

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTERS 12-1 (*TRAFFIC REGULATION AND ADMINISTRATION*) AND 12-2 (*BICYCLES*) RELATING TO THE OPERATION OF MICRO-MOBILITY DEVICES ON SIDEWALKS AND ROADWAYS; INCREASING PENALTIES; AND CREATING OFFENSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (3) of City Code Section 12-1-1 (*Definitions*) is amended to add a new definition of “Micro-Mobility Device,” to renumber the remaining subsections accordingly, and to read as follows:

- (3) MICRO-MOBILITY DEVICE means a bicycle, electric bicycle (“E-bike”) scooter, skate board or other compact device designed for personal micro-mobility either privately owned or part of a shared micro-mobility service. It does not include “electric personal assistive mobility” devices under Texas Transportation Code Section 551.201 or medical devices.

PART 2. City Code Section 12-1-32 (*Use of Skateboards, Bicycle Motocross Bicycles, and Toy Vehicles on Public Right-of-Way or Property*) is amended as follows:

§ 12-1-32 (*Use of Micro-Mobility Devices [~~Skateboards, Bicycle Motocross Bicycles, and Toy Vehicles~~] on Public Right-of-Way or Property*).

(A) A person may not use skates [~~or a toy vehicle~~] on a public street except to cross a street at a crosswalk.

(B) A person may not operate a micro-mobility device [~~skate, or ride a skateboard, or toy vehicle, or similar device~~] on public landscaping, amenities, art [~~a sidewalk~~] or other area marked and designated as a dismount zone [~~for pedestrian traffic in the following areas~~]:

- (1) ~~Sixth Street (East) in blocks 100 through 700 inclusive;~~
(2) ~~Sixth Street (West) in blocks 100 through 1200 inclusive;~~
(3) ~~Guadalupe Street in blocks 1900 through 2800 inclusive; and~~
(4) ~~Congress Avenue in blocks 100 to 1000 inclusive].~~

~~[(C) A person may not skate, or ride a skateboard, or toy vehicle or similar device on an architectural feature, sidewalk, or other area designated exclusively for pedestrian~~

32 traffic in the area bounded by Cesar Chavez Street on the south, Lavaca Street on the
33 east, Second Street on the north, and Guadalupe Street on the west].

34 (D) — A person may not ride a bicycle motocross bicycle on an architectural feature in
35 the area bounded by Cesar Chavez Street on the south, Lavaca Street on the east, Second
36 Street on the north, and Guadalupe Street on the west.]

37 **PART 3.** Subsections (A) through (E) of City Code Section 12-1-34 (*Use of Portable*
38 *Electronic Devices While Operating a Motor Vehicle or Bicycle*) are amended to prohibit
39 the use of portable electronic devices while operating micro-mobility devices, and to read
40 as follows:

41
42 **§ 12-1-34 - USE OF PORTABLE ELECTRONIC DEVICES WHILE OPERATING**
43 **A MOTOR VEHICLE OR MICRO-MOBILITY DEVICE [BICYCLE].**

44 (A) In this section:

- 45 (1) portable electronic device means a hand-held mobile telephone, personal
46 digital assistant, MP3 or other hand-held music player, electronic reading
47 device, laptop computer, pager, broadband personal communication device,
48 global positioning or navigation system, electronic game device, or portable
49 computing device.
- 50 (2) use means employing a portable electronic device for any reason including,
51 without limitation, the following activities while holding or touching the
52 device:
- 53 (a) dialing or deactivating a phone call;
 - 54 (b) speaking in or listening to a conversation;
 - 55 (c) viewing, taking, or transmitting electronic images;
 - 56 (d) composing, sending, viewing, accessing, browsing, retrieving, or saving
57 email messages, text messages, or other electronic data;
 - 58 (e) entering or changing information in a global positioning or navigation
59 system or any software or application designed for navigation;
 - 60 (f) accessing or viewing an internet website or computer application; or
 - 61 (g) playing a game.
- 62 (3) operating a micro-mobility device [bicycle] means riding [~~astride a permanent~~
63 ~~seat attached to the bicycle~~] while the micro-mobility device [bicycle] is in
64 motion.

