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Reviewed by: Assembly Counsel's Office
For reading: August 8, 2023

**ANCHORAGE, ALASKA
AO No. 2023-65(S-1)**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE TITLE 9 TO PROMOTE SAFETY, EQUITY, AND ACCESS TO**
3 **INFRASTRUCTURE FOR BICYCLISTS AND OTHER VULNERABLE ROAD**
4 **USERS.**

5
6 **WHEREAS**, it is necessary, appropriate, and in the best interest of the Municipality
7 of Anchorage to prevent and reduce injuries, fatalities, and property damage
8 resulting from collisions between motor vehicles and persons who are not operating
9 motor vehicles; and

10
11 **WHEREAS**, the Anchorage Municipal Assembly supports the Active People,
12 Healthy Nation initiative;¹ and

13
14 **WHEREAS**, Alaska has one of ~~[has]~~ the highest percentages of people who walk
15 or bike to work of any state in the nation;² and

16
17 **WHEREAS**, 22% of Anchorage-based respondents to a survey sent out for the
18 Alaska Statewide Active Transportation Plan indicated they most often walk or bike
19 to get food or groceries and to commute to school or work; ~~[14% of southcentral~~
20 ~~Alaskans bike or walk to get food or groceries and 16% bike or walk to school~~
21 ~~or work]~~³; and

22
23 **WHEREAS**, 40% of southcentral Alaskans responding to the Alaska Statewide
24 Active Transportation Plan survey indicated they drive less than 20 miles per week,
25 which is an amount that could be replaced by an average of less than an hour of
26 walking per day, or by an average of less than 20 minutes riding a bicycle per day;
27 ~~[the Alaska Department of Transportation and Public Facilities has estimated~~
28 ~~that 40% of southcentral Alaskans weekly driving patterns could be replaced~~
29 ~~by an average of less than an hour of walking per day, or by an average of~~
30 ~~less than 20 minutes riding a bicycle per day]~~⁴; and

31
32 **WHEREAS**, recent fatality data released by the National Highway Traffic Safety

¹ See AR 2023-76, Anchorage Mun. Assemb., (Mar. 21, 2023), https://meetings.muni.org/AgendaOnline/Documents/ViewDocument/AR_2023-76_CDC_ACTIVE_PEOPLE_HEALTHY_NATION_INITIATIVE_V.2.DOCX.DOCX?meetingId=4934&documentType=Agenda&itemId=53741&publishId=39654&isSection=false.

² Alaska Dept. of Transp. & Pub. Facilities, ALASKA STATEWIDE ACTIVE TRANSPORTATION PLAN at 13 (2019), https://dot.alaska.gov/stwdplng/areaplans/modal_system/docs/AK-Statewide-Active-Transportation-Plan.pdf#page=16

³ Alaska Dept. of Transp. & Pub. Facilities, LONG RANGE TRANSPORTATION PLAN & FREIGHT PLAN, *Alaska Moves 2050: Survey Report* at 9 (2021), https://alaskamoves2050.com/wp-content/uploads/2021/09/25697_DOTPF_LRTP_SurveyReport_09092021.pdf#page=9

⁴ *Id.* at 13, *assuming 10mph cycle speed or 3mph walking speed*, https://alaskamoves2050.com/wp-content/uploads/2021/09/25697_DOTPF_LRTP_SurveyReport_09092021.pdf#page=13

1 Administration (NHTSA) shows that the bicyclist fatality rate has increased by 62%
2 since 2010 in urban communities;⁵ and

3
4 **WHEREAS**, 75% of all statewide motor vehicle crashes involving bicycles occur in
5 Anchorage and 1 in 10 crashes involving a bicycle result in serious injury or death;⁶
6 and

7
8 **WHEREAS**, between 2015 and 2019, the per capita fatality rate in the U.S. for Black
9 pedestrians was more than double the rate for white pedestrians, and for Indigenous
10 pedestrians was more than four times as high as for white pedestrians;⁷ and

11
12 **WHEREAS**, nationally, traffic laws are disproportionately enforced against Black,
13 Latine/x, and low-income people on bikes, especially where infrastructure is
14 lacking;⁸ and

15
16 **WHEREAS**, the Anchorage Non-Motorized Plan Goal #1 is to increase the use of
17 the non-motorized system and Goal #3 is to improve safety and security of
18 pedestrians and bicyclists;⁹ and

19
20 **WHEREAS**, Goal #6 of the Anchorage Climate Action plan is to increase use of
21 public transit and non-motorized facilities;¹⁰ and

22
23 **WHEREAS**, Goal #2A of Anchorage 2040 Metropolitan Transportation Plan is to
24 “reduce vehicle, pedestrian, and bicyclist crashes, especially those resulting in
25 traffic fatalities and serious injuries”;¹¹ and

26
27 **WHEREAS**, the Anchorage Vision Zero Action Plan¹² includes “Revise Title 9 to
28 include a Vulnerable User Law” as an action to achieve the goal “Promote a Culture
29 of Safety”; now, therefore,

30
31 **THE ANCHORAGE ASSEMBLY ORDAINS:**

⁵ Nat. Hwy. Traffic Safety Admin., OVERVIEW OF MOTOR VEHICLE TRAFFIC CRASHES in 2021, DOT HS 813 435 at 27 (April, 2023), <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813435#:~:text=Executive%20Summary-There%20were%2042%2C939%20people%20killed%20in%20motor%20vehicle%20traffic%20crashes,in%20traffic%20crashes%20in%202021.pdf#page=27>.

