

TEXAS MUNICIPAL COURTS EDUCATION CENTER

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Bicycle and Pedestrian Law

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Traffic fatalities are often reported in terms of motorists, motorcyclists, bicyclists, or pedestrians. In recent years, of all deaths resulting from motor vehicle traffic crashes, pedestrians accounted for about 12% of the fatalities nationally. This is a scary number, considering we often disregard pedestrians as “traffic.”

With national movements encouraging Americans (and state movements encouraging Texans) to get active and walk, it is important for pedestrians and motor vehicle traffic to learn to share the road. This class will examine the laws related to pedestrians in Chapter 552 of the Transportation Code, including laws on who has the right of way.

By the end of the session, participants will be able to:

1. Discuss the importance of pedestrian and bicycle laws;
2. Identify laws applicable to regulation of pedestrians and bicycles; and
3. Explain administrative implications of pedestrian and bicycle laws.

Bicycle and Pedestrian Laws
Ryan Kellus Turner
General Counsel and Director of Education, TMCEC
AY 2012

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I. Pedestrian and Bicycle Laws have become Increasingly Important.

A. It's Recreation

1. Walking
2. Running
3. Biking

B. It's the Economy

1. Transportation costs are up.
2. Wages have become stagnant.
3. Unemployment has climbed

C. Walking and Biking are Means of Transportation

1. Texas Public Transportation (and the lack therefore of)
2. They are free (but you are not)
3. But they are not viewed comparably to other forms of transportation.

II. What Laws are Applicable to Pedestrian and Bicycles?

A. Federal Law

1. The National Traffic and Motor Vehicle Safety Act (49 USC 301)
2. Federal Motor Vehicle Safety Standards (49 CFR 571)

B. State Law

1. Operation of Bicycles, Mopeds, and Play Vehicles (Chapter 551 of the Transportation Code)
2. Pedestrians (Chapter 552 of the Transportation Code)

C. Local Law

1. County Regulations
2. Municipal Ordinances

III. What are the Administrative Implication of Pedestrian and Bicycle Laws?

A. Court Costs

1. Transportation Code
2. Ordinance

B. State Reporting

1. Department of Public Safety
2. Office of Court Administration

C. Probation

1. Driving Safety Course (Art. 45.0511, Code of Criminal Procedure)
2. Deferred Disposition (Art. 45.051, Code of Criminal Procedure)
3. Teen Court (Art. 45.052, Code of Criminal Procedure)

Fine-Only Offenses Committed By Bicyclist

Violating a duty under the Rules of the Road by a bicycle rider; Parent or guardian permitting child to violate Rules of the Road provision applicable to bicycle operator	TC	551.101	\$1-\$200	542.401	3506 (rider); Also applies to mopeds, electric bicycles, and motor-assisted scooters
Riding improperly on bicycle or moped seat	TC	551.102(a)	\$1-\$200	542.401	3508
Carrying more passengers than bicycle or moped is designed to carry	TC	551.102(b)	\$1-\$200	542.401	3509
Carrying an object that prevents bicycle rider from having at least one hand on handlebars	TC	551.102(c)	\$1-\$200	542.401	3501
Operator of bicycle, coaster, sled, toy vehicle, or roller skates clinging to a streetcar or vehicle on roadway	TC	551.102(d)	\$1-\$200	542.401	3502
Failure to ride bicycle or moped as near as practicable to the right side of the road (unless passing or turning left), or to the left side if traveling on a one-way road	TC	551.103(a),(b)	\$1-\$200	542.401	3503 (right side); 3507 (when passing)
Failure to ride in a single lane when riding bicycle/moped two abreast; Impeding flow of traffic when riding two abreast; Riding more than two abreast	TC	551.103(c)	\$1-\$200	542.401	3510
Operating bicycle or motor-assisted bike without or with a defective a brake	TC	551.104(a)	\$1-\$200	542.401	3504
Operating bicycle or motor-assisted bike at night without or with a defective white light on front and red reflector/light on rear	TC	551.104(b)	\$1-\$200	542.401	3505 (white light)
Using an electric bicycle on a prohibited highway	TC	551.106	\$1-\$200	542.401	
Improper operation of an electric personal assistive mobility device on a residential street, roadway, or public highway	TC	551.202	\$1-\$200	542.401	
Improper operation of a neighborhood electric vehicle on a street or highway	TC	551.303	\$1-\$200	542.401	
Improper operation of a motor assisted scooter on a street or highway	TC	551.352	\$1-\$200	542.401	
Improper operation of a golf cart on a highway	TC	551.403	\$1-\$200	542.401	

Fine-Only Offenses Committed BY Pedestrians

Public intoxication	PC	49.02	\$0-\$500	49.02(c)	3525 (if on or adjacent to highway); Enhanceable offense
Disobeying a police officer or school crossing guard	TC	542.501	\$1-\$200	542.401	3518
Pedestrian on a prohibited roadway (where city ordinance prohibits pedestrians)	TC	545.065 and city ordinance	varies	ordinance	3524 *NOTE* this is a city ordinance violation that would be reported to DPS
Pedestrian failure to obey traffic control signals	TC	552.001	\$1-\$200	542.401	3583 (red); 3584 (yellow)
Pedestrian disregarding pedestrian control signal	TC	552.002(c)	\$1-\$200	542.401	3582
Pedestrian entering path of vehicle	TC	552.003(b)	\$1-\$200	542.401	3521
Pedestrian failure to use right half of crosswalk when possible	TC	552.004	\$1-\$200	542.401	3516
Failure to yield right-of-way to vehicle not at crosswalk; Failure to yield right-of-way to vehicle when tunnel or crossing provided	TC	552.005(a)	\$1-\$200	542.401	3523 (not at crosswalk); 3522 (tunnel or crossing provided)
Jaywalking; Crossing between intersections where prohibited	TC	552.005(b) & (c)	\$1-\$200	542.401	3519 (jaywalking); 3517 (crossing where prohibited)
Pedestrian walking wrong way (with traffic) on highway (where no sidewalks provided); Walking on roadway where sidewalks are provided	TC	552.006(a) & (b)	\$1-\$200	542.401	3528 (wrong way); 3529 (not on sidewalk)
Standing in roadway to solicit ride, contribution, employment, or business	TC	552.007(a)	\$1-\$200	542.401	3526
Standing on or near a highway to solicit the watching or guarding of a vehicle parked or to be parked on the highway	TC	552.007(b)	\$1-\$200	542.401	3527
Carrying a white cane on public street or highway when not totally or partially blind	TC	552.010(a)	\$1-\$200	542.401	

Fine-Only Offenses Committed AGAINST Pedestrians

Disobeying a police officer or school crossing guard	TC	542.501	\$1-\$200	542.401	3121
Passing a school bus (failure to stop and remain stopped)	TC	545.066	\$200-\$1,000	545.066(c)	3021; Enhanceable offense
Failure to yield right-of-way to a pedestrian at a signal intersection	TC	552.002(b)	\$1-\$200	542.401	3114
Failure to yield right-of-way to a pedestrian in a crosswalk	TC	552.003(a)	\$1-\$200	542.401	3116; Fine is \$0-\$500 if crash occurs causing serious bodily injury or death to a blind or disabled person
Vehicle operator passing a vehicle stopped for a pedestrian	TC	552.003(c)	\$1-\$200	542.401	3093
Vehicle operator's failure to yield right-of-way to a pedestrian on a sidewalk crossing alley, building, private road, or driveway entrance	TC	552.006(c)	\$1-\$200	542.401	3115
Vehicle operator's failure to use due care for pedestrian or exercise proper caution for a child, confused, or incapacitated person	TC	552.008	\$1-\$200	542.401	3117 (pedestrian); 3118 (blind person); 3313 (careless driving)
Vehicle operator's failure to take necessary precautions to avoid injuring or endangering a pedestrian guided by an assistance animal or carrying a white cane	TC	552.010(b)	\$1-\$200	542.401	3118; Fine is \$0-\$500 if crash occurs causing serious bodily injury or death to a blind person

Pedestrian Laws and Safety

Statutory Supplement

▪ DEFINITIONS AND GENERAL PENALTIES

Transportation Code, Section 541.001. PERSONS.

