

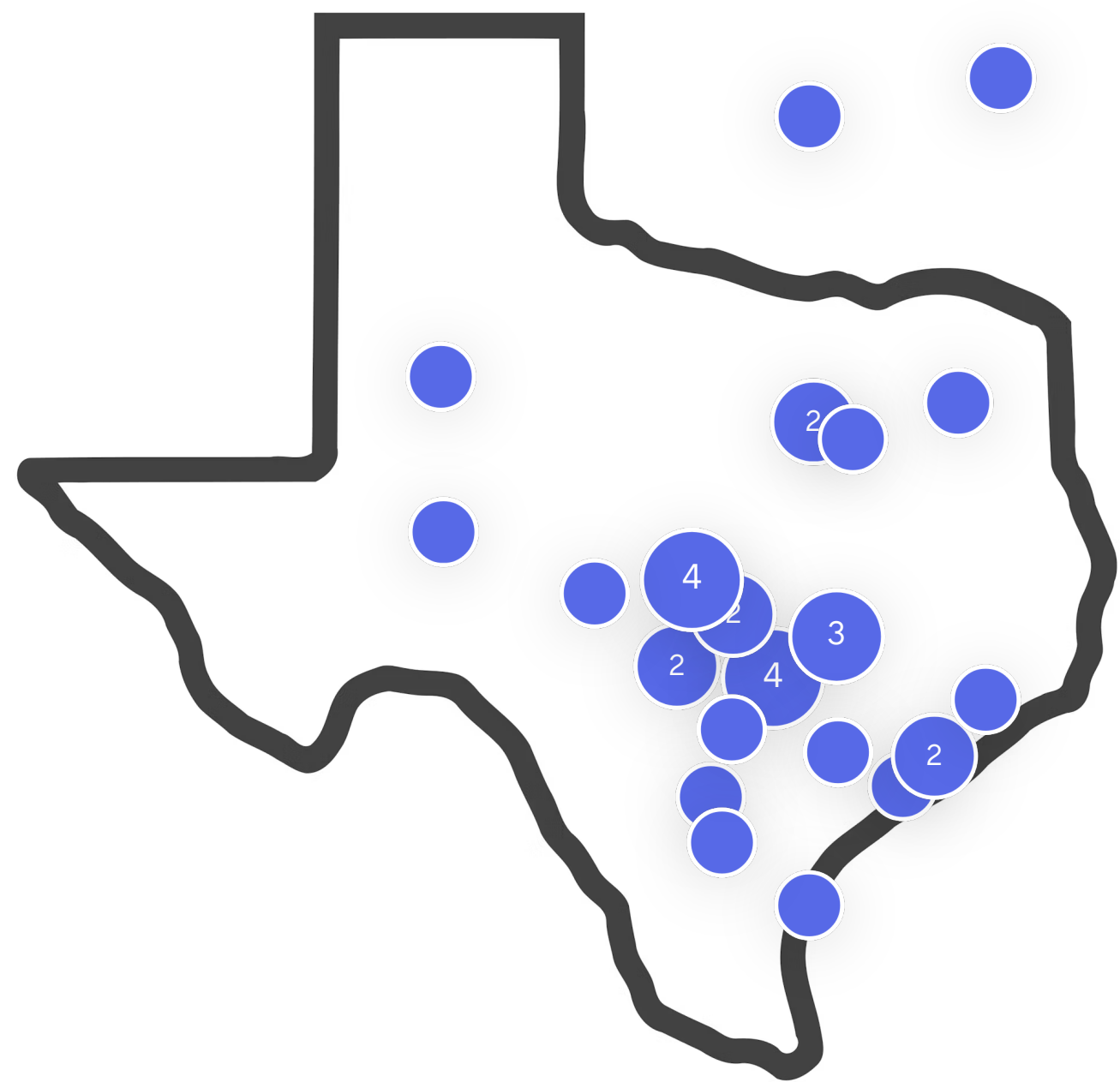


What does Texas' New Sidewalk User Law Really Mean?

