

NIH POLICY MANUAL

1411 – BICYCLES, BICYCLE RACKS AND LOCKER FACILITIES

Issuing Office: OD/OM/ORS/DP 301-496-2387

Release Date: 6/2/09

1. Explanation of Material Transmitted:

This chapter contains the National Institutes of Health (NIH) policy governing the use of bicycles, bicycle racks and locker facilities on the NIH campus in Montgomery County, Maryland. This chapter is being revised to rename the title of the manual chapter, incorporate the use of plain language, and to update guidance for bicycle usage.

2. Filing Instructions:

Remove: NIH Manual Chapter 1411 dated 11/30/98

Insert: NIH Manual Chapter 1411 dated 6/2/09

PLEASE NOTE: For information on:

- Content of this chapter, contact the issuing office listed above.
 - NIH Manual System, contact the Office of Management Assessment, OM, on 301-496-4606.
 - Online information, enter this URL: <http://www1.od.nih.gov/oma/manualchapters/>
-

A. Purpose

This chapter provides guidance for the use of bicycles, bicycle racks and locker facilities on the National Institutes of Health (NIH) campus in Montgomery County, Maryland.

B. Policy

It is the policy of NIH to allow the use of bicycles for purposes of commuting to and from work and for travel within the NIH campus.

C. Background

NIH strongly encourages employees to actively participate in bicycling as an efficient form of alternative transportation and commuting. NIH provides bicycle racks and locker facilities for visitors and staff of the NIH and handles all bicycle usage, bicycle racks and locker facilities in accordance with 45 CFR, Part 3 “Conduct of Persons and Traffic on the National Institutes of Health Federal Enclave” and 41 CFR, Subchapter B, Parts 102-36 and 102-41.

D. References

1. Title 45 CFR, Part 3 “Conduct of Persons and Traffic on the National Institutes of Health Federal Enclave.” http://www.access.gpo.gov/nara/cfr/waisidx_02/45cfr3_02.html
2. Federal Management Regulations, 41 CFR, Subchapter B, Parts 102-36 and 102-41 (successor regulation to FMPR)
<http://www.gsa.gov/Portal/gsa/ep/channelView.do?pageTypeId=17113&specialContentType=FMR&file=FMR%2FSubchB.html&channelPage=%2Fep%2Fchannel%2FgsaOverview.jsp&channelId=-24558>
3. NIH Manual Chapter 1743, “Keeping and Destroying Records,” Appendix 1, NIH Records Control Schedule:
<http://www1.od.nih.gov/oma/manualchapters/management/1743/>
4. NIH Manual Chapter 1301, “Conduct of Persons and Traffic Regulations at NIH”:
<http://www1.od.nih.gov/oma/manualchapters/management/1301/>
5. NIH Manual Chapter 1130 “Delegations of Authority,” DOA Number 08, Control of Violations of Law at Certain NIH Facilities:
<http://www.delegations.nih.gov/DOADetails.aspx?id=1608>
6. Annotated Code of Maryland, Transportation Article, Titles 8, 11 and 21:
<http://www.michie.com/maryland/lpext.dll?f=templates&fn=main-h.htm&cp=mdcode>
7. 40 USC 1315: <http://frwebgate5.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=741669516253+6+1+0&WAISaction=retrieve>

E. Definitions

1. **Bicycle** - A vehicle that is designed to be operated by human power; has two or three wheels, of which one is more than 14" in diameter and has a wheel configuration as follows:
 - a. If the vehicle has two wheels, with both wheels in tandem; or
 - b. If the vehicle has three wheels, with one front wheel and with two rear wheels that are spaced equidistant from the center of the vehicle.
2. **Bicyclist** - Any person traveling on a bicycle.
3. **Bicycle Locker** - An enclosed storage facility designed to temporarily house and secure a bicycle.
4. **Bicycle Rack** - A device designed to hold a bicycle.
5. **Campus** - Synonym of enclave as defined in E. 8.
6. **Contract Security Officer** - Individual(s) whose law enforcement services are secured by contract.
7. **Designated Areas** - The only locations on the campus where bicycles may be parked, secured or stored, as defined by [45 CFR Part 3, Subpart B, 3.23\(b\)](#): A person must park bicycles, motorbikes, and similar vehicles only in designated areas, and may not bring

these vehicles inside buildings. Designated areas are limited only to bicycle racks and bicycle lockers.

