

Memorandum



CITY OF DALLAS

DATE October 19, 2012

Honorable Members of the Quality of Life & Government Services Committee:
TO Angela Hunt (Chair), Sandy Greyson (Vice Chair), Mónica R. Alonzo, Dwaine Caraway,
Carolyn R. Davis

SUBJECT Vulnerable Road Users

On Monday, October 22, 2012 the committee will be briefed on the proposed ordinance related to vulnerable road users. The Public Safety Committee will convene in concurrent session with Quality of Life at approximately 10:30 a.m. to consider this proposal. Briefing materials are attached for your review.

If you have any questions, or require additional information, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read 'A.C. Gonzalez'.

A.C. Gonzalez
First Assistant City Manager

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel Solis, Administrative Judge

Ryan S. Evans, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Stephanie Cooper, Assistant to the City Manager



Vulnerable Road Users

Public Safety Committee

October 22, 2012



Purpose

- **The purpose of this briefing**
 - Review proposed City Ordinance regarding human powered wheeled vehicles
 - Provide an overview of current laws
 - Discuss the differences between the proposed ordinance and existing state law
 - Briefly address bicycle lane markings (full briefing scheduled in January 2013)

Goals

- Protect the safety of bicyclists and motorists by
 - Strengthening appropriate ordinances regulating behaviors in this area
 - Improving public awareness of bicyclists and motorists to be more aware of bike lanes/markings

Bicycle/Vehicle Crash Review

- Less than 1% of traffic accidents in the city involve bicyclists
- Causation factors vary considerably
 - Most common factor (27%) involves bicyclist entering the roadway from a sidewalk
- Approximately 58% of vehicle/bicycle accidents find the vehicle at fault (52 of 89 accidents)

Vulnerable Road User Law

- Highlights of ordinance
 - Limited to human powered wheeled vehicles
 - Defines clearly what is a "safe pass"
 - Addresses safe right turns in front of bicyclists
 - Provision to prevent vehicles from throwing or projecting items at bicyclists
 - Provides a defense to drivers, if bicyclist is operating in violation of existing laws

Recent State Law Activity

- A Statewide Vulnerable Road User law was passed by both houses in 2009
- Vetoed by the Governor – reasons cited
 - Creates new class of road user
 - Places responsibility on motorist
 - Redundancy with existing law

Other Cities/States

- A similarly worded ordinance has been passed in several cities in Texas
 - New Braunfels, Beaumont, Helotes, El Paso, Austin, San Antonio, Edinburg, Denton, Plano
- 20 states have statutes addressing passing bicycles at a specified distance
 - An additional 19 states have similar statutes for safe passing with no specific distance requirement

Enforcement

- Officers will monitor areas of heavy bicycle traffic
- Police will respond to complaints of bicycle/vehicle encounters
- Citizens retain the right to file complaints (mirrors other City Ordinances)

Current State Law*

- Generally places equal responsibility on the motorist and bicyclist
 - Protects bicyclists by
 - defining where in the roadway they may ride
 - light/reflector requirements
 - Requires vehicles to
 - pass safely to the left
 - yield right of way when making a right hand turn
- *see appendix

Comparison

Proposed Ordinance vs. Existing State Law

| Proposed Ordinance | Existing Law |
|--|---|
| Definition of Vulnerable Road User – defines specifically to include only human powered wheeled vehicles | Various definitions exist under Texas Transportation Code |
| Passing a Vulnerable Road User – designates vacating lane when possible | Bicyclists must ride as close as practicable to the right curb or edge -with certain exceptions |
| Safe Distance – places requirement on driver to re-enter lane at a safe distance | Passing to the left at a safe distance, maintain clear distance between vehicles |
| Right turns in front of bicyclists – defines what is a safe right turn | Operators shall yield right-of-way when turning right |
| Throwing or projecting items at bicyclists specifically addressed | No specific definitions in state law |
| Defense to prosecution if bicyclist is operating in violation of city ordinance, state or federal law | Not specifically addressed but generally treats bicyclists with the same rules as vehicles |

Safe Distance

- Other cities and states have adopted specific distance requirements (20 states)
 - Plano has three foot requirement
- 19 states do not have specific requirement
 - No reliable means to measure distance
 - Determination by officer of what is a “safe distance” to pass

