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*The SVBC is a 501(c)(3)
non-profit organization.*

Greg Munks
San Mateo County Sheriff
400 County Center
Redwood City, CA 94063

July 30, 2009

Via Email

Dear Mr. Munks:

In the last month, a number of cyclists have received traffic citations from the San Mateo County Sheriff Department while riding near Portola and Alpine Roads in southern San Mateo County, apparently as part of a campaign to specifically enforce the vehicle code with regard to cyclists. Many of these cyclists have complained to the Silicon Valley Bicycle Coalition about the selective nature of this campaign and, perhaps more importantly, about the misunderstanding on the part of the officers implementing it.

Some of these citations have been for failing to stop at stop signs, with which the SVBC takes no issue. However some of these citations have been issued for perceived infractions of the vehicle code that we believe are not infractions. The most notable of these is the "riding in tandem" citation, relating to where a bicyclist may legally ride.

Specifically, on 1 July at approximately 10:00 AM, about seventeen bicyclists were riding northbound on Portola Road near the entrance to Windy Hill Preserve in the Town of Portola Valley. Three were riding just to the left of the fog line; the others were riding to the right of the fog line, on the shoulder of the road. There is no bicycle lane on Portola Road in Portola Valley. The three who were riding at the right edge of the vehicle lane were cited by the San Mateo Sheriff's Department motorcycle officers for riding "tandem" in violation of CVC 21202(a.) We believe these citations are incorrect.

The initial wording of CVC 21202(a) says, "Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or edge of the roadway." Thus, the tickets raise several issues:

1. According to one of the three bicyclists who were stopped by the officer, there was no other traffic "at that time" in the area traveling in the same direction as



the bicyclists, in which case the provisions of CVC 21202(a) would not be applicable.

2. CVC 21202(a) also states that a bicyclist “...shall ride as close as practicable to the right-hand curb or edge of the roadway....” Cyclists are not required to ride on the shoulder of the road. According to CVC 530, “A ‘roadway’ is that portion of a highway improved, designed, or ordinarily used for vehicular travel.” It is my understanding that the three bicyclists who received citations were riding a few inches to the left of the fog line, which is clearly “as close as practicable to the right-hand curb or edge of the roadway,” and so were not in violation of CVC 21202(a).

3. According to the above definition, the space to the right of the fog line is not considered part of the “roadway” and is not required to be used by a bicyclist. The persons riding to their right were riding on the shoulder, not on the “roadway,” so were not relevant to the situation.

4. The term “tandem” which I understand appears on the citations, refers to things arranged one behind the other. This term is not in the vehicle code, and does not appear to apply to the above situation.

We entirely support efforts to make traffic, including bicycle traffic, more orderly in all areas, including Alpine and Portola Roads. However, these efforts should be made in a manner consistent with the Vehicle Code. We believe the citations described here are not consistent with the Vehicle Code and urge you to apply the law equally and fairly for all roadway users.

We would also welcome a discussion with you and the residents in the Portola Valley area on ways bicyclists, cars, and pedestrians can all better share the road so that we might avoid these sorts of campaigns in the future.

Sincerely,


Corinne Winter
Executive Director

Cc: Ted Driscoll, Council Liaison, Traffic Committee, Portola Valley

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