

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, at least one of ~~either~~ of which is more than fourteen inches in
14 diameter or

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

19 Section 2. That Chapter 10.14 of the Lincoln Municipal Code be amended to read as
20 follows:

21 **10.14.135 Clearance When Overtaking Bicycles.**

1 It shall be unlawful for the driver of a vehicle to overtake or pass a bicycle or electric
2 personal assistive mobility device proceeding in the same direction without leaving a safe
3 distance of no less than three feet of clearance and shall maintain such clearance until safely past
4 the overtaken bicycle or electric personal assistive mobility device.

5 Section 3. That Chapter 10.30 of the Lincoln Municipal Code be amended to read as
6 follows:

7
8 **10.30.055 Drivers to Exercise Due Care with Pedestrians.**

9
10 Every driver of a vehicle shall exercise due care, which shall include, but not be limited
11 to, leaving a safe distance of no less than three feet clearance, when applicable, to avoid colliding
12 with any pedestrian upon any roadway and shall give an audible signal when necessary and shall
13 exercise proper precaution upon observing any child or obviously confused or incapacitated
14 person upon a roadway.

15 Section 4. That Chapter 10.48 of the Lincoln Municipal Code be amended to read as
16 follows:

17 **10.48.130 Right-of-Way.**

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

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

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

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

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

11 Section 5. That Chapter 10.48 of the Lincoln Municipal Code be amended to read as
12 follows:

13 **10.48.140 Right Turn Lanes.**

14 A person operating a bicycle approaching an intersection in a lane of traffic designated
15 for right turns only who desires to proceed straight through the intersection shall, before reaching
16 the intersection and after yielding the right-of-way to any approaching vehicle which is so close
17 as to constitute an immediate hazard, (a) move into the first lane to the immediate left which is
18 lawfully available for traffic moving straight through the intersection, shall enter the intersection
19 in said lane, and shall leave the intersection as near to the right hand side of the roadway as
20 practicable; or (b) before entering the intersection and after yielding the right-of-way to any
21 approaching vehicle which is so close as to constitute an immediate hazard, move into a
22 designated bicycle lane, which is lawfully available for traffic moving straight through the

1 intersection, shall enter the intersection in said lane, and shall leave the intersection in said lane;
2 or (c) said person shall ~~dismount and~~ proceed across the street in the crosswalk.

3 Section 6. That Chapter 10.48 of the Lincoln Municipal Code be amended to read as
4 follows:

5 **10.48.150 Left Turns.**

6 A person operating a bicycle upon any public street or public way who intends to turn left
7 at any intersection shall, before reaching the intersection and after yielding the right-of-way to
8 any approaching motor vehicle which is so close behind as to constitute an immediate hazard, (a)
9 move as far as practicable to the left of the traveled portion of the roadway available for his or
10 her direction of travel and shall then enter the intersection and execute the ~~his~~ left turn according
11 to law; (b) proceed in a designated bicycle lane, yielding the right-of-way as required for any
12 other vehicle; or (c) ~~dismount and~~ proceed across the street in the available crosswalks.

13 Section 7. That Chapter 10.48 of the Lincoln Municipal Code be amended to read as
14 follows:

15 **10.48.165 Overtaking and Passing Rules**

16 The driver of a vehicle overtaking a bicycle proceeding in the same direction shall
17 exercise due care, which shall include, but not be limited to, leaving a distance of no less than
18 three feet clearance when passing a bicycle and shall maintain such clearance until safely past the
19 overtaken bicycle.

20 Section 8. That Chapter 10.48 of the Lincoln Municipal Code be amended to read as
21 follows:

22 **10.48.170 Riding on Sidewalk and Sidewalk Space Regulated.**

23 (a) Notwithstanding the provisions of subsection (b) of this section, it shall be unlawful

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

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

13 ~~—— (1) When the bicycle is being operated upon a sidewalk as defined in Section
14 10.02.340.~~

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

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

17 ~~—— (4) At a permanent or temporary driveway.~~

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

20 (c) It shall be unlawful for any person to operate a bicycle: (i) in a careless manner or
21 without due caution in a manner as to endanger any person or property, or (ii) in a reckless
22 manner so as indicate an indifferent or wanton disregard for the safety of persons or property, or

1 (iii) in a negligent manner, or (iv) in such a manner as to endanger or interfere with the lawful
2 traffic or use of the streets.

3 Section 9. That Chapter 10.48 of the Lincoln Municipal Code be amended to read as
4 follows:

5 **10.14.180 Signals by Hand and Arm or Signal Lamps.**

6 All signals herein required given by hand and arm shall be given in the following manner
7 and such signals shall indicate as follows:

8 TURN RIGHT. By extending the left hand and arm upward from the left side of the
9 vehicle. Any person operating a bicycle may signal a right turn by fully extending the right arm
10 and pointing.

11 TURN LEFT. By extending the left hand and arm horizontally from the left side of the
12 vehicle.

13 U-TURN. By extending the left hand and arm horizontally from the left side of the
14 vehicle until completion of the turning movement.

15 STOP OR DECREASE SPEED. By extending the left hand and arm downward from the
16 left side of the vehicle.

17 LEAVING PARALLEL PARKING PLACE. By extending the left hand and arm
18 horizontally from the left side of the vehicle. The foregoing signals shall be used by the driver
19 of any vehicle when turning from one lane of traffic into another lane. The signals herein
20 required to be given shall be given either by means of the hand and arm as herein prescribed or
21 by a signal device or signal lamp of a type approved by the Department of Motor Vehicles of the
22 State of Nebraska, but when a vehicle is so constructed or loaded that such hand and arm signal

1 would not be visible both to the front and rear of such vehicle, said signals must be given by such
2 lamp or device.

3 Section 10. That Sections 10.02.050, 10.48.130, 10.48.140; 10.48.150, and 10.48.170 of
4 the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 11. 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:

Approved as to Form & Legality:

City Attorney