

Memorandum



CITY OF DALLAS

DATE May 30, 2014

TO Honorable Mayor and Members of the City Council

SUBJECT Bicycle Use Ordinance

On Wednesday, June 4, 2014, you will be briefed on the Bicycle Use Ordinance. The material for the briefing is attached.

Please contact me if you have any questions.

A handwritten signature in black ink, appearing to read 'Jill Jordan'.

Jill A. Jordan, P.E.
Assistant City Manager

c: A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, (I) First Assistant City Manager
Forest E. Turner, Assistant City Manager

Joey Zapata, Assistant City Manager
Charles M. Cato, (I) Assistant City Manager
Theresa O'Donnell, (I) Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Shawn Williams, (I) Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Bicycle Use Ordinance

Presented to the Dallas City Council

June 4, 2014



City of Dallas

Bicycle Use Ordinances

The Purpose of this briefing is to discuss potential changes to the following ordinances in the Dallas City Code:

- The “all age groups” bicycle helmet requirement (Sec 9-8 Dallas City Code)
- The prohibition of bicycles inside public buildings (Sec 9-2 Dallas City Code)

Quality of Life & Environment Committee Action

- On Monday, April 28, 2014, Quality of Life & Environment Committee members requested background information on the development and adoption of the 1996 bicycle helmet ordinance
- On Monday, May 12, 2014, Quality of Life & Environment Committee received public comment on the 1996 bicycle helmet ordinance and recommended advancing this item to full City Council for review and possible amendment of the ordinances

Speaker	In favor of removing all age requirement?
Robin Stallings – Bike Texas	Yes
Alex Dulaney – BikeDFW	Yes
Shelli Stephens-Stidham – Injury Prevention Center of Greater Dallas, Parkland Hospital	No
Shannon Page – Citizen	Yes
Bud Melton – Bowman-Melton Associates	Yes

SEC. 9-8

Bicycle Helmet Required

- (a) A person commits an offense if he operates or rides upon a bicycle or any side car, trailer, child carrier, seat, or other device attached to a bicycle without wearing a helmet.
- (b) A parent or guardian of a minor commits an offense if he knowingly causes or permits, or by insufficient control allows, the minor to operate or ride upon a bicycle or any side car, trailer, child carrier, seat, or other device attached to a bicycle, without the minor wearing a helmet.
- (c) A person commits an offense if he transports another person upon a bicycle or any side car, trailer, child carrier, seat, or other device attached to a bicycle, without the other person wearing a helmet.
- (d) It is a defense to prosecution under Subsection (a), (b), or (c) that:
 - (1) the bicycle was not being operated upon a public way at the time of the alleged offense; or
 - (2) for a first offense only, the person owns or has acquired a helmet for himself or his passenger, whichever is applicable, prior to appearance in municipal court.

Benefits of Helmet Legislation

- Lower incidence of child mortality and bicycle-related head injuries
- Injury rates were about 20 percent lower in states with helmet laws for minors.
- Research regarding safety benefits to adults are mixed in their results and this is an ongoing field of research

Note: Cited sources included in the Appendix

Detriments of Helmet Legislation

- Deter bicycle use or cause helmeted cyclists to behave less carefully.
- Helmet legislation does not change the rate of helmet use.
- Helmet laws are likely to have a large unintended negative health impact by discouraging cycling.
- Helmets are unlikely to save a cyclist involved in a higher-speed vehicle collision
- Low-income citizens (who are more likely to use bicycles for transportation) may not be able to afford to purchase bike helmets
- Helmet law enforcement tends to target low-income minority communities

Note: Cited sources included in the Appendix

Draft Helmet Ordinance Options

- **Option 1:** Delete the helmet requirement entirely. No one will be required to wear a bicycle helmet.
- **Option 2:** Amend the ordinance to require bicycle helmets for minors only. The helmet ordinance currently defines minors as “any person under 17 years of age.”

SEC. 9-2

Bicycles Prohibited in Public Buildings

- No person shall carry, push, propel, or ride an assembled or operable bicycle in any public building in the city.
(Adopted 6-12-1972)

The proposed change is to remove this prohibition in an effort to encourage more employees and the public to bicycle to work and public facilities.

Draft Bicycles Inside Public Buildings Options

- **Option 1:** No change to the ordinance. Bicycles will still be prohibited inside public buildings.
- **Option 2:** Delete the ordinance entirely. Bicycles will be allowed inside public buildings.