⁶ *Non Motorized Transportation & Vulnerable Road Users: Presentation before Alaska S. Transp. Comm.* (2023), <https://www.ktoo.org/gavel/video/?clientID=2147483647&eventID=2023021317&startStreamAt=930>

⁷ Nat. Assoc. Of City Transp. Officials, *Breaking the Cycle: Reevaluation the Laws that Prevent Safe & Inclusive Biking* at 8 (2022), <https://nacto.org/wp-content/uploads/2022/11/2022-Bikeway-Design-Enforcement-Paper-Singles-Jul19.pdf#page=8>

⁸ *Id.* at 12, <https://nacto.org/wp-content/uploads/2022/11/2022-Bikeway-Design-Enforcement-Paper-Singles-Jul19.pdf#page=12>

⁹ Anchorage Metro. Area Transp. Solutions, NON-MOTORIZED PLAN at 24 (2021), https://www.muni.org/Departments/OCPD/Planning/AMATS/Documents/Nonmotorized/update_2020/20221019_Anchorage_Non_Motorized_Plan_Final%20Document.pdf#page=24

¹⁰ ANCHORAGE CLIMATE ACTION PLAN *adopted* by AR 2019-158 at 49 (May 21, 2019), https://www.muni.org/Departments/Mayor/AWARE/ResilientAnchorage/Documents/2019%20Anchorage%20Climate%20Action%20Plan_ADOPTED.pdf#page=49

¹¹ Anchorage Metro. Area Transp. Solutions, 2040 METROPOLITAN TRANSPORTATION PLAN at Ch. 3, pg. 4 (2020), https://www.muni.org/Departments/OCPD/Planning/AMATS/MTP/2040/Chpaters/2040_MTP_Chapter_3_Goals_and_Objectives.pdf#page=4

¹² Anchorage Metro. Area Transp. Solutions, Vision Zero Action PLAN at 44 (2018), <https://www.muni.org/departments/ocpd/planning/amats/pages/visionzero.aspx>.

1
2 **Section 1.** Anchorage Municipal Code Chapter 9.02, is hereby amended to insert
3 a new section of code (*the remainder of the chapter is not affected and therefore*
4 *not set out*):

5
6
7 **9.02.040 General Principles**

8
9 **A.** Notwithstanding any other provision of code within this title, the
10 overarching principle governing the rules of the road shall be to share
11 the public way. Unless otherwise stated by a provision within this title:

12
13 1. Vehicles, vulnerable road users, and pedestrians travelling
14 upon the roadway shall adhere to the rules and obey the signs
15 and signals regulating vehicular traffic on the roadway;

16
17 2. Vulnerable road users travelling upon a marked bicycle lane
18 shall adhere to the rules and obey the signs and signals
19 regulating bicycle traffic within the bicycle lane; and

20
21 3. Pedestrians and vulnerable road users travelling upon a
22 sidewalk shall adhere to the provisions of code and obey the
23 signs and signals regulating pedestrian traffic.

24
25 **B.** Wherever there is doubt or ambiguity travelers shall yield the right of
26 way to the more vulnerable road users: motor vehicles shall yield to
27 bicycles and other non-motorized traffic, which in turn shall yield to
28 pedestrians.

29
30
31 **Section 2.** Anchorage Municipal Code Section 9.04.010 is hereby amended to
32 read as follows (*the remainder of the section is not affected and therefore not set*
33 *out*):

34
35 **9.04.010 Definitions**

36 *** *** ***

37 *Bicycle lane* means a portion of a roadway, that has been designated by
38 pavement markings and/or, ~~if used,~~ signs for preferential or exclusive use
39 by [BICYCLES] vulnerable road users, not including pedestrians. Bicycle
40 lanes include, but are not limited to, the following:

41
42 1. Protected Bicycle Lane means a bicycle lane guarded from the
43 encroachment of motor vehicle traffic by a physical barrier,
44 such as bollards, medians, raised curbs. Protected bicycle
45 lanes may also be installed temporarily or seasonally via the
46 use of relocatable barriers, planters and landscaping, trees in
47 fish totes, removable bollards, etc. ~~[(bicycle facilities that, are~~
48 physically separated from motor vehicle traffic by a
49 painted buffer and physical barriers such as flexible
50 delineators, curbs, or planters.] Parking lanes can also be
51 used as a means of physical protection if there is a buffer space

1 between the bicycle lane and the parking lane.

2
3 2. *Buffered Bicycle Lane* means a bicycle lane paired with a
4 designated buffer space that uses pavement markings but no
5 physical barriers to separate the bicycle lane from the adjacent
6 motor vehicle travel lane and/or *curbside* parking lane.

7
8 3. *Cycle Track* means ~~an~~***[a permanently installed]*** on-street
9 protected bicycle lane that is physically separated from motor
10 vehicle travel lanes, parking lanes, and sidewalks. In situations
11 where on-street parking is allowed cycle tracks are located to
12 the curb-side of the parking. Cycle tracks may be one-way or
13 two-way, and may be at street level, at sidewalk level, or at an
14 intermediate level. If at sidewalk level, a curb or median
15 separates them from motor traffic, while different pavement
16 color or texture or reflective markings differentiates the cycle
17 track from the sidewalk. If at street level, cycle tracks may be
18 separated from motor vehicle traffic by raised medians, on-
19 street parking, or bollards. They are meant to provide a high
20 level of security and comfort for vulnerable road users.

21
22
23 ***** *** *****

24 *Pavement markings* means painted markings on highways providing
25 guidance and information for the road user. Major marking colors are yellow
26 and white, and may be either solid or dashed. Some major marking types,
27 with general use and meaning include, but are not limited to:

28
29 ***** *** *****

30 9. *Green pavement markings* may supplement solid white lines or
31 dotted white lines in delineating the edge of a bicycle lane
32 designated under section 9.16.095

33
34 ***** *** *****

35
36 *Vulnerable Road User* means a person on a public roadway not using a motor
37 vehicle. For the purposes of this title vulnerable road users include:

- 38
39 1. *Pedestrians* travelling upon a roadway;***[;]***
40
41 2. *Persons* ***[actually]*** engaged in work upon a highway, or in work
42 upon utility facilities along a highway, or engaged in the
43 provision of emergency services within the public way; ***[or]***
44
45 3. *A person* riding or leading an animal; or
46
47 4. *A person* lawfully operating or riding any of the following in the
48 public *roadway*:
49
50 a. *A unicycle, bicycle, or other pedal powered vehicle*;
51

- b. A coaster, kick scooter, skateboard, in-line roller skates (roller blades) or roller skates or other similar device, with or without a low-speed electric motor.

