

**CITY OF DANA POINT**  
**AGENDA REPORT**

<b>Reviewed By:</b>	
DH	X
CM	X
CA	X

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**DATE: AUGUST 23, 2006**

**TO: CITY MANAGER/CITY COUNCIL**

**FROM BRAD FOWLER, DIRECTOR OF PUBLIC WORKS AND ENGINEERING SERVICES**

**SUBJECT: ORDINANCE OF THE CITY COUNCIL OF DANA POINT REGULATING BICYCLES AND PEDESTRIANS ON COAST HIGHWAY BETWEEN PALISADES DRIVE AND CAMINO CAPISTRANO AND AUTHORIZING POSTING OF SIGNAGE REGARDING SAME**

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**RECOMMENDED ACTION:**

That the City Council restrict pedestrian and bicycle travel exclusively to the new protected bicycle/pedestrian travel way on Coast Highway between Camino Capistrano and Palisades Drive and introduce an Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 12.18 TO THE MUNICIPAL CODE ENTITLED "COAST HIGHWAY RESTRICTIONS" PROHIBITING BICYCLES, PEDESTRIANS AND OTHER NON-VEHICLE MODES OF TRANSPORTATION ON COAST HIGHWAY BETWEEN CAMINO CAPISTRANO AND PALISADES DRIVE AND REQUIRING THAT ALL SUCH MODES OF TRAVEL USE THE PROTECTED BICYCLE AND PEDESTRIAN TRAVEL WAY

**ISSUES:**

**Whether to require, rather than simply allow, bicycles and pedestrians to use the new bicycle/pedestrian travel way on Coast Highway.**

**BACKGROUND:**

The City Council authorized installation of a protected bicycle and pedestrian travel way on Coast Highway between Palisades Drive and Camino Capistrano at the May 24, 2006 meeting.

City staff has researched whether bicycles, pedestrians and similar modes of transportation can be restricted from using the normal vehicular travel lanes under the State Vehicle Code. Research by the Orange County Sheriff’s Department has revealed that bicycles can be restricted to using the protected bicycle/pedestrian travel way and prohibited from using the vehicular travel way. California Vehicle Code (CVC) Section 21461(a) allows for such restriction and is included as Supporting Document B. Section 21650(g) is also included for reference, requiring the Council to enact a local ordinance.

**DISCUSSION:**

Based upon this new information, staff is asking that Council authorize Public Works to restrict bicycle and pedestrian traffic on Coast Highway to using the new protected bicycle/pedestrian travel way by posting signs prohibiting bicycle and pedestrian traffic on this stretch of Coast Highway’s roadway. Northbound bicyclists and pedestrians will have to cross Coast Highway to the beach side to access the protected travel way via the new crosswalk at the traffic signal at Camino Capistrano. Southbound bicyclists will more easily enter the protected travel way at Palisades. Sheriff enforcement efforts would be required should this ordinance be approved.

Alternatively, bicyclists could simply be encouraged to use the new protected bicycle/pedestrian travel way, but not required. Bicyclists could proceed along the six foot wide paved shoulder in both directions if desired.

Regardless of the City’s Council decision whether or not to establish the bicycle travel restriction, staff believes it important to open the new protected bicycle/pedestrian travel way in early September and, to that end, staff requests that City Council approve the ordinance or provide alternative direction at the council meeting.

**NOTIFICATION/FOLLOW-UP:**

City of San Clemente

**FISCAL IMPACT:**

Minor fiscal impact to install additional signage.

**ALTERNATIVE ACTIONS:**

- 1. As Council may direct.

**ACTION DOCUMENT:**

**Page No.**

- A. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 12.18 TO THE MUNICIPAL CODE](#) .....4

**SUPPORTING DOCUMENT:**

B. [California Vehicle Code \(CVC\) Sections 21461\(a\) and 21650\(g\)](#).....8

**Action Document A – Ordinance**

**ORDINANCE NO. 06-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADDING CHAPTER 12.18 TO THE MUNICIPAL CODE ENTITLED “PACIFIC COAST HIGHWAY RESTRICTIONS” PROHIBITING BICYCLES, PEDESTRIANS AND OTHER NON-VEHICLE MODES OF TRANSPORTATION ON COAST HIGHWAY BETWEEN CAMINO CAPISTRANO AND PALISADES DRIVE AND REQUIRING THAT ALL SUCH MODES OF TRAVEL USE THE PROTECTED BICYCLE AND PEDESTRIAN TRAVEL WAY.

WHEREAS, Vehicle Code Section 21461 provides that it is unlawful for any person to fail to obey any traffic-related signs or signals erected by a public agency pursuant to a local traffic ordinance; and

WHEREAS, the City of Dana Point (“City”) has established Title 12 of the Municipal Code (“Municipal Code”) entitled “Vehicles and Traffic” to regulate local issues relating to the use of City roadways and sidewalks; and

WHEREAS, the City Council believes that providing an alternative travel path for bicycles, pedestrians, and other non-vehicle modes of transportation on Coast Highway between Camino Capistrano and Palisades Drive is in the public’s best interest; and

WHEREAS, to facilitate the above stated goals, the City desires to add Chapter 12.18 of the Municipal Code entitled “Coast Highway Restrictions” to authorize the erection of signs on Coast Highway between Camino Capistrano and Palisades Drive within the City of Dana Point restricting the operation of bicycles, rollerskates, scooters, skateboards, wheeled toys, and travel by pedestrians.

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 12.18 of the Dana Point Municipal Code is hereby added to read in its entirety as follows:

**Chapter 12.18. COAST HIGHWAY RESTRICTIONS**

**12.18.010 Definitions.**

**12.18.020 Travel Restrictions and Enforcement.**

**12.18.010 Definitions.**

For purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

- (a) "Bicycle" means every device propelled in whole or in part by human power upon which a person may ride, having two or more wheels, whether or not in tandem, including tricycles and similar three wheel devices. A unicycle also classifies as a bicycle.
- (b) "Pedestrian" means a person traveling on foot, whether walking or running.
- (c) "Roller Skate" means a shoe, boot, or an apparatus worn on a shoe or boot with wheels attached to such shoe, boot or apparatus. Roller skate shall include in-line skating, a roller skate with wheels in a straight line resembling the blade of an ice skate.
- (d) "Scooter" means any vehicle, device, or contrivance with any number of wheels, with a riding surface of any design upon which a person may place one or more feet, and which is designed to be or can be propelled by human power, and which has an upright handle attached to front or rear and which is not defined as a bicycle by the California Vehicle Code. The term scooter also includes motorized scooters.
- (e) "Skateboard" means any vehicle, device, or contrivance with any number of wheels, with a riding surface of any design upon which a person may place one or more feet and which is designed to be, or can be propelled by human power, and which is not defined as a bicycle by the California Vehicle Code. The term skateboard also includes motorized skateboards.
- (f) "Wheeled Toy" means all other wheeled objects, including but not limited to coasters and toy vehicles, but does not include vehicles as defined in Vehicle Code Section 670.

**12.18.020 Travel Restrictions and Enforcement.**

- (a) No person shall ride, use or propel a bicycle, scooter, skateboard, roller skates or other wheeled toy upon Coast Highway between Camino Capistrano and Palisades Drive, including the roadway shoulder, except in the protected bicycle and pedestrian travel way.
- (b) Except in cases of emergency, no pedestrians are allowed on Coast Highway between Camino Capistrano and Palisades Drive, including the roadway shoulder, except in the protected bicycle and pedestrian travel way.
- (c) The City is authorized to post or erect signs prohibiting the use or operation of bicycles, scooters, skateboards, roller skates or other wheeled toys and pedestrians

upon Coast Highway between Camino Capistrano and Palisades Drive, including the roadway shoulder, except in in the protected bicycle and pedestrian travel way.

(d) The Orange County Sheriff’s Department is authorized to enforce the provisions of this Chapter by any means provided for under applicable law.

SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
LARA ANDERSON, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY WARD,  
ACTING CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF DANA POINT )

I, Kathy Ward, Acting City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 06-\_\_ introduced at a regular meeting of the City Council held this \_\_\_\_\_ day of \_\_\_\_\_, 2006, and passed and adopted at a regular meeting held \_\_\_\_\_, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

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KATHY WARD, ACTING CITY CLERK

**Supporting Document B – California Vehicle Code**

21461. (a) It is unlawful for a driver of a vehicle to fail to obey a sign or signal defined as regulatory in the federal Manual on Uniform Traffic Control Devices, or a Department of Transportation approved supplement to that manual of a regulatory nature erected or maintained to enhance traffic safety and operations or to indicate and carry out the provisions of this code or a local traffic ordinance or resolution adopted pursuant to a local traffic ordinance, or to fail to obey a device erected or maintained by lawful authority of a public body or official.

(b) Subdivision (a) does not apply to acts constituting violations under Chapter 9 (commencing with Section 22500) of this division or to acts constituting violations of a local traffic ordinance adopted pursuant to Chapter 9 (commencing with Section 22500).

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21650. Upon all highways, a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing that movement.

(b) When placing a vehicle in a lawful position for, and when the vehicle is lawfully making, a left turn.

(c) When the right half of a roadway is closed to traffic under construction or repair.

(d) Upon a roadway restricted to one-way traffic.

(e) When the roadway is not of sufficient width.

(f) When the vehicle is necessarily traveling so slowly as to impede the normal movement of traffic, that portion of the highway adjacent to the right edge of the roadway may be utilized temporarily when in a condition permitting safe operation.

(g) This section does not prohibit the operation of bicycles on any shoulder of a highway, where the operation is not otherwise prohibited by this code or local ordinance.