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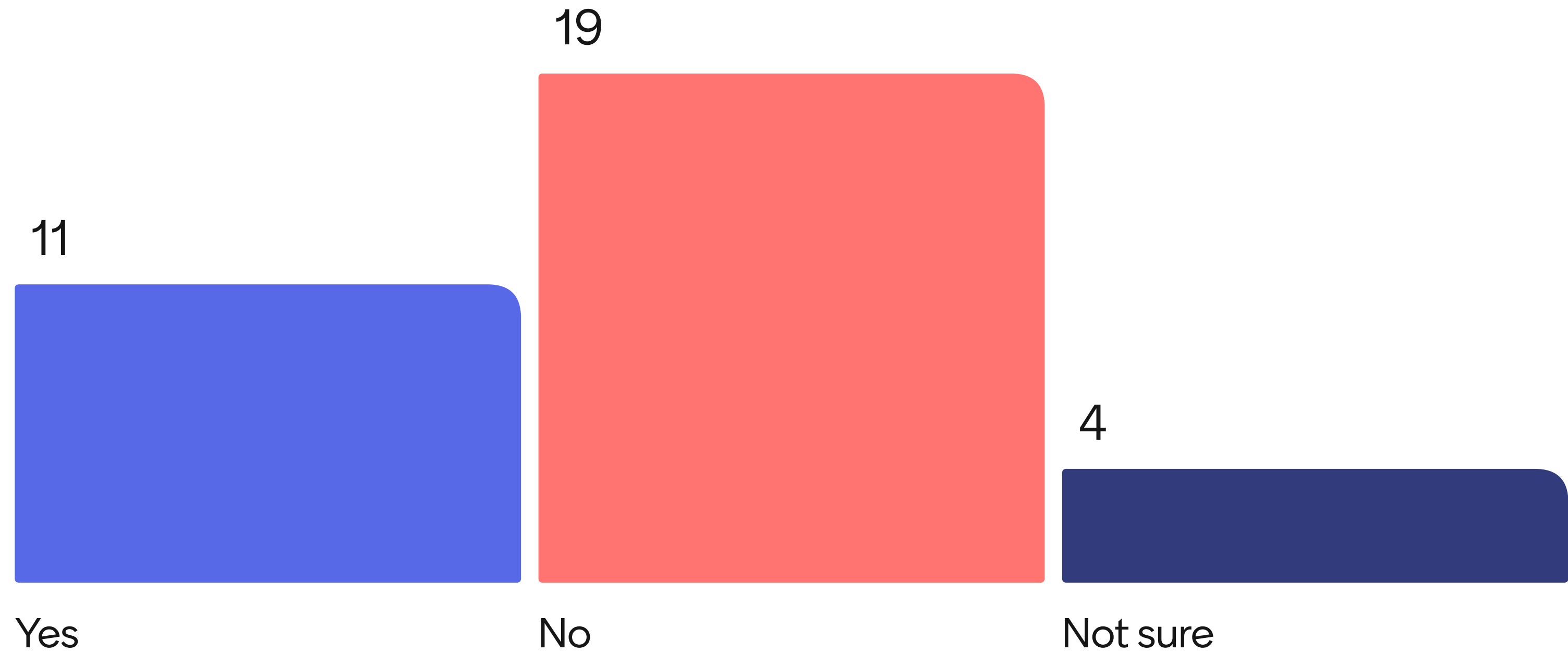


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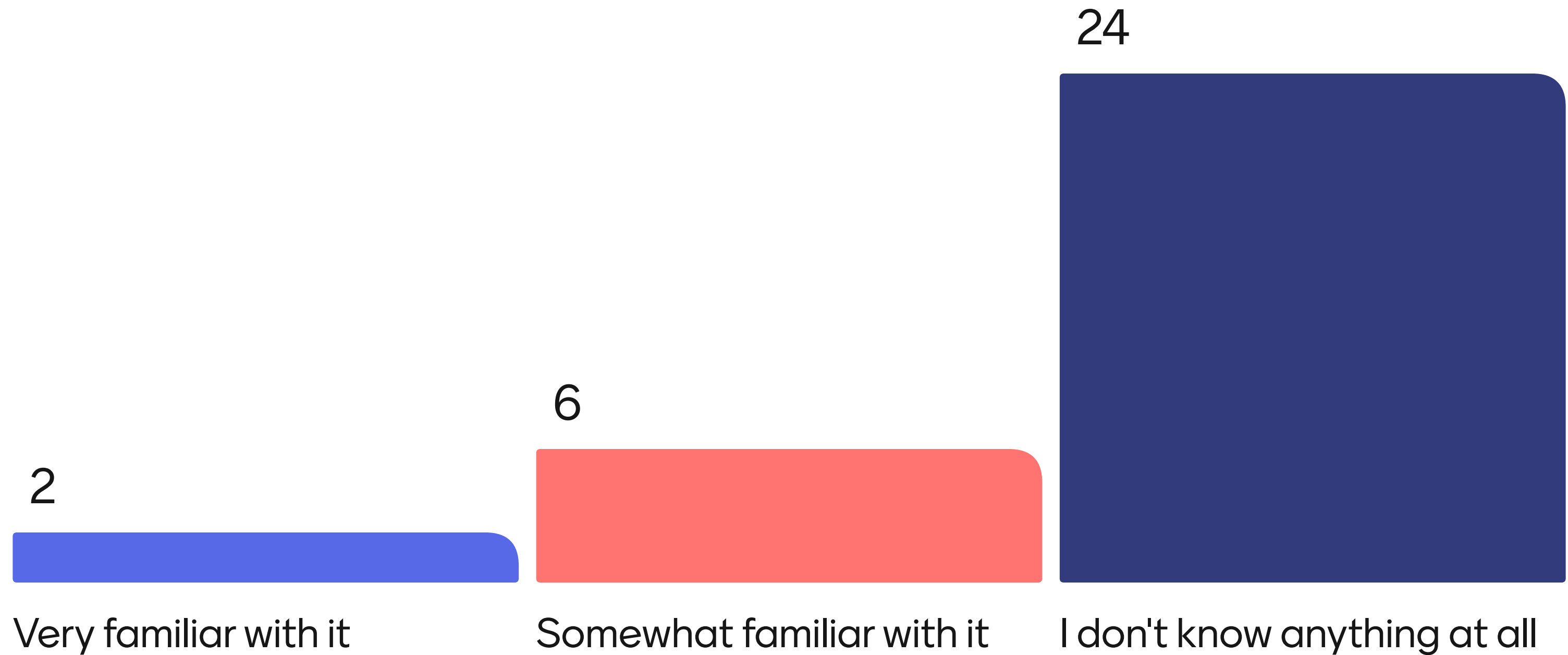
Presentation Overview

