

Memorandum



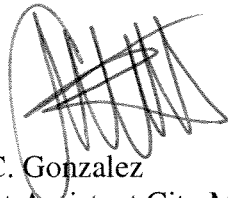
DATE: December 7, 2012

TO: Members of the Public Safety Committee

SUBJECT: **Vulnerable Road Users Update**

On Monday, December 10, 2012 the committee will be updated on the proposed ordinance related to vulnerable road users. The Quality of Life Committee will convene in concurrent session with Public Safety 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.C. Gonzalez
First Assistant City Manager

cc: Honorable Mayor and Members of the Dallas City Council
Mary K. Suhm, City Manager
Rosa Rios, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
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
Frank Libro, Public Information Office
Stephanie Cooper, Assistant to the City Manager Mayor/City Council



Vulnerable Road Users Update

Public Safety Committee

December 10, 2012



www.dallaspolice.net

David O. Brown
Chief Of Police

Updates to Proposed Ordinance

- Response to questions and requests from original presentation presented to Public Safety on October 22, 2012
- Address specific changes in the ordinance
 - Fine amounts
 - Statement of purpose
 - Distance
 - “Knowingly”
- Provide additional information
 - Lane markings
 - “Pumping”

Fine Amounts

- Modifications made to section 28-52.2(g)
 - Provides for a maximum fine of \$300.00 dollars
 - If the vulnerable road user sustains bodily injury the maximum fine increases to \$500.00
 - Not accident specific and includes any act causing injury

Statement of Purpose

- Statement added to section 28-52.2(a)
 - Includes requirement to adhere to all laws regarding operation of their respective vehicles
 - Inclusive of bicyclists and motor vehicles

Knowingly

- Requirement to prove the culpable mental state has been eliminated from the ordinance
 - Will allow for enforcement if acts committed against a vulnerable road user are reckless

Distance Requirement

- Extensive review conducted of other states and municipalities – approximately 50% do not have a distance requirement
- No reliable measurement tool
- Enforcement and prosecution would be difficult
- Recommended the existing wording be retained

“Pumping”

- Specifically prohibited by state law
 - 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.

Bicycle Lanes

- A full council briefing is scheduled for the full Council on February 6, 2012 to further discuss bicycle lanes/markings and the master plan

Summary

- Proposed ordinance would provide additional tools for officers to use
- City continues to move forward with bicycle lanes of various configurations



QUESTIONS?



Vulnerable Road Users

Public Safety Committee

Previously briefed on October 22, 2012



www.dallaspolice.net

David O. Brown
Chief Of Police

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

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



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SHARED LANE MARKING



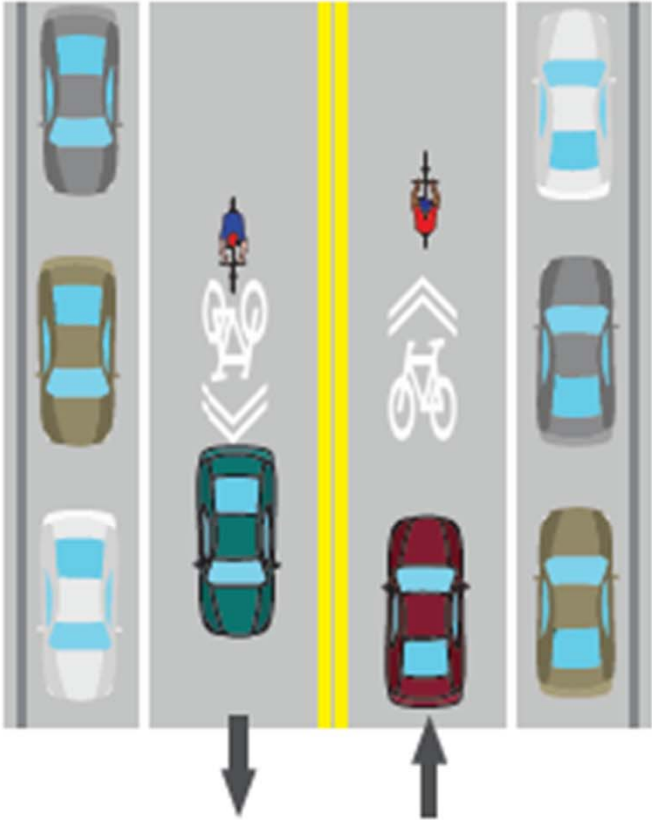
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Bike Lanes



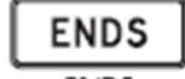
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RS-17



