

Memorandum



CITY OF DALLAS

DATE December 7, 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 Update

On Monday, December 10, 2012 the committee will be updated 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.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 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, 2013 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?

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