- Introduction
- Details of the law
- Why it's important
- Issues to consider
- Implications for education and enforcement

Have you heard about the new sidewalk user law?



How much do you know about the new sidewalk user law?

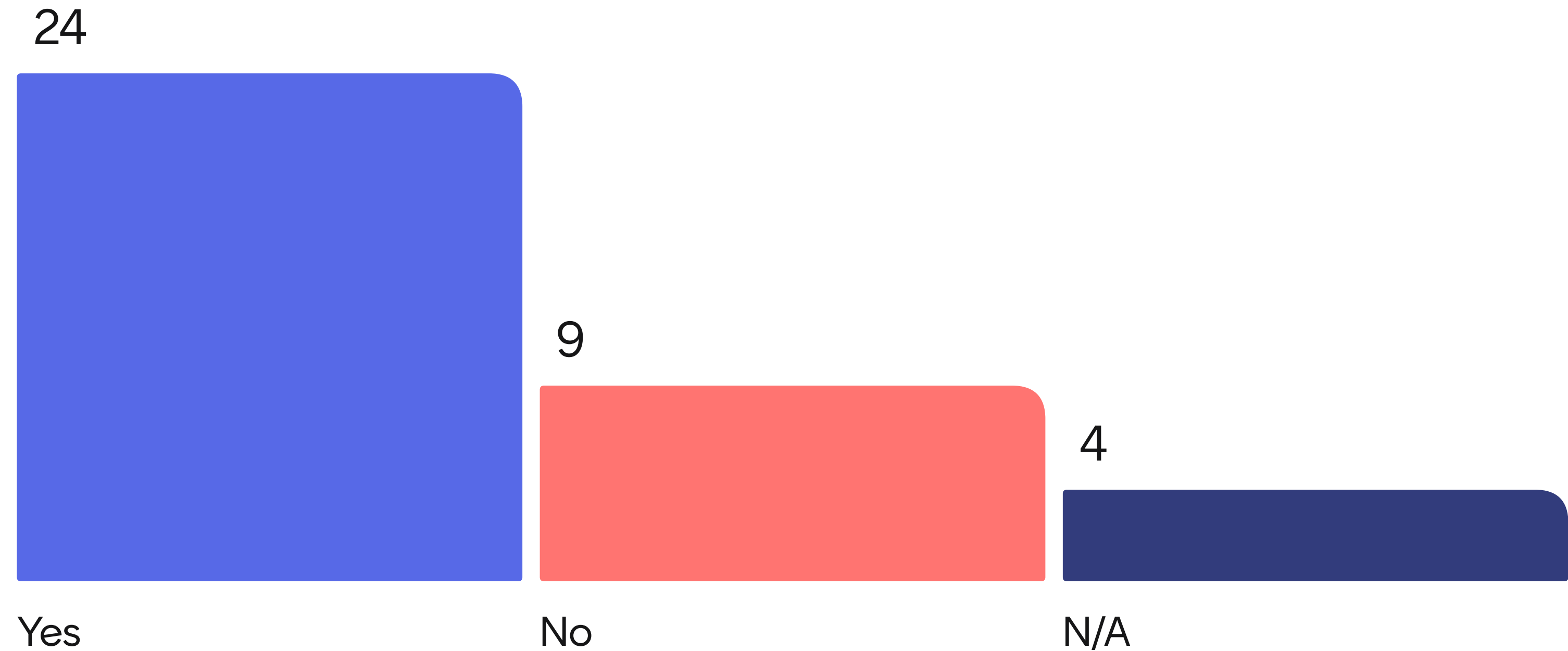


Introduction

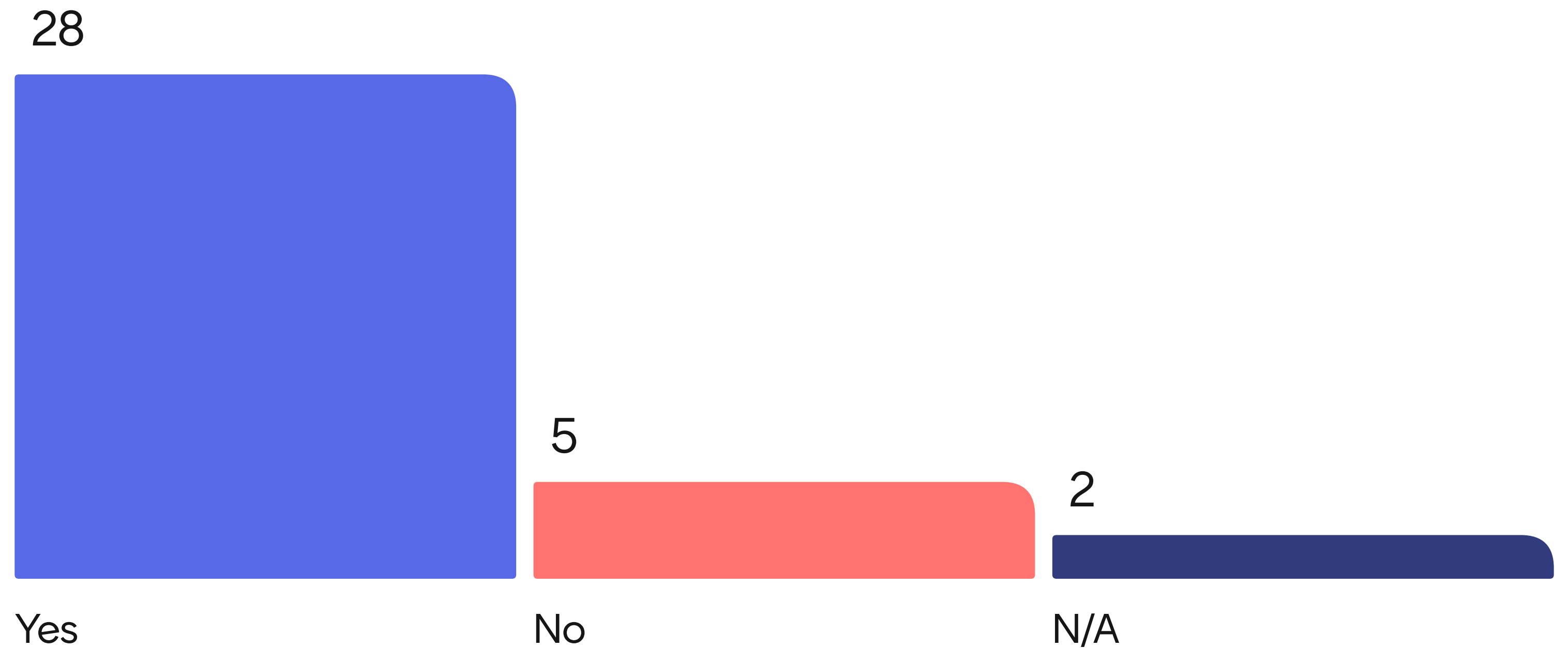
Basic premise of
the sidewalk user
law

- What it does:
 - Adds a new user group that is allowed to use the sidewalk
 - Provides specific rights and restrictions
- What problems it addresses:
 - Users of the sidewalk that are considered vehicles (e.g. bicyclists)
 - Users of the sidewalk that are not on foot (e.g. scooter riders, skateboarders, etc.)
- Who it affects:
 - Pedestrians
 - Bicyclists
 - Scooter riders
 - Skateboarders
 - Roller skaters
 - Drivers

