalk cyclists.

After each meeting, this ad hoc subcommittee has reported back to the full pedestrian and bicycle committees to ensure that its decisions had the support of both committees.

Participants in the process recognized that the City is committed to facilitating and promoting both walking and bicycling. They worked together to uncover the shared interests and concerns of the walking and cycling communities. They then articulated goals and an underlying philosophy, and from those developed specific recommendations. The recommendations include developing a review system that will enable the City to modify regulations as needed.

The committees considered various possible recommendations, including a ban on all adult sidewalk cycling. They concluded that pedestrians or cyclists would be better served by instituting a partial, more enforceable ban and regulating how cyclists of all ages behave on sidewalks.

Goals

- Facilitate travel for both cyclists and pedestrians.
- Prevent bicycle/pedestrian conflict.
- Empower pedestrians in the event of such conflict.
- Increase perceived and actual safety of pedestrians on sidewalks.
- Improve pedestrian flow in the highest traffic areas.
- Educate bicyclists in the safe and legal use of the roadways and sidewalks.
- Strongly promote use of roadways by adult cyclists.
- Inform bicyclists and pedestrians of restrictions in areas where they apply.
- Promote consideration and courtesy among people using all modes of travel.
- Involve pedestrians and bicyclists in the implementation of applicable City ordinances and traffic regulations in a way that addresses real needs.

- Enforce City regulations in a fair and constructive manner.

Philosophy

Bicycles belong on the street. Cycling authorities agree that adult cyclists are safer on the street than on the sidewalk in most circumstances. In some areas, the City may choose to ban all sidewalk cycling. On some other streets, the City may choose to ban adult sidewalk cycling. Pedestrians and bicyclists should be involved in determining specific areas for such bans. There should be a mechanism to ensure an ongoing process of determining these areas.

Bicycles must always yield to pedestrians. In particular, pedestrians always have the right of way on sidewalks. All bicyclists must follow basic rules of behavior with respect to pedestrians. The rules of behavior on sidewalks are designed to ensure that the sidewalks are safe and feel safe to pedestrians; they recognize that sidewalks are the pedestrians' realm and should not be routinely used by adult cyclists.

Proper signage, visible law enforcement, and wide publicity are important to inform pedestrians and bicyclists of City regulations and to educate them about safe and legal behavior.

Facilities and regulations for pedestrians, bicyclists, and automobiles are strongly interrelated; when changes to one mode are considered, the impact on the others must also be considered.

The issue of bicycling on sidewalks must be considered in the broader context of travel safety and safety education in Cambridge.

Recommendations

I. Add the following to the City's traffic regulations:

A. The operator of a bicycle must yield to pedestrians in all traffic situations. Pedestrians have the right of way on all sidewalks. A person commits the offense of unsafe operation of a bicycle on a sidewalk if the person does any of the following:

1. Operates the bicycle at a speed greater than an ordinary walk when riding on a sidewalk or entering or leaving a sidewalk.

2. Operates a bicycle on the sidewalk and does not give audible warning that gives the pedestrian time to react when passing a pedestrian.
3. Operates a bicycle on a sidewalk in a manner that endangers or would be likely to endanger any person or property.

B. The operator of a bicycle must comply with state and local regulations regarding lighting and helmet use, as they apply to roadways, when riding on a sidewalk. (That is, children under 13 must wear a helmet and all cyclists must use a white light in front visible for at least 500 feet, pedal reflectors, and a rear red reflector visible for at least 600 feet.)

C. In the event of a collision between the operator of a bicycle and a pedestrian, both parties must stop and exchange information.

II. Sidewalk cycling is banned on certain sidewalks where there is considerable conflict between pedestrians and cyclists. These sidewalks will be listed on one or more schedules and may be altered as needed by the Traffic, Parking and Transportation Division. The Bicycle Committee and Pedestrian Advisory Committee will be consulted before changes are made.