Section 3. Anchorage Municipal Code Chapter 9.14, Traffic Signs, Signals and Markings, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

9.14.040 Traffic control signal legend.

A. Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively, one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and vulnerable road users[PEDESTRIANS] as follows:

1. *Green indication.*

- a. Vehicular traffic facing a circular green signal shall proceed straight through or turn right or left, unless a sign at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to vulnerable road users [PEDESTRIANS] lawfully within the intersection or an adjacent crosswalk.
- b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, shall enter the intersection only to make the movement indicated by such arrow, or such other movements as are permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to vulnerable road users [PEDESTRIANS] lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- c. Unless otherwise directed by a pedestrian control signal, as provided in section 9.14.050, pedestrians and other vulnerable road users travelling upon a sidewalk facing any green signal may proceed across the roadway within any marked or unmarked crosswalk, except when the sole green signal is a turn arrow or a sign prohibits crossing at that location.

2. *Steady yellow indication.*

*** *** ***

- c. Vulnerable road users [PEDESTRIANS] facing a steady yellow signal, unless otherwise directed by a crosswalk

1 control signal as provided in section 9.14.050, are
2 thereby advised that there is insufficient time to cross the
3 roadway before the red indication is shown, and no
4 vulnerable road user[PEDESTRIAN] with sufficient time
5 to stop. may then start to cross the roadway.
6

7 3. *Steady red indication.*
8

- 9 a. Vehicular traffic facing a steady circular red signal alone
10 shall not enter the intersection and shall stop before
11 entering the crosswalk on the near side of the
12 intersection, or, if there is no crosswalk, then before
13 entering the intersection, and shall remain stopped until
14 a signal to proceed is shown. This traffic may, after
15 stopping, cautiously proceed to make a right turn from a
16 one-way or two-way roadway into a two-way roadway or
17 into a one-way roadway carrying traffic in the direction
18 of the right turn, or it may make a left turn from a one-
19 way or two-way roadway into a one-way roadway
20 carrying traffic in the direction of the left turn;
21

22 *** **

- 23 ii. Any vehicle making such a turn shall yield the
24 right-of-way to any other vehicle, or vulnerable
25 road user[PEDESTRIAN] lawfully within the
26 intersection or an adjacent crosswalk at the time
27 the signal is exhibited.
28

29 *** **

- 30
31 c. Unless otherwise directed by a pedestrian control signal
32 as provided in section 9.14.050, vulnerable road users
33 [PEDESTRIANS] facing a steady red signal alone may
34 not enter the roadway.
35

- 36 d. A person riding a bicycle on the roadway facing any
37 steady red signal, which fails to change to a green light
38 ~~[within 120 seconds because of a signal malfunction~~
39 ~~or because the signal has failed to detect the arrival~~
40 ~~of the bicycle,]~~ shall have the right to proceed subject
41 to the rules stated herein. After stopping, the bicyclist
42 shall yield the right-of-way to any vehicle in or near the
43 intersection or approaching on a roadway so closely as
44 to constitute an immediate hazard during the time such
45 bicyclist is moving across or within the intersection or
46 junction of roadways. Such bicyclist shall yield the right-
47 of-way to vulnerable road users lawfully within an
48 adjacent crosswalk and to other traffic lawfully using the
49 intersection.
50

1 113(S), § 23, 11-22-11, eff. 12-22-11)

2 *** *** ***

3 **9.14.050 Pedestrian and special bicycle control signal legend**

4 A. When a special pedestrian control signal exhibits the words "walk" or
5 "don't walk", such signals shall indicate the following:

6 1.[A.] Steady walking person symbol signal. Pedestrians and other
7 vulnerable road users travelling upon a sidewalk facing this
8 signal may proceed across the roadway in the direction of the
9 signal and shall be given the right-of-way by the drivers of all
10 vehicles.

11 2.[B.] Flashing upraised hand symbol signal.

12 a. Except as provided in subsection A.2.b of this section,
13 n[N]o pedestrian or other vulnerable road users
14 travelling upon a sidewalk shall start to cross the
15 roadway in the direction of an upraised hand symbol
16 signal illuminated with intermittent flashes; however, any
17 vulnerable road user [PEDESTRIAN] who has partially
18 completed crossing on the walking person symbol signal
19 shall proceed to a sidewalk or safety median.

20 b. A person operating a bicycle facing this signal may
21 proceed across the roadway in the direction of the signal
22 and shall be given the right-of-way by the drivers of all
23 motor vehicles.

24 3.[C.] Steady upraised hand symbol signal. No pedestrian or other
25 vulnerable road user travelling upon a sidewalk shall start to
26 cross the roadway in the direction of such signal, and any
27 vulnerable road user [PEDESTRIAN] in the street shall proceed
28 to the nearest sidewalk or safety median immediately.

29 B. When a special bicycle control signal exhibits different colored lights,
30 only the colors green, red and yellow shall be used and the lights shall
31 indicate and apply only to vulnerable road users lawfully travelling in
32 a bicycle lane as follows:

33 1. Green indication with bicycle symbol signal. Vulnerable road
34 users facing a green indication with bicycle symbol signal shall
35 proceed straight through or turn right or left, unless a sign at
36 such place prohibits either such turn. Persons operating a
37 vehicle, including vehicles turning right or left, shall yield the
38 right-of-way to pedestrians or any other vulnerable road users
39 lawfully within the intersection or an adjacent crosswalk.
40 Vulnerable road users, including those turning right or left, shall
41 yield to the right of way to any pedestrian lawfully within the
42 intersection or an adjacent crosswalk.

1
2 2. Steady yellow indication with bicycle symbol signal. Vulnerable
3 road users facing a circular steady yellow signal are thereby
4 warned that the related green signal is being terminated or that
5 a red indication with bicycle symbol signal will be exhibited
6 immediately thereafter.