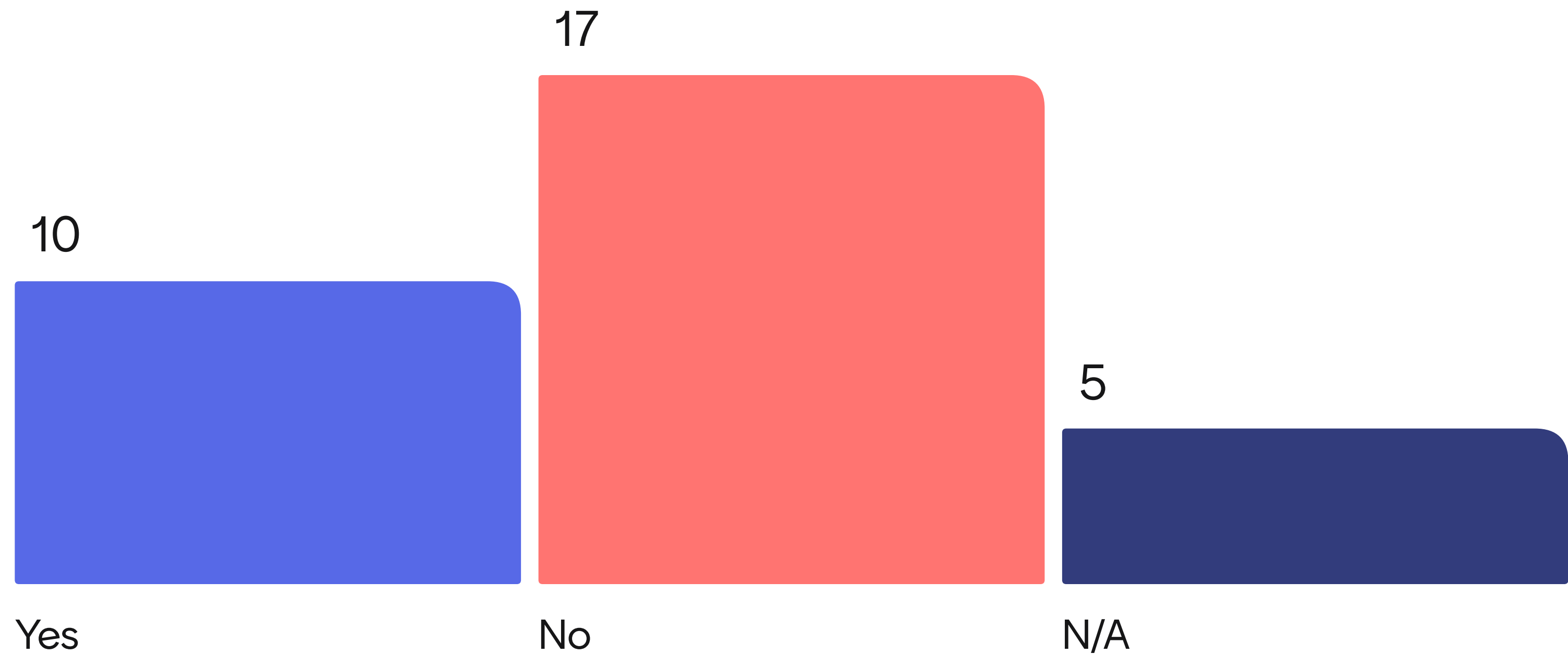
Have you used the sidewalk as a bicyclist?



