



ORDINANCE NO. D 16-10

VULNERABLE ROAD USERS

AN ORDINANCE OF THE CITY OF NOLANVILLE, TEXAS, RELATING TO VULNERABLE ROAD USERS AND REAFFIRMING THE OBLIGATION OF ALL OPERATORS OF MOTOR VEHICLES TO EXERCISE DUE CARE IN THE OPERATION OF MOTOR VEHICLES; MAKING FINDINGS OF FACT; PROVIDING FOR REPEALER AND SEVERABILITY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; PROVIDING FOR THE ERECTION OF PROPER SIGNAGE; PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR VIOLATIONS OF THIS ORDINANCE, AND FINDING PROPER NOTICE AND MEETING.

WHEREAS, the City of Nolanville is a Home Rule City in the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code Section 51.012, the City of Nolanville has general authority to adopt an ordinance not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality; and

WHEREAS, pursuant to Texas Transportation Code Section 311.001, the City of Nolanville has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, the bicyclists and pedestrians are allowed to use the roadway by law in Texas, but these users do not have the same physical protection as motorists and are at greater risk of injury or death; and

WHEREAS, the Texas Department of Transportation has reported that in 2012 motor vehicles on Texas roads struck more than 5,000 pedestrians resulting in 2,962 serious injuries and 481 fatalities, and motor vehicles also struck more than 2,000 bicycle-riders resulting in 1,450 serious injuries and 56 fatalities; and

WHEREAS, a safe passing ordinance provides the foundation for an education campaign of tolerance and acceptance for "active" forms of alternative transportation, which

further the City's goals of promoting Nolanville as a bicycle friendly community, as well as for the enhancement of walkable streets and neighborhoods; and

WHEREAS, the City Council finds it necessary and proper for the government, interest, welfare, and good order of the City of Nolanville to establish the speed limits on the aforementioned streets as provided herein below; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOLANVILLE, TEXAS:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. VULNERABLE ROAD USERS

(a) A "vulnerable road user" means a person utilizing the roadway for travel including:

- (1) a pedestrian, a runner, a physically disabled person, a highway construction or maintenance worker, tow truck operator, a utility worker, or any other worker with legitimate business in or near the road or right-of-way, or a stranded motorist or passenger, or one assisting or providing aid to a stranded or injured motorist;
- (2) a person on horseback;
- (3) a person operating equipment other than a motor vehicle, including, but not limited to, a bicycle (including an electric bicycle), tricycle, hand-cycle, moped, horse-drawn conveyance, skateboarder, rollerblader, roller-skater, or a person operating a manual scooter, so long as any such equipment is legally operable on public streets; or
- (4) a person operating an electric personal assistive mobility device (EPAMD), as such term is defined in Sec. 551.201 of the Texas Transportation Code, in compliance with the following requirements:
 - i. A person may operate an electric personal assistive mobility device on a residential street, roadway, or public highway with a speed limit of 30 miles per hour or less only:
 1. while making a direct crossing of a highway in a marked or unmarked crosswalk;
 2. where no sidewalk is reasonably accessible; or
 3. when so directed by a traffic control device or by a law enforcement officer.
 - ii. A person may operate an electric personal assistive mobility device on

a path set aside for use by bicyclists or pedestrians.

- iii. Any person operating an electric personal assistive mobility device on a residential street, roadway, or public highway shall ride as close as practicable to the right-hand edge.
 - iv. Except as otherwise provided by this section, provisions of this section applicable to the operation of bicycles apply to the operation of electric personal assistive mobility devices.
- (b) A "motor vehicle" means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric personal assistive mobility device.
- (c) Pedestrians, runners, and physically disabled persons shall utilize a sidewalk when reasonably available and accessible or, if none, shall travel against traffic as close as practicable to the edge of the roadway.
- (d) Vulnerable road users shall comply with the requirements for bicycles set forth as follows:
- (1) Except as provided by subsections 2(a)(4), a person operating any equipment other than a motor vehicle on a roadway who is moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:
 - i. the person is safely passing another vehicle moving in the same direction;
 - ii. the person is preparing to turn left at an intersection or onto a private road or driveway;
 - iii. a condition on or off the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway; or
 - iv. the person is operating a bicycle in an outside lane that is:
 - 1. less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or
 - 2. too narrow for a bicycle and a motor vehicle to safely travel side by side.
 - (2) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.
 - (3) Persons operating bicycles on a roadway may ride two abreast. Persons riding two abreast on a lane roadway shall ride in a single lane. Persons

riding two abreast may not impede the normal and reasonable flow of traffic on the roadway.

- (e) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:
 - (1) move to the left lane if the highway has two or more marked lanes running in the same direction; or
 - (2) pass the vulnerable road user at a safe distance.
- (f) For the purpose of subsection (e)(2), when road conditions allow, safe distance is at least:
 - (1) three (3) feet if the operator's vehicle is a passenger car or light truck; or
 - (2) six (6) feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by the Texas Transportation Code § 522.003.
- (g) An operator of a motor vehicle that is making a left turn or a U-turn at an intersection, including an intersection with an alley or private road or driveway, shall yield the right-of-way to a vulnerable road user in all circumstances in which the operator would be required to yield right-of-way pursuant to the traffic law.
- (h) An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user in light of all conditions impacting safety.
- (i) An operator of a motor vehicle may not maneuver the vehicle in a manner that:
 - (1) is intended to intimidate or harass a vulnerable road user; or
 - (2) places the vulnerable road user at risk of unreasonable imminent bodily injury.
- (j) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a roadway including public rights-of-way.
- (k) A vulnerable road user on a roadway or public right-of-way shall exercise due care and comply with all applicable city ordinances and state statutes. It is a defense to prosecution under this section that at the time of the offense, the vulnerable road user was acting in violation of the law.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. PUBLICATION

The caption or title and the penalties under this Ordinance shall be published one (1) time in the official newspaper(s) of the City of Nolanville, as required under Sec. 3.11(C) of the City Charter.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided by law.

7. FINES AND PENALTIES

Any person violating any provision of this Ordinance or failing to observe any provision hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not more than Two Hundred (\$200.00), which fine shall be doubled in a construction zone with workers present. A conviction for speeding in a designated School Crossing Zones shall incur an additional court cost of Twenty-Five Dollars (\$25.00).

8. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this 20 day of October, 2016, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Nolanville, Texas.

CITY OF NOLANVILLE, TEXAS:

By: [Signature]
David Escobar, Mayor

ATTEST:

[Signature]
Crystal Briggs, City Secretary