Discussion

Appendix, Bicycle Helmet Use Requirements in Peer Cities and States

Dallas, TX	All Ages
Seattle, WA	All Ages
Vancouver, BC	All Ages
Austin, TX	Under 18
Charlotte, NC	Under 16
Chicago, IL	Messengers Only
District of Columbia	Under 16
Fort Worth, TX	Under 18
Houston, TX	Under 18
New York, NY	Under 13

No known State laws requiring all age groups helmet use

Appendix, Ordinance No. 9-8

Prior Actions

Council Committee/ Commission	Action	Date
Health, Youth, and Human Services Committee	Requested a draft ordinance requiring bicycle helmets for all ages and one for under 17 years of age	October 9, 1995
Public Safety Committee	Briefed on the proposed ordinance by the City Attorney's Office	December 4, 1995
Youth Commission	Voted in opposition of proposed ordinance, but in support of bicycle training and education	December 14, 1995

Appendix

Prior Actions

Council Committee/ Commission	Action	Date
Human Services Commission	Voted in favor of proposed all ages ordinance	December 18, 1995
Health, Youth, and Human Services Committee & Youth Commission – Joint Public Hearing	Of the 73 people who spoke at the public hearing: <ul style="list-style-type: none"> • 44 Supported ordinance for all ages • 25 Supported ordinance for persons under 17 years of age • 4 Spoke in opposition to the ordinance 	January 23, 1996
Health, Youth, and Human Services Committee	Recommended that an open-age ordinance be forwarded to the full council with a recommendation for approval; the full council would determine the specific age group	February 12, 1996

Appendix

Prior Actions

Committee/Council	Action	Date
City Council Briefing	Staff briefing, summarized on pages 14- 17	May 15, 1996

Appendix

Issues from Briefing

- Bicycle related head injuries and deaths were a serious public health concern and a product of preventable accidents
 - In 1993 6,164 Texans died from accidents, 3,184 died from motor vehicle accidents and 57 were killed while riding bicycles
 - In Dallas, 1994 and 1995 surveys indicated that the number of cyclists who wore helmets averaged 5% – 23%
 - Only three cities in Texas had passed bicycle helmet ordinances
 - According to statistics, persons aged 0-19 have the highest percentage of bicycle-related head injuries and deaths; persons 60 and older have the second highest

Appendix

Issues from Briefing

- Concerned that:
 - A mandatory bicycle helmet ordinance would be difficult to enforce, could result in minimal or selective enforcement, and could be counterproductive to establishing positive community relationships
 - A mandated bicycle helmet ordinance may reduce bicycle ridership
 - The ordinance seeks to legislate behavior for only one of the many causes of head injuries
 - The cost of providing helmets for all of its bicycle riders may present a serious burden to some families
 - In order to be effective, helmets must be properly fitted and worn correctly
 - Conclusions from various studies were stated as being often contradictory, confusing, inconclusive, and debatable due to differences in interpretation and methodologies of data collection

Appendix

Staff Recommendations (1996)

- Enhance the existing bicycle public education program through the Dallas Police Department and the PWT's Bicycle Coordinator
 - Collaborate with private businesses to define ways of reducing the cost of helmets
 - Develop incentives and ways to increase the use of bicycle helmets
- If a helmet ordinance were to be approved by council, recommend that the ordinance mandate helmet use for persons of all ages

Appendix

May 22, 1996 Council Action

Motions	Option Details	Details Continued	Approval
Motion A	Helmet required for all		Voting Yes: 10 Voting No: 5
Motion B	Helmet required for under 17		Voting Yes: 4 Voting No: 11
Motion C	No penalty for violation & No notification requirements of bicycle dealers	Directed city manager to develop an education and outreach plan; and to provide a status report to council after twelve months	No Vote

Motion A and motion B both contained an amendment which required:

- A dealer to have a sign conspicuously posted on the dealer's premises notifying all customers that it is a city ordinance violation to operate or ride a bicycle without a helmet;
- Require that a dealer may not lease a bicycle to a person without determining through physical observation that a helmet is in the possession of each person who will operate or ride the bicycle

Appendix

Arguments FOR Bicycle Helmets

- “Bicycle helmet safety laws are associated with a lower incidence of fatalities in child cyclists involved in bicycle–motor vehicle collisions.” (Meehan *et al.* (2013))
- “...helmet laws are associated with reductions in bicycle-related head injuries among children. ... [T]he observed reduction in bicycle-related head injuries may be due to reductions in bicycle riding induced by the laws.” (Markowitz, S. and Chatterji, P. (2013))
- “Bicycle helmets were shown to significantly reduce the rates of both skull fractures and intracranial hemorrhage [in the West Virginia pediatric population (14yo and younger)] . Based on this, the expanded use of helmets within the pediatric population should continue to be encouraged both from an educational and legislative standpoint.” (Bergenstal *et al.* (2012))

