

ORDINANCE NO. 2019-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS, AMENDING PORTIONS OF CHAPTER 126 OF
THE NEW BRAUNFELS CODE OF ORDINANCES REGARDING
BICYCLES.**

WHEREAS, to move the definition of vulnerable road user to the definitions section; and

WHEREAS, to remove the voluntary license, tag, registration, and fees for bicycles in the city; and

WHEREAS, to update the requirements for bicycles in the city to provide clear guidance for safety requirements, including lights, travel direction, and hand signals; and

WHEREAS, to allow for riding bicycles on sidewalks in specified areas and for certain age groups within the city; and

WHEREAS, the City Council of the City of New Braunfels, Texas has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety and general welfare of its citizens.

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

I.

THAT Chapter 126 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

Sec. 126-1. – Definitions.

Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than ten (10) inches in diameter.

Vulnerable road user means 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, a person on horseback, 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 a person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.

Sec. 126-103. – Vulnerable road users.

- (a) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:
 - (1) Vacate the lane in which the vulnerable road user is located if the highway or street has two or more marked lanes of traffic running in the same direction; or
 - (2) Pass the vulnerable road user at a safe distance.
- (b) For the purpose of subsection (a)(2), when road conditions allow, safe distance is at least:
 - (1) Three feet if the operator's vehicle is a passenger car or light truck; or
 - (2) Six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by V.T.C.A., Transportation Code § 552.003.
- (c) An operator of a motor vehicle that is making a left 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 who is approaching from the opposite direction and is in the intersection, or is in such proximity to the intersection as to be an immediate hazard.
- (d) 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, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the motor vehicle making the right-hand turn.
- (e) An operator of a motor vehicle may not maneuver the vehicle in a manner that:
 - (1) Is intended to cause intimidation or harassment to a vulnerable road user; or
 - (2) Threatens a vulnerable road user.
- (f) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a highway or street or in an intersection of highways or streets.
- (g) It is an offense for an operator of a motor vehicle to violate subsections (a), (c), (d), (e) or (f).

- (h) It is an affirmative defense to prosecution under this section that at the time of the offense the vulnerable road user was acting in violation of the law.

ARTICLE V. – BICYCLES

DIVISION 2. – RESERVED

Secs. 126-211 – 126-235. – Reserved.

DIVISION 4 – EQUIPMENT

Sec. 126-251. – Lamps and reflectors.

- (a) No person shall operate a bicycle between 9:00 p.m. and 7:00 a.m. unless the bicycle is equipped with either: (1) a red rear reflector mounted on the bicycle so located and of sufficient size and reflectivity to be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle; or (2). a lamp mounted to the rear of the bicycle emitting a red light visible from a distance of at least 500 feet from the rear of the bicycle.
- (b) No person shall operate a bicycle between 9:00 p.m. and 7:00 a.m. unless it is equipped with a lamp mounted on the front of the bicycle that emits a white light visible from a distance of at least 500 feet from the front of the bicycle.

Sec. 126-266. – Traffic regulations apply to persons riding bicycles; competitive racing.

- (a) Every person riding a bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application.
- (b) However organized, competitive bicycle races may be held on public roads, provided that the sponsoring organization shall have obtained the approval of the appropriate local law enforcement agencies. The sponsoring organization and the local law enforcement agency may establish by agreement special regulations regarding the movement of bicycles during such races, or in training for races, including, but not limited to, permission to ride abreast and other regulations to facilitate the safe conduct of such races or training for races.

Sec. 126-267. – Obedience to traffic devices.

- (a) *Signs, signals and other devices.* Any person operating a bicycle shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- (b) *Turning.* Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.
- (c) *Bike lanes.* Unless a bike lane is specifically designated otherwise, a bicyclist riding in a bike lane may not travel in the opposite direction of adjacent motor vehicles in the roadway.

Sec. 126-271. – Manner of riding on roadways; use of bicycle paths.

- (a) Any person operating a bicycle upon a roadway at less than the normal and reasonable speed of traffic shall ride in the right-hand lane of the roadway subject to the following provisions:
 - (1) If the right-hand lane is wide enough to be safely shared with overtaking vehicles, a person operating a bicycle shall ride far enough to the right as judged safe by a reasonable bicyclist to facilitate the movement of such overtaking vehicles of the bicyclist unless other conditions make it unsafe to do so.
 - (2) A person operating a bicycle may use a lane other than the right-hand lane when:
 - a. Passing another vehicle;
 - b. Preparing for a left turn;
 - c. Avoiding fixed or moving hazardous or potentially hazardous conditions or objects;
 - d. Lanes are too narrow for a bicycle and vehicle to travel safely side by side;
 - e. Approaching an intersection where there is a designated right turn lane and the bicyclist does not intend to turn right, the cyclist may ride on the left-hand side of such designated lane;

- f. Riding on a roadway designated for one-way traffic, when the bicyclist may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist; or
 - g. Riding on parts of roadways designated for bicycles.
- (b) A bicyclist shall not be expected or required to:
 - (1) Ride over or through any hazards or apparent hazards.
 - (2) Ride without a reasonable safety margin on the right-hand side of the roadway.
- (c) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable flow of traffic on the roadway. If persons are riding two abreast on a laned roadway, they must ride in a single lane.
- (d) A person operating a bicycle in compliance with this section and not violating any other section of law is not impeding traffic.

Sec. 126-272. – Riding on sidewalks.

- (a) No person shall operate a bicycle upon a sidewalk where the sidewalk abuts a building, or when riding on the sidewalk would endanger pedestrians, or where operation of a bicycle on a sidewalk is prohibited by an official traffic control device.
- (b) Any individual operating a bicycle upon a sidewalk shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian.
- (c) Any individual operating a bicycle within a pedestrian crosswalk must yield the right-of-way to motor vehicle traffic and pedestrians. When pedestrians are present within a crosswalk, an individual must dismount, walk the bicycle and obey applicable traffic control devices.
- (d) If any traffic control device is in place alongside of or on a sidewalk or a path, no driver of a bicycle or pedestrian shall fail to obey the requirements of the device.
- (e) The chief of police or city engineer is authorized to designate areas and erect signs on any roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place no person shall disobey such signs.

(f) The following exceptions apply to riding on sidewalk prohibitions:

- (1) Any person 12 years of age or under may ride or operate bicycles on sidewalks within a designated area;
- (2) Any adult accompanying a person 12 years of age or under riding a bicycle or transporting a person 12 years of age or under, may ride or operate a bicycle on sidewalks within a designated area; or
- (3) Any person may ride or operate a bicycle on those portions of sidewalks within a designated area where there is an obstruction in the bike lane adjacent to the sidewalk.

Sec. 126-276. – Bicycle turn signals.

The driver of a bicycle is excepted from giving the hand and arm signal continuously if the hand is needed in the control or operation of the bicycle, but it shall be given for a substantial period while stopped waiting to turn. The driver of a bicycle may signal a right turn by extending the right hand and arm horizontally.

Secs. 126-277 – 126-295. – Reserved.

II.

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

III.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the _____ day of _____, 2018.

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CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY