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Reviewed by: Assembly Counsel's Office
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ANCHORAGE, ALASKA
AO No. 2023-65(S)

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, Healthy
12 Nation initiative;¹ and

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

16
17 **WHEREAS** 14% of southcentral Alaskans bike or walk to get food or groceries and
18 16% bike or walk to school or work;³; and

19
20 **WHEREAS** the Alaska Department of Transportation and Public Facilities has
21 estimated that 40% of southcentral Alaskans weekly driving patterns could be
22 replaced by an average of less than an hour of walking per day, or by an average
23 of less than 20 minutes riding a bicycle per day;⁴;and

24
25 **WHEREAS** recent fatality data released by the National Highway Traffic Safety
26 Administration (NHTSA) shows that the bicyclist fatality rate has increased by 62%
27 since 2010 in urban communities;⁵ and

28
29 **WHEREAS** 75% of all statewide motor vehicle crashes involving bicycles occur in

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

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>.

1 Anchorage and 1 in 10 crashes involving a bicycle result in serious injury or death⁶

2
3 **WHEREAS**, between 2015 and 2019, the per capita fatality rate in the U.S. for Black
4 pedestrians was more than double the rate for white pedestrians, and for Indigenous
5 pedestrians was more than four times as high as for white pedestrians;⁷ and

6
7 **WHEREAS**, nationally, traffic laws are disproportionately enforced against Black,
8 Latine/x, and low-income people on bikes, especially where infrastructure is
9 lacking;⁸ and

10
11 **WHEREAS**, the Anchorage Non-Motorized Plan Goal #1 is to increase the use of
12 the non-motorized system and Goal #3 is to improve safety and security of
13 pedestrians and bicyclists;⁹ and

14
15 **WHEREAS**, Goal #6 of the Anchorage Climate Action plan is to increase use of
16 public transit and non-motorized facilities;¹⁰ and

17
18 **WHEREAS**, Goal #2A of Anchorage 2040 Metropolitan Transportation Plan is to
19 “reduce vehicle, pedestrian, and bicyclist crashes, especially those resulting in
20 traffic fatalities and serious injuries”;¹¹ and

21
22 **WHEREAS**, the Anchorage Vision Zero Action Plan¹² includes “Revise Title 9 to
23 include a Vulnerable User Law” as an action to achieve the goal “Promote a Culture
24 of Safety”; now, therefore,

25 26 **THE ANCHORAGE ASSEMBLY ORDAINS:**

27
28 **Section 1.** Anchorage Municipal Code Chapter 9.02, is hereby amended to insert
29 a new section of code (*the remainder of the chapter is not affected and therefore*
30 *not set out*):

31 32 **9.02.040 General Principles**

33
34 **A. Notwithstanding any other provision of code within this title, the**
35

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>

overarching principle governing the rules of the road shall be to share the public way. Unless otherwise stated by a provision within this title:

1. Vehicles, vulnerable road users, and pedestrians travelling upon the roadway shall adhere to the rules and obey the signs and signals regulating vehicular traffic on the roadway;
2. Vulnerable road users travelling upon a marked bicycle lane shall adhere to the rules and obey the signs and signals regulating bicycle traffic within the bicycle lane; and
3. Pedestrians and vulnerable road users travelling upon a sidewalk shall adhere to the provisions of code and obey the signs and signals regulating pedestrian traffic.

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

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

9.04.010 Definitions

*** *** ***

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

1. *Protected Bicycle Lane* means a bicycle lane guarded from the encroachment of motor vehicle traffic by a physical barrier, such as bollards, medians, raised curbs. Protected bicycle lanes may also be installed temporarily or seasonally via the use of relocatable barriers, planters and landscaping, trees in fish totes, removable bollards, etc. ~~[(bicycle facilities that are physically separated from motor vehicle traffic by a painted buffer and physical barriers such as flexible delineators, curbs, or planters.)~~ Parking lanes can also be used as a means of physical protection if there is a buffer space between the bicycle lane and the parking lane.
2. *Buffered Bicycle Lane* means a bicycle lane paired with a designated buffer space that uses pavement markings but no physical barriers to separate the bicycle lane from the adjacent motor vehicle travel lane and/or parking lane.
3. *Cycle Track* means a permanently installed on-street protected bicycle lane that is physically separated from motor vehicle travel lanes, parking lanes, and sidewalks. In situations where

on-street parking is allowed cycle tracks are located to the curb-side of the parking. Cycle tracks may be one-way or two-way, and may be at street level, at sidewalk level, or at an intermediate level. If at sidewalk level, a curb or median separates them from motor traffic, while different pavement color or texture or reflective markings differentiates the cycle track from the sidewalk. If at street level, cycle tracks may be separated from motor vehicle traffic by raised medians, on-street parking, or bollards. They are meant to provide a high level of security and comfort for vulnerable road users.