- 65 (4) authorized emergency personnel means a person who is a law enforcement
66 officer, firefighter, member of a governmental emergency medical services
67 function, or member of a governmental emergency management function.
- 68 (B) An operator of a motor vehicle may not use a portable electronic device while the
69 vehicle is in motion.
- 70 (C) A person may not use a portable electronic device while operating a micro-
71 mobility device [~~bicycle~~].
- 72 (D) It is an affirmative defense to prosecution of an offense under this section if:
- 73 (1) the motor vehicle or micro-mobility device [~~bicycle~~] is at a complete stop;
- 74 (2) the portable electronic device is used in a hands-free mode of operation and
75 used to engage in telephone communication or to listen to audio transmissions;
- 76 (3) the portable electronic device is a global positioning or navigation device, or
77 global positioning or navigation software on a device, and the device is affixed
78 to the motor vehicle or micro-mobility device [~~bicycle~~];
- 79 (4) use of a portable electronic device is for obtaining emergency assistance to
80 report a crime, traffic accident, medical emergency, or serious traffic hazard, or
81 to prevent a crime about to be committed; or
- 82 (5) use of a portable electronic device is in the reasonable belief that a person's life
83 or safety is in immediate danger.
- 84 (E) This section does not apply to authorized emergency personnel who are using a
85 portable electronic device while the personnel are acting in an official capacity.

86 **PART 4.** Subsection A of City Code Section 12-1-35 (*Vulnerable Road Users*) is
87 amended to add micro-mobility device users to the definition of vulnerable road users:

88 **§ 12-1-35 - VULNERABLE ROAD USERS.**

- 89 (A) In this section, a Vulnerable Road User means:
- 90 (1) a pedestrian, including a runner, physically disabled person, child, skater,
91 highway construction and maintenance worker, tow truck operator, utility
92 worker, other worker with legitimate business in or near the road or right-of-
93 way, or stranded motorist or passenger;
- 94 (2) a person on horseback;
- 95 (3) a person operating equipment other than a motor vehicle, including, but not
96 limited to, a bicycle, handcycle, horse-driven conveyance, or unprotected farm
97 equipment; [~~or~~]
- 98 (4) a person operating a motorcycle, moped, motor-driven cycle, or motor-assisted
99 scooter; or[-]

(5) a person operating a micro-mobility device.

PART 5. The caption of City Code Chapter 12-2 (*Bicycles*) is amended to read as follows:

Chapter 12-2. Micro-Mobility Devices [~~Bicycles~~]

PART 6. City Code Section 12-2-1 (*Definitions*) is amended to add new definitions of “Director,” “Dismount Zone,” “Rider,” and “Shared Micro-Mobility Service,” and to read as follows:

§ 12-2-1 - DEFINITIONS.

In this chapter:

- (1) CHILD means a person younger than 18 years of age who has not been married or had the disabilities of minority removed for general purposes.
- (2) DIRECTOR means the director of the Austin Transportation Department.
- (3) DISMOUNT ZONE means an area designated and marked by the City traffic engineer where a rider is required to dismount the micro-mobility device and walk through the designated area.
- ~~[(2) BICYCLIST means a person operating a bicycle.]~~
- (4) ~~[3]~~ PARENT means the natural or adoptive parent or court-appointed guardian or conservator of a child.
- (5) RIDER means a person operating a bicycle, scooter, or other micro-mobility device.
- (6) SHARED MICRO-MOBILITY SERVICE means a publicly offered transportation service that enables a person to obtain short-term access to a micro-mobility device on an as-needed basis.

PART 7. City Code Section 12-2-2 Subsection (*Applicability*) is amended to read:

§ 12-2-2 - APPLICABILITY.

This chapter applies when a rider [~~person~~] operates a micro-mobility device [~~bicycle~~] on a street, sidewalk, or bicycle path.

