



City of Austin Street Smarts Task Force

Law Enforcement and Safe Behavior Subcommittee

Report

Summary of Recommendations, September 20, 2007



On May 31st the Street Smart Task Force approved the formation of the Law Enforcement and Safe Behavior Subcommittee. Immediately following May Task Force meeting, the Law Enforcement and Safe Behavior Subcommittee (LESC) met. At that meeting Rob D'Amico was elected secretary and Andrew Bucknall chairman. Motions adopted included following Roberts's Rules of Order for meetings and to meet once every two weeks. Agendas for meetings were shared on list serve when available and meeting times were posted at least 24 hours in advance to members. ¹Our charge from the Task force was to:

- Examine Ordinances Governing Bicycle Behavior & Adherence to Ordinances
- Bike-Car Interactions
- Public Awareness and Education
- Austin Police Department (APD) Procedures of Enforcement
- Enforcement
- Reporting Collisions and Violations

LESC added:

- Bike/Pedestrian Interactions (Action)

For Purposes of this report these goals serve as the format of the report with a closing summary outlining additional goals and findings of the LESB. Recommendations are divided into the three sections of Rationale, References and Future Actions.

¹ City of Austin Street Smarts Meeting Summary April, 26, 2007

Section I. Overview

Examine Ordinances Governing Bicycle Behavior & Adherence to Ordinances

Bicycles are vehicles according to state law and must follow traffic laws pertaining to vehicles. Municipal law cannot remove restrictions to state law but can add more restrictions in many cases. Current ordinances were reviewed by the LESC to evaluate intended results of ordinance and actual outcomes. Additionally we considered issue areas that were not addressed in City Code and made recommendations for the Policy Subcommittee. The overall review and recommendation process was conducted with intent to meet the objectives of Mayor Will Wynn's Street Smart Task Force. Since bicycles interact with a broader multimodal transportation grid, we also considered and provided recommendations pertaining to automobiles and pedestrians. The LESC found that many of the issue areas addressed in this report have complicated solutions and require a deep understanding beyond resources available to the Task Force within the given time frame. We found that each issue area requires ongoing review and additional recommendations and therefore included a Future Action section to each issue area of recommendations.

The LESC recommendations are a balanced mix of responsibility for bicycle users and automobiles focusing on collaborative opportunities between law enforcement and citizens. The final recommendation of this report is to establish an ongoing board/commission or designate an existing board/commission to review bicycle/pedestrian issue areas. The area of most ambiguity in existing code is that of bicycle prohibitions on certain sidewalks in the downtown area. Recommendations are based on the examination of state and local law and were made with input from members Scott Cunningham with TxDOT, Kris Thompson with the Austin Police Department (APD) Vehicular Homicide Unit and Sharon Bauer with APD crime analysis. The task force also was comprised of City of Austin staff from the office of Councilmembers Leffingwell, McCracken, Martinez. Doug Ballew of the Austin Travis County Health Department participated, as did bicycle users and community representatives using motor transportation. This subcommittee represents a broad based cross section of Austin's diverse community and was conducted in a thought out, well developed process. All members expressed appreciation for the guidance of Task Force. Chair Sara Krause, support from City of Austin Staff Annick Beaudet and the attention to bicycle safety by Mayor Will Wynn.



Section II. Recommendations

(with dates of approval by subcommittee)

A. Bike/Car Interactions

1. The City of Austin shall create an ordinance establishing a three-foot safe passing law that reflects the language of the Texas Bicycle Coalition's original proposal for a state law. Additionally, the City Council should consider passing a resolution supporting the TBC's efforts to enact a state law. (August 7)
2. The City Council shall pass an ordinance prohibiting mobile phone use while operating a moving motor vehicle or bicycle, and the council shall study an exception for hands-free cell phone use prior to implementation of an ordinance. (August 21)
3. The City Council shall pass an ordinance prohibiting text messaging on mobile phones or other devices while operating a moving motor vehicle or bicycle. (August 21)
4. The City of Austin shall develop a comprehensive strategy to preserve existing bicycle lanes, analyze and promote a seamless bicycle network, limit parking in bicycle lanes and expand lanes that promote safety and connectivity. (September 4)
5. The City of Austin shall require a corridor study review, which promotes safety and connectivity, to accompany any reduction of existing bicycle lanes. (September 4)

