M E M O R A N D U M

TO: Mayor and Council Members

CC: Marc A. Ott, City Manager
Robert Goode, P.E., Assistant City Manager

FROM: Robert Spillar, P.E., Director,
Austin Transportation Department

DATE: June 17, 2016

SUBJECT: **Response to Open Letter to Mayor and Council Regarding the Death of Alexei Baureis while Crossing the Street**

This memorandum is in response to the open letter from Mr. Robert Anderson, Walk Austin regarding the death of 14 year old Alexei Baureis while crossing Spicewood Springs Road. The fatality mentioned in the open letter is unfortunate and certainly our hearts go out to the family that was so negatively impacted.

Our flashing yellow light program is used during late night to reduce driver irritation in being stopped at a signal on a main street when there is no apparent reason for the stop (e.g. no cars approaching in any other direction). What I have seen is that drivers leaving the red light after having been stopped unnecessarily tend to do so at a high acceleration rate which reduces their control of their vehicle. Or worse, they choose to ignore the red light all together and run it. Both of these conditions endanger pedestrians.

That said, we believe the flashing light program is a temporary one that we will be phasing out. It was instigated because of the lack of working signal detection devices at many of our signals (we originally estimated less than 50% of the detection equipment to be working). Detection equipment indicates when a vehicle is present and requests a green light. We have been making quick repair of this equipment. As a signal is repaired, we are able to remove the flashing yellow lights in favor of detection.

For the signal in question, we have shortened the timespan as to when the flashing yellow light is used, adjusting the start time from 9pm to 11pm. The flashing ends at 6am. In the case of this fatality, I am unable to say if the child would not have been hit had the flashing light been a regular signal. Nationally, more people are killed at legal marked crosswalks and signals than anywhere else on the system. This of course has to do with the exposure of high pedestrian volumes typically found at marked crosswalks and at signalized intersections. The point here, is that where vulnerable individuals and autos cross paths, all have to take care when interacting. Even though pedestrians in this case have the right-of-way, it is still incumbent on all people in the intersection (pedestrians and drivers) to use caution.

So to recap, we are considering three paths for moving forward: 1) as signal detection is repaired, we are removing flash; 2) we are exploring modifying operation of signals that currently are on flash to go all-way red when a pedestrian pushes the crossing button (e.g.,

they would go from flashing yellow, to solid yellow, to red and then back to flashing yellow); and 3) we will be reviewing system-wide data to see if there is a correlation between our flashing light program and pedestrian injuries/fatalities (and if so, consider moving back to full signalization 24-7). We would only pursue #3 if data suggests a correlation.

Again, all of our hearts go out to the family of the child who was killed. I want to assure you that VISION 0 has fully been adopted by our department and we intend to get there absolutely.

Open Letter to Mayor and Council Regarding the Death of Alexei Baureis

Dear Mayor and Council:

On Tuesday, June 7 Alexei Baureis, a 14 year-old boy, was killed at night while crossing Spicewood Springs. We are saddened by Alexei's death and offer our condolences to the family. Any loss of life is unacceptable, but it is especially horrible when a child is the victim.

Alexei was killed by a driver traveling on Spicewood Springs Road at Rustic Rock Drive with a flashing yellow light. During daytime hours this intersection is controlled by a signal with green, yellow, and red phases ensuring that pedestrians and are provided a safe crossing opportunity.

According to Texas law, a flashing yellow lights still affords pedestrians the right of way, meaning it is not only legal to cross but that it is the responsibility of drivers to yield to individuals crossing the street. Unfortunately, too often, this right of way is taken from pedestrians by drivers who fail to yield, even during the light of day. Too many individuals are ignorant of Texas law. This creates unsafe conditions for everyone, especially our most vulnerable roadway users, people like Alexei.

The rationale for the use of flashing yellow lights during nighttime hours is to facilitate automobile traffic when there is little traffic. But flashing yellow lights do not provide the same level of safety. Drivers do not always yield the right of way, and it is imperative that we provide safe crossing opportunities for our most vulnerable populations during the most dangerous hours of the day on our most dangerous roadways.

According to Austin Police Department's 2015 Fatality Report, "The majority (83%) of pedestrian crashes occurred between 6 PM and 6 AM when conditions were dark". If we can't ensure safe crossings for pedestrians during daytime hours with protected signal phases, how can we justify removing these limited protections during the night hours that we know to be more dangerous due to reduced visibility and increased levels of intoxication? What are our values and priorities as a community?

Our new Vision Zero policy recognizes the importance of establishing a culture of safety on our roadways, and obligates us to make necessary changes with safety as our priority. We believe the practice of allowing signalized intersections to convert to flashing yellow lights during nighttime hours endangers our most vulnerable users and is counter to the Vision Zero policy of the City of Austin. Walk Austin calls upon the City of Austin to immediately cease the practice of using flashing yellow lights during nighttime hours.

Sincerely,
Walk Austin