Appendix

Arguments FOR Bicycle Helmets

- Bicycle helmet safety laws are associated with lower incidence of child mortality and bicycle-related head injuries when children are involved in bicycle-motor vehicle collisions. (Meehan *et al.* (2013))
- The Journal of Pediatrics published a study that analyzed statistics on U.S. bicyclists who were severely injured or killed between January 1999 and December 2009. The authors compared the injury and death rates among cyclists age 16 and younger in states with mandatory helmet laws for youngsters to rates in states without such laws. The study concluded that injury rates were about 20 percent lower in states with helmet laws. (Washington Post (June 2013))

Appendix

Arguments AGAINST Bicycle Helmets

- “Individuals show compensatory health behavior (e.g. safer cycling without helmet) to compensate for risky behavior.” (Messerli-Bürgy *et al.* (2013))
- “In jurisdictions where cycling is safe, a helmet law is likely to have a large unintended negative health impact [increased morbidity due to foregone exercise from reduced cycling]. In jurisdictions where cycling is relatively unsafe, helmets will do little to make it safer and a helmet law, under relatively extreme assumptions, may make a small positive contribution to net societal health.” (de Jong, P. (2012))
- “...helmet laws are associated with reductions in bicycle-related head injuries among children. ... [T]he observed reduction in bicycle-related head injuries may be due to reductions in bicycle riding induced by the laws.” (Markowitz, S. and Chatterji, P. (2013))
- “The California statewide helmet law was enacted in 1994, and required all cyclists under age 18 to be helmeted when riding a bicycle... The rate of helmet use did not change after California legislation, and head injury remains a major source of morbidity. Rates of abdominal injury over this time period did not change.” (Castle *et al.* (2012))

Appendix

Arguments AGAINST Bicycle Helmets

- Helmet laws have been hypothesized to deter bicycle use or cause helmeted cyclists to behave less carefully. (Constant and Lagarde (2010))
- In the US, studies have shown that helmet legislation does not change the rate of helmet use. (Castle *et al.* (2012))
- Where cycling is safe, a helmet law is likely to have a large unintended negative health impact by discouraging cycling. In jurisdictions where cycling is relatively unsafe, helmets will do little to make it safer. (de Jong (2012))

Appendix

Conflicting Research Findings

- “...helmet laws are associated with reductions in bicycle-related head injuries among children. ... [T]he observed reduction in bicycle-related head injuries may be due to reductions in bicycle riding induced by the laws.” (Markowitz, S. and Chatterji, P. (2013))
- “When it comes to cyclists, a systematic review shows that helmet use results on average in a 70% reduction in the risk of head injuries (Thompson *et al.* (2000)), but its use is mandatory in a limited number of countries, and encouraged in some. There is controversy over the relevance of mandatory use, which has been hypothesized to be a deterrent to bicycle use or to cause helmeted cyclists to behave less carefully (Robinson *et al.* (2007)). More research is needed in this area to assess how the local context may influence the impact of helmet promotion and of coercive rules.” (Constant and Lagarde (2010))

References

- de Jong, P. (2012), The Health Impact of Mandatory Bicycle Helmet Laws. *Risk Analysis*, 32: 782–790.
- Persaud *et al.* (2012), Nonuse of bicycle helmets and risk of fatal head injury: a proportional mortality, case–control study. *Canadian Medical Association Journal*, vol. 184, no. 17: E921-E923.
- Markowitz, S. and Chatterji, P. (2013), Effects of Bicycle Helmet Laws on Children’s Injuries. *Health Econ.*
- Meehan *et al.* (2013), Bicycle Helmet Laws Are Associated with a Lower Fatality Rate from Bicycle–Motor Vehicle Collisions. *The Journal of Pediatrics*, vol. 163, no. 3: 726–729.
- Castle *et al.* (2012). Bicycle Helmet Legislation and Injury Patterns in Trauma Patients Under Age 18. *Journal of Surgical Research*, vol. 173, no. 2: 327–331.
- Bergenstal *et al.* (2012). Pediatric Bicycle Injury Prevention and the Effect of Helmet Use: The West Virginia Experience. *West Virginia Medical Journal*, 108: 78-81.
- Messerli-Bürgy *et al.* (2013). The Influence of Self-efficacy and Compensatory Health Behavior in Bicycle Helmet Use. *Journal of Health Behavior and Public Health*, vol. 3, no. 2.
- Thompson *et al.* (2000) Helmets for preventing head and facial injuries in bicyclists. *Cochrane Database Syst Rev*. 2000:CD001855.
- Robinson DL. (2007) Bicycle helmet legislation: can we reach a consensus? *Accid Anal Prev*. 2007;39:86–93.
- Constant and Lagarde (2010). Protecting Vulnerable Road Users from Injury. *PLoS Med*. Mar 2010; 7(3): e1000228.