The Director of Traffic, Parking, and Transportation will determine where sidewalk cycling will be banned after consultation with the Pedestrian Advisory Committee and the Bicycle Committee. The subcommittee is looking at high conflict areas such as Mass. Ave. and Cambridge Street for possible inclusion in a ban. Areas of particular concern are Mass. Ave. between Lafayette and Porter squares and Inman Square and other portions of Cambridge Street. Among the questions remaining to be resolved are: enforcement outside Central and Harvard squares, signage, and appropriate age limits in areas with an adult ban.

III. Recommended implementation measures include:

1. Development of a comprehensive travel safety publicity and education plan in consultation with the bicycle and pedestrian advisory committees by June 30, 1997 (see enclosed draft).
2. Ensuring that the City has enough staff and funding to implement the safety education plan in FY 1998.
3. Widespread publicity regarding how to report concerns, problems, and suggestions to appropriate City departments.

Bicycle accident reporting forms that collect useful information for enforcement, education, and facilities improvement .

5. Consideration of posting “Bicycles must yield to pedestrians” signs in locations where appropriate.
6. A request from the City to the MDC to institutionalize regular consultation with users of MDC facilities in Cambridge to improve access and reduce conflict among users.
7. Working with other communities and state agencies to develop and create a statewide bicycle safety education plan.

A year after the recommendations are adopted, the Bicycle Committee, Pedestrian Advisory Committee, Community Development Department, Police, and Traffic, Parking and Transportation Department will review them to determine whether they are working well or need modification or expansion of the ban.

Bicycle Facility Planning

The City of Cambridge's transportation policies are based on the premise that the public right-of-way is to be shared by all travel modes. For bicyclists, this means modifying the existing street system to accommodate them effectively. With some alteration, the existing street system in Cambridge is a very effective bikeway network: streets take people where they want to go. And for adult cyclists, the street is the safest place to travel; bicyclists riding responsibly with traffic are at a relatively low risk. By providing clearly marked appropriate facilities, bicyclists are encouraged to ride in the most appropriate space and to follow the rules of the road. For the travel mode of walking, the City actively seeks to ensure that pedestrians have excellent facilities in all areas of the city, with a goal of providing separate facilities for pedestrians and bicycles.

The basic goal for physical facility planning is to provide a citywide bicycle system that is integrated with other transportation systems. This is achieved by integrating the planning of bicycle facilities into all City of Cambridge planning, design, construction and maintenance activities. As roadways are reconstructed, they are redesigned to accommodate bicycle travel. City departments coordinate their work (Traffic, Parking & Transportation, Public Works, Water, Community Development) to ensure that all construction is reviewed in the design phase to address the needs of bicycle transportation in the plans for every construction project. Bicycle facilities are considered at the inception of all transportation projects and become incorporated into the total design of each project.

The preferred bicycle facility is the bicycle lane; bike lanes are to be provided on arterial and major collector routes. Where it is not feasible to provide bike lanes because of physical constraints or other priorities (e.g., space allocated to motor vehicle travel or parking), wide outside lanes with guide lines are provided to accommodate bicycle travel.

Bike lanes help define the road space, provide bicyclists with a path free of obstructions, decrease the stress level of bicyclists riding in traffic, encourage bicyclists to ride in the correct designated roadway position, and signal motorists that cyclists have a right to the road. Bike lanes are intended to promote an orderly flow of traffic, by establishing specific lines of demarcation between areas reserved for bicycles and lanes to be occupied by motor vehicles.

In summary, bike lanes do the following:

- they give bicyclists a clear place to be so they are not tempted to ride on the sidewalk
- they indicate the correct position of bicyclists on the roadway

- they indicate the correct direction for bicyclists to travel (with arrows marked in the bike lane)
- they promote an orderly flow of traffic
- they allow bicyclists to pass motor vehicles stopped at a signal (coming up to the stop line, and also stopping for the signal)
- they send a message to motorists that bicyclists have a right to the roadway
- they remind motorists to look for bicyclists on the road

Traffic Calming projects in the city will also create better conditions for bicyclists and pedestrians.

