



# Hey, you're riding in the crosswalk!

## Bicycles, tricycles, unicycles and crosswalks

BY MIKE DANKO

It's often said that it's illegal to ride a bike in a crosswalk. You need to get off and walk. If you ride your bike in a crosswalk you may be ticketed for a violation of Vehicle Code section 21200(a), which makes a bicyclist subject to "all the provisions applicable to the driver of a vehicle." The usual reasoning is that you can't drive a vehicle in a crosswalk, a bicycle is considered a "vehicle," so you can't operate your bicycle in a crosswalk.

In fact, however, the Vehicle Code generally permits riding a bicycle in a crosswalk. (See, e.g. Veh. Code 21650(g), excluding from the rule that vehicles be operated on the right hand side of the road "bicycles being operated along a crosswalk.") Rather, riding a bicycle in a

crosswalk is illegal *only* if it is prohibited by local ordinance. (*Ibid.*) And that is hardly ever.

### **Bicyclists do not have the right of way**

Though bicyclists may ride in a crosswalk, vehicles approaching the crosswalk need not yield to them the right of way. That's because vehicles must yield only to "pedestrians." (Veh. Code, § 21950.) And the vehicle code expressly excludes from its otherwise broad definition of "pedestrian" those riding bicycles. (Veh. Code, § 467(1).)

### **Unicycles, tricycles, and other wheeled contrivances are problematic**

What about one riding a tricycle, or perhaps an increasingly popular

unicycle, in a crosswalk? Does the rider have the right of way? Surprisingly, it depends. The vehicle code provides that anyone who is using a means of conveyance "propelled by human power" other than a bicycle is a "pedestrian." So at first blush, the answer would seem to be yes, once in the crosswalk, the tricyclist (or the unicyclist, for that matter) has the right of way. But there's a wrinkle. If the particular unicycle or tricycle in question is driven by a belt, chain, or gears – and not all are – then the conveyance is defined as "bicycle" regardless of how many wheels it has. (Veh. Code, § 231 ["A bicycle is a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having one or more wheels"].) So as odd as it may seem, some tricycles are considered



bicycles and some are not. Same for unicycles.

Presumably, then, a vehicle approaching a unicyclist in a crosswalk would need to determine whether the unicycle has a chain drive before determining who has the right of way.

**A bicyclist may become a pedestrian**

Of course, if a bicyclist gets off the bicycle and walks it along the crosswalk, he is now a pedestrian because he is "afoot." (Veh. Code, §, 467(a).) As a pedestrian, the bicycle owner has the right of way. But what if the bicycle owner is "scooting" the bicycle? That is, what if he gets off the bike, places one foot on a pedal, and uses his other foot to push the bike along the crosswalk? That issue recently arose in a case tried in San Mateo. As it turns out, there is no clear U.S. authority addressing whether one

who is "scooting" a bicycle should be considered a pedestrian or, instead, a bicyclist. But Lord Justice Waller of the United Kingdom took the question head on, deciding that one who scooters a bike is most definitely *not* a pedestrian.

[A] person who is walking across a pedestrian crossing pushing a bicycle, having started on the pavement on one side on her feet and not on the bicycle, and going across pushing the bicycle with both feet on the ground so to speak is clearly a 'foot passenger'. If for example she had been using it as a scooter by having one foot on the pedal and pushing herself along, she would not have been a 'foot passenger.'

*Crank v. Brooks* (1980) RTR 441, 442-3.

Here in California, "scooting" a bicycle may itself be illegal. Vehicle Code Section 21204a states that "No person operating a bicycle upon a highway shall ride other than upon or astride a permanent and regular seat attached thereto."

Who would have thought that the intersection of crosswalk and bicycle law would be so complicated?



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