

AN ORDINANCE 2010-02-04-0097

**AMENDING CHAPTER 19 OF THE CITY CODE OF THE CITY OF SAN ANTONIO, TEXAS RELATING TO MOTOR VEHICLES AND TRAFFIC, TO PROVIDE FOR SAFE PASSAGE OF VULNERABLE ROAD USERS, PROVIDING FOR A PENALTY, PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, 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**, approximately 50 cyclists and 400 pedestrians are killed every year in Texas; and

**WHEREAS**, a Safe Passing ordinance provides the foundation for an education campaign of tolerance and acceptance for "active" forms of alternative transportation, which furthers the City's goals of promoting San Antonio as a Bicycle Friendly Community, as well as for the enhancement of walkable streets and neighborhoods; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Article I of Chapter 19, Motor Vehicles and Traffic, of the City Code of the City of San Antonio, Texas is hereby amended by adding the language, as underlined, as a new Section 19-9 to read as follows:

Section 19-9. 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.

- (b) 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 has two or more marked lanes running in the same direction; or
  - (2) pass the vulnerable road user at a safe distance.
- (c) For the purpose of Subsection (b)(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 Texas Transportation Code Section 522.003.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a roadway or in an intersection of roadways.
- (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.

**SECTION 2.** Any person who engages in any activity specified in Section 1 above may be subject to prosecution for a Class C misdemeanor and a fine not to exceed \$200.00.

**SECTION 3.** All other provisions of Chapter 19 of the City Code of San Antonio, Texas shall remain in full force and effect.

**SECTION 4.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 5.** The City Clerk is directed to publish notice of this Ordinance in accordance with Section 17 of the Charter of the City of San Antonio. The penalty, fine or forfeiture provisions in this Ordinance shall apply five days after publication.

**SECTION 6.** The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing code.

**SECTION 7.** Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 203000000026, General Ledger 4601100.

**SECTION 8.** The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (CFO), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

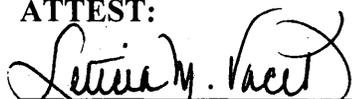
**SECTION 9.** This ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED and APPROVED** this 4th day of February, 2010.



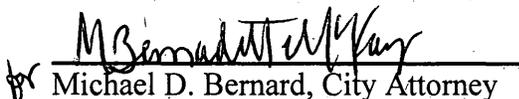
**M A Y O R**  
Julián Castro

**ATTEST:**



Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**



Michael D. Bernard, City Attorney