B. Bike/Pedestrian Interactions

1. The City of Austin shall establish a Downtown Pedestrian/Bicycle Zone with the following boundaries: The north curb of Cesar Chavez Street to the south curb of 15th Street, and the east curb of Lavaca Street to the west sidewalk edge of the I-35 southbound access road. (September 11)
2. The City of Austin shall prohibit riding a bicycle on sidewalks in the Downtown Pedestrian/Bicycle Zone. The new ordinance will replace the current prohibitions (on areas) within the boundaries of the zone. (September 11)
3. The City of Austin's Downtown Commission shall report to the COA Bicycle/Pedestrian program and the new ongoing city bicycle committee/commission—with consideration of changes in the Great Streets program—on ways to improve bicycle infrastructure in areas where bicycles are prohibited or discouraged from riding on sidewalks. (September 11)

C. Public Awareness / Education

The City of Austin, with input from Travis County and CAMPO, shall create a pamphlet of guidelines outlining the laws/rights/responsibilities and safe practices for bicyclists and motorists. The guide—which would be based on similar pamphlets in Florida, Tucson and Nevada--would be used to educate the public, new bike owners (Pamphlets would be handed away at bike shops), the courts and the Austin Police Department. (September 4)

D. Procedures of Enforcement

1. The City of Austin, with input from the bicycling community, shall review the Austin Police Department's Uniform Traffic Enforcement and Tolerance Policy to make recommendations of changes as necessary to include bicycle specific issues. (August 28)
2. As the City of Austin reviews the Austin Police Department's Uniform Traffic Enforcement and Tolerance Policy for bicycle-related issues, the city shall specifically consider changes to address bicyclists' safety and other practical matters in enforcement of prohibitions for riding a bicycle on sidewalks.
3. The City of Austin shall make enforcement of codes related to bicycle infrastructure requirements a priority.
4. A designated City of Austin ongoing bicycle committee/commission shall continue to review car and bicycle/pedestrian hit-and-run collisions for possible changes in enforcement and prosecution. The city should also explore innovative strategies for enforcement, such as tying insurance requirements to registration and specific civil penalty definitions.
5. The City of Austin shall review signage and enforcement of no-parking and tow-away zones within 20 or more feet of an intersection. An ongoing city committee/commission would designate the roadways for consideration. (September 4)

E. Reporting Collisions and Violations

1. The City of Austin shall conduct a pilot project with the Austin Police Department for online crash reporting and public access to crash reports. (August 28)
2. The City of Austin shall require the Austin Police Department to compile an annual report outlining data for bicycle-related citations, crashes, injuries and other enforcement/safety issues. The report would be submitted to the city's ongoing committee/commission for review. (August 28)

F. Future Steps

The City of Austin should establish a permanent city-recognized diversified, bicycle committee to continue work on issues and make ongoing recommendations to the City Council and other boards and commissions related to bicycle use in the City of Austin. (August 7)



Section III. Rationale, References, Future Steps

A. Bike/Car Interactions

1. Recommendation: Safe Passing Rule

The City of Austin shall create an ordinance establishing a three-foot safe passing law that reflects the language of the Texas Bicycle Coalition's original proposal for a state law. Additionally, the City Council shall consider passing a resolution supporting the TBC's efforts to enact a state law. (August 7)

Rationale: Research by the Texas Bicycle Coalition finds that 50 cyclists per year are killed in bicycle-automobile crashes in Texas. About 40 percent of those are killed by motorists traveling in the same direction. It was the consensus of the LESC that deaths and serious injury can be prevented if this ordinance were enacted and obeyed by motorists. Additionally this ordinance would provide an additional tool for law enforcement to prevent unsafe behavior by motorists by simplifying punishment while providing a clear framework for passing motorist to either move over or slow down when passing a cyclist. With this law, the vision of "Share the Road" can be fully realized.

References: The Texas Bicycle coalition website <http://www.biketexas.org/content/view/747/739/>

Future Steps: Review Impact of passing law and make future recommendations related to continued safety for bicyclists in the City of Austin

2. Recommendation: Mobile Phone Prohibition

The City Council shall pass an ordinance prohibiting mobile phone use while operating a moving motor vehicle or bicycle, and the council shall study an exception for hands-free cell phone use prior to implementation of an ordinance. (August 21)

Rationale: Studies show that cell phone accidents do not decrease significantly between hands-free and hand-held cell phones used by drivers. Use of a cell phone while driving does increase chances of being in an collision due to inattentive driving. Limiting cell phone prohibition to hands free would decrease the number of cell phone use while driving and subsequent collisions. The committee felt that a interim step between total ban of cell phones would be a ban of hands held pending additional research. The cell phone is not a higher risk than other distracting factors such as trying to pick up something from the floor of car but it may be an activity which is engaged in or a more frequent basis. Studies also reveal that younger drivers are more prone to this behavior. The committee felt cell phone use is a major distraction for both bicyclists and motorists, so the ban incorporated bicyclists.