7
8 3. Steady red indication with bicycle symbol signal. Vulnerable
9 road users facing a steady circular red signal [alone shall not
10 enter the intersection and shall stop before entering the
11 crosswalk on the near side of the intersection, or, if there is no
12 crosswalk, then before entering the intersection. *A vulnerable*
13 *road user shall remain stopped until a signal to proceed is*
14 *shown, unless making a turn movement, in which case a*
15 *vulnerable road user may cautiously proceed to do so after*
16 *stopping, as long as doing so does not require them to cross*
17 *vehicular travel lanes.], ~~and shall remain stopped until a~~
18 ~~signal to proceed is shown. This traffic may, after~~
19 ~~stopping, cautiously proceed to make a right turn from a~~
20 ~~one-way or two-way bicycle lane or roadway into a two-~~
21 ~~way bicycle lane or roadway or into a one-way bicycle lane~~
22 ~~or roadway carrying traffic in the direction of the right turn,~~
23 ~~or it may make a left turn from a one-way or two-way~~
24 ~~bicycle lane or roadway into a one-way bicycle lane or~~
25 ~~roadway carrying traffic in the direction of the left turn;]~~*

26
27 a. However, the movements described in this subsection
28 are not allowed if a sign posted by state or local authority
29 prohibits these movements.

30
31 b. Any vulnerable road users making such a turn shall yield
32 the right-of-way to any pedestrian or any other
33 vulnerable road user lawfully within the intersection or
34 an adjacent crosswalk at the time the signal is exhibited.

35
36 c. No vulnerable road users shall follow another vulnerable
37 road user through a steady red indication signal with
38 bicycle symbol signal without first coming to a complete
39 stop at the stop line, crosswalk or a point nearest the
40 intersecting roadway.

41
42 (CAC 9.14.050; AO No. 78-72; AO No. 78-146; AO No. 2011-113(S), § 24,
43 11-22-11, eff. 12-22-11)

44
45 **Section 4.** Anchorage Municipal Code Chapter 9.16, Rules of the Road, is hereby
46 amended to read as follows (*the remainder of the chapter is not affected and*
47 *therefore not set out*):

48
49 **9.16.030 Rules for overtaking on the left.**

50
51 A. The following rules shall govern the overtaking and passing of vehicles

proceeding in the same direction, subject to those limitations, exceptions and special rules stated in this section:

*** **

3. The driver of a motor vehicle overtaking a vulnerable road user[BICYCLIST] proceeding in the same direction shall pass to the left at a safe distance, not less than three feet, and shall not return to drive on the right side of the roadway until safely clear of the overtaken vulnerable road user[BICYCLIST]. The municipal traffic engineer may erect and maintain signage along public ways to notify operators of motor vehicles of the requirements for passing a vulnerable road user from a safe distance as required by this section.

(CAC 9.16.030; AO No. 78-72; AO No. 89-52; AO No. 2011-113(S), § 29, 11-22-11, eff. 12-22-11)

*** **

9.16.095 Bicycle lanes.

*** **

- B. When signs or markings are in place giving notice of the existence of any bicycle lane, it may be used by any vulnerable road user. It shall be unlawful for any person:

1. ~~T~~~~For pedestrians afoot t~~~~o travel on foot upon a bicycle lane.~~
~~[Pedestrians requiring a wheeled mechanical to afford them mobility similar to persons afoot may lawfully travel upon a bicycle lane.]~~TO OPERATE A BICYCLE ALONG ANY PORTION OF THE ROADWAY SO DESIGNATED EXCEPT WITHIN THE BICYCLE LANE ON THE RIGHT SIDE OF THE ROADWAY, EXCEPT WHEN PREPARING FOR A LEFT TURN AT AN INTERSECTION OR INTO A PRIVATE ROAD OR DRIVEWAY AS PROVIDED IN SECTION 9.38.060 A. A BICYCLE MAY BE OPERATED ON A PATHWAY ADJACENT TO THE STREET OR ROADWAY WHEN A DESIGNATED BICYCLE LANE IS PRESENT].
2. To operate any vehicle, other than those defined as vulnerable road users, [A BICYCLE ALONG AND] within a bicycle lane.
3. To ride or operate a bicycle within a bicycle lane in any direction except that permitted vehicular traffic traveling on the same side of the roadway; provided that persons legally in use of the bicycle lane [BICYCLES] may proceed either way along a lane where arrows appear on the surface of the lane designating two-way bicycle traffic.
4. To park a motor vehicle across or on a bicycle lane except to obtain emergency parking.
5. To drive a motor vehicle across a bicycle lane except after

giving the right-of-way to all persons legally in use of the bicycle lane [BICYCLES OPERATED WITHIN THE LANE], consistent with section 9.18.060 A.

6. To operate a motor vehicle, motor-driven cycle, or motorcycle [MOTOR SCOOTER, OR ELECTRIC PERSONAL MOTOR VEHICLE] upon a designated bicycle lane except to drive across it.

C. Vulnerable road users may continue to travel upon a sidewalk or the roadway, even when a marked bicycle lane is present, provided they do so in accordance with applicable provisions under this title and in manner that does not create a hazard to others.

(AO No. 2011-113(S), § 35, 11-22-11, eff. 12-22-11)

Section 5. (NOTE: this AO Section is newly inserted in the (S-1) version) **Anchorage Municipal Code Section 9.20.030 is hereby amended to read as follows:**

9.20.030 ~~(Repealed)~~Crossing at right angle.

[NO PEDESTRIAN MAY CROSS A ROADWAY AT ANY PLACE OTHER THAN BY A ROUTE AT RIGHT ANGLES TO THE CURB OR BY THE SHORTEST ROUTE TO THE OPPOSITE CURB.]

