



MEMORANDUM

Council Agenda
Item No. XI.A.
3/10/2015

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Councilman Ryan, Ward 8

Ordinance on final hearing, relating to Motor Vehicles and Traffic, amending Chapter 32, Article XIV, Bicycles, of the Oklahoma City Municipal Code, 2010, by adding a new Section 32-479.1 regarding bicycles passing between lanes of traffic traveling in the same direction.

Councilman Ryan

Purpose

This new Code section would be added to Chapter 32 of Article XIV, Bicycles, of the Oklahoma City Municipal Code, 2010, to mirror State law on bicycles as embodied in 47 O.S. §11-1205(C). This State law prohibits bicycle operators from passing other vehicles between lanes of traffic which are traveling in the same direction, but City police officers cannot write City traffic tickets for violations of this State law regulation. Officers have the power to arrest persons who violate a State law, but they cannot write them a City traffic ticket unless the regulation is included in the City Code.

Unless this State law regulation is also added to the City Code, City police officers will be limited to arresting violators in the field for a State law violation and then presenting a criminal misdemeanor charge to the District Attorney for possible prosecution. Arresting a violator in the field for violation of a State traffic regulation is a much more onerous process than writing a City traffic ticket.

I therefore propose that this State law regulation on bicycles be added to the City Code so City traffic tickets may be issued to violators.

Background

This State law language was included as one part of the Ordinance that I proposed to Council in January 2015. The prior Ordinance also included other language; however, that was the focus of objections, and my proposal was not approved. This new Ordinance does not include the language found objectionable in my prior proposed Ordinance.

Review

Municipal Counselor's Office

Recommendation: Ordinance be adopted.

Attachment