8. **Enclave** - The NIH "Campus" comprised of approximately 318 acres of federal property located in Bethesda, Maryland.
9. **Police Officer** - A uniformed or non-uniformed law enforcement officer appointed under a delegation of authority to the Director under title 40 USC 1315; any other federal law enforcement officer; or upon request or deputation from a state or local law enforcement agency.

F. Responsibilities

1. **Bicyclists** - Are responsible for complying with the procedures outlined in this policy.
2. **Police Officers/Contract Security Officers** - Are responsible for enforcing the procedures outlined in this policy.
3. **Division of Police (DP)** - The division within The Office of Research Services (ORS) responsible for ensuring Police Officers/Contract Security Officers are knowledgeable of the procedures outlined in this policy and are in compliance with 45 CFR, Part 3 and 41 CFR, Subchapter B, Parts 102-36 and 102-41.

G. Procedures

1. Entering Campus:
 - a. Bicyclists must possess a valid NIH Identification (ID) badge to enter the NIH campus.
 - b. Bicyclists may enter the campus through a pedestrian portal or pedestrian turnstile.
 - c. If bicyclists enter campus via an employee vehicle entrance, they must follow these procedures:
 - i. Bicyclists must queue in line along with motorized vehicles and cannot bypass motorized vehicles lined up to enter the campus.
 - ii. Bicyclists should attempt to approach the gate nearest to where the guard/officer is stationed.
 - iii. Bicyclists must stop and display their NIH ID badge for badge verification.
 - iv. A security guard or police officer will physically check the NIH ID of the bicyclist and swipe it across the reader to record the person's entry on to campus (the gate light will not register 'green' but the card will be registered). Once confirmed, the guard/officer will advise the bicyclist to ride around the gate arm to gain entry to the campus. At most entrances, the left gate arm has been shortened to allow a bicycle commuter to safely proceed past the entry point.
 - d. When a bicyclist travels on the roadway, they have the same rights and responsibilities as the operators of motorized vehicles (please see NIH Manual Chapter 1301, "Conduct of Persons and Traffic Regulations at NIH": <http://www1.od.nih.gov/oma/manualchapters/management/1301/> and the Annotated Code of Maryland, Transportation Article, Titles 8, 11 and 21,

<http://www.michie.com/maryland/lpext.dll?f=templates&fn=main-h.htm&cp=mdcode>

2. Exiting the Campus:
 - a. Bicyclists may exit via pedestrian portals or pedestrian turnstiles
 - b. Bicyclists may also exit via any employee vehicle exit. All bicyclists should stay with the flow of traffic and not bypass motorized vehicles.
3. Parking, Bicycle Racks and Day Use Lockers:
 - a. Policy
 - i. Parking a bicycle at either a bicycle rack or day use locker on the NIH campus is a privilege, not a right.
 - ii. Bicycles do not need an NIH Parking Permit.
 - iii. The only areas designated for bicycle parking are bicycle racks and day use bicycle lockers.
 - iv. Bicycles may not be parked at, secured to, or stored at any other location on the campus, including railings, light posts or signposts of any kind.
 - v. Bicycles may not be parked in excess of 24 hours [please see Title 45 CFR Part 3, Subpart B, 3.23 (a) (9)].
 - vi. Bicycle racks and lockers are available on a first come, first served basis, and are not assigned to individuals.
 - vii. NIH policy is to manage the bicycle racks and lockers to make optimum use of the available bicycle spaces by enabling the largest number of employees to benefit from their use.
 - viii. Bicycles are not permitted inside buildings.
 - b. Recommendations
 - i. Each bicycle rack holds two bicycles, one on each side. Each compartment of a bicycle locker holds one bicycle.
 - ii. Bicyclists are strongly encouraged to register their bicycles with the ORS, Division of Police. Registering your bicycle with the NIH Police will increase the likelihood of getting your bicycle back in the unlikely event that it is stolen from the campus. A unique number printed on an adhesive label will be affixed to the bicycle frame. The number will be associated with your bicycle's description and its owner's contact information. If you do not have your bicycle's serial number, but you know the NIH Police Registration number, police officers may be able to enter your bicycle's information into a nationwide database. For information on registering bicycles, contact the ORS, Division of Police Community Policing Officer at 301-496-3020, or 301-496-2387.
4. Locks and Helmets:
 - a. Policy
 - i. Bicyclists must provide their own lock to secure their bicycle.
 - ii. Bicyclists must exercise care when securing bicycles so as not to inadvertently lock in an adjacent bicycle. The ORS, Division of Police may cut off a lock if its positioning prevents another bicyclist from removing their bicycle from its stored location. Under these circumstances the NIH will not replace a lock or reimburse the owner of a lock if the Police must remove it.