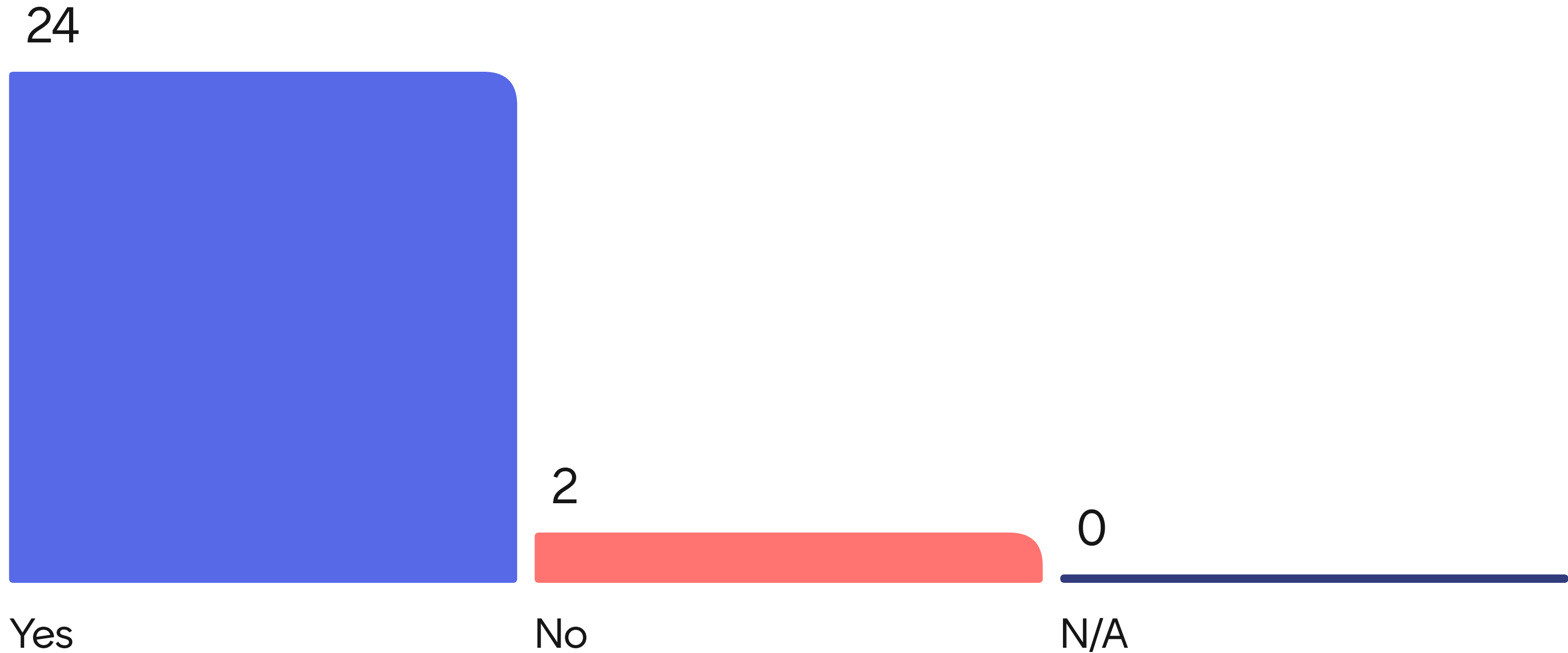
As a pedestrian have you ever had a conflict with a bicyclist or other sidewalk user on the sidewalk?



Have you used the sidewalk as a scooter rider, skateboarder or roller skater?



As a driver have you had a conflict with a bicyclist or other sidewalk user entering the crosswalk from the sidewalk?





Details of the Law

Law Details

- Certain pedestrian laws also apply to sidewalk users, someone who is lawfully operating on the sidewalk, using a:
 - A bicycle
 - A motor-assisted scooter
 - An electric personal assistive mobility device
 - A skateboard
 - Roller skates, or
 - A similar device.

(Sec. 541.001(6))

Law Details

The operator of a vehicle must stop and yield the right-of-way to a pedestrian **or sidewalk user** crossing a roadway in a crosswalk if:

- No traffic control signal is present or in operation, and the sidewalk user is:
 - On the half of the roadway in which the vehicle is traveling OR
 - Approaching so closely from the opposite half of the roadway as to be in danger.

- Motorists must stop and yield to pedestrians **and sidewalk users** who are in a marked crosswalk that is NOT at an intersection.

Law Details



Law Details

- Motorists making turns while the signal light is green or when there is a flashing yellow arrow are required to stop and yield the right-of-way to pedestrians **and sidewalk users** on their left and right.



- Unless motorists are making a turn in accordance with a green lighted arrow.

