

Legislation Text

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Amending Title 12 of The Philadelphia Code, entitled "Traffic Code," by providing for the manner in which bicyclists may operate bicycles in the streets, and by prohibiting motor vehicles from obstructing or creating certain hazards in bicycle lanes, and further, amending Title 11 of The Philadelphia Code, entitled "Streets," to provide for the establishment and implementation of a Complete Streets Policy, all under certain terms and conditions.

WHEREAS, The establishment and refinement of, and compliance with, a Complete Streets policy will enhance the City's public rights of way for all users, including motorists, pedestrians, and cyclists; and

WHEREAS, As part of the enhancement of the right-of-way, Council recognizes that bicycles are an increasingly important means of transportation, with significant benefits for the environment, health, and traffic congestion; and

WHEREAS, While bike lanes provide an important means of harmonizing all uses of the right of way while accommodating the growing use of bicycles as a means of transportation, they should not be treated differently from conventional traffic lanes with respect to the need of motorists to lawfully stop, stand, and load or unload passengers; and

WHEREAS, The safety of all members of the public using the right-of-way, including motorists, cyclists, and pedestrians, is of paramount importance; NOW, THEREFORE,

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 12 of The Philadelphia Code is hereby amended to read as follows:

TITLE 12. TRAFFIC CODE.

CHAPTER 12-100. GENERAL PROVISIONS.

\* \* \*

§ 12-102. Definitions.

In this Title the following definitions apply:

\* \* \*

- (2) Bicycle Lane. The portion of a street set aside [exclusively] *primarily* for bicycle travel.

\* \* \*

CHAPTER 12-800. BICYCLE REGULATIONS AND PENALTIES.

\* \* \*

§ 12-804. Riding on Roadways and Bicycle Paths.

(1) Persons riding bicycles upon a roadway shall not ride [other than single file] *more than two abreast* except on paths or parts of roadways set aside for the exclusive use of bicycles. *Persons riding two abreast shall not impede the normal and reasonable movement of traffic.*

[(2) Whenever a useable path for bicycles has been provided adjacent to a roadway bicycle riders shall use such path and shall not use the roadway.]

\* \* \*

§ 12-807. Parking.

(1) No person shall park a bicycle upon a street other than (a) against the [curb or] *curb*, upon the [sidewalk] *sidewalk*, or in an area on the street designated by the department for bicycle parking, in a rack to support the [bicycle,] *bicycle*; or (b) against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

\* \* \*

§ 12-811. Penalty.

(1) Any person violating any of the provisions of Chapter 12-800 [(other than Section 12-807)] shall, upon summary conviction before a Magistrate, pay a fine of [three (3)] *seventy-five* dollars (\$75) together with costs of [prosecution.] *prosecution, except as otherwise provided by Section 12-807 or 75 Pa. C.S. § 6301.*

\* \* \*

CHAPTER 12-900. PARKING REGULATIONS AND PENALTIES.

\* \* \*

§ 12-913. Prohibitions in Specified Places.

(1) Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

\* \* \*

(c) Park a vehicle:

\* \* \*

(iii) *within a designated bicycle lane.*

\* \* \*

CHAPTER 12-1100. MISCELLANEOUS REGULATIONS AND PENALTIES

\* \* \*

§ 12-1133. *Opening and closing vehicle doors. Subject to such penalties as are provided in The Vehicle Code, no person shall open the door of a vehicle on the side available to vehicular traffic in such a manner as to violate 75 Pa. C.S. § 3705 (entitled "opening and closing vehicle doors), as may be amended from time to time.*

CHAPTER 12-2800. ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS

\* \* \*

§ 12-2809. Civil Penalties and Costs.

\* \* \*

(2) Basic Penalties.