RS-17bP



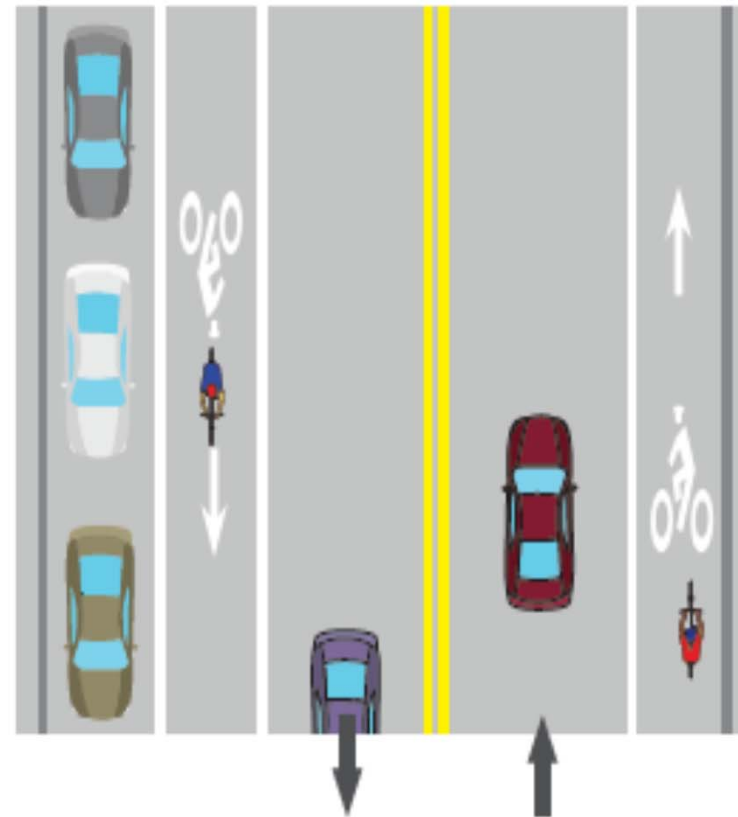
BIKE LANES



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Buffered Bike Lane / Cycle Tracks



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**CYCLETRACK/
BUFFERED BIKE LANES**



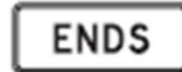
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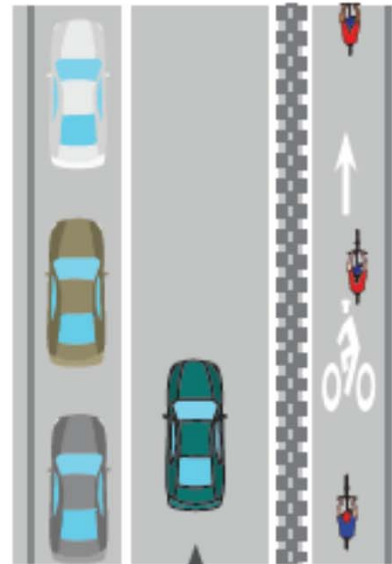
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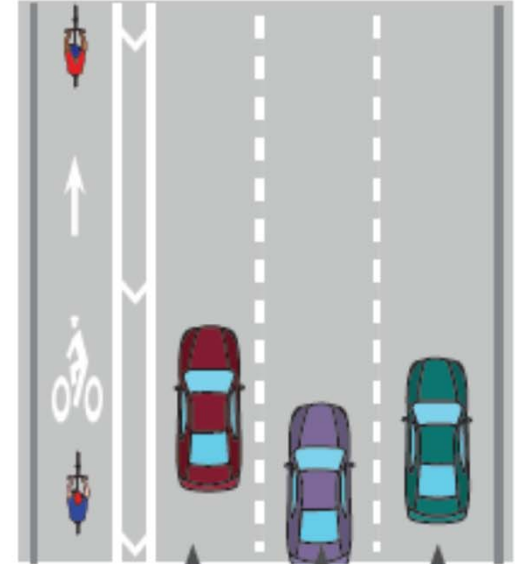
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Future Steps

- 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?

ORDINANCE NO. _____

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) An operator of a motor vehicle and a vulnerable road user shall comply with all laws governing the operation of their respective vehicles on a street or highway.

(b) 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.

(c) The operator or passenger of a motor vehicle commits an offense if he throws or projects any object or substance at or against a vulnerable road user.

(d) 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.

(e) It is a defense to prosecution under Subsections (b) and (d) 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 the vulnerable road user's vehicle on the street or highway.

(f) It is a defense to prosecution under Subsection (b)(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.

(g) An offense under this section is punishable by a fine not to exceed \$300, except that, if the vulnerable road user sustained a bodily injury from the commission of the offense, the offense is punishable by a fine not to exceed \$500."

SECTION 2. 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 3. 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 4. 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.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____
CB/DCC/00002