In this subtitle:

- (1) "Operator" means, as used in reference to a vehicle, a person who drives or has physical control of a vehicle.
- (2) "Owner" means, as used in reference to a vehicle, a person who has a property interest in or title to a vehicle. The term:
 - (A) includes a person entitled to use and possess a vehicle subject to a security interest; and
 - (B) excludes a lienholder and a lessee whose lease is not intended as security.
- (3) "Pedestrian" means a person on foot.
- (4) "Person" means an individual, firm, partnership, association, or corporation.
- (5) "School crossing guard" means a responsible person who is at least 18 years of age and is designated by a local authority to direct traffic in a school crossing zone for the protection of children going to or leaving a school.

Transportation Code, Section 541.302. TRAFFIC AREAS.

In this subtitle:

- (1) "Alley" means a street that:
 - (A) is not used primarily for through traffic; and
 - (B) provides access to rear entrances of buildings or lots along a street.
- (2) "Crosswalk" means:
 - (A) the portion of a roadway, including an intersection, designated as a pedestrian crossing by surface markings, including lines; or
 - (B) the portion of a roadway at an intersection that is within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
- (5) "Highway or street" means the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.
- (8) "Limited-access or controlled-access highway" means a highway or roadway to which:
 - (A) persons, including owners or occupants of abutting real property, have no right of access; and
 - (B) access by persons to enter or exit the highway or roadway is restricted under law except at a place and in the manner determined by the authority that has jurisdiction over the highway or roadway.
- (9) "Private road or driveway" means a privately owned way or place used for vehicular travel and used only by the owner and persons who have the owner's express or implied permission.
- (11) "Roadway" means the portion of a highway, other than the berm or shoulder, that is improved, designed, or ordinarily used for vehicular travel. If a highway includes at least two separate roadways, the term applies to each roadway separately.
- (12) "Safety zone" means the area in a roadway officially designated for exclusive pedestrian use and that is protected or so marked or indicated by adequate signs as to be plainly visible at all times while so designated.
- (13) "School crossing zone" means a reduced-speed zone designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school during the time the reduced speed limit applies.
- (14) "School crosswalk" means a crosswalk designated on a street by a local authority to facilitate safe crossing of the street by children going to or leaving a public or private elementary or secondary school.
- (15) "Shoulder" means the portion of a highway that is:
 - (A) adjacent to the roadway;
 - (B) designed or ordinarily used for parking;
 - (C) distinguished from the roadway by different design, construction, or marking; and
 - (D) not intended for normal vehicular travel.
- (16) "Sidewalk" means the portion of a street that is:
 - (A) between a curb or lateral line of a roadway and the adjacent property line; and
 - (B) intended for pedestrian use.

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Transportation Code, Section 541.401. MISCELLANEOUS TERMS.

In this subtitle:

(8) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian that is approaching from a direction, at a speed, and within a proximity that could cause a collision unless one grants precedence to the other.

(10) "Stop" or "stopping" means:

- (A) when required, to completely cease movement; and
- (B) when prohibited, to halt, including momentarily halting, an occupied or unoccupied vehicle, unless necessary to avoid conflict with other traffic or to comply with the directions of a police officer or a traffic-control sign or signal.

Transportation Code, Section 542.401. GENERAL PENALTY.

A person convicted of an offense that is a misdemeanor under this subtitle for which another penalty is not provided shall be punished by a fine of not less than \$1 or more than \$200.

▪ TRANSPORTATION CODE, CHAPTER 552. PEDESTRIANS

Section 552.001. TRAFFIC CONTROL SIGNALS.

(a) A traffic control signal displaying green, red, and yellow lights or lighted arrows applies to a pedestrian as provided by this section unless the pedestrian is otherwise directed by a special pedestrian control signal.

(b) A pedestrian facing a green signal may proceed across a roadway within a marked or unmarked crosswalk unless the sole green signal is a turn arrow.

(c) A pedestrian facing a steady red signal alone or a steady yellow signal may not enter a roadway.

Section 552.002. PEDESTRIAN RIGHT-OF-WAY IF CONTROL SIGNAL PRESENT.

(a) A pedestrian control signal displaying "Walk," "Don't Walk," or "Wait" applies to a pedestrian as provided by this section.

(b) A pedestrian facing a "Walk" signal may proceed across a roadway in the direction of the signal, and the operator of a vehicle shall yield the right-of-way to the pedestrian.

(c) A pedestrian may not start to cross a roadway in the direction of a "Don't Walk" signal or a "Wait" signal. A pedestrian who has partially crossed while the "Walk" signal is displayed shall proceed to a sidewalk or safety island while the "Don't Walk" signal or "Wait" signal is displayed.