(a) Any person violating the following provisions of Title 12, shall, upon a final finding of liability pursuant to this Chapter 12-2800, and except as set forth in subsection 12-2809(2)(b), be liable for payment of the civil penalty indicated, in addition to the costs and fees set forth in subsection 12-2809(1):

Code Provision	Violation Description	Penalty
* * *		
12-913(1)(c)	Parking - Prohib Place	
* * *		
	(iii) Block bicyc	\$50.00
* * *		

(b) Any person violating the following provisions of Title 12 in the Center City area, bounded by Spring Garden street, Bainbridge street, the Schuylkill River and the Delaware River, or in the University City area, bounded by the Schuylkill River on the east, University avenue/Woodland avenue on the south, Fortieth street on the west, and by a line along Filbert street, between Fortieth street and Thirty-fourth street, along Thirty-fourth street to Arch street, along Arch street, between Thirty-fourth street and the Schuylkill River, on the north, shall, upon a final finding of liability pursuant to this Chapter 12-2800, be liable for the payment of the civil penalty indicated, in addition to the costs and fees set forth in subsection 12-2809(1):

Code Provision	Violation Description	Penalty
* * *		
12-913(1)(c)	Parking - Prohib Place	
* * *		

	(iii)	Block bicyc	\$75.00
* * *			

SECTION 2. Title 11 of The Philadelphia Code is hereby amended to add a new chapter as follows:

TITLE 11. STREETS.

\* \* \*

CHAPTER 11-900. COMPLETE STREETS POLICY.

§ 11-901. Complete Streets Policy.

(1) *The Department is authorized to develop a Complete Streets Policy for the City, and to maintain, update, and publish such policy through a Complete Streets Handbook. The Department is further authorized to issue regulations implementing and requiring compliance with the Complete Streets Policy. The purpose of such policy shall be as follows:*

(a) *To give full consideration to accommodation of the safety and convenience of all users of the transportation system, be they pedestrians, bicyclists, public transit users or motor vehicle drivers;*

(b) *Balance the needs of all users in planning, design, construction, maintenance, and operation of the right of way and facilities therein; and*

(c) *Contribute to a comprehensive and integrated transportation network and prioritize the safety of those traveling in the public right-of-way, and in particular the safety of children, the elderly, and persons with disabilities.*

(2) *No construction project of a type set forth below that is in or affects the public right-of-way shall be approved by the Department of Streets, or further, where an ordinance is required to authorize the project, by Council, unless the person responsible for such construction project documents the manner of compliance with such regulations as the Department of Streets may promulgate with respect to implementation of the City's Complete Streets Policy:*

(a) *Any project subject to plan of development review pursuant to § 14-507(8).*

(b) *Any project subject to civic design review pursuant to § 14-304(5).*

(c) *Any street improvement that requires a permit or approval from the Department of Streets, and that proposes a change of the curbline such that any one or more of the following apply:*

(i) *A lay-by lane is added. For purposes of this Chapter, "lay-by lane" shall mean a limited length of the right-of-way where the cartway is widened into an area that would otherwise be occupied by the sidewalk, to form an area where vehicles may be permitted to stop, stand, or park out of the flow of traffic.*

(ii) *A traffic study is required pursuant to Department of Streets regulations, or § 14-*

603(10) (*Parking, Non-Accessory*) or another provision of Title 14 (*Zoning and Planning*).

(iii) *The flow of traffic at a signalized intersection would be materially affected.*

(d) *Any project that would encroach on the public right of way such that the remaining minimum clear width of sidewalk would be less than the Walking Zone standard set forth for the applicable street type set forth in the Pedestrian and Bicycle Plan established by the Philadelphia City Planning Commission.*

(e) *Any project in which either an existing driveway would be widened to more than 24 feet, or a new driveway wider than 24 feet would be created.*

(f) *Any capital project by the City or a quasi-governmental agency that alters the public right-of-way, as a condition of the issuance of any necessary permit or approval, and any such capital project by the Department of Streets regardless of whether any permit or approval is required.*

(3) *Regulations issued by the Department of Streets pursuant to this Section may require that compliance be documented by checklists, or any other means. Such documentation shall be a public record, and shall be posted on the City website within 60 days of the filing of such documentation.*

§ 11-902. *Pedestrian and Bicycle Plan.*

(1) *All construction projects subject to § 11-901(2) shall conform to the street types and standards set forth in the Pedestrian and Bicycle Plan established by the Philadelphia City Planning Commission, consistent with and subject to the City Plan, classifying street types by intended use and, setting forth minimum dimensional requirements for sidewalk features.*

SECTION 3. Effective Date. This Ordinance shall take effect immediately upon becoming law.

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.