(CAC 9.20.030; AO No. 78-72)

Section 6[5].(NOTE: this AO Section is newly inserted in the (S) version) **Anchorage Municipal Code Section 9.20.040, is hereby amended to read as follows(the remainder of the section is not affected and therefore not set out):**

9.20.040 Crossing at point other than crosswalk.

*** **

B. No pedestrian shall cross a street or thoroughfare at or within 150 feet of access to a pedestrian tunnel or[,] overhead walkway[, **OR SIGNALIZED INTERSECTION PROVIDED FOR CROSSING THE STREET OR THOROUGHFARE,**] unless a marked crosswalk is also provided.

[C. BETWEEN ADJACENT INTERSECTIONS AT WHICH TRAFFIC CONTROL SIGNALS ARE IN OPERATION PEDESTRIANS MAY NOT CROSS AT ANY PLACE EXCEPT IN A MARKED CROSSWALK.]

(CAC 9.20.040; AO No. 78-72; AO No. 89-52; AO No. 2011-113(S), § 42, 11-22-11, eff. 12-22-11)

Section 7[6].**Anchorage Municipal Code Section 9.20.050, is hereby amended to read as follows:**

9.20.050 Additional restrictions on crossing.

A. **[CROSSING ROADWAY IN BUSINESS DISTRICT. NO PEDESTRIAN MAY CROSS A ROADWAY OTHER THAN IN A CROSSWALK IN THE CENTRAL BUSINESS DISTRICT OR IN ANY BUSINESS DISTRICT.**

B.] *Passing through barrier at railroad grade crossing or bridge.* No pedestrian may pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

B[C]. *Entering restricted areas at municipal airports.* No pedestrian may enter upon or travel on or across any runway or taxiway or other restricted areas posted at a municipal airport by the airport manager.

(CAC 9.20.050; AO No. 78-72; AO No. 2022-40(S) , § 5, 3-22-22)

Section 8. *(NOTE: this AO Section is newly inserted in the (S-1) version)*
Anchorage Municipal Code Section 9.20.085 is hereby amended to read as follows:

9.20.085 Use of unicycles, coasters, roller skates or roller blades on roadways, sidewalks and public paths.

*** *** ***

D. *[IN ADDITION TO ALL OTHER PENALTIES PROVIDED IN THIS CODE, UPON CONVICTION OR IMPOSITION OF CIVIL PENALTIES FOR VIOLATIONS OF THIS SECTION THE COURT OR ADMINISTRATIVE HEARING OFFICER MAY FORFEIT TO THE MUNICIPALITY, SUBJECT TO CLAIMS OF THIRD PARTIES, ANY ROLLER SKATES, IN-LINE ROLLER SKATES (ROLLER BLADES), SKATEBOARDS OR OTHER SIMILAR DEVICES SEIZED AS EVIDENCE OR THE INSTRUMENTALITY OF THE OFFENSE PURSUANT TO THIS SECTION.*

E.] *Violations of this section may be heard by the municipality's administrative hearing officer under the provisions of title 14 of this Code.*

(AO No. 89-52; AO No. 94-68(S), § 8, 8-11-94; AO No. 95-117, § 1, 6-29-95)

Section 9/7/[5]. Anchorage Municipal Code Section 9.36.030, is hereby amended to read as follows *(the remainder of the section is not affected and therefore not set out):*

9.36.030 Use of[Driving on] sidewalks, recreational trails or pathways.

A. No person shall operate a motor vehicle upon any sidewalk, recreational trail or pathway, except to cross upon a permanent or

properly authorized or temporary driveway.

B. Electric personal motor vehicles, as defined in AS 28.90.990, are permitted to operate on sidewalks, recreational trails and pathways.

C. Except as otherwise provided in Section 9.38.070, ~~t~~he sidewalk may be used by vulnerable road users, even when a bicycle lane is present, so long as they do so in a manner that does not create hazard to pedestrians and other vulnerable road users.

(CAC 9.36.030; AO No. 78-72; AO No. 86-195; AO No. 89-52; AO No. 2011-113(S), § 93, 11-22-11, eff. 12-22-11; AO No. 2016-67, § 2, 6-21-16)

Section 10/8/16. Anchorage Municipal Code Chapter 9.38, Bicycles, is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

*** **

9.38.020 Applicability of traffic laws to riders.

*** **

C. All vulnerable road users travelling [PERSON OPERATING A BICYCLE OR A DEVICE MOVED SOLELY BY ANY COMBINATION OF HUMAN MUSCULAR POWER, WIND, OR GRAVITY]upon and along a sidewalk, trail or pathway shall have all the rights and duties applicable to a pedestrian under the same circumstances as follows:

1. The person shall not operate the bicycle or device at a speed greater than ten miles per hour when approaching or entering a crosswalk where a motor vehicle is approaching the crosswalk [AN UNCONTROLLED CROSSWALK, APPROACHING OR CROSSING A DRIVEWAY, OR CROSSING A CURB CUT OR PEDESTRIAN RAMP WHERE A MOTOR VEHICLE IS APPROACHING THE UNCONTROLLED CROSSWALK, DRIVEWAY, CURB CUT OR PEDESTRIAN RAMP].
2. The person, when entering a marked crosswalk from a sidewalk, trail or pathway, shall [A CONTROLLED INTERSECTION] obey any[THE] traffic control device applicable to pedestrians and enter the intersection at a reasonable and prudent speed.
3. The person shall operate the bicycle or device at a reasonable and prudent speed when in the presence of pedestrians on the same sidewalk, trail or pathway, consistent with section 9.38.070.