*** *** ***

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

*** *** ***

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

*** *** ***

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

1. Pedestrians travelling upon a roadway.
2. Persons actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the public way; or
3. A person riding or leading an animal; or
4. A person lawfully operating or riding any of the following in the public way:
 - a. A unicycle, bicycle, or other pedal powered vehicle;
 - 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

1 different colored lights, or colored lighted arrows, successively, one at
2 a time or in combination, only the colors green, red and yellow shall
3 be used, except for special pedestrian signals carrying a word legend,
4 and the lights shall indicate and apply to drivers of vehicles and
5 vulnerable road users[PEDESTRIANS] as follows:
6

7 1. *Green indication.*
8

9 a. Vehicular traffic facing a circular green signal shall
10 proceed straight through or turn right or left, unless a
11 sign at such place prohibits either such turn. Vehicular
12 traffic, including vehicles turning right or left, shall yield
13 the right-of-way to other vehicles and to vulnerable road
14 users [PEDESTRIANS] lawfully within the intersection or
15 an adjacent crosswalk.
16

17 b. Vehicular traffic facing a green arrow signal, shown
18 alone or in combination with another indication, shall
19 enter the intersection only to make the movement
20 indicated by such arrow, or such other movements as
21 are permitted by other indications shown at the same
22 time. Such vehicular traffic shall yield the right-of-way to
23 vulnerable road users [PEDESTRIANS] lawfully within
24 an adjacent crosswalk and to other traffic lawfully using
25 the intersection.
26

27 c. Unless otherwise directed by a pedestrian control signal,
28 as provided in section 9.14.050, pedestrians and other
29 vulnerable road users travelling upon a sidewalk facing
30 any green signal may proceed across the roadway
31 within any marked or unmarked crosswalk, except when
32 the sole green signal is a turn arrow or a sign prohibits
33 crossing at that location.
34

35 2. *Steady yellow indication.*
36

37 *** **

38
39 c. Vulnerable road users [PEDESTRIANS] facing a steady
40 yellow signal, unless otherwise directed by a crosswalk
41 control signal as provided in section 9.14.050, are
42 thereby advised that there is insufficient time to cross the
43 roadway before the red indication is shown, and no
44 vulnerable road user[PEDESTRIAN] may then start to
45 cross the roadway.
46

47 3. *Steady red indication.*
48

49 a. Vehicular traffic facing a steady circular red signal alone
50 shall not enter the intersection and shall stop before
51 entering the crosswalk on the near side of the
52 intersection, or, if there is no crosswalk, then before

entering the intersection, and shall remain stopped until a signal to proceed is shown. This traffic may, after stopping, cautiously proceed to make a right turn from a one-way or two-way roadway into a two-way roadway or into a one-way roadway carrying traffic in the direction of the right turn, or it may make a left turn from a one-way or two-way roadway into a one-way roadway carrying traffic in the direction of the left turn;

*** *** ***

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

*** *** ***

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

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

(CAC 9.14.040; AO No. 78-72; AO No. 78-146; AO No. 89-52; AO No. 2011-113(S), § 23, 11-22-11, eff. 12-22-11)

*** *** ***

9.14.050 Pedestrian and special bicycle control signal legend

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

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

1
2 2.[B.] Flashing upraised hand symbol signal.
3

4 a. Except as provided in subsection A2b, n[N]o pedestrian
5 or other vulnerable road users travelling upon a sidewalk
6 shall start to cross the roadway in the direction of an
7 upraised hand symbol signal illuminated with intermittent
8 flashes; however, any vulnerable road user
9 [PEDESTRIAN] who has partially completed crossing on
10 the walking person symbol signal shall proceed to a
11 sidewalk or safety median.

12
13 b. A person operating a bicycle facing this signal may
14 proceed across the roadway in the direction of the signal
15 and shall be given the right-of-way by the drivers of all
16 vehicles.

17
18 3.[C.] Steady upraised hand symbol signal. No pedestrian or other
19 vulnerable road user travelling upon a sidewalk shall start to
20 cross the roadway in the direction of such signal, and any
21 vulnerable road user [PEDESTRIAN] in the street shall proceed
22 to the nearest sidewalk or safety median immediately.