Law Details



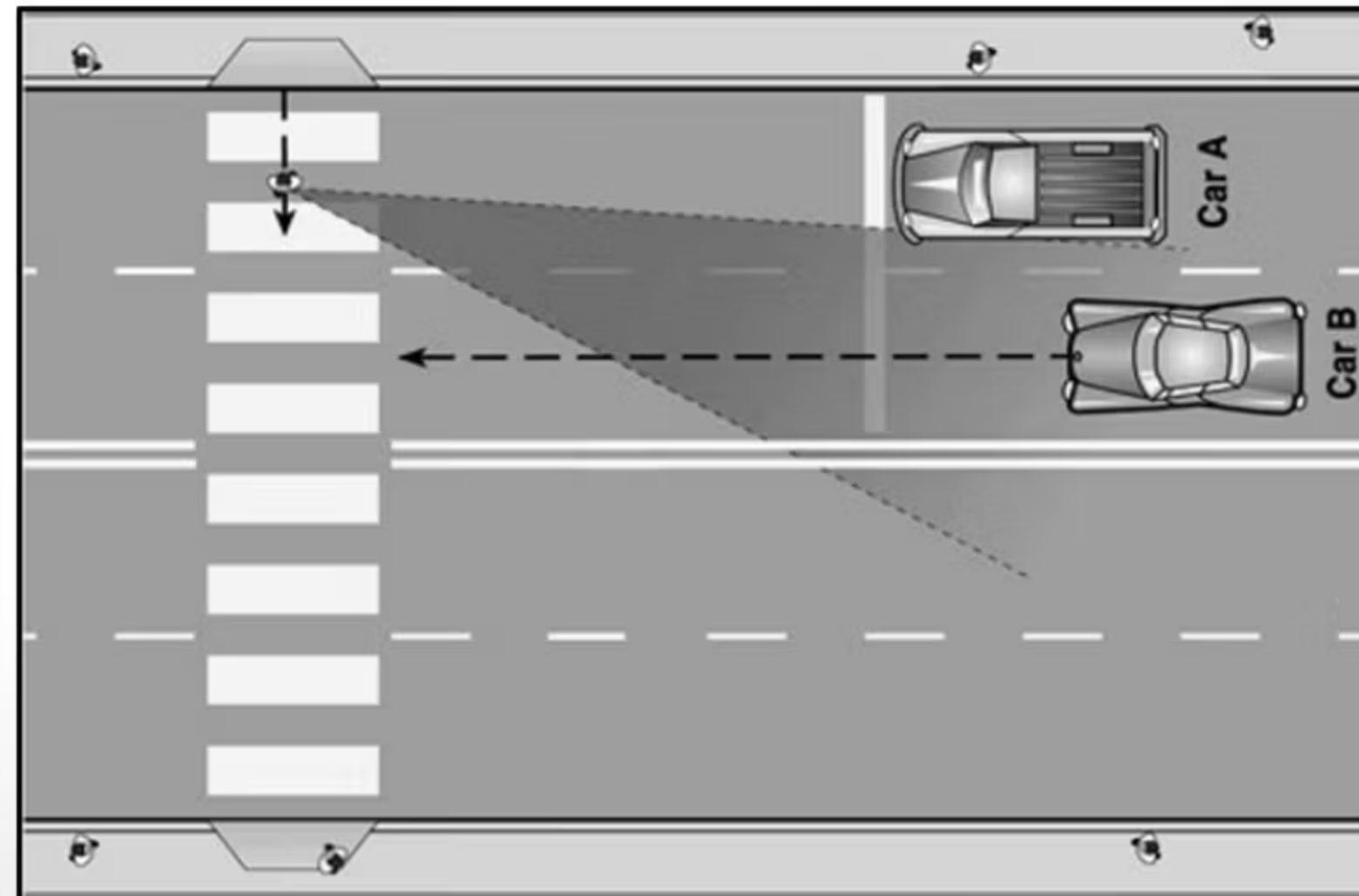
Law Details

- If the intersection uses a pedestrian only phase, driver and pedestrian movements each receive a separate signal phase where pedestrians cross from all directions at the same time.



Law Details

- The operator of a vehicle approaching from the rear of a vehicle that is stopped at a crosswalk to permit a pedestrian **or sidewalk user** to cross a roadway may not pass the stopped vehicle.



Law Details



- Right-of-way at signalized intersections is dictated by:
 - A separate pedestrian signal (if equipped).
 - If no pedestrian signals are installed or in operation, pedestrians **and sidewalk users** should cross a street when the signal light is green in their direction of travel.

Law Details

- **Pedestrians and sidewalk users** are required to follow the pedestrian signals and cross only on the walk signal.
 - Pedestrians and **sidewalk users** should not enter the crosswalk when it says DON'T WALK or WAIT or when the red hand is lit or flashing.



Law Details

- At 4-way intersections not controlled by a traffic signal, pedestrians **and sidewalk users** have the right-of-way at crosswalks, even with stop control only in one direction.



Law Details

- However, when crossing the road at a point other than a 4-way intersection or marked crosswalk a pedestrian **or sidewalk user** must yield the right-of-way to all vehicles.



Law Details

- A pedestrian **or sidewalk user** may not suddenly leave a curb or other place of safety and proceed into a crosswalk in the path of a vehicle so close that it is impossible for the vehicle operator to stop and yield.
- **A sidewalk user** may not approach or enter a crosswalk at a speed greater than is reasonable and prudent under the existing conditions and having regard for actual and potential existing hazards. For the purposes of this subsection, a speed greater than eight miles per hour is not reasonable and prudent.

Law Details

- Sidewalk User Right of Way at Stop Sign
 - **A sidewalk user** approaching an intersection with a stop sign shall:
 - Stop before entering the crosswalk, and
 - After stopping, yield the right-of-way to a vehicle that:
 - Has entered the intersection, or
 - Is approaching the intersection so closely as to be an immediate hazard to the sidewalk user entering or moving across the crosswalk.