(CAC 9.38.020; AO No. 78-72; AO No. 2005-77, § 2, 11-22-05; AO No. 2011-113(S), § 107, 11-22-11, eff. 12-22-11; AO No. 2016-67, § 3, 6-21-16)

9.38.030 Obedience to traffic control devices.

- 1
2
3 A. Any vulnerable road user travelling upon a roadway[PERSON
4 OPERATING A BICYCLE] shall obey the instructions of official traffic
5 control devices applicable to vehicles, unless otherwise directed by a
6 police officer, school crossing guard, authorized flagperson, or other
7 individual operating in an official capacity to assist traffic.
8
- 9 B. When authorized signs are erected indicating no right turn, left turn, or
10 U-turn is permitted, no vulnerable road user travelling upon a roadway
11 [PERSON OPERATING A BICYCLE] shall disobey the direction of
12 any such sign,
13
- 14 1. Except where such person dismounts from the bicycle or other
15 wheeled device to make any such turn;
16
- 17 2. If a person dismounts from the bicycle or other wheeled device,
18 such person shall then obey regulations applicable to
19 pedestrians.
20
- 21 C. When approaching a stop intersection indicated by a stop sign a
22 vulnerable road user shall shall:
23
- 24 1. Slow down to a speed reasonable for the existing conditions;
25 and,
26
- 27 2. If required for safety to stop, a [a] vulnerable road user shall
28 stop:
29
- 30 a. At a clearly marked stop line,
31
- 32 b. Where no stop line is present, before entering the
33 crosswalk on the near side of the intersection, or
34
- 35 c. Where no crosswalk exists at the point nearest to the
36 intersecting roadway, where the vulnerable road user
37 has a view of approaching vehicular and vulnerable road
38 user traffic on the intersecting roadway.
39
- 40 3. After slowing or stopping as appropriate, the vulnerable road
41 user shall yield the right-of-way to any other vulnerable road
42 user in the crosswalk or any vehicle in the intersection or
43 approaching on another street so closely as to constitute an
44 immediate hazard during the time such driver is moving across
45 or within the intersection.
46

47 (CAC 9.38.030; AO No. 78-72; AO No. 2005-77, § 3, 11-22-05; AO No. 2011-
48 113(S), § 108, 11-22-11, eff. 12-22-11)

49 *** **

9.38.070 Riding on sidewalk; giving audible warning.
50
51

- 1
2 A. No person shall ride a bicycle upon a sidewalk within the central
3 business traffic district.
4
5 B. The municipal traffic engineer is authorized to erect signs on any
6 sidewalk or roadway prohibiting the riding of bicycles or a wheeled
7 adjunct device thereon by any person, and when such signs are in
8 place no person may disobey such signs. The decision to place such
9 s[S]igns shall be based upon the [PUBLIC HEALTH, SAFETY AND
10 WELFARE] safety of pedestrians and other vulnerable road users.

11 *** **

12
13
14 (CAC 9.38.070; AO No. 78-72; AO No. 2005-77, § 6, 11-22-05; AO No. 2011-
15 113(S), § 112, 11-22-11, eff. 12-22-11; AO No. 2016-67, § 4, 6-21-16)

16
17 **Section 11/9/7.** Anchorage Municipal Code Section 9.38.090 is hereby
18 repealed as follows:

19
20 **9.38.090 (Repealed)[CARRYING ARTICLES.]**

21
22 [NO PERSON OPERATING A BICYCLE MAY CARRY ANY PACKAGE,
23 BUNDLE OR ARTICLE WHICH PREVENTS THE DRIVER FROM KEEPING
24 AT LEAST ONE HAND UPON THE HANDLEBARS.]

25
26 (CAC 9.38.090; AO No. 78-72)

27
28 **Section 12/10/8.** Anchorage Municipal Code Section 9.38.100 is hereby
29 amended as follows (*the remainder of the section is not affected and therefore not*
30 *set out*):

31
32 **9.38.100 Lamps and other equipment.**

33
34 *** **

- 35 [C. *AUDIBLE WARNING DEVICE.* NO PERSON SHALL OPERATE A
36 BICYCLE UNLESS IT IS EQUIPPED WITH AN AUDIBLE WARNING
37 DEVICE CAPABLE OF GIVING A SIGNAL AUDIBLE FOR A
38 DISTANCE OF AT LEAST 100 FEET, EXCEPT A BICYCLE SHALL
39 NOT BE EQUIPPED WITH NOR SHALL ANY PERSON USE UPON
40 A BICYCLE ANY SIREN OR WHISTLE.]

41
42 (CAC 9.38.110; AO No. 78-72; AO No. 80-4; AO No. 2005-77, § 8, 11-22-
43 05)

44
45 **Section 13/11/9.** Anchorage Municipal Code Section 9.38.170 is hereby amended
46 as follows:

47
48 **9.38.170 Equipment for bicycle rental[APPLICABILITY OF
49 REQUIREMENTS TO RENTED BICYCLES]**

50
51 A rental agency may not rent or offer any bicycle for rent unless *[a helmet is*

~~provided, and~~ the bicycle is equipped with the following:[EQUIPMENT REQUIRED PURSUANT TO SECTION 9.38.100.]

A. Lamps and reflectors. The lamp shall emit a white light visible from a distance of at least 500 feet to the front and the red reflector shall be mounted on the rear which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

B. Brakes. The brakes will enable its driver to stop the bicycle within 20 feet from a speed of ten mph on dry, level, clean pavement.

C. Audible warning device. The rental agency shall not rent or offer any bicycle equipped with any siren or whistle.

(CAC 9.38.170; AO No. 78-72; AO No. 2005-77, § 9, 11-22-05; AO No. 2011-113(S), § 114, 11-22-11, eff. 12-22-11)

Section 14/12/140. Anchorage Municipal Code Section 9.38.200 is hereby repealed as follows:

9.38.200 (Repealed)[WEARING OF BICYCLE HELMETS.]

[WEARING A BICYCLE HELMET IS MANDATORY FOR ANY PERSON 15 YEARS OF AGE OR YOUNGER WHEN ON A BICYCLE IN PUBLIC PLACES. PUBLIC PLACES INCLUDE, BUT ARE NOT LIMITED TO, STREETS, SIDEWALKS, PATHWAYS, TRAILS, PARKING LOTS AND SKATE PARKS. FAILURE TO WEAR A BICYCLE HELMET OR OTHER PROTECTIVE HEADGEAR IS A TRAFFIC VIOLATION WHICH SHALL RESULT IN A WARNING FOR A FIRST OFFENSE AND WHICH CARRIES A FINE OF \$25.00 FOR EACH SUBSEQUENT OFFENSE. THE FINE MAY BE WAIVED IF PROOF THAT A BICYCLE HELMET HAS BEEN OBTAINED IS PRESENTED TO THE ANCHORAGE POLICE DEPARTMENT.]