23
24 B. When a special bicycle control signal exhibits different colored lights,
25 only the colors green, red and yellow shall be used and the lights shall
26 indicate and apply only to vulnerable road users lawfully travelling in
27 a bicycle lane as follows:

28
29 1. Green indication with bicycle symbol signal. Vulnerable road
30 users facing a green indication with bicycle symbol signal shall
31 proceed straight through or turn right or left, unless a sign at
32 such place prohibits either such turn. Persons operating a
33 vehicle, including vehicles turning right or left, shall yield the
34 right-of-way to pedestrians or any other vulnerable road users
35 lawfully within the intersection or an adjacent crosswalk.
36 Vulnerable road users, including those turning right or left, shall
37 yield to the right of way to any pedestrian lawfully within the
38 intersection or an adjacent crosswalk.

39
40 2. Steady yellow indication with bicycle symbol signal. Vulnerable
41 road users facing a circular steady yellow signal are thereby
42 warned that the related green signal is being terminated or that
43 a red indication with bicycle symbol signal will be exhibited
44 immediately thereafter.

45
46 3. Steady red indication with bicycle symbol signal. Vulnerable
47 road users facing a steady circular red signal alone shall not
48 enter the intersection and shall stop before entering the
49 crosswalk on the near side of the intersection, or, if there is no
50 crosswalk, then before entering the intersection, and shall
51 remain stopped until a signal to proceed is shown. This traffic
52 may, after stopping, cautiously proceed to make a right turn

from a one-way or two-way bicycle lane or roadway into a two-way bicycle lane or roadway or into a one-way bicycle lane or roadway carrying traffic in the direction of the right turn, or it may make a left turn from a one-way or two-way bicycle lane or roadway into a one-way bicycle lane or roadway carrying traffic in the direction of the left turn;

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

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

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

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

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

9.16.030 Rules for overtaking on the left.

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.

*** **

- 1 B. When signs or markings are in place giving notice of the existence of
2 any bicycle lane, it may be used by any vulnerable road user. It shall
3 be unlawful for any person:
4
- 5 1. For pedestrians afoot to travel upon a bicycle lane. Pedestrians
6 requiring a wheeled mechanical to afford them mobility similar
7 to persons afoot may lawfully travel upon a bicycle lane.[TO
8 OPERATE A BICYCLE ALONG ANY PORTION OF THE
9 ROADWAY SO DESIGNATED EXCEPT WITHIN THE
10 BICYCLE LANE ON THE RIGHT SIDE OF THE ROADWAY,
11 EXCEPT WHEN PREPARING FOR A LEFT TURN AT AN
12 INTERSECTION OR INTO A PRIVATE ROAD OR DRIVEWAY
13 AS PROVIDED IN SECTION 9.38.060 A. A BICYCLE MAY BE
14 OPERATED ON A PATHWAY ADJACENT TO THE STREET
15 OR ROADWAY WHEN A DESIGNATED BICYCLE LANE IS
16 PRESENT].
 - 17 2. To operate any vehicle, other than those defined as vulnerable
18 road users, [A BICYCLE ALONG AND] within a bicycle lane.
 - 19 3. To ride or operate a bicycle within a bicycle lane in any direction
20 except that permitted vehicular traffic traveling on the same
21 side of the roadway; provided that persons legally in use of the
22 bicycle lane [BICYCLES] may proceed either way along a lane
23 where arrows appear on the surface of the lane designating
24 two-way bicycle traffic.
 - 25 4. To park a motor vehicle across or on a bicycle lane except to
26 obtain emergency parking.
 - 27 5. To drive a motor vehicle across a bicycle lane except after
28 giving the right-of-way to all persons legally in use of the bicycle
29 lane [BICYCLES OPERATED WITHIN THE LANE], consistent
30 with section 9.18.060 A.
 - 31 6. To operate a motor vehicle, motor-driven cycle, or motorcycle
32 [MOTOR SCOOTER, OR ELECTRIC PERSONAL MOTOR
33 VEHICLE] upon a designated bicycle lane except to drive
34 across it.
- 35
- 36 C. Vulnerable road users may continue to travel upon a sidewalk or the
37 roadway, even when a marked bicycle lane is present, provided they
38 do so in accordance with applicable provisions under this title and in
39 manner that does not create a hazard to others.
40

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

42 **Section 5.** (NOTE: this AO Section is newly inserted in the (S) version)
43 **Anchorage Municipal Code Section 9.20.040, is hereby amended to read as**
44 **follows(the remainder of the section is not affected and therefore not set out):**
45

46 **9.20.040 Crossing at point other than crosswalk.**
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48
49
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*** *** ***

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.

*** *** ***

(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 6. *(NOTE: this AO Section is newly inserted in the (S) version)*
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 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. The 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 8[6]. 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 [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.