PART 8. The caption of City Code Chapter 12-2 Article 2 (*Bicycle Traffic Regulations*), is amended to read:

130 **ARTICLE 2. – MICRO-MOBILITY DEVICE ~~[BICYCLE]~~ TRAFFIC**
131 **REGULATIONS.**

132 **PART 9.** City Code Sections 12-2-11 (*Applicability of Vehicle Traffic Rules*) 12-2-12
133 (*Obedience to Traffic-Control Devices*), and 12-2-14 (*Exit from Alley, Driveway, or*
134 *Building*) are amended to extend the applicability of the sections to all micro-mobility
135 devices and riders, and to read as follows:

136 **§ 12-2-11 - APPLICABILITY OF VEHICLE TRAFFIC RULES.**

137 A rider ~~[bicyclist]~~ shall comply with the requirements of this title imposed on a
138 driver of a vehicle, to the extent that the requirements may be applied to operation of a
139 micro-mobility device ~~[bicycle]~~.

140 **§ 12-2-12 - OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

141 (A) A rider ~~[bicyclist]~~ shall obey the instruction of official traffic signals, signs, and
142 other traffic-control devices applicable to vehicles, unless otherwise directed by a police
143 officer.

144 (B) Unless a bike lane is specifically designated otherwise, a rider travelling ~~[bicyclist~~
145 ~~riding]~~ in a bike lane may not travel in the opposite direction of adjacent motor vehicles
146 in the roadway.

147 (C) A rider ~~[bicyclist]~~ shall obey traffic signs that prohibit a right, left, or "U" turn,
148 except when the rider ~~[bicyclist]~~ dismounts from the micro-mobility device ~~[bicycle]~~ to
149 make the turn. A rider ~~[bicyclist]~~ who dismounts shall obey regulations applicable to
150 pedestrians.

151 **§ 12-2-14 - EXITING FROM ALLEY, DRIVEWAY, OR BUILDING.**

152 A rider ~~[bicyclist]~~ exiting from an alley, driveway, or building shall yield the right-
153 of-way to a pedestrian on a sidewalk or sidewalk area, or to a vehicle on a roadway.

154 **PART 10.** City Code Section 12-2-13 (*Use of Sidewalks Restricted*) is amended to
155 allow micro-mobility devices on sidewalks that are not designated “dismount zones,” and
156 to read as follows:

157 **§ 12-2-13 - USE OF SIDEWALKS ~~[RESTRICTED]~~.**

158 (A) Except as provided in Subsection (B), a person may ride a micro-mobility
159 device ~~[bicycle]~~ on a sidewalk.

160 (B) A person may not operate a micro-mobility device ~~[ride a bicycle]~~ on a sidewalk
161 designated and marked as a “dismount zone” by the City traffic engineer. ~~[on the~~
162 ~~following streets:~~

- (1) ~~100 to 1100 blocks of Congress Avenue;~~
(2) ~~1900 to 2500 blocks of Guadalupe Street;~~
(3) ~~100 to 1100 blocks of Brazos Street;~~
(4) ~~200 to 1100 blocks of Colorado Street;~~
(5) ~~from the 200 block of Second Street (West) to the 300 block of Second Street (East);~~
(6) ~~from the 900 block of Fifth Street (West) to the 800 block of Fifth Street (East);~~
(7) ~~from the 700 block of Sixth Street (East) to the 1000 block of Sixth Street (West);~~
(8) ~~from the 100 block of Eighth Street (West) to the 200 block of Eighth Street (East);~~
(9) ~~from the 100 block of Ninth Street (West) to the 200 block of Ninth Street (East);~~
(10) ~~from the 200 block of 11th Street (West) to the 200 block of 11th Street (East);~~
and
(11) ~~from the 200 block of 15th Street (West) to the 200 block of 15th Street (East).]~~

(C) Riders shall yield to pedestrians on sidewalks and in cross walks.

(D) Riders shall operate on sidewalks at a reasonable and prudent speed.

PART 11. City Code Section 12-2-15 (*Parking*) is amended to add parking prohibitions and to read as follows:

§ 12-2-15 – PARKING.

