



Summary of the express authority to regulate bicycling:

CVC section summaries [CVC language in “quotes”]:

1. Section 21200 defines the rights and duties of bicyclists as being the same as drivers of vehicles.
2. Section 21: ***“Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein.”***
3. Section 21100(h) **Expressly authorizes** local authorities to regulate the use of bicycles on public sidewalks.
4. Section 21206 **Expressly authorizes** local agencies to regulate the registration, and the parking and operation of bicycles on pedestrian or bicycle facilities provided the regulation is not in conflict with the CVC.
5. Section 21960 **Expressly authorizes** local agency prohibition of bicycling or walking on freeways.
6. There are no codes providing express authorization of municipalities to regulate cycling on non-freeway roads.
7. Supportive legal opinions & appellate court ruling:
  - a. Attorney General’s opinion: 52 Ops.Cal.Atty.Gen. 313, 314 (1970) cited Wilton v. Henkin (1942), 52 Cal.App2nd 368, 372 which affirmed the superiority of state legislation for traffic regulation over local ordinances.
  - b. The court in Flury v. Beeskau (1934) 33 P.2<sup>nd</sup> 1033, 1036, 139 Cal.App. 398, stated that “A bicycle or motorcycle is recognized as a legitimate means of traveling upon the highways or streets of a city either for business or pleasure. The traffic rules which are prescribed by the California Vehicle Act apply to bicycles and motorcycles as well as to automobiles and other vehicles.”

Since the city has no express authority to regulate cycling on non-freeway roads as required by CVC 21, any action to limit the access of cyclists to Crystal Springs Drive when the streets are open to motor vehicles is in conflict with the CVC and is illegal and inappropriate.