Responsibility of Cyclist

- Chapter 9 of the Dallas City Code governs the operations of cyclists on streets and sidewalks within the City
- It states that bicyclist are subject to all laws applicable to any other vehicle
- Bicyclist riding on public sidewalks shall yield the right-of-way to pedestrians
- Bicyclist are prohibited from using defined freeways and expressways

Bicycle Lane Markings

- **Shared Lane**

A travel lane that is open for all vehicular use with markings indicating the appropriate positioning for the cyclist

- **Bike Lanes**

A bike lane is a portion of the roadway designated by striping, signing, and pavement markings for the exclusive and preferential use of bicyclists

- **Buffered Bike Lanes**

Buffered bike lanes operate in the same manner as a normal bike lane, but feature additional space between the bike lane and the adjacent travel lane

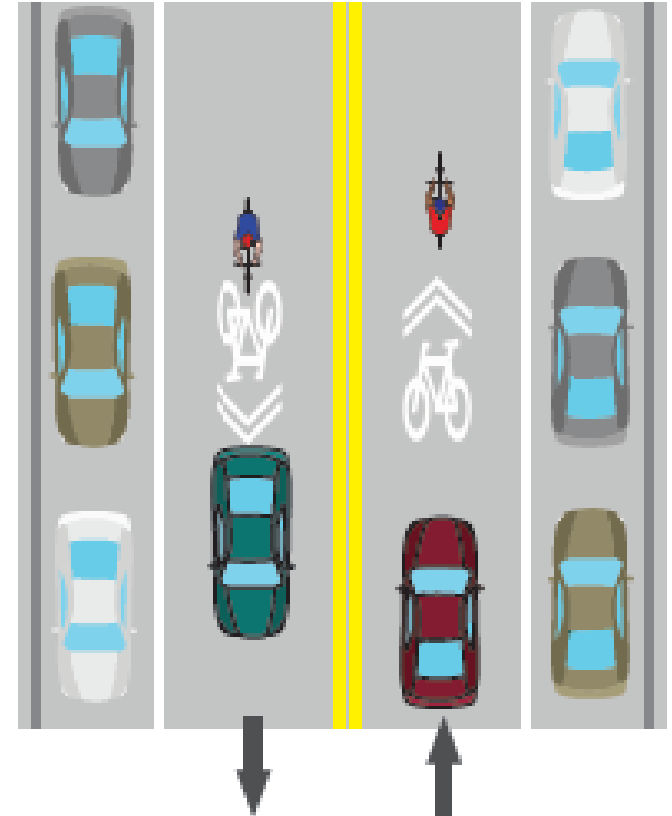
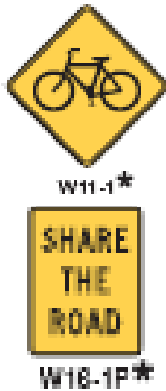
- **Cycle Tracks**

A cycle track is a one-way or two-way facility for the exclusive use of bicyclists, physically separated from motor vehicle traffic, and yet distinct from the sidewalk