- iii. If it is necessary to remove a bicycle from a bicycle rack or locker facility, the lock will be forcibly cut off. Under these circumstances the NIH will not replace a lock or reimburse the owner of a lock if the Police must remove it.
 - iv. Bicyclists may use more than one lock to secure their bicycle.
 - v. A person may not operate a bicycle without a horn or other warning device, and if the bicycle is operated between dusk and dawn, it must be equipped with an operating headlight and taillight or reflector (45 CFR, Part 3).
 - vi. All bicyclists under the age of 16 must wear a helmet (Annotated Code of Maryland, Transportation Article, Title 21-1207.1).
 - b. Recommendations
 - i. Bicyclists are encouraged to use “U shaped” locks instead of a cable or chain lock, as the U shaped locks provide better protection.
5. Violations:
- a. If a bicycle is stored at a bicycle rack or day use locker in excess of 24 hours, the ORS, Division of Police will tag the bicycle. If the bicycle is stored in a locker, the ORS, Division of Police will tag the lock. The tag will state that the owner has five calendar days to remove the bicycle (Appendix 1).
 - b. Bicycles left at a rack or locker for five consecutive calendar days will be considered abandoned and will be removed in accordance with 41 CFR, Subchapter B, Parts 102-36 and 102-41 (Appendix 2).
 - c. Bicycles may not be parked at, secured to, or stored at any other location on the campus, including railings, light posts or signposts of any kind. Bicycles parked at any such prohibited location will be tagged by the NIH Police. The tag will serve as a notification to the owner of the violation. The owner will be given five calendar days to remove the bicycle. If the bicycle has not been moved at the conclusion of the five day period, it will be considered abandoned and will be removed in accordance with 41 CFR, Subchapter B, Parts 102-36 and 102-41 (Appendix 1).
 - d. Bicycles removed in the manner described in 5a., b. and c. above will be stored for thirty calendar days. Any person whose bicycle has been removed may reclaim it by calling 301-496-3020 within 30 days. They must contact the Division of Police directly. At the conclusion of the 30 day period, the bicycles will be disposed of in accordance with 41 CFR, Subchapter B, Parts 102-36 and 102-41 (Appendix 1).
6. Extended Parking
- a. In the event a bicycle must be left at a rack or locker due to the owner's official government travel, illness, etc., the employee must inform the ORS, Division of Police of the location of the bicycle and the reason the bicycle will be stored beyond five calendar days. The owner will be given a tag by the ORS, Division of Police, indicating the time extension approval. The owner must attach the tag in a visible location on the bicycle.

H. Records Retention and Disposal

All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of the [NIH Manual Chapter 1743, “Keeping and Destroying Records,”](#) Appendix 1, NIH Records Control Schedule; Section 1300 Station Management, Item 1300-C, “Protection and Security” and Section 2600 “Procurement, Property and Supply Management (all that apply).”

NIH e-mail messages: NIH e-mail messages (messages, including attachments, that are created on the NIH computer systems or transmitted over the NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records. These records must be maintained in accordance with current NIH Records Management guidelines. Contact your IC Records Officer for additional information.