(A) A person shall ~~[may]~~ not park a micro-mobility device ~~[bicycle]~~:

- (1) in a manner that obstructs pedestrian or vehicle traffic; [or]
(2) in a space designated as a vehicle parking place or between two designated vehicle parking places; [-]
(3) in a manner that obstructs transit stops, shelters, or platforms;
(4) on any part of an accessibility ramp for persons with disabilities, or in any manner that would restrict the movement of persons with disabilities;
(5) in designated and marked special use zones, including, but not limited to commercial service zones, passenger loading zones, customer service zones and valet zones;
(6) in a manner that obstructs building entryways, exits or vehicular driveways;

- 196 (7) on or near railroad or light rail tracks or crossings;
197 (8) in a manner that obstructs street furniture that pedestrians access, including,
198 but not limited to, benches and parking pay stations; or
199 (9) on any private property without the permission of the owner.
200

201 (B) A person shall ~~[may]~~ not attach or secure a micro-mobility device ~~[bicycle]~~ to
202 public or private property in a manner that may damage, impair, or render the property
203 unusable.

204 (C) A person shall ~~[may]~~ park a micro-mobility device ~~[bicycle]~~:

- 205 (1) in designated spaces marked for such use ~~[against a street curb];~~
206 (2) in a manner which does not obstruct a roadway, path, sidewalk, crosswalk, or
207 other pedestrian-way ~~[bicycle rack on a sidewalk]; [or]~~
208 (3) in a manner which does not obstruct building entrances, exits, fire exits,
209 delivery areas or alleyways; [against a building.]
210 (4) in a manner which does not obstruct Americans With Disabilities Act travel
211 and movement; or
212 (5) in a manner which does not trespass or obstruct private property, unless
213 authorized by owner.

214 **PART 12.** City Code Sections 12-2-16 (*Riding Restrictions*) and 12-2-17 (*Riding on*
215 *Restricted or Prohibited Streets*) to read as follows:

216 **§ 12-2-16 - RIDING RESTRICTIONS.**

217 (A) Except as otherwise directed by a traffic-control device or a police officer, a rider
218 ~~[bicyclist]~~ shall ride in a reasonable and prudent manner.

- 219 ~~(1) — in the right most lane available to vehicle traffic where vehicles are prohibited~~
220 ~~from parking along the right curb;~~
221 ~~(2) — in the center of the lane where vehicles are permitted to park along the right~~
222 ~~curb; or~~
223 ~~(3) — in the right hand portion of an unlaned street;]~~ .

224 (B) A rider shall not operate a micro-mobility device ~~[bicyclist may not ride a bicycle]~~
225 between vehicles traveling or standing in the same direction within marked lanes of a
226 roadway: ~~[.]~~

- 227 (1) contrary to established traffic control devices;
228 (2) in a manner that is inconsistent with the Americans with Disabilities Act, or
229 that otherwise endangers or hinders the movement of persons with limited
230 mobility or other sidewalk or crosswalk users; or

- (3) in a manner that is contrary to the device's design or manufacturer specifications.

§ 12-2-17 - RIDING ON RESTRICTED OR PROHIBITED STREETS.

- (1) A rider [~~bicyclist~~] may not operate [~~ride~~] a micro-mobility device [~~bicycle~~] on a street where [~~bicycle~~] riding is prohibited or on a street during the hours that [~~bicycle~~] riding is prohibited on the street.

PART 13. Chapter 12 of the City Code is amended to add a new Section 12-2-18 (*Rider Duties*) describing riders' duties in cases of injury to a person or damage to property, and to read as follows:

§12-2-18 RIDER DUTIES

A rider who causes injury to a person or damage to property shall immediately stop the micro-mobility device and:

- (A) Provide any injured person reasonable assistance;
- (B) Give the injured person or owner of damaged property the rider's name, address, and phone number; and
- (C) If the damaged property is unattended, the rider must leave in a conspicuous place, or securely attached in a visible way to the property, a written notice with the rider's name, address, and phone number.