Status of Bicycle Facilities in Cambridge

Existing Facilities

Bicycle Lanes: Huron Avenue, Sparks Street, Chauncy Street, Everett Street, Wendell Street, Shepard Street, Brattle Street, Mt. Auburn Street, Massachusetts Avenue (Central Square and Harvard Square), Quincy Street

Guide/Edge Lines: Garden Street, Broadway, Hampshire Street, River Street, Brattle Street

Projects under construction:

Bike lanes: North Point; completion of Massachusetts Avenue-Central Square

Projects in Design/Planning Phase:

Massachusetts Avenue (Lafayette Square-Memorial Drive - awaiting construction), Massachusetts Avenue (north), Cambridgeport Roadways, Oxford Street, Cambridge Street, Concord Avenue (west), Brattle Street, Fresh Pond Parkway, Cambridge Common, Quincy/Broadway, Streets in Harvard Square and Central Square Business Districts (identify additional improvements).

Bicycle Violations

December 1996

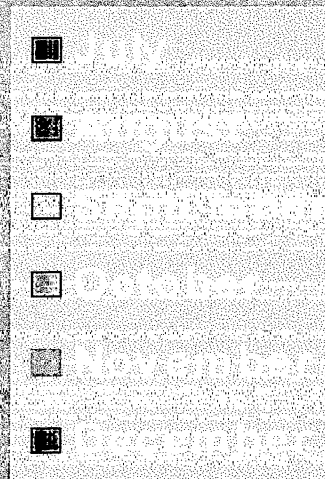
Cambridge Police Department

City of Cambridge

Violations by Month

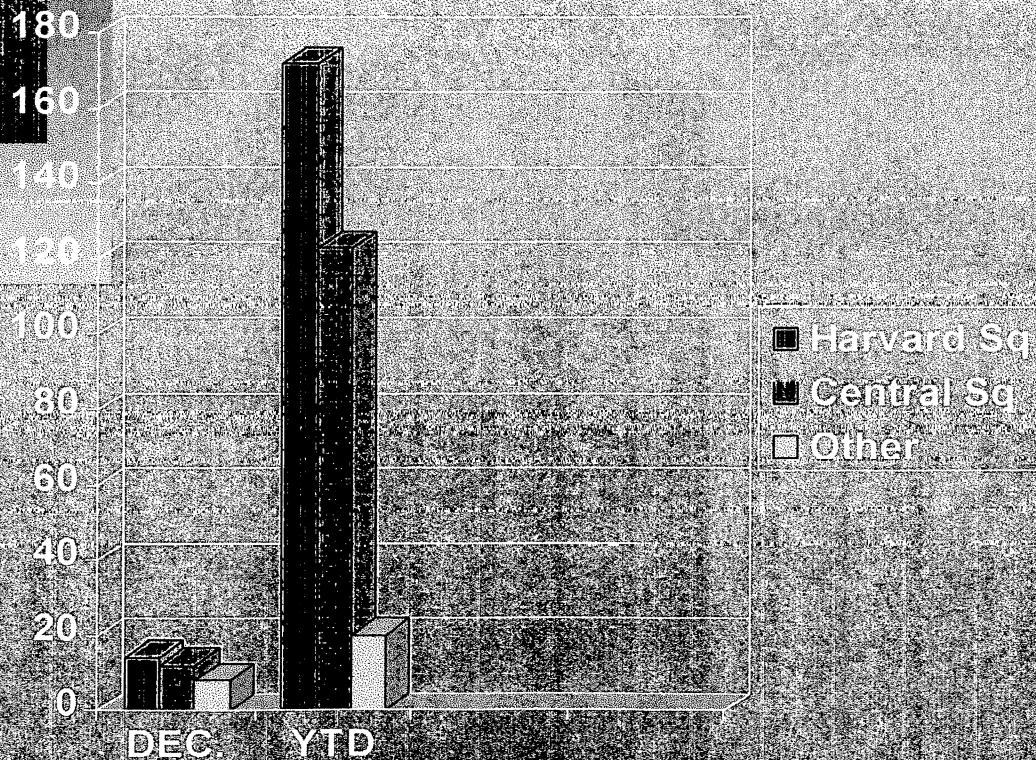
of cites and % of year total

160
140
120
100
80
60
40
20
0



- July-21
7%
- August-5
2%
- Sept.-16
5%
- Oct.- 80
25%
- Nov.-159
50%
- Dec. - 34
11%