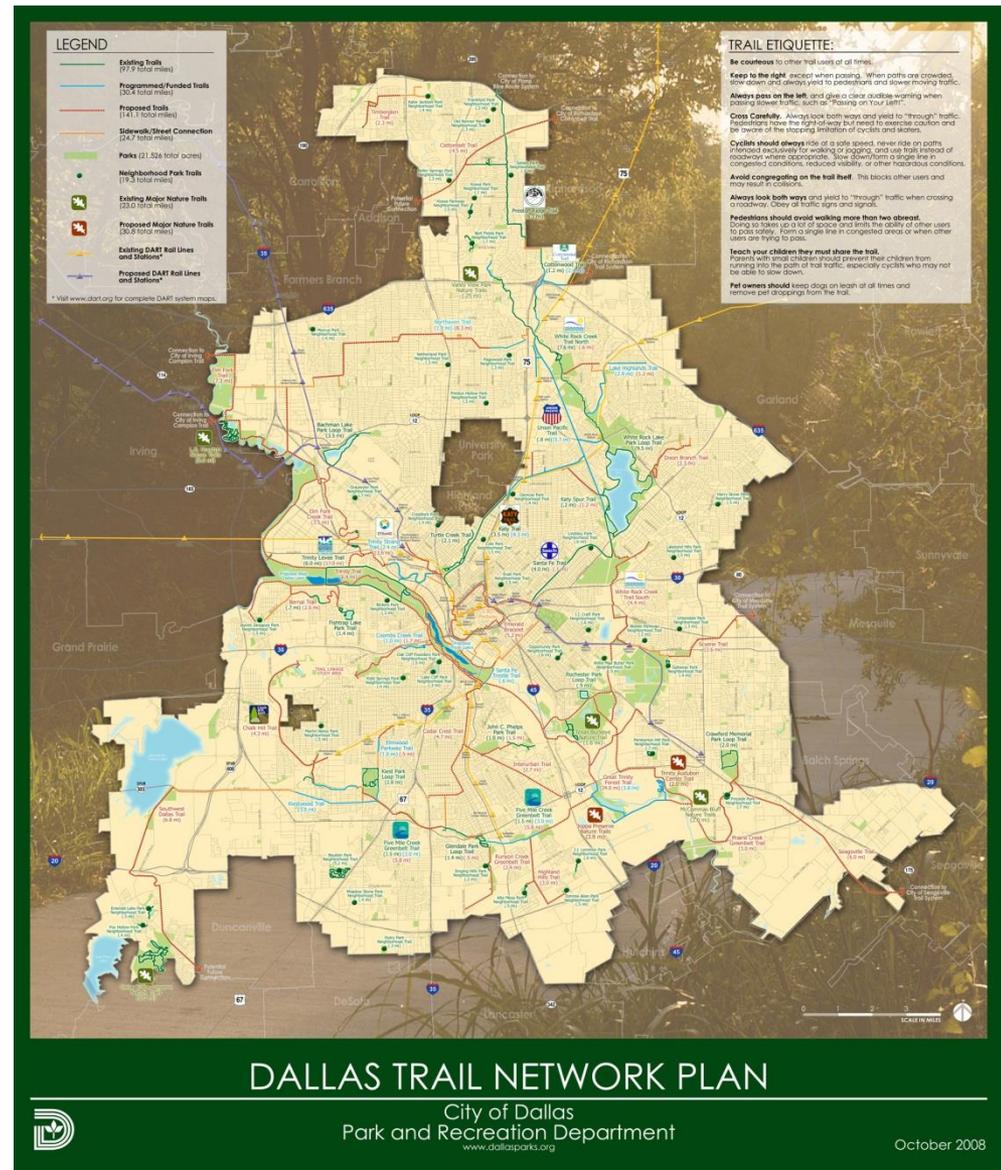
Appendix, Trail Network Master Plan

Status

- The Dallas Trail Network Master Plan was adopted in 2005
- Updated in 2008
- 302 miles of trail identified in plan