References: Insurance Information Institute, <http://www.iii.org/media/hottopics/insurance/cellphones/>

Future Steps: Review implementation of hand-held cell phone prohibition and conduct further study of banning of all cell phone use by drivers in moving vehicles. Continue to provide safety and educational training for drivers of automobiles, particularly teenage Drivers.

3. Recommendation: Text Message Prohibition

The City Council shall pass an ordinance prohibiting text messaging on mobile phones or other devices while operating a moving motor vehicle or bicycle. (August 21)

Rationale: Where cell phone use is found to be a distraction of drivers, the use of cell phones to text message while driving is even more of a problem, particularly by teenagers. The January 2007 survey by the insurer Nationwide found that 19 percent of motorists say they text message while driving.

References: Insurance Information Institute, <http://www.iii.org/media/hottopics/insurance/cellphones/>

Future Steps: Continue to provide safety and educational training for drivers of automobiles, particularly teenage Drivers.

4. Recommendation: Preserve Bike Lanes

The City of Austin shall develop a comprehensive strategy to preserve existing bicycle lanes, analyze and promote a seamless bicycle network, limit parking in bicycle lanes and expand lanes that promote safety and connectivity. (September 4)

Rationale: This stems from a policy that the city is currently developing regarding parking in bike lanes. The perception is that the city may be setting policy with on-street parking taking priority over bicycle infrastructure.

Future Steps: Continue to review parking in bike lanes and provide ongoing recommendations through established City of Austin Committee.

5. Recommendation: Corridor Study for Lane Removal

The City of Austin shall require a corridor study review, which promotes safety and connectivity, to accompany any reduction of existing bicycle lanes. (September 4)

Rationale: A concern from bicycle activists that the developing city guidelines for parking in bike lanes could lead to a disruption of the bicycle infrastructure that is in place and lead to fractured transportation corridors.

References: An in-progress reworking of the parking in bicycle lane guidelines.

Future Steps: Bike/Pedestrian Program staff and designated committee will continue to review the plan for no parking in bike lanes and support maintenance of established lanes.

B. Bike/Pedestrian Interactions

1. Recommendation: Establish Bicycle / Pedestrian Zone

The City of Austin shall establish a Downtown Pedestrian/Bicycle Zone with the following boundaries: The north curb of Cesar Chavez Street to the south curb of 15th Street, and the east curb of Lavaca Street to the west sidewalk edge of the I-35 southbound access road.

Rationale: A bicycle/pedestrian zone will offer the potential for positive elements to promote bicycling while defining a clear boundary for the prohibition of bicycles on sidewalks. (the recommended zone does not address the prohibitions on the West Sixth Street near Lamar, and the Drag area.)

Future Action: Ongoing review of the bicycle zone should be continued to determine effectiveness and possible expansion as city changes.

2. Recommendation: Prohibit Sidewalk Riding

The City of Austin shall prohibit riding a bicycle on sidewalks in the Downtown Pedestrian/Bicycle Zone. The new ordinance will replace the current prohibitions in areas within the boundaries of the zone.

Rationale: The current ordinance restricting bicycle use from the downtown area is confusing for bicyclists (and possibly some police officers), since not all prohibited areas are signed. The area is defined by block numbers of certain streets with an ill defined boundary. Subcommittee members were in agreement that it isn't usually the best practice to ride on sidewalks, since a large number of bicycle/auto collisions occur when bicycles exit sidewalks or at driveways intersecting sidewalks. Riding on the sidewalks also impacts the safety and viability of the sidewalk use by pedestrians.

Future Steps: Ongoing review of the bicycle zone should be continued to determine effectiveness and possible expansion as city changes

3. Recommendation: Great Streets Infrastructure Review in B&P Zone

The City of Austin's Downtown Commission shall report to the COA Bicycle/Pedestrian program and ongoing city bicycle committee/commission—with consideration of changes in the Great Streets program—on ways to improve bicycle infrastructure in areas where bicycles are prohibited or discouraged from riding on sidewalks.