Shared Lane Markings



SHARED LANE MARKING



Bike Lanes



RS-17



RS-17aP



RS-17



RS-17bP



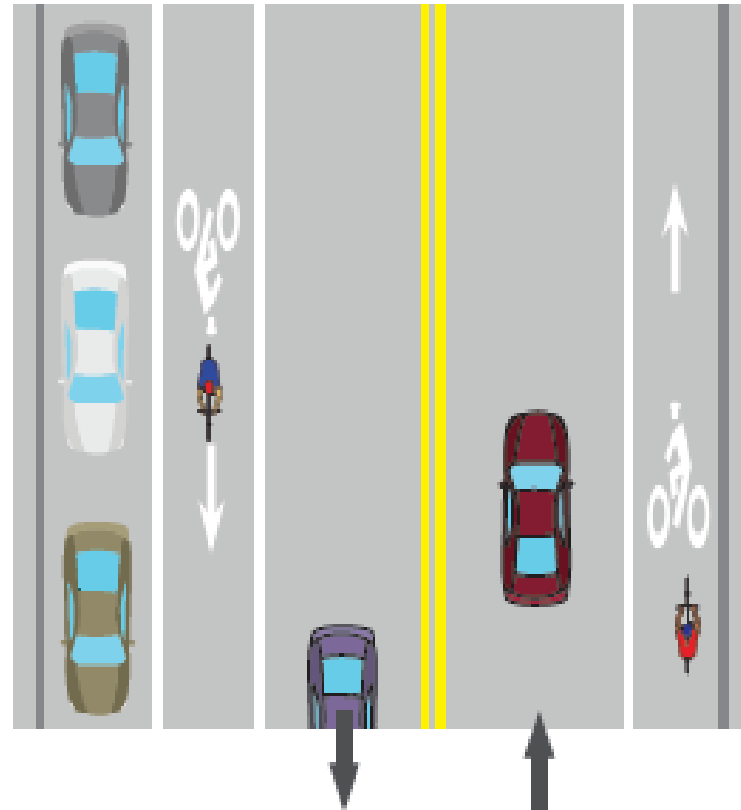
BIKE LANES



RS-1b



D11-1



Buffered Bike Lane / Cycle Tracks



RS-1b



D11-1



**CYCLETRACK/
BUFFERED BIKE LANES**



RS-17



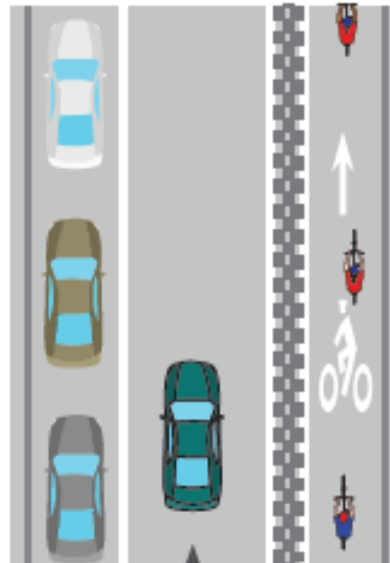
RS-17



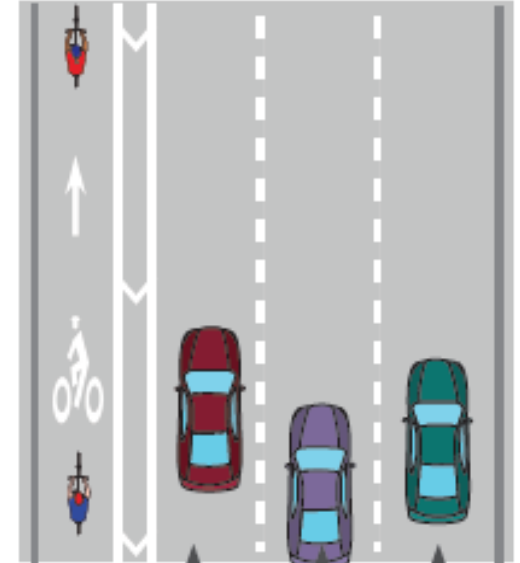
RS-17aP



RS-17bP



(raised buffer)



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Future Steps

- Council Briefing of Bike and Trail Plan Implementation
 - Status update on Bike Plan early implementation projects
 - Outline of Trail/Bike Plan integration
 - Future Project Prioritization
 - Bicycle Education Program

Summary

- The proposed ordinance will act to address gaps in state law
- Gives officers additional enforcement tools-clearly defines safe passing
- Greater awareness and education for the public
- Possible court issues with defining “safe distance”

QUESTIONS?

Proposed Ordinance

- An ordinance adding Division 5 to Article VI of CHAPTER 28, “MOTOR VEHICLES AND TRAFFIC,” of the Dallas City Code; defining terms; providing requirements for the safety of vulnerable road users; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.
- BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:
- SECTION 1. That Article VI, “Operation of Vehicles,” of CHAPTER 28, “MOTOR VEHICLES AND TRAFFIC,” of the Dallas City Code is amended by adding a new Division 5, “Operation of Vehicles near Vulnerable Road Users,” to read as follows:
 - **“Division 5. Operation of Vehicles near Vulnerable Road Users.**
 - **SEC. 28-58.1. DEFINITION.**
 - In this division, VULNERABLE ROAD USER means a person operating a bicycle, hand cycle, unicycle, or other human-powered wheeled vehicle on a street or highway.
 - **SEC. 28-58.2. PROTECTION OF VULNERABLE ROAD USERS.**
 - (a) The operator of a motor vehicle commits an offense if, while passing a vulnerable road user on a street or highway, he:
 - (1) fails to entirely vacate the lane occupied by the vulnerable road user; or
 - (2) re-enters the lane occupied by the vulnerable road user before having passed the vulnerable road user at a safe distance.
 - (b) The operator or passenger of a motor vehicle commits an offense if he knowingly throws or projects any object or substance at or against a vulnerable road user.
 - (c) The operator of a motor vehicle commits an offense if he overtakes a vulnerable road user traveling in the same direction and subsequently makes a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the vehicle making the right-hand turn.

