

ORDINANCE NO. 20190523-059

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

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

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

§ 12-1-1 - DEFINITIONS.

In this title:

- (1) ALLEY means a street of 20 feet or less in width, having no legal or official name other than alley.
- (2) AMENITY means public furniture, utility, stairs, or architectural feature.
- (3[2]) ELECTRONIC MESSAGE means a self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, a text-based communication, a command or request to access an internet site, or other data that uses a commonly recognized electronic communications protocol.
- (4) MICRO-MOBILITY DEVICE means a scooter, skateboard, 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.
- (5[3]) PARK OR PARKING means to stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.
- (6[4]) TRAFFIC ENGINEER means the person designated by the city manager to serve as the City's traffic engineer.
- (7[5]) TRUCK means a motor vehicle or combination vehicle/trailer with a total of six or more wheels, designed, maintained, or used primarily for the transportation, loading, or unloading of material or property, including

"special mobile equipment" as defined in Section 541.201 (*Vehicles*) of the Texas Transportation Code.

(8[6]) WIRELESS COMMUNICATION DEVICE has the meaning assigned in Section 545.425 (*Use of Wireless Communication Device; Offense*) of the Texas Transportation Code.

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 to read 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, toy vehicle, or similar device on public landscaping, amenities or art; or in a manner contrary to the intended use of any amenity [~~a sidewalk or other area designated 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 traffic in the area bounded by Cesar Chavez Street on the south, Lavaca Street on the east, Second Street on the north, and Guadalupe Street on the west.]~~

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

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

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

(A) In this section:

- (1) portable electronic device means a hand-held mobile telephone, personal digital assistant, MP3 or other hand-held music player, electronic reading device, laptop computer, pager, broadband personal communication device, global positioning or navigation system, electronic game device, or portable computing device.
- (2) use means employing a portable electronic device for any reason including, without limitation, the following activities while holding or touching the device:
 - (a) dialing or deactivating a phone call;
 - (b) speaking in or listening to a conversation;
 - (c) viewing, taking, or transmitting electronic images;
 - (d) composing, sending, viewing, accessing, browsing, retrieving, or saving email messages, text messages, or other electronic data;
 - (e) entering or changing information in a global positioning or navigation system or any software or application designed for navigation;
 - (f) accessing or viewing an internet website or computer application; or
 - (g) playing a game.
- (3) operating a micro-mobility device or bicycle means riding [~~astride a permanent seat attached to the bicycle~~] while the micro-mobility device or bicycle is in motion.
- (4) authorized emergency personnel means a person who is a law enforcement officer, firefighter, member of a governmental emergency medical services function, or member of a governmental emergency management function.

(B) An operator of a motor vehicle may not use a portable electronic device while the vehicle is in motion.

(C) A person may not use a portable electronic device while operating a micro-mobility device or bicycle.

(D) It is an affirmative defense to prosecution of an offense under this section if:

- (1) the motor vehicle, [~~or~~] micro-mobility device, or bicycle is at a complete stop;
- (2) the portable electronic device is used in a hands-free mode of operation and used to engage in telephone communication or to listen to audio transmissions;

- (3) the portable electronic device is a global positioning or navigation device, or global positioning or navigation software on a device, and the device is affixed to the motor vehicle, [or] micro-mobility device, or bicycle;
- (4) use of a portable electronic device is for obtaining emergency assistance to report a crime, traffic accident, medical emergency, or serious traffic hazard, or to prevent a crime about to be committed; or
- (5) use of a portable electronic device is in the reasonable belief that a person's life or safety is in immediate danger.

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

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

§ 12-1-35 - VULNERABLE ROAD USERS.

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

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

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

CHAPTER 12-2 MICRO-MOBILITY DEVICES AND BICYCLES

PART 6. City Code Section 12-2-1 (*Definitions*) is amended to add new definitions of "Director," "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[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 or a 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 (*Applicability*) is amended to read as follows:

§ 12-2-2 - APPLICABILITY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(B) A person may not ride a bicycle on a on the 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).]~~

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

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

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 or 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, unless otherwise marked; [-]
- (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 fire suppression appurtenances, building entryways, exits, or vehicular driveways;
- (7) on or near railroad or light rail tracks or crossings;
- (8) in a manner that obstructs street furniture that pedestrians access, including, but not limited to, benches and parking pay stations; or
- (9) on any private property without the permission of the owner.

(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:

§12-2-18 RIDER DUTIES

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

ARTICLE 3. – SAFETY EQUIPMENT [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 or a bicycle, sidecar, trailer, child carrier, seat, or other device attached to a micro-mobility device or 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 or ~~[as on]~~ a bicycle, sidecar, trailer, child carrier seat, or other device attached to a micro-mobility device or 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 Section 12-2-34 (*Sale of a Bicycle*) is repealed and replaced with a new section 12-2-34 (*Multiple Riders Prohibited*) to read as follows:

§ 12-2-34 – MULTIPLE RIDERS PROHIBITED

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

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

PART 18. 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, 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) \$20 on a first conviction; and
- (2) \$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- mobility device or bicycle 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 19. 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 an [bicycle] accident. The council encourages construction of this article accordingly.

PART 20. This ordinance does not address the use of micro-mobility devices on parkland trails, which is currently prohibited pursuant to City Code Section 8-1-31. Changes to the regulations related to micro-mobility devices on parkland and trails will be addressed by separate ordinance after completion of the Parks and Recreation Department's trails pilot program.

PART 21. This ordinance takes effect on May 3, 2019.

PASSED AND APPROVED

_____, May 23, 2019

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Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk