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Title: FIRST READING OF ORDINANCES TO AMEND CHAPTERS 2 AND 3 OF TITLE 4 (BICYCLES); AND CHAPTERS 1 THROUGH 21 OF TITLE 10 (MOTOR VEHICLE TRAFFIC) OF THE COSTA MESA MUNICIPAL CODE AND PURSUANT TO THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”), FIND THE ORDINANCE IS NOT A "PROJECT" AND FURTHER, THAT IT IS EXEMPT FROM THE PROVISIONS OF CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Report, 2. 1. Title 4 Ordinance with Exhibit A, 3. 2. Title 10 Ordinance with Exhibit A

Date	Ver.	Action By	Action	Result
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TITLE:

FIRST READING OF ORDINANCES TO AMEND CHAPTERS 2 AND 3 OF TITLE 4 (BICYCLES); AND CHAPTERS 1 THROUGH 21 OF TITLE 10 (MOTOR VEHICLE TRAFFIC) OF THE COSTA MESA MUNICIPAL CODE AND PURSUANT TO THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”), FIND THE ORDINANCE IS NOT A "PROJECT" AND FURTHER, THAT IT IS EXEMPT FROM THE PROVISIONS OF CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

DEPARTMENT: PUBLIC WORKS DEPARTMENT AND POLICE DEPARTMENT

PRESENTED BY: BRETT ATENCIO THOMAS, ACTIVE TRANSPORTATION COORDINATOR AND BRYAN WADKINS, POLICE CAPTAIN

CONTACT INFORMATION: BRETT ATENCIO THOMAS, ACTIVE TRANSPORTATION COORDINATOR, (714) 754-5343

RECOMMENDATION:

Staff and the Active Transportation Committee recommend the City Council:

Introduce for first reading, Ordinance Nos. 2024-xx and 2024-xx, to amend Chapters 2 and 3 of Title 4 (Bicycles) and Chapters 1 through 21 of Title 10 (Motor Vehicle Traffic), respectively, of the Costa Mesa Municipal Code to be in compliance with current California laws related to bicycles and current practices and procedures.

BACKGROUND:

AB 1909, titled the Bicycle Omnibus Bill, was approved by the Governor of the State of California on September 16, 2022. This bill was designed to bring the California Vehicle Code (CVC) into congruence with current bicycle riding practices within the state, as well as to increase the safety of individuals riding bicycles. Upon approval of AB 1909, the CMMC was no longer in compliance with the CVC, prompting the need for a revision to the Municipal Code. On February 7, 2023, the City Council gave first reading to and introduced Ordinance No. 2023-02 to repeal Chapter 1 (Bicycles and Motorized Bicycle Licensing) of Title 4 (Bicycles) of the CMMC to comply with current California law. On February 21, 2023, the City Council adopted Ordinance No. 2023-02 to repeal Chapter 1 (Bicycles and Motorized Bicycle Licensing) of Title 4 (Bicycles) of the CMMC.

Subsequently, Assembly Bill 2147 (AB 2147), the Freedom to Walk Act, was signed by the Governor of the State of California on September 30, 2022, which decriminalizes jaywalking when the roadway is safe to cross. To ensure compliance with the CVC and provisions with AB 1909 and AB 2147, staff further reviewed CMMC Title 4 (Bicycles) and Title 10 (Motor Vehicle Traffic) in order to bring the CMMC into compliance with the CVC.

SUMMARY:

The State of California passed a new law, Assembly Bill 1909 (AB 1909), the Bicycle Omnibus Bill, which made several changes to the California Vehicle Code (CVC) pertaining to the lawful operation of bicycles. Following the passage of the bill, the City Council repealed Chapter 1 (Bicycle and Motorized Bicycle Licensing) of Title 4 of the Costa Mesa Municipal Code (CMMC) on February 7, 2023.

The CMMC has several remaining bicycle-related provisions that are not in compliance with the CVC as well as some bicycle-related and transportation provisions that are no longer relevant.