Section 552.003. PEDESTRIAN RIGHT-OF-WAY AT CROSSWALK.

(a) The operator of a vehicle shall yield the right-of-way to a pedestrian crossing a roadway in a crosswalk if:

- (1) no traffic control signal is in place or in operation; and
- (2) the pedestrian is:
 - (A) on the half of the roadway in which the vehicle is traveling; or
 - (B) approaching so closely from the opposite half of the roadway as to be in danger.

(b) Notwithstanding Subsection (a), a pedestrian 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 yield.

(c) The operator of a vehicle approaching from the rear of a vehicle that is stopped at a crosswalk to permit a pedestrian to cross a roadway may not pass the stopped vehicle.

(d) If it is shown on the trial of an offense under Subsection (a) that as a result of the commission of the offense a collision occurred causing serious bodily injury or death to a visually impaired or disabled person, the offense is a misdemeanor punishable by:

- (1) a fine of not more than \$500; and
- (2) 30 hours of community service to an organization or agency that primarily serves visually impaired or disabled persons, to be completed in not less than six months and not more than one year.

(d-1) A portion of the community service required under Subsection (d)(2) shall include sensitivity training.

(e) For the purposes of this section:

- (1) "Visually impaired" has the meaning assigned by Section 91.002, Human Resources Code.
- (2) "Disabled" means a person who cannot walk without the use or assistance of:

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- (A) a device, including a brace, cane, crutch, prosthesis, or wheelchair; or
- (B) another person.

(f) If conduct constituting an offense under this section also constitutes an offense under another section of this code or the Penal Code, the actor may be prosecuted under either section or both sections.

Penal Code, Section 1.07. DEFINITIONS.

(46) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Section 552.004. PEDESTRIAN TO KEEP TO RIGHT.

A pedestrian shall proceed on the right half of a crosswalk if possible.

Section 552.005. CROSSING AT POINT OTHER THAN CROSSWALK.

- (a) A pedestrian shall yield the right-of-way to a vehicle on the highway if crossing a roadway at a place:
 - (1) other than in a marked crosswalk or in an unmarked crosswalk at an intersection; or
 - (2) where a pedestrian tunnel or overhead pedestrian crossing has been provided.
- (b) Between adjacent intersections at which traffic control signals are in operation; a pedestrian may cross only in a marked crosswalk.
- (c) A pedestrian may cross a roadway intersection diagonally only if and in the manner authorized by a traffic control device.

Section 552.006. USE OF SIDEWALK.

- (a) A pedestrian may not walk along and on a roadway if an adjacent sidewalk is provided and is accessible to the pedestrian.
- (b) If a sidewalk is not provided, a pedestrian walking along and on a highway shall if possible walk on:
 - (1) the left side of the roadway; or
 - (2) the shoulder of the highway facing oncoming traffic.
- (c) The operator of a vehicle emerging from or entering an alley, building, or private road or driveway shall yield the right-of-way to a pedestrian approaching on a sidewalk extending across the alley, building entrance or exit, road, or driveway.

Section 552.007. SOLICITATION BY PEDESTRIANS.

- (a) A person may not stand in a roadway to solicit a ride, contribution, employment, or business from an occupant of a vehicle, except that a person may stand in a roadway to solicit a charitable contribution if authorized to do so by the local authority having jurisdiction over the roadway.
- (b) A person may not stand on or near a highway to solicit the watching or guarding of a vehicle parked or to be parked on the highway.
- (c) In this section, "charitable contribution" means a contribution to an organization defined as charitable by the standards of the United States Internal Revenue Service.

Section 552.0071. LOCAL AUTHORIZATION FOR SOLICITATION BY PEDESTRIAN.