Rationale: The Great Streets program enhances walkability and multi-modal transportation in the downtown corridor. Bicycles on busy pedestrian walkways are an inherent danger to bicyclists and pedestrians. To provide the maximum amount of multi-modal use and access to downtown businesses we see value in the coordination of the Great Streets program with the bicycle pedestrian program and established ongoing committee to review and make recommendations regarding safe addition of bicycle infrastructure as the City of Austin continues to grow.

Future Steps: Review impacts of infrastructure in the Bicycle/Pedestrian Zone on bicycle and pedestrian safety

C. Public Awareness / Education

Recommendation: Create Pamphlet

The City of Austin, with input from Travis County and CAMPO, shall create a pamphlet of guidelines outlining the laws/rights/ responsibilities and safe practices for bicyclists and motorists. The guide—which would be based on similar pamphlets in Florida, Tucson and Nevada--would be used to educate the public, new bike owners (Pamphlets would be handed away at bike shops), the courts and the Austin Police Department. (September 4)

Rationale: An educational brochure targeting both motorists and bicyclists is needed. The brochure would provide information on sharing the road to both types of road users and law enforcement officers. Many other cities and states have had success with guides highlighting laws, rules and best practices for bicyclists and motorist interactions. They are published in a user-friendly format with photos, diagrams, etc, with one section highlighting the responsibilities, laws and rules specific to bicycling and another section geared toward motorists and their interactions with bicyclists in the roadway. Both types of road users can begin to understand the other's point of view.

Future Steps: Numerous local pamphlets have been created throughout the country. In fact, we have already obtained permission from Pima County, Arizona to use the graphics contained in their guide. Once the guide is created, printing would need to be funded as the guide would need to be distributed for free to motorists, cyclists, and law enforcement. Distribution would need to be addressed and should include bike shops, courts, APD as well as making it available online either through the COA Bike/Ped. website and/or other Austin bicycling websites. As new types of bike facilities and infrastructure are introduced COA will provide education to the public on those infrastructure items.

References: Share the Road 2006 Edition, A Guide for Bicyclists and Motorists, Pima Dept. of Transportation, Florida Bicycle Law Enforcement Guide, A review of Florida's bicycle traffic laws to help with warnings, citations and crash reports, September, 2006

D. Procedures of Enforcement

1. Recommendation: Enforcement and Tolerance Guidelines

The City of Austin, with input from the bicycling community, shall review the Austin Police Department's Uniform Traffic Enforcement and Tolerance Policy to make changes as necessary to include bicycle specific issues.

Rationale: The policy of the Austin Police Department addresses bicycles the same as other traffic units. Some traffic laws by their nature do not seem to apply to the operation of bicycles. The committee would like the policy reviewed to address whether tolerances for bicycles should be different from motor vehicles. Additionally the committee would like to see a specific section of the policy dedicated to bicycle issues and enforcement. The intent is to reinforce the important safety concerns regarding how motor vehicles and bicycles coexist on the roadways.

Future Steps: It is important to have a committee or member of the bicycle community familiar with laws and best practices for bicycle safety to review these policies with APD to suggest changes. The suggestions will be submitted to the Austin Police Department for their policy review process.

References: Austin Police Department Policies and Procedures
B104 Uniform Traffic Enforcement
B203 Crash investigation

2. Recommendation: Additional Uniform Enforcement and Tolerance

As the City of Austin reviews the Austin Police Department's Uniform Traffic Enforcement and Tolerance Policy for bicycle-related issues, the City shall specifically consider changes to address bicyclists' safety and other practical matters in enforcement of prohibitions for riding a bicycle on sidewalks.

Rationale: Subcommittee members were concerned that prohibitions against riding on sidewalks could result in citations for infractions that are beyond the intended purpose for prohibitions. For example, it may be safer in most instances for a bicyclist to ride onto the sidewalk and dismount rather than trying to do so in the traffic lane, or if the bicyclist needed to avoid a road hazard. Therefore the subcommittee recommended that these tolerances in enforcement be specifically addressed in the proposed review of the Austin Police Department's Uniform Traffic Enforcement and Tolerance Policy.

Future Steps: The city's ongoing bicycle committee/commission, working with the COA Bicycle/Pedestrian Program and interested downtown groups, will review opportunities for positive infrastructure and public education improvements for a new Downtown Bicycle/Pedestrian Zone. The bicycle committee/commission and Bicycle/Pedestrian Program may collaborate in review of APD's Uniform Traffic Enforcement and Tolerance Policy.

Supporting Documents

File: Austin Bicycle Laws.txt

Source: 1992 Code Section 16-8-21; Ord. 031204-13; Ord. 031211-11

Lists current blocks for prohibitions of riding on sidewalks

APD Uniform Tolerance Code (Not Attached)

3. Recommendation: Code Enforcement

The City of Austin shall make enforcement of codes related to bicycle infrastructure requirements a priority.

Rationale: The subcommittee felt that a review of land development code and other code requirements related to new developments implementing bicycle infrastructure is an important element of bicycle safety, but that such a review was beyond the scope of the subcommittee. However, members noted that the City of Austin should take enforcement of such code more seriously.

Future Steps: The city's ongoing bicycle committee/commission will be charged with monitoring the code to ensure new infill development is in compliance with infrastructure guidelines and will work with city departments, committees and commissions to ensure enforcement.

Supporting Documents: City of Austin Title 25 (Land Development Code)

Online at: http://www.amlegal.com/austin_tx/

4. Recommendation: Hit and Run Collisions:

The City of Austin's ongoing bicycle committee shall continue to review car and bicycle/pedestrian hit-and-run collisions for possible changes in enforcement and prosecution. The city should also explore innovative strategies for enforcement, such as tying insurance requirements to registration and specific civil penalty definitions.

Rationale: The subcommittee felt that a review of the problem with hit-and-runs is an important element of bicycle safety, but that such a review was beyond the ability of the subcommittee. Representatives from the Austin Police Department noted that enforcement of hit-and-runs for both bicycles and motor vehicles is extremely difficult, because there must be a positive identification of the driver by a witness to get a prosecution. However, there are several options for helping with enforcement and prosecution include tying insurance requirements to registration, requirements for vehicle owners to be summoned before a judge and possible new civil actions.

Future Steps: The city's ongoing bicycle committee/commission will collaborate with APD to support initiatives that can help reduce fleeing-the-scene violations and enforcement of related violations.

Supporting Documents

None

5. Recommendation: Enforce Parking ban within 20 feet of Intersections

The City of Austin shall review signage and enforcement of no-parking and tow-away zones within 20 feet of an intersection. An ongoing city committee/commission would designate the roadways for consideration. (September 4)

Rationale: This was done to improve sight lines at certain intersections and to make a more acceptable transition for turning vehicles.

Future Steps: Review increasing the no parking zone to 40 feet from certain intersections.

Supporting Documents: None

E. Reporting Collisions and Violations

1. Recommendation: Pilot Project Access to Crash Data

The City of Austin shall conduct a pilot project with the Austin Police Department for online crash reporting and public access to crash reports.

Rationale: The committee recognizes the value of citizens being able to access general crash information. State law dictates the forms that are used to report crashes. There are software systems available that allow electronic entry of crash investigations by police officers. The committee believes the City of Austin should pursue this option to allow online access of specific report information to provide better customer service.

Future Steps: The City of Austin will need to work with the Austin Police Department and Texas Department of Transportation (responsible for State of Texas crash records) to explore possibility of implementing this type of system.

References: One of the software systems that can fill this need can be found at: www.reportbeam.com

2. Recommendation: Annual Reporting

The City of Austin shall require the Austin Police Department to compile an annual report outlining data for bicycle-related citations, crashes, injuries and other enforcement/ safety issues.

The report would be submitted to the city's ongoing bicycle committee/commission for review.

Rationale: The city bicycle committee/commission will be able to study the data provided in this annual report and make recommendations as needed to help improve traffic safety.

Future Steps: The Austin Police Department currently provides the City of Austin with traffic safety information on an annual basis. The City shall request that these additional categories be added to the report currently provided.

F. Establish an Ongoing Committee

Recommendation:

The City of Austin shall establish a permanent city-recognized, diversified, bicycle committee to continue work on issues and make ongoing recommendations to the City Council, other boards, commissions, and agencies related to bicycle use in the City of Austin. (August 7)

Early in the process the LESC recognized that many issues require ongoing review and action by the City of Austin and related committees and commissions. In this report of recommendations eighteen future next steps are requested by an ongoing City of Austin designated board or commission. In order to fulfill the goals of the committee, the mission of the Street Smarts Task Force, and the goals outlined by the Mayors task force on fitness, this committee recommends the establishment of a board or commission by the City Council to provide ongoing recommendations in the area of bicycle safety and use in Austin Texas. Additionally, this committee shall collaborate with TxDOT and review and support safe bicycle use on state highways while providing recommendations to City Council.