Proposed Ordinance (cont.)

- (d) It is a defense to prosecution under Subsections (a) and (c) that, at the time of the offense, the vulnerable road user was acting in violation of a city ordinance or state or federal law regulating the operation of bicycles.
- (e) It is a defense to prosecution under Subsection (a)(1) if the operator of the motor vehicle:
 - (1) was unable to move into an adjacent lane of the street or highway due to a physical barrier or obstruction or because the change of lanes would have violated a city ordinance or state or federal law; and
 - (2) passed the vulnerable road user at a safe speed and distance.”
- SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.
- SECTION 3. That Chapter 28 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.
- SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.
- SECTION 5. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

TEXAS TRANSPORTATION CODE

CHAPTER 551. OPERATION OF BICYCLES, MOPEDS, AND PLAY VEHICLES

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- SUBCHAPTER A. APPLICATION OF CHAPTER
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- Sec. 551.001. PERSONS AFFECTED. Except as provided by Subchapter C, this chapter applies only to a person operating a bicycle on:
 - (1) a highway; or
 - (2) a path set aside for the exclusive operation of bicycles.
- Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1318, Sec. 4, eff. Sept. 1, 2003.
- Sec. 551.002. MOPED AND ELECTRIC BICYCLE INCLUDED. A provision of this subtitle applicable to a bicycle also applies to:
 - (1) a moped, other than a provision that by its nature cannot apply to a moped; and
 - (2) an electric bicycle, other than a provision that by its nature cannot apply to an electric bicycle.
- Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 9, eff. Sept. 1, 2001.
- Sec. 551.101. RIGHTS AND DUTIES. (a) A person operating a bicycle has the rights and duties applicable to a driver operating a vehicle under this subtitle, unless:
 - (1) a provision of this chapter alters a right or duty; or
 - (2) a right or duty applicable to a driver operating a vehicle cannot by its nature apply to a person operating a bicycle.
- (b) A parent of a child or a guardian of a ward may not knowingly permit the child or ward to violate this subtitle.
- Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.
- Sec. 551.102. GENERAL OPERATION. (a) A person operating a bicycle shall ride only on or astride a permanent and regular seat attached to the bicycle.
 - (b) A person may not use a bicycle to carry more persons than the bicycle is designed or equipped to carry.
 - (c) A person operating a bicycle may not use the bicycle to carry an object that prevents the person from operating the bicycle with at least one hand on the handlebars of the bicycle.
 - (d) A person operating a bicycle, coaster, sled, or toy vehicle or using roller skates may not attach either the person or the bicycle, coaster, sled, toy vehicle, or roller skates to a streetcar or vehicle on a roadway.
- Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

TEXAS TRANSPORTATION CODE

CHAPTER 551. OPERATION OF BICYCLES, MOPEDS, AND PLAY VEHICLES

(cont.)

- Sec. 551.103. OPERATION ON ROADWAY. (a) Except as provided by Subsection (b), a person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:
 - (1) the person is passing another vehicle moving in the same direction;
 - (2) the person is preparing to turn left at an intersection or onto a private road or driveway;
 - (3) a condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway; or
 - (4) the person is operating a bicycle in an outside lane that is:
 - (A) less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or
 - (B) too narrow for a bicycle and a motor vehicle to safely travel side by side.
- (b) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.
- (c) Persons operating bicycles on a roadway may ride two abreast. Persons riding two abreast on a laned roadway shall ride in a single lane. Persons riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Persons may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles.
- (d) Repealed by Acts 2001, 77th Leg., ch. 1085, Sec. 13, eff. Sept. 1, 2001.
- Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 10, 13, eff. Sept. 1, 2001.