- A. Any vulnerable road user travelling upon a roadway[PERSON OPERATING A BICYCLE] shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer, school crossing guard, authorized flagperson, or other individual operating in an official capacity to assist traffic.
- B. When authorized signs are erected indicating no right turn, left turn, or U-turn is permitted, no vulnerable road user travelling upon a roadway

1 [PERSON OPERATING A BICYCLE] shall disobey the direction of
2 any such sign,
3

- 4 1. Except where such person dismounts from the bicycle or other
5 wheeled device to make any such turn;
6
7 2. If a person dismounts from the bicycle or other wheeled device,
8 such person shall then obey regulations applicable to
9 pedestrians.

10
11 C. When approaching a stop intersection indicated by a stop sign a
12 vulnerable road user shall shall:
13

- 14 1. Slow down to a speed reasonable for the existing conditions;
15 and,
16
17 2. If required for safety to stop, a a vulnerable road user shall stop:
18
19 a. At a clearly marked stop line,
20
21 b. Where no stop line is present, before entering the
22 crosswalk on the near side of the intersection, or
23
24 c. Where no crosswalk exists at the point nearest to the
25 intersecting roadway, where the vulnerable road user
26 has a view of approaching vehicular and vulnerable road
27 user traffic on the intersecting roadway.
28
29 3. After slowing or stopping as appropriate, the vulnerable road
30 user shall yield the right-of-way to any other vulnerable road
31 user in the crosswalk or any vehicle in the intersection or
32 approaching on another street so closely as to constitute an
33 immediate hazard during the time such driver is moving across
34 or within the intersection.
35

36 (CAC 9.38.030; AO No. 78-72; AO No. 2005-77, § 3, 11-22-05; AO No. 2011-
37 113(S), § 108, 11-22-11, eff. 12-22-11)
38

39 *** **

40 **9.38.070 Riding on sidewalk; giving audible warning.**
41

- 42 A. No person shall ride a bicycle upon a sidewalk within the central
43 business traffic district.
44
45 B. The municipal traffic engineer is authorized to erect signs on any
46 sidewalk or roadway prohibiting the riding of bicycles or a wheeled
47 adjunct device thereon by any person, and when such signs are in
48 place no person may disobey such signs. The decision to place such
49 s[S]igns shall be based upon the [PUBLIC HEALTH, SAFETY AND
50 WELFARE] safety of pedestrians and other vulnerable road users.
51

52 *** **

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

Section 9[7]. Anchorage Municipal Code Section 9.38.090 is hereby repealed as follows:

9.38.090 (Repealed)[CARRYING ARTICLES.]

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

(CAC 9.38.090; AO No. 78-72)

Section 10[8]. Anchorage Municipal Code Section 9.38.100 is hereby amended as follows (*the remainder of the section is not affected and therefore not set out*):

9.38.100 Lamps and other equipment.

*** *** ***

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

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

Section 11[9]. Anchorage Municipal Code Section 9.38.170 is hereby amended as follows:

9.38.170 Equipment for bicycle rental[APPLICABILITY OF REQUIREMENTS TO RENTED BICYCLES]

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 12[10]. 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 13[11]. 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.

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Title	Section	Fine Amount

PEDESTRIAN RIGHTS AND DUTIES		

[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	9.38.040	50.00

* 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.

of persons allowed		
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 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 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:

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2
3

Municipal Clerk





MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 550-2023

Meeting Date: July 11, 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 substitute version AO 2023-65 cleans up some clerical errors and
9 clarifies some the language from the original. Addition it makes the following key
10 changes to the original.

11
12 1. Sections 5 and 6 of the AO(S) amends AMC sections 9.20.040 and 9.20.050
13 to effectively repeal removes the offense of jaywalking.

14
15 2. Section 14 adds a requirement that the Department of Law forward an table
16 of new provisions in variance with state law to the Commission of Public Safety in
17 accordance with AS 28.01.010.

18
19 3. Section 15 delays the effective date of the ordinance 60 days after passage.
20
21

22 **I request your support for the ordinance.**

23
24 Reviewed by: Assembly Counsel's Office

25
26 Respectfully submitted: Daniel Volland, Assembly Member
27 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 allow for a vulnerable road user to proceed across an intersection despite the presence of red light, if the traffic control signal does not change after 120 seconds.
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.
Section 6		

<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 11

<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 high ways. Though this term is found neither in Alaska statute or 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 to proceed across an intersection despite the persistant presence of red signal is premised on this is princple. 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 Municipality to invest in special infrastructure to provide, protected lanes and traffic signals for our vulnerable road users.</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 collision 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>	