(AO No. 2005-77, § 11, 11-22-05)

Section 15/13/141. Anchorage Municipal Code Section 9.48.130 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*)*:

9.48.130 Traffic offenses fine schedule.

*** **

Title	Section	Fine Amount

PEDESTRIAN RIGHTS AND DUTIES		

* The S-version includes the legislative history notes for this section, which were inadvertently omitted from the original AO 2023-65. Legislative markup is not used for this text now included in the S-version.

[PEDESTRIAN CROSSING AT OTHER THAN RIGHT ANGLE	9.20.030	40.00]
[PEDESTRIAN CROSSING OTHER THAN IN CROSSWALK	9.20.040B.—C.	40.00
PROHIBITED PEDESTRIAN CROSSINGS	9.20.050A.—C.	40.00]

BICYCLES		
Parent responsible for child's compliance with chapter 9.38	9.38.010	100.00
Applicability of traffic laws to riders	9.38.020	75.00
Bicyclists to obey traffic control devices	9.38.030A.	75.00
Bicyclists to obey restricted turn signs	9.38.030B.	75.00
Bicycle—Riding on seat required, number of persons allowed	9.38.040	50.00
Bicycle—Clinging to other vehicles	9.38.050	50.00
Riding bicycles on roadways or bike paths	9.38.060	50.00
Bicycle—Riding on sidewalk restricted	9.38.070	50.00
Bicycle—Parking restrictions	9.38.080	50.00
[BICYCLE-CARRYING ARTICLES, UNABLE TO KEEP AT LEAST ONE HAND ON HANDLEBARS]	[9.38.090]	[50.00]
[BICYCLE—LAMP REQUIREMENTS]	[9.38.100A.]	[CORR./40.00]
[BICYCLE—AUDIBLE SIGNAL REQUIREMENT]	[9.38.100B.]	[CORR./40.00]
[BICYCLE—BRAKE REQUIREMENT]	[9.38.100C.]	[CORR./40.00]
Bicycle—[RENTAL AGENCIES LICENSE AND PLATE REQUIRED] <u>Equipment for bicycle rental</u>	9.38.170	20.00
[BICYCLE—ALTERATION OF SERIAL NUMBER OR REGISTRATION]	[9.38.190]	[50.00]
[WEARING OF BICYCLE HELMETS 2 ND AND SUBSEQUENT OFFENSES]	[9.38.200]	[CORR./25.00]
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CAC 9.48.060; AO No. 78-72; AO No. 88-12; AO No. 88-167; AO No. 88-180; AO No. 89-134; AO No. 90-24; AO No. 94-68(S), § 38, 8-11-94; AO No. 95-67(S), § 5, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-117, § 3, 6-29-95; AO No. 95-163(S), § 20, 8-8-95; AO No. 99-15, § 1, 2-9-99; AO No. 2000-130, § 2, 9-12-00; AO No. 2001-51, § 1, 2-27-01; AO No. 2001-145(S-1), § 8, 12-11-01; AO No. 2003-157, § 2, 12-17-03; AO No. 2004-63, § 2, 4-13-04; AO No. 2011-113(S), § 160, 11-22-11, eff. 12-22-11; AO No. 2012-16, § 6, 2-14-12, retro eff. 12-22-11; AO No. 2013-41(S-1), § 2, 4-23-13; AO No. 2014-42, § 26, 6-21-14; AO No. 2015-111(S-1), § 1, 1-1-16 ; AO No. 2015-126, § 1, 1(-1-16 ; EO No. 2016-1, § 6, 7-12-16 ; AO No. 2016-83(S), § 8, 7-26-16 ; AO No. 2019-51(S) , § 3, 6-20-19; AO No. 2019-76 , § 4, 7-12-

19; AO No. 2022-40(S) , § 6, 3-22-22)

Section 16[14]. The Department of Law shall forward to the Commission of Public Safety this ordinance and its table of provisions in variance of Title 13 of the Alaska Administrative Code and Title 28 of the Alaska Statutes, attached as Exhibit A, in accordance with AS 28.01.010.

Section 17[15][14]. This ordinance shall be effective **60 days after**~~immediately upon~~ passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ___ day of ___, 2023.

Chair

ATTEST:

Municipal Clerk

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MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 625-2023

Meeting Date: August 8, 2023

1 **From: Assembly Member Volland**

2
3 **Subject: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING**
4 **ANCHORAGE MUNICIPAL CODE TITLE 9 TO PROMOTE SAFETY,**
5 **EQUITY, AND ACCESS TO INFRASTRUCTURE FOR BICYCLISTS**
6 **AND OTHER VULNERABLE ROAD USERS.**
7

8 The proposed S-1 version of AO 2023-65 adds clarifying language to several
9 provisions from both the original and subsequent S version. Additionally, it makes
10 the following significant changes to the S version:

11
12 1. Section 3. Removing the previously proposed 120 second wait time for
13 vulnerable road users to proceed when facing a steady read traffic signal in AMC
14 9.14.040.A.3.d. The simplified language still requires vulnerable road users to yield
15 to other traffic, but allows them to proceed despite the steady red signal.
16 Additionally, new language amending the proposed new subsection AMC
17 9.14.050.B.3 which clarifies how a vulnerable road user may execute a turn when
18 facing a red indication with a bicycle symbol.

19
20 2. Section 5. Inserting a new section of the ordinance which repeals the current
21 requirement that pedestrians cross the street at a right angle under AMC 9.20.030.
22 The corresponding fine in Section 15 has also been deleted from AMC 9.48.130.

23
24 3. Section 8. Inserting a new section of the ordinance which repeals the authority
25 of a court or administrative hearing officer to order the forfeiture of skateboards, in-
26 line skates or other similar devices to the municipality.