- (a) A local authority shall grant authorization for a person to stand in a roadway to solicit a charitable contribution as provided by Section 552.007(a) if the persons to be engaged in the solicitation are employees or agents of the local authority and the other requirements of this section are met.
- (b) A person seeking authorization under this section shall file a written application with the local authority not later than the 11th day before the date the solicitation is to begin. The application must include:
 - (1) the date or dates and times when the solicitation is to occur;
 - (2) each location at which solicitation is to occur; and
 - (3) the number of solicitors to be involved in solicitation at each location.
- (c) This section does not prohibit a local authority from requiring a permit or the payment of reasonable fees to the local authority.
- (d) The applicant shall also furnish to the local authority advance proof of liability insurance in the amount of at least \$1 million to cover damages that may arise from the solicitation. The insurance must provide coverage against claims against the applicant and claims against the local authority.
- (e) A local authority, by acting under this section or Section 552.007, does not waive or limit any immunity from liability applicable under law to the local authority. The issuance of an authorization under this section and the conducting of the solicitation authorized is a governmental function of the local authority.

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(f) Notwithstanding any provision of this section, the existing rights of individuals or organizations under Section 552.007 are not impaired.

(g) For purposes of a solicitation under Subsection (a), a roadway is defined to include the roadbed, shoulder, median, curbs, safety zones, sidewalks, and utility easements located adjacent to or near the roadway.

Section 552.008. DRIVERS TO EXERCISE DUE CARE.

Notwithstanding another provision of this chapter, the operator of a vehicle shall:

- (1) exercise due care to avoid colliding with a pedestrian on a roadway;
- (2) give warning by sounding the horn when necessary; and
- (3) exercise proper precaution on observing a child or an obviously confused or incapacitated person on a roadway.

Section 552.009. ORDINANCES RELATING TO PEDESTRIANS.

A local authority may by ordinance:

- (1) require pedestrians to comply strictly with the directions of an official traffic control signal; and
- (2) prohibit pedestrians from crossing a roadway in a business district or a designated highway except in a crosswalk.

Section 552.010. BLIND PEDESTRIANS.

(a) No person may carry a white cane on a public street or highway unless the person is totally or partially blind.

(b) The driver of a vehicle approaching an intersection or crosswalk where a pedestrian guided by an assistance animal or carrying a white cane is crossing or attempting to cross shall take necessary precautions to avoid injuring or endangering the pedestrian. The driver shall bring the vehicle to a full stop if injury or danger can be avoided only by that action.

(c) If it is shown on the trial of an offense under this section that as a result of the commission of the offense a collision occurred causing serious bodily injury or death to a blind person, the offense is a misdemeanor punishable by:

- (1) a fine of not more than \$500; and
- (2) 30 hours of community service to an organization or agency that primarily serves visually impaired or disabled persons, to be completed in not less than six months and not more than one year.

(c-1) A portion of the community service required under Subsection (c)(2) shall include sensitivity training.

(d) For the purposes of this section:

- (1) "Assistance animal" has the meaning assigned by Section 121.002, Human Resources Code.
- (2) "White cane" has the meaning assigned by Section 121.002, Human Resources Code.

(e) If conduct constituting an offense under this section also constitutes an offense under another section of this code or the Penal Code, the actor may be prosecuted under either section or both sections.

Penal Code, Section 1.07. DEFINITIONS.

(46) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

▪ OTHER PEDESTRIAN LAWS

Transportation Code, Section 542.501. OBEDIENCE REQUIRED TO POLICE OFFICERS AND TO SCHOOL CROSSING GUARDS.

A person may not wilfully fail or refuse to comply with a lawful order or direction of:

- (1) a police officer; or
- (2) a school crossing guard who:
 - (A) is performing crossing guard duties in a school crosswalk to stop and yield to a pedestrian; or
 - (B) has been trained under Section 600.004 and is directing traffic in a school crossing zone.

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Transportation Code, Section 545.066. PASSING A SCHOOL BUS; OFFENSE.