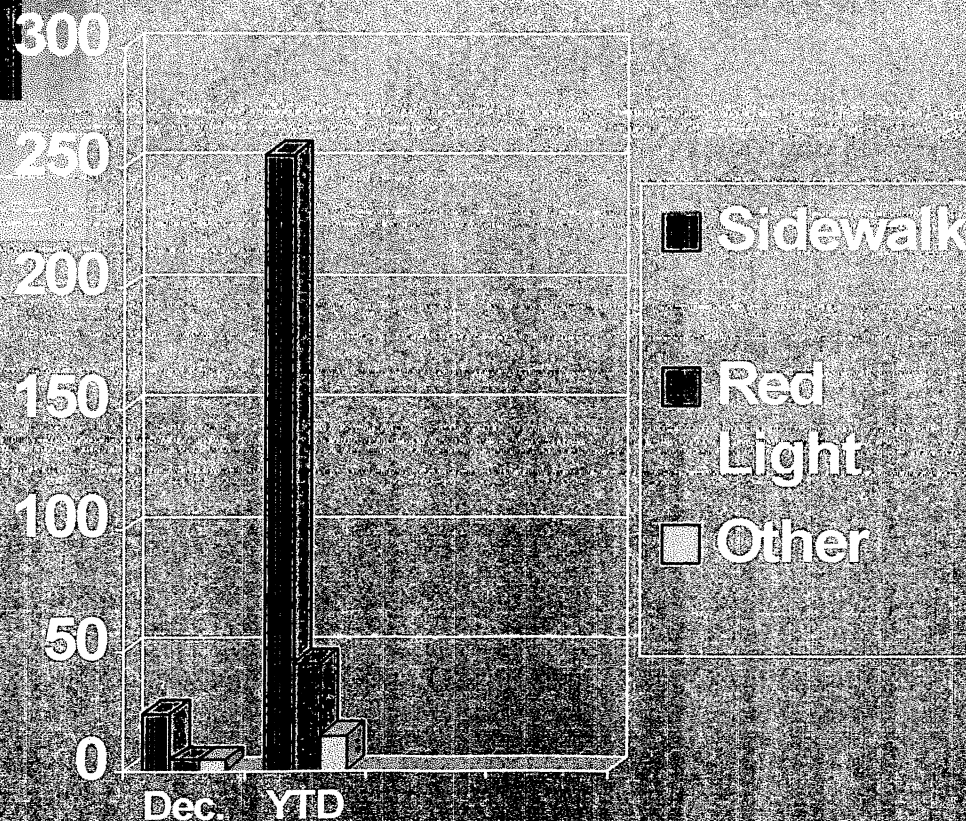
Violations by Location



■ December
Harvard-14/41%
Central -12/35%
Other - 8/24%

■ YTD
Harvard-172/55%
Central -123/39%
Other - 20/ 6%

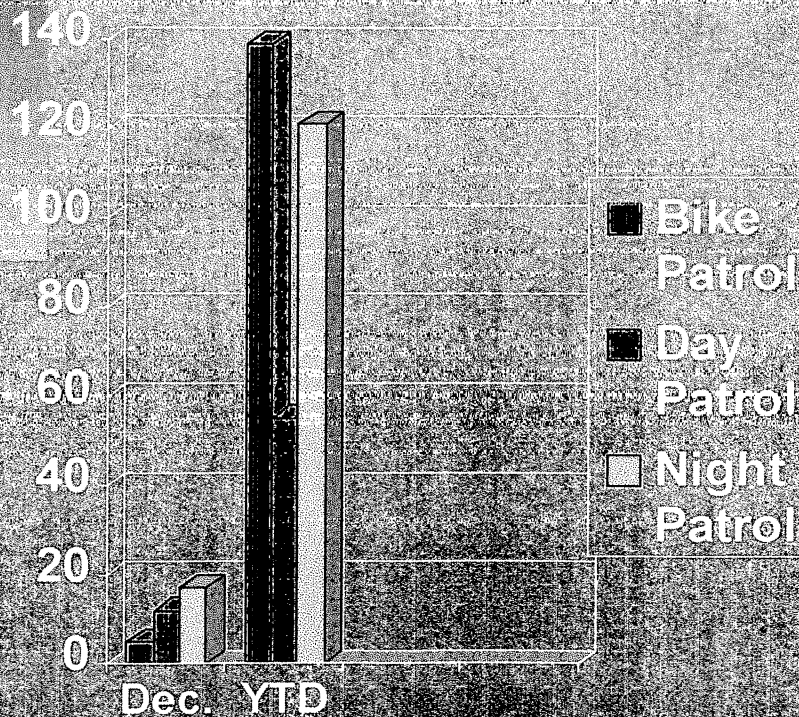
Infraction



■ *December*
Sidewalk- 24/70%
Red Light- 5/15%
Other- 5/15%

■ *YTD*
Sidewalk-255/81%
Red Light-45/14%
Other- 15/ 5%

Violations by Assignment



- *December*
Bike- 5/ 15%
Day- 12/35%
Night- 17/50%
- *Year To Date*
Bike- 139/44%
Day- 55/17%
Night- 121/39%

What Are The Next Steps

- *Continue In-House Education*
- *Continue with issuing violations*
- *Followup with court proceedings*
- *Educate the Children In the Schools*
- *Educate the General Public*
- *Redesign Tag book*
- *Update Bicycle Registration Program as well as database for registration*



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CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

January 13, 1997

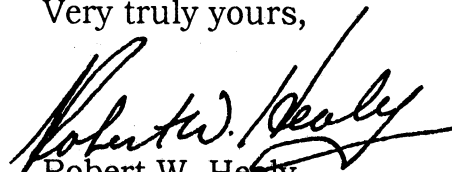
To the Honorable, the City Council:

Please find attached a report on Bicycling Regulations, Enforcement, Education, and Facilities, prepared by the Community Development, Traffic, Parking & Transportation, Police and Law Departments.

I would also like to transmit to you additional information on bicycles:

- A report from the City Solicitor on the question of whether the extensive regulation of bicycle operation in G.L.c. 85, s. 11B preempts any local regulation of bicycle operation. A legal opinion issued March 3, 1995 concerning the Traffic Director's exclusive power to make rules and regulations regarding bicycles, is included as well.
- A response to Awaiting Report #8 on whether the current interpretation of business district relating to bicycle riding on sidewalks can be expanded to additional areas of the city. Please be advised that business districts can be expanded to include other areas of the city. G.L.c. 85, s. 11b restricts bicycle riding on sidewalks in business districts; the City's traffic regulations define the specific streets in our current two business districts, Harvard and Central Squares; the Traffic Director can promulgate a regulation that defines other business districts by identifying specific streets.

Very truly yours,


Robert W. Healy
City Manager

Attachments

Consent Agenda #11

S-17

Relative to a report on Bicycling Regulations,
Enforcement, Education and Facilities, and
also a response to Awaiting Report Item No.
Eight.

In City Council January 13, 1997

Referred to Traffic,
Transportation Committee
meeting of
January 22, 1997