Why the Sidewalk User Law is Important



What words do you think of when it comes to bicyclists or other sidewalk users on the sidewalk?



Why It's Important

History

Lisa Torry Smith Act (2021)

Sec. 545.428. MOTOR VEHICLE COLLISION INVOLVING PEDESTRIAN OR OTHER VULNERABLE ROAD USER WITHIN AREA OF CROSSWALK; OFFENSE.

(a) In this section:

- (1) "Electric personal assistive mobility device" has the meaning assigned by Section 551.201.
- (2) "Golf cart" has the meaning assigned by Section 551.401.
- (3) "Motor-assisted scooter" has the meaning assigned by Section 551.351.
- (4) "Neighborhood electric vehicle" has the meaning assigned by Section 551.301.

(b) **A person commits an offense if the person with criminal negligence:**

- (1) operates a motor vehicle within the area of a crosswalk; and**
- (2) causes bodily injury to a pedestrian or a person operating a bicycle, motor-assisted scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart.**

(c) An offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if the person described by Subsection (b)(2) suffered serious bodily injury.

(d) It is an affirmative defense to prosecution under this section that, at the time of the offense, the person described by Subsection (b)(2) was violating a provision of this subtitle relating to walking, movement, or operation in a crosswalk or on a roadway.

Why It's Important

Concerns

There are different schools of thought Lisa Torry Smith Act (545.428) clarified that a bicyclist lawfully crossing at a crosswalk has the right-of-way as compared to a motor vehicle operator.

- Without the specific mention of right-of-way, this part was not clear.
- An offense "with criminal negligence" is difficult to prove.
- The defense to prosecution is also a concern because the user may not be legally in the crosswalk.
- Confusion exists about the inclusion of a golf cart or neighborhood electric vehicle since these are considered motor vehicles and are prohibited from using a sidewalk.

Why It's Important

Concerns were addressed

- Sidewalk User law includes bicyclists and many other road users as “sidewalk users” and defines right-of-way laws in crosswalks (541.001(6)).
 - It adds "sidewalk users" to laws focused on pedestrians and right-of-way.
 - Sidewalk users are now defined in the law as:
 - A bicycle
 - A motor-assisted scooter
 - An electric personal assistive mobility device
 - A skateboard
 - Roller skates, or
 - A similar device.
- The Lisa Torry Smith Act and the Sidewalk User Law can now work together.

Why it's important

Now, with the
Sidewalk User
Law...

- People are granted the right to use the sidewalk as bicyclist, scooter rider, segway user, etc.
- We know how to treat them under the law.
- These users are protected at the crosswalk (marked and unmarked) in terms of right of way.
- Lisa Torry Smith Act (545.428) is in place for stiffer penalties if serious injury occurs and the vulnerable road user is legally using the crosswalk.



Issues to Consider



Issues to Consider

A sidewalk user may not approach or enter at a speed greater than eight (8) miles per hour – it is not reasonable and prudent.

- How will someone know their speed?
- How will this be measured/estimated by law enforcement?

8 MPH



Issues to Consider

- A sidewalk user approaching an intersection with a stop sign is required to stop before entering the crosswalk.
 - What happens when you are bicycling on the sidewalk in the opposite direction of moving traffic?
 - There will likely not be a stop sign visible on that side of the road for against-traffic movements.

Stop at Stop Signs

- In the list of sidewalk users, a similar device is listed. This could be something like:

Issues to Consider

A similar device



Issues to Consider

Pedestrian signal

- Pedestrians **and sidewalk users** are required to follow the pedestrian signals and cross only on the walk signal.
 - As a bicyclist or scooter rider, how realistic is it that you will stop when the Flashing Don't Walk starts.
 - Perhaps the countdown shows plenty of time to cross on your higher speed bike or scooter.
 - The Flashing Don't Walk/countdown is timed to give pedestrians ample time to cross the width of the roadway.

What issues do you think of when it comes to this new law?





Implications for Education & Enforcement



Education

- There is a lot to educate about!
- Confusion around bicyclists being a vehicle
 - What should education say about where to ride?
 - Maybe this is less of a priority?
- How would someone know if they are going over 8mph?
- Details of stop-controlled intersections.
- Shared use paths are becoming common – less confusion.

Enforce- ment

- People not knowing the law.
- Enforcing the 8mph.
- Enforcing stopping at a stop sign, especially when not facing one in your direction.
- Easier when responding to a crash that involves a motor vehicle and a sidewalk user.



Sidewalk User Law Video



Questions?



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