27
28 4. Section 13. Removing the earlier proposed requirement for bike rental agencies
29 to provide their customers a helmet, effectively returning AMC 9.38.170 to its *status*
30 *quo ante*.

31
32
33 **I request your support for the ordinance.**

34
35 Prepared by: Assembly Counsel's Office

36
37 Respectfully submitted: Daniel Volland, Assembly Member
38 District 1, North Anchorage

Ordinance Section	Term	Change
Section 2		
9.04.010- Definitions	Vulnerable Road User	<p>a. A pedestrian; or</p> <p>b. A unicycle, bicycle, tricycle, or other pedal powered vehicle, with or without a low-speed electric motor; or</p> <p>c. A wheelchair or other device used as a mobility aid, with or without a low-speed electric motor; or</p> <p>d. A one-wheel , coaster, kick scooter, skateboard, in-line roller skates (roller blades) or roller skates or other similar device, with or without a low-speed electric motor.</p>
Section 3		
9.14.040A.3.C. - Traffic Control Signal Legend	Dead Red Stop	The proposed change to allows for a vulnerable road user to proceed across an intersection despite the presence of red light, if the traffic control signal does not change.
9.14.050B - Pedestrian and special bicycle control signal legend	Special Bicycle control signal	This language creates a new subsection providing for the use of a unique traffic control indicator for users of bicycle lanes.
Sections 5, 6, & 7		

<p>9.20.030 - Crossing at a right angle</p> <p>9.20.040 - Crossing at point other than a crosswalk</p> <p>9.20.050 - Additional restrictions on crossing</p>	<p>Jaywalking</p>	<p>This provision of the ordinance allows for all vulnerable road users to cross a road outside of a marked crosswalk and removes the requirement that they cross at right angle to the roadway.</p>
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Section 10

<p>9.38.030C - Obedience to traffic control devices</p>	<p>The Anchorage Stop</p>	<p>This provision of the ordinance allows for all vulnerable road users to proceed through a stop sign without coming to full and complete stop</p>
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Section 15

<p>9.48.130 - Traffic Offenses and Fine Schedule</p>	<p>Bicycle - Lamp requirement</p>	<p>Repeals fine for failure to comply with AMC 9.38.100A</p>
	<p>Bicycle - Brake requirement</p>	<p>Repeals fine for failure to comply with AMC 9.38.100C</p>

State Law implicated**Comment**

<p>13 AAC 02.395(3)-No person may operate a unicycle, coaster, roller skates, or a similar device on a roadway.</p>	<p>This definition creates an new umbrella term for the travellers using non-motorized means of transportation along the highways. Though this term is found neither in Alaska statute nor administrative code, the principles underlying it are consistent with AS 28.05.015 which provides that "[t]he department shall, unless prohibited by an ordinance of a governmental subdivision of the state, allow pedestrians to use wheeled adjuncts, such as rollerblades, roller skates, and roller skis, on roadways and vehicular ways in addition to areas available for use by bicycles."</p>
<p>13 AAC02.395(3)-No person may operate a unicycle, coaster, roller skates, or a similar device on a roadway.</p>	
<p>13 AAC 02.385(a) Every person operating a bicycle upon a roadway has all the rights and is subject to all of the duties applicable to the driver of any other vehicle as set out in this chapter, in addition to special regulations in secs. 385 - 420 of this chapter, except as to those provisions of this chapter which by their nature have no application.</p>	<p>Under 13 AAC 02.005(b) official traffic-control devices are required may not be enforced against an alleged violator if, at the time and place of the alleged violation, an official traffic-control device is not operable. The proposed change to allow for a cyclist or other vulnerable road user to proceed across an intersection despite the persistant presence of red signal is premised on this is principle. Specifically, the cyclist's mass is insufficient to be detected by the traffic signal, and therefore, causes the signal to operate in an manner inconsistent with its design. This proposed change would provide the cyclist the proper legal basis to exercise their best judgment under these circumstances.</p>
<p>13 AAC 02.010. Traffic-control signal legend.</p>	<p>The AAC does not clearly preempt nor preclude the use of dedicated traffic signals for users of bicycle lanes. As the most urban municipality in the State of Alaska, bicycle use is greater here than throught the rest of the state. In the long run, the Assembly foresees a need for the Municipality to invest in special infrastructure to provide, protected lanes and traffic signals for our vulnerable road users.</p>

<p>13 AAC 02.160. Crossing at other than crosswalks.</p>	<p>These provisions mirror similar legislation passed by several state and municipal governments in the lower 48. These changes are made with the intent to essentially decriminalize walking, create more useable spaces within Anchorage for vulnerable road users, and remove potential enforcement inequities. The amended code still preserves public safety and order by retaining the requirement that pedestrians crossing the road yield the right of way to any vehicles.</p>
<p>02.385(a) Every person operating a bicycle upon a roadway has all the rights and is subject to all of the duties applicable to the driver of any other vehicle as set out in this chapter, in addition to special regulations in secs. 385 - 420 of this chapter, except as to those provisions of this chapter which by their nature have no application.</p>	<p>This provision mirrors similar legislation passed in by municipal governments outside the state and has resulted in reduced collisions between motor vehicles and vulnerable road users. This provision is necessary to reduce the exposure of vulnerable road users to harm, preserve their ability to maneuver away from or around any identified hazard, without creating any undue risk to other users of the roadway.</p>
<p>13. AAC 04.320-(c) A bicycle, when ridden at the times when lights are required under 13 AAC 04.010(a)(1) and (2), must be equipped with at least one light on the front of the bicycle, emitting white light visible from a distance of at least 500 feet in front of the bicycle under normal atmospheric conditions.</p>	<p>The repeal of fines does not contradict the language of the AAC per se, as there is no requirement or minimum fine set for failure to adhere to these provisions. In the judgment of the Assembly, an economic penalty is not the most appropriate mechanism for enforcement as non-motorized transport can be the only option for economically disadvantaged populations.</p>
<p>13 AAC 04.325(b): Every bicycle must be equipped with a brake system, maintained in good working condition, which will enable its driver to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.</p>	