All e-mail messages are considered Government property, and if requested for a legitimate Government purpose, must be provided to the requester. Employees’ supervisors, the NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of the e-mail messages.

E-mail messages must also be provided to the Congressional Oversight Committees, if requested, and are subject to the Freedom of Information Act requests. Since most e-mail systems have back-up files that are retained for significant periods of time, e-mail messages and attachments are likely to be retrievable from a back-up file after they have been deleted from an individual’s computer. The back-up files are subject to the same requests as the original messages.

I. Management Controls

1. **Office Responsible for Reviewing this Chapter:** Through this manual issuance, the ORS, Division of Police is responsible for ensuring that management controls are implemented and working.
2. **Frequency of Review:** Ongoing
3. **Method of Review:** The ORS, Division of Police will maintain oversight and ensure compliance with this policy by assessing documentation obtained through its routine operations and interaction with the population on the NIH campus.
4. **Review Reports:** Review reports are sent to the Associate Director for Security and Emergency Response, the Associate Director for Research Services and to the Deputy Director for Management. Reports will indicate management controls are in place and working. Issues of concern will be brought to the immediate attention of the Associate Director for Research Services.

Bicycle, Bicycle Racks and Locker Facilities

Sample Tag for Bicycle Violation

BICYCLE VIOLATION

This bicycle has been parked or stored in violation of one of the following:

- Parked or stored in excess of 24 hours in violation of 45 CFR Part 3, Subpart B, 3.23 (a) (9).
- Parked or stored at an unauthorized location
Bicycles, motorbikes, and similar vehicles must be parked in designated areas, and may not be parked or stored in an NIH building [45 CFR Part 3, Subpart B, 3.23(b)].

The only areas designated for bicycle parking are bicycle racks and day use bicycle lockers (Manual Chapter 1411 G.3.a.iii).

If not moved from this location before the below date, it will be deemed Voluntarily Abandoned Property and it will be removed by the NIH Police. If not claimed within 30 days, the bicycle will be destroyed. The owner is responsible for contacting the NIH Police Community Policing Officer at (301) 496-3020.

Notice Number: _____ Notice Date: _____

Removal Date: _____ NIH Police Officer: _____

NIH MANUAL 1411

Appendix 2

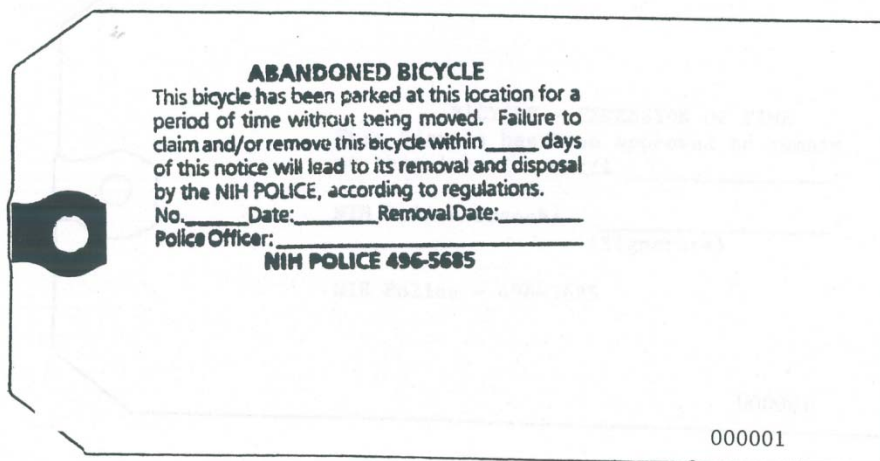
Date: 6/2/09

Replaces: 11/30/98

Issuing Office: OD/OM/ORS/DP 301-496-2387

Bicycle, Bicycle Racks and Locker Facilities

Sample Tag for Abandoned Bicycle



ABANDONED BICYCLE
This bicycle has been parked at this location for a period of time without being moved. Failure to claim and/or remove this bicycle within ____ days of this notice will lead to its removal and disposal by the NIH POLICE, according to regulations.
No. _____ Date: _____ Removal Date: _____
Police Officer: _____
NIH POLICE 496-5685

000001