PART 14. The caption of City Code Chapter 12-2 Article 3 (*Bicycle Helmets*), is amended to read:

ARTICLE 3. – [~~BICYCLE~~] HELMETS.

PART 15. City Code Sections 12-2-31 (*Helmet Required*) and 12-2-32 (*Approval of Standards*) are amended to read as follows:

§ 12-2-31 - HELMET REQUIRED.

- (A) Except as permitted by Section 12-2-33 (*Health Condition Exemption*) a child may not operate or ride a micro-mobility device such as a bicycle, sidecar, trailer, child carrier, seat, or other device attached to a micro-mobility device [~~bicycle~~] unless the child is wearing a helmet.

(B) Except as permitted by Section 12-2-33 (*Health Condition Exemption*) a parent may not permit a child to operate or ride a micro-mobility device such as ~~[an]~~ a bicycle, sidecar, trailer, child carrier seat, or other device attached to a micro-mobility device ~~[bicycle]~~ unless the child is wearing a helmet.

(C) Under this section, a helmet must:

- (1) be properly fitted and securely fastened to the child's head with the straps securely tightened;
- (2) not be structurally damaged; and
- (3) conform to the standards of the United States Product Safety Commission ~~[the American National Standards Institute, the American Society for testing and Materials, the Snell Memorial Foundation, or a federal agency with regulatory jurisdiction over bicycle helmets at the time of the manufacture of the helmet].~~

§ 12-2-32 - APPROVAL OF STANDARDS.

~~[(A)]~~ The city council approves the bicycle helmet standards promulgated by the United States Consumer Product Safety Commission ~~[the American National Standards Institute, the American Society for Testing and Materials, and the Snell Memorial Foundation].~~

~~[(B)]~~ ~~The city clerk shall file a copy of the standards in effect on May 9, 1996 in the clerk's office.]~~

PART 16. City Code Sections 12-2-34 (*Sale of a Bicycle*) and 12-2-35 (*Lease of a Bicycle*) are repealed and these sections are reserved for expansion of the Code.

PART 17. City Code Section 12-2-36 (*Penalty; Enforcement*) is amended to describe offenses under this chapter, to describe who may issue citations under this chapter, to increase fine amounts, and to read as follows:

§ 12-2-36 - PENALTY; ENFORCEMENT.

(A) A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter.

(B) A culpable mental state is not required for the commission of an offense under this article.

(C) A separate offense is committed each time an offense occurs.

(D) Prosecution for an offense under this article does not prevent the use of other enforcement remedies or procedures applicable to the person charged with the conduct or involved in the offense.

(~~B~~) E) An offense under this article is a Class C misdemeanor punishable by a fine not to exceed:

(1) \$40 ~~[20]~~ on a first conviction; and

(2) \$80 ~~[40]~~ on a subsequent conviction.

(~~C~~) F) The municipal court may dismiss a charge against a person for an offense under Section 12-2-31 (*Helmet Required*) on receiving proof that the defendant acquired a helmet for the child who was operating or riding a micro-micro-mobility device in violation of Section 12-2-31 (*Helmet Required*) on or before the 30th day after the citation was issued.

(~~D~~) G) To promote the use of helmets, the city council encourages the municipal court to consider deferred dispositions under Article 45.051 (*Suspension of Sentence and Deferral of Final Disposition*) of the Texas Code of Criminal Procedure where appropriate.

(H) A police officer or officer designated by the Director may issue a citation for any violation of this ordinance.

PART 18. City Code Section 12-2-37 (*Civil Actions*) is amended to read as follows:

§ 12-2-37 - CIVIL ACTIONS.

(A) The city council adopts this article to encourage [~~bicycle~~] safety through the use of helmets and through the promotion of educational efforts.

(B) The city council does not intend this article to be used in a manner to prejudice a person, child, or parent in a civil action arising out of a [~~bicycle~~] accident. The council encourages construction of this article accordingly.

PART 19. This ordinance takes effect on _____, 2019.

PASSED AND APPROVED

_____, 2019 § _____
 § _____
 § _____

Steve Adler
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk