

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

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

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41 **§ 12-1-34 - USE OF PORTABLE ELECTRONIC DEVICES WHILE OPERATING**
42 **A MOTOR VEHICLE, BICYCLE, OR MICRO-MOBILITY DEVICE**
43 **[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
57 saving 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 or bicycle means riding [~~astride a~~
63 ~~permanent seat attached to the bicycle~~] while the micro-mobility device or
64 bicycle is in 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 or 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, or bicycle is at a complete
74 stop;
- 75 (2) the portable electronic device is used in a hands-free mode of operation and
76 used to engage in telephone communication or to listen to audio
77 transmissions;
- 78 (3) the portable electronic device is a global positioning or navigation device, or
79 global positioning or navigation software on a device, and the device is
80 affixed to the motor vehicle, [~~or~~] micro-mobility device, or bicycle;
- 81 (4) use of a portable electronic device is for obtaining emergency assistance to
82 report a crime, traffic accident, medical emergency, or serious traffic hazard,
83 or to prevent a crime about to be committed; or
- 84 (5) use of a portable electronic device is in the reasonable belief that a person's
85 life or safety is in immediate danger.

86 (E) This section does not apply to authorized emergency personnel who are using a
87 portable electronic device while the personnel are acting in an official capacity.

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

91 **§ 12-1-35 - VULNERABLE ROAD USERS.**

92 (A) In this section, a Vulnerable Road User means:

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

103 (5) a person operating a micro-mobility device or bicycle.

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

107 **CHAPTER 12-2 MICRO-MOBILITY DEVICES AND BICYCLES**

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

110 **§ 12-2-1 - DEFINITIONS.**

111 In this chapter:

- 112 (1) CHILD means a person younger than 18 years of age who has not been
113 married or had the disabilities of minority removed for general purposes.
114 (2) DIRECTOR means the director of the Austin Transportation Department.
115 (3[2]) BICYCLIST means a person operating a bicycle.
116 (4[3]) PARENT means the natural or adoptive parent or court-appointed guardian
117 or conservator of a child.
118 (5) RIDER means a person operating a bicycle or a micro-mobility device.
119 (6) SHARED MICRO-MOBILITY SERVICE means a publicly offered
120 transportation service that enables a person to obtain short-term access to a
121 micro-mobility device on an as-needed basis.

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

123 **§ 12-2-2 - APPLICABILITY.**

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

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

128 **ARTICLE 2. – MICRO-MOBILITY DEVICE AND BICYCLE TRAFFIC**
129 **REGULATIONS.**

130 **PART 9.** City Code Sections 12-2-11 (*Applicability of Vehicle Traffic Rules*), 12-2-12
131 (*Obedience to Traffic-Control Devices*), and 12-2-14 (*Exit from Alley, Driveway, or*

132 *Building*) are amended to extend the applicability of the sections to all micro-mobility
133 devices and riders, and to read as follows:

134 **§ 12-2-11 - APPLICABILITY OF VEHICLE TRAFFIC RULES.**

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

138 **§ 12-2-12 - OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

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

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

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

149 **§ 12-2-14 - EXITING FROM ALLEY, DRIVEWAY, OR BUILDING.**

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

152 **PART 10.** City Code Section 12-2-13 (*Use of Sidewalks Restricted*) is amended to
153 allow micro-mobility devices and bicycles on sidewalks, and to read as follows:

154 **§ 12-2-13 - USE OF SIDEWALKS [RESTRICTED].**

155 (A) Except as provided in Subsections (B) and (C), a person may ride a micro-mobility
156 device or bicycle on a sidewalk in a reasonable and prudent manner.

157 ~~[(B) A person may not ride a bicycle on a on the following streets:~~

158 ~~(1) 100 to 1100 blocks of Congress Avenue;~~

159 ~~(2) 1900 to 2500 blocks of Guadalupe Street;~~

160 ~~(3) 100 to 1100 blocks of Brazos Street;~~

161 ~~(4) 200 to 1100 blocks of Colorado Street;~~

162 ~~(5) from the 200 block of Second Street (West) to the 300 block of Second~~
163 ~~Street (East);~~

- 164 ~~(6) from the 900 block of Fifth Street (West) to the 800 block of Fifth Street~~
165 ~~(East);~~
- 166 ~~(7) from the 700 block of Sixth Street (East) to the 1000 block of Sixth Street~~
167 ~~(West);~~
- 168 ~~(8) from the 100 block of Eighth Street (West) to the 200 block of Eighth Street~~
169 ~~(East);~~
- 170 ~~(9) from the 100 block of Ninth Street (West) to the 200 block of Ninth Street~~
171 ~~(East);~~
- 172 ~~(10) from the 200 block of 11th Street (West) to the 200 block of 11th Street~~
173 ~~(East); and~~
- 174 ~~(11) from the 200 block of 15th Street (West) to the 200 block of 15th Street~~
175 ~~(East).]~~

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

177 (C) Riders shall operate on sidewalks in a manner consistent with the Americans With
178 Disabilities Act and that does not endanger or hinder the movement of persons
179 with limited mobility or other sidewalk users.