Trail Status	Miles
Completed Trails	130 miles
Funded Trails	44 miles
Unfunded Trails	128 miles

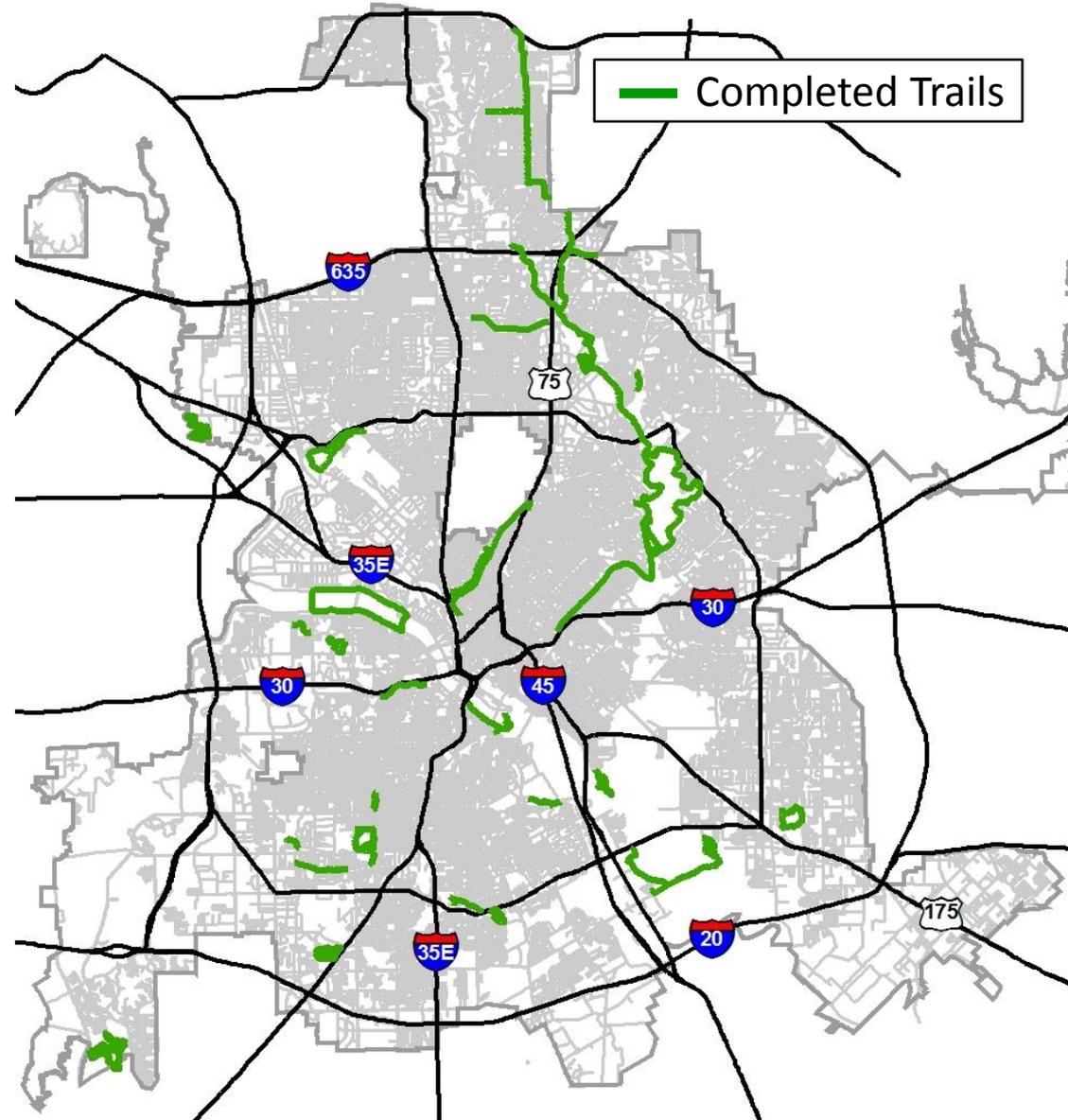
- Estimated Cost: \$192M
(basic trail without amenities)



