

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Title 10 of the Lincoln Municipal Code relating to  
2 the Right-Of-Way for bicycle riders.

3 WHEREAS, an increasing number of people are riding bicycles in the City of Lincoln, on  
4 both city streets and trails; and

5 WHEREAS, the City wants to do everything possible to reduce collisions and injuries  
6 involving bicycle riders.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That Chapter 10.02 of the Lincoln Municipal Code be amended to read as  
9 follows:

10 **10.02.050 Bicycle.**

11 Bicycle shall mean:

12 (a) A device propelled solely by human power, upon which any person may ride, and  
13 having two or three wheels, either of which is more than fourteen inches in diameter or

14 (b) A device with two or three wheels, fully operative pedals for propulsion by human  
15 power, and an electric motor with a capacity not exceeding seven hundred fifty watts which  
16 produces no more than one brake horsepower and is capable of propelling the bicycle at a  
17 maximum designed speed of no more than twenty miles per hour on level ground.

18 Section 2. That Chapter 10.48 of the Lincoln Municipal Code be amended to read as  
19 follows:

20 **10.48.130 Right-of-Way.**

1 (a) The operator of a bicycle emerging from any alley, ~~building~~, driveway, or road shall,  
2 upon approaching a sidewalk ~~or the sidewalk space~~, or trail extending across any alleyway,  
3 driveway, or road, yield the right-of-way to all pedestrians approaching on said sidewalk, ~~or~~  
4 sidewalk space, or trail.

5 (b) ~~The operator of a bicycle about to enter or cross a street or other public way from a~~  
6 ~~sidewalk, sidewalk space, alley, building, or driveway shall yield the right of way to all vehicles~~  
7 ~~lawfully approaching on said roadway.~~

8 Where a path designated for bicycles and pedestrians crosses a highway, a pedestrian, who is in  
9 the crossing in accordance with the traffic control device, shall have the right-of-way within the  
10 crossing with respect to vehicles and bicycles.

11 (c) An operator of a bicycle on a sidewalk or trail or in a crosswalk shall have all of the  
12 rights and duties applicable to a pedestrian under the same circumstances but shall yield the  
13 right-of-way to pedestrians.

14 (d) No operator of a bicycle shall suddenly leave a curb or other place of safety and move  
15 into the path of a vehicle that is so close that it is impossible for the driver to safely stop.  
16 Nothing in this section shall relieve the bicyclist or the driver of a vehicle from the duty to  
17 exercise due care.

18 Section 3. That Chapter 10.48 of the Lincoln Municipal Code be amended to read as  
19 follows:

20 **10.48.170 Riding on Sidewalk and Sidewalk Space Regulated.**

21 (a) ~~Notwithstanding the provisions of subsection (b) of this section, it shall be unlawful~~  
22 ~~for any person to ride a bicycle upon the sidewalks along any of the streets within the following~~

1 bounds, to wit: (1) From the south line of "K" Street to the north line of "R" Street and from the  
2 east line of 16th Street to the west line of 9th Street; also from the south line of "O" Street to the  
3 north line of "R" Street and from the east line of 9th Street to the west line of 7th Street; (2)  
4 Havelock Avenue from the west line of 61st Street to the east line of 63rd Street; (3) 48th Street  
5 from the south line of Baldwin Avenue to the north line of Madison Avenue, and the west side of  
6 48th Street from Prescott Street to Cooper Street; (4) Prescott Street from 47th Street to 48th  
7 Street; and (5) the west side of 66th Street from Holdrege Street to Fairfax Street. The City  
8 Council may, by resolution, prescribe such further regulations for the use and operation of  
9 bicycles within the city as may be deemed proper, from time to time.

10 (b) It shall be unlawful for any person to operate a bicycle within any sidewalk space  
11 except:

12 ——— (1) When the bicycle is being operated upon a sidewalk as defined in Section  
13 10.02.340.

14 ——— (2) When there is no sidewalk as defined in Section 10.02.340.

15 ——— (3) When the sidewalk is obstructed by any means.

16 ——— (4) At a permanent or temporary driveway.

17 (c) Any person operating a bicycle upon a sidewalk or within any sidewalk space shall  
18 do so at his own risk and shall yield the right-of-way to any and all pedestrians.

19 (b) It shall be unlawful for any person to operate a bicycle: (i) in a careless manner or  
20 without due caution in a manner as to endanger any person or property, or (ii) in a reckless  
21 manner so as indicate an indifferent or wanton disregard for the safety of persons or property, or  
22 (iii) in a negligent manner, or (iv) in such a manner as to endanger or interfere with the lawful  
23 traffic or use of the streets.

1           Section 4. That Sections 10.02.050, 10.48.130, and 10.48.170 of the Lincoln Municipal  
2 Code as hitherto existing be and the same are hereby repealed.

Section 5. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall be posted on the official bulletin board of the City, located on the wall across from the City Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage and such posting to be given by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its passage and publication as herein and in the City Charter provided.

Introduced by:

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Approved as to Form & Legality:

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City Attorney