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

182 **§ 12-2-15 – PARKING.**

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

- 184 (1) in a manner that obstructs pedestrian or vehicle traffic; [øø]
185 (2) in a space designated as a vehicle parking place or between two designated
186 vehicle parking places, unless otherwise marked; [-]
187 (3) in a manner that obstructs transit stops, shelters, or platforms;
188 (4) on any part of an accessibility ramp for persons with disabilities, or in any
189 manner that would restrict the movement of persons with disabilities;
190 (5) in designated and marked special use zones, including, but not limited to,
191 commercial service zones, passenger loading zones, customer service zones
192 and valet zones;
193 (6) in a manner that obstructs fire suppression appurtenances, building
194 entryways, exits, or vehicular driveways;
195 (7) on or near railroad or light rail tracks or crossings;
196 (8) in a manner that obstructs street furniture that pedestrians access, including,
197 but not limited to, benches and parking pay stations; or
198 (9) on any private property without the permission of the owner.

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

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

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

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

§ 12-2-16 - RIDING RESTRICTIONS.

(A) Except as otherwise directed by a traffic-control device or a police officer, a rider ~~[bicyclist]~~ shall ride in accordance with state law ~~[:]~~

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

(B) A rider shall not operate a micro-mobility device or bicycle ~~[bicyclist may not ride a bicycle]~~ between vehicles traveling or standing in the same direction within marked lanes of a roadway or contrary to established traffic control devices.

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

A rider ~~[bicyclist]~~ may not operate ~~[ride]~~ a micro-mobility device or bicycle on a street or sidewalk 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:

233 **§12-2-18 RIDER DUTIES**

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

236 (A) Provide any injured person reasonable assistance;

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238 (B) Give the injured person or owner of damaged property the rider's name, address,
239 and phone number; and

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241 (C) If the damaged property is unattended, the rider must leave in a conspicuous place,
242 or securely attached in a visible way to the property, a written notice with the rider's
243 name, address, and phone number.

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

246 **ARTICLE 3. – SAFETY EQUIPMENT [BICYCLE HELMETS].**

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

249 **§ 12-2-31 - HELMET REQUIRED.**

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

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

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260 (C) Under this section, a helmet must:

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262 (1) be properly fitted and securely fastened to the child's head with the straps
263 securely tightened;

264 (2) not be structurally damaged; and

265 (3) conform to the standards of the United States Product Safety Commission [
266 ~~the American National Standards Institute, the American Society for testing~~
267 ~~and Materials, the Snell Memorial Foundation, or a federal agency with~~

268 regulatory jurisdiction over bicycle helmets at the time of the manufacture of
269 the helmet].

270 **§ 12-2-32 - APPROVAL OF STANDARDS.**

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

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

276 **PART 16.** City Code Section 12-2-34 (*Sale of a Bicycle*) is repealed and replaced with
277 a new section 12-2-34 (*Multiple Riders Prohibited*) to read as follows:

278 **§ 12-2-34 – MULTIPLE RIDERS PROHIBITED**

279 A rider may not operate a micro-mobility device or bicycle with another rider or
280 occupant, unless the device or bicycle is specifically manufactured and designed to
281 accommodate multiple riders.

282 **PART 17.** City Code Section 12-2-35 (*Lease of a Bicycle*) is repealed and this section
283 is reserved for expansion of the Code.

284 **PART 18.** City Code Section 12-2-36 (*Penalty; Enforcement*) is amended to describe
285 offenses under this chapter, to describe who may issue citations under this chapter, and to
286 read as follows:

287 **§ 12-2-36 - PENALTY; ENFORCEMENT.**

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

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

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

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

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

- 298 (1) \$20 on a first conviction; and

299 (2) \$40 on a subsequent conviction.

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

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

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

311 **PART 19.** City Code Section 12-2-37 (*Civil Actions*) is amended to read as follows:

312 **§ 12-2-37 - CIVIL ACTIONS.**

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

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

318 **PART 20.** This ordinance takes effect on _____, 2019.

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320 **PASSED AND APPROVED**

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322 §
323 §
324 _____, 2019 § _____
325 Steve Adler
326 Mayor

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329 **APPROVED:** _____
330 Anne L. Morgan
331 City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk