



Safe Passing Ordinance

**Homeland Security and Public
Safety Committee**

April 10, 2013

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City Attorney**



Intent of Proposed Ordinance

- Improve motorist's awareness of the most vulnerable users of the City's roadways.
- Protect pedestrians, bicyclists and other vulnerable road users.
- Consistent with national movement to increase bicyclist and pedestrian safety on roadways.
- Need heightened by major City biking initiatives.



Proposed Safe Passing Ordinance

- **Protects vulnerable road users:**
 - A pedestrian (including a runner), stranded motorist or passenger, highway construction or maintenance worker, tow truck operator, or utility worker in the roadway;
 - A person on horseback or operating a horse-driven conveyance, in the roadway; or
 - A person operating a bicycle (also including an electric bicycle), or other human-powered wheeled vehicle in the roadway.



Proposed Safe Passing Ordinance

- Requires motor vehicles to:
 - Maintain a safe distance for passing or trailing vulnerable road users
 - 3 feet required while passing
 - 6 feet required while trailing
- Vacate the lane in which the vulnerable road user is located if the highway has two or more marked lanes running in the same direction and such action can be taken safely.



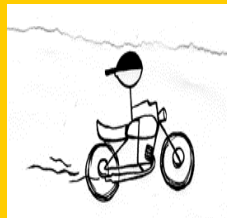
Proposed Safe Passing Ordinance

- **Affirmative Defenses**
 - Vulnerable road user violates traffic laws or fails to use a bike lane where available.
- **Ordinance also prohibits**
 - Harassment of vulnerable road users
- **Violation**
 - Class C misdemeanor, fine not to exceed \$500.00



Why Houston Needs to Act

- A similar state law was passed by both houses in 2009, but vetoed by the governor.
- Similar legislation introduced this session, but outcome questionable.
- Current state law – Bicyclists must ride as close as practicable to the right curb or edge and any vehicle passing a bicyclist must maintain a “safe” distance, as with any passing other vehicle.
- Every other major Texas city has safe passing ordinance.
- 39 other states have safe passing statutes.



Differences in Proposed Houston Ordinance

- Other cities and proposed state law do not address trailing at a defined safe distance.
- Houston does not distinguish between commercial vehicles and non-commercial vehicles with regard to safe passing distance.
- Motorcycles are treated like other motor vehicles, not vulnerable road users under the Houston ordinance.



Questions?