Appendix, Trail Network Status

Completed Trails

- Completed Trails:
130 miles*

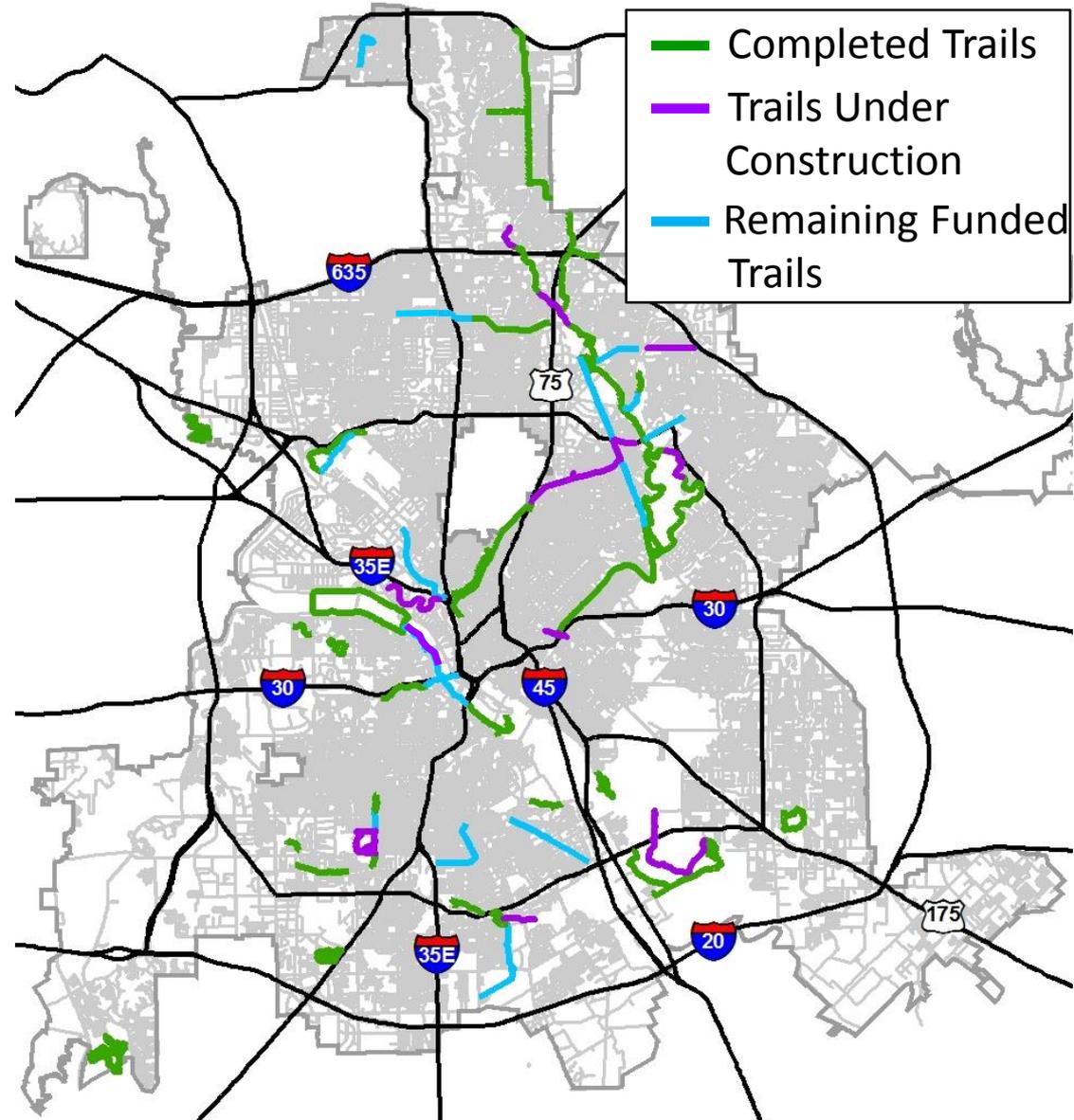


*Mileage estimate includes neighborhood loop trails (not shown)

Appendix, Trail Network Status

Funded Trails

- Funded Trails:
44 miles
- Consisting of Trails:
Under Construction-
22.2 miles
- Remaining to be built:
21.8 miles



Appendix, Integrated Trail Circuit

- Total Length: 141.5 miles

Trail Status	Miles
Completed Trails	29.8 miles
Funded Trails	21.1 miles
Unfunded Trails	90.6 miles

- Estimated Cost: \$140M
(basic trail without amenities)