Proposed amendments to Title 4 and Title 10 are recommended to bring the CMMC into compliance with the CVC and current bicycle and transportation practices within the community. Additional provisions were added to enhance bicycle safety on roadways and sidewalks based on the recent proliferation of e-bike usage.

ANALYSIS:

Following the State's approval of AB 1909 and subsequent approval of AB 2147, several provisions within the CMMC were no longer in compliance with the CVC. Furthermore, the public's compliance and the City's enforcement of many existing transportation-related provisions of Title 4 and Title 10 of the CMMC that are unique to the City have been minimal for many years as the result of technological changes and cultural shifts. Therefore, staff identified bicycle and pedestrian-related provisions of Title 4 and Title 10 that are no longer relevant or not consistent with state law and are not enforceable.

The City Attorney's Office, Police Department, and Public Works collaborated to identify which statutes were recommended for revision or removal in order to bring the CMMC into compliance with current CVC, technology and culture. Additionally, based on community and City Council input, staff incorporated code revisions to address the recent proliferation of e-bikes in order to enhance bicycle safety on roadways and sidewalks.

On March 6, 2024, Public Works and Police Department staff presented proposed revisions to Title 4

and Title 10 of the CMMC to the Active Transportation Committee at their Special meeting. Following comments received at the meeting, staff made further revisions to the proposed amendments, which were presented to the Active Transportation Committee at a Special Meeting on April 17, 2024. Further revisions were made to proposed amendments to Title 4 and Title 10 of the CMMC following the Special Meeting. The Active Transportation Committee voted to recommend proposed amendments to Title 4 and Title 10, included as Exhibit A to Attachments 1 and 2, respectively, at their regular May 1, 2024 Meeting.

The major proposed updates include:

- § 4-22: bicycle definitions were updated to include electric bicycles as defined in CVC 312.5.
- § 4-23: bikeway definitions were updated to be congruent with the Caltrans Highway Design Manual Chapter 1000.
- § 4-26: rules of the road were updated to be congruent with AB1909 and the subsequent revisions to CVC 21209, 21208, 21202, 21200, and 21204.
- § 4-26(g) is an added provision prohibiting riding a bicycle in an unsafe manner or speed on the sidewalk or roadway.
- 4-26(h): is an added provision requiring bicyclists to yield the right of way to pedestrians on the sidewalk.
- 4-26(j): is an added provision requiring bicyclists to yield the right of way when entering a roadway or sidewalk.
- § 4-32 and § 4-36: were updated to ensure proper parking of bikes in the public right of way.
- § 10-156: overtaking and passing of a person riding a bicycle was added to be congruent with AB1909 and the subsequent revision to CVC 21760.
- § 10-168: when pedestrians must use crosswalk was updated to be congruent with AB2147 and the subsequent revision to CVC 21955(a)(b).
- § 10-184(a): was updated to account for “crosswalk daylighting” and be congruent with AB413 and the subsequent revision to CVC 22500(n)(1)(A).

Based upon this collaborative review and community input received at three Active Transportation Committee meetings, the Active Transportation Committee and staff request City Council approval of the proposed amendments to the CMMC Title 4 and Title 10 (Motor Vehicle Traffic).

ALTERNATIVES:

The City Council could elect to not approve the proposed ordinances, however, the City would no longer be able to enforce compliance of several provisions as it would conflict with state law.

FISCAL REVIEW:

There is no fiscal impact to revising Chapters 2 and 3 of Title 4 (Bicycles); and Chapters 1 through 21 of Title 10 (Motor Vehicle Traffic) of the Costa Mesa Municipal Code.

LEGAL REVIEW:

The City Attorney's Office has reviewed this report and proposed Ordinances, and approves them as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

- Strengthen the Public's Safety and Improve the Quality of Life

CONCLUSION:

Staff and the Active Transportation Committee recommend the City Council:

Introduce for first reading, Ordinance Nos. 2024-xx and 2024-xx to amend Chapters 2 and 3 of Title 4 (Bicycles) and Chapters 1 through 21 of Title 10 (Motor Vehicle Traffic), respectively, of the Costa Mesa Municipal Code to be in compliance with current California laws related to bicycles and current practices and procedures.