- (a) An operator on a highway, when approaching from either direction a school bus stopped on the highway to receive or discharge a student:
- (1) shall stop before reaching the school bus when the bus is operating a visual signal as required by Section 547.701; and
 - (2) may not proceed until:
 - (A) the school bus resumes motion;
 - (B) the operator is signaled by the bus driver to proceed; or
 - (C) the visual signal is no longer actuated.
- (b) An operator on a highway having separate roadways is not required to stop:
- (1) for a school bus that is on a different roadway; or
 - (2) if on a controlled-access highway, for a school bus that is stopped:
 - (A) in a loading zone that is a part of or adjacent to the highway; and
 - (B) where pedestrians are not permitted to cross the roadway.
- (c) An offense under this section is a misdemeanor punishable by a fine of not less than \$200 or more than \$1,000, except that the offense is:
- (1) a Class A misdemeanor if the person causes serious bodily injury to another; or
 - (2) a state jail felony if the person has been previously convicted under Subdivision (1).
- (d) The court may order that the driver's license of a person convicted of a second or subsequent offense under this section be suspended for not longer than six months beginning on the date of conviction. In this subsection, "driver's license" has the meaning assigned by Chapter 521.
- (e) If a person does not pay the previously assessed fine or costs on a conviction under this section, or is determined by the court to have insufficient resources or income to pay a fine or costs on a conviction under this section, the court may order the person to perform community service. The court shall set the number of hours of service under this subsection.
- (f) For the purposes of this section:
- (1) a highway is considered to have separate roadways only if the highway has roadways separated by an intervening space on which operation of vehicles is not permitted, a physical barrier, or a clearly indicated dividing section constructed to impede vehicular traffic; and
 - (2) a highway is not considered to have separate roadways if the highway has roadways separated only by a left turn lane.

Distracted Pedestrians

Supplemental Reading

- **States' Lawmakers Turn Attention to the Dangers of Distracted Pedestrians**
 - http://www.nytimes.com/2011/01/26/us/26runners.html?_r=1&emc=eta1
 - Ubiquity of interactive electronic devices as a distraction has led to proposed legislation out of the car and into the exercise routine of pedestrians, joggers, and bicyclists.
 - Proponents argue that multi-tasking through use of devices can create “auditory masking” that drowns out external sounds.
 - Opponents argue it’s an infringement on personal rights – people need to take responsibility for their own stupidity.
 - CA State Senator Joe Simitian said, “[e]fforts to legislate against distraction outside the car could diminish the seriousness of hard-fought campaigns and laws meant to curb distracted driving.”
- **Deaths on the Rise for Distracted Pedestrians (clip played in class)**
 - <http://www.cbsnews.com/stories/2011/01/26/eveningnews/main7287295.shtml>
 - In NC, a student was killed by a bus while jogging and listening to music.
 - In CA and AL, individuals were hit by trains while on their phones.
 - After four consecutive years of decline, the latest numbers show an increase in pedestrian deaths and the evidence suggests electronic devices are the culprit.
 - No matter how well intentioned the law, some wonder whether this should be a law enforcement priority.
 - In OR, there was pending legislation banning *cyclists* from using mobile phones and music players while riding.
 - See related story: **Salem Watch: Headphone bill pulled from committee agenda**
<http://bikeportland.org/2011/02/09/salem-watch-headphone-bill-pulled-from-committee-agenda-47630>
 - HB 2602, a bill proposed by OR State Representative Mike Schaufler, was pulled from the committee agenda and Rep. Schaufler’s office said they didn’t believe there was any momentum for this bill to move forward.
 - In NY, a state senator wants to ban the use of devices while crossing the street – imposing a \$100 fine.
 - SB 1945 (NY) was referred to Transportation Committee on Jan. 14, 2011:
<http://open.nysenate.gov/legislation/bill/S1945-2011>
 - See related story: **Bereaved mom slaps Kruger**
http://www.yournabe.com/articles/2011/02/14/brooklyn/courier-yn_brooklyn_front_page-bn_kruger_ipod_2011_2_14_bk.txt
 - A grief-stricken mom says NY State Senator Carl Kruger is using her dead son to promote a bill that will force people to shut off their iPods when they cross the street — even though her child’s death had nothing to do with the popular device.
 - The truck that killed the man was backing up against traffic.
 - Kruger submitted his anti-iPod listening bill on Jan. 14. This is its second go-around: He introduced the same bill in 2007, but it never caught any steam and died in committee.
 - It appears that the rebooted bill may suffer the same fate. Kruger’s colleagues in Albany apparently consider the bill a triviality, and no one has co-sponsored it.
 - Even Transportation Alternatives, advocates of pedestrian safety, have shot it down.

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- Kruger said he didn't know if his office received King's letter, but was unapologetic about upsetting a grieving mother. "We used the information that was supplied to us at the time," Kruger said, adding that several newspapers noted that Jason King was listening to his iPod when he was killed. "All we did was use the accident, as depicted, to make a point."
- **Caution: Walking and Cell Phones Don't Mix**
 - <http://www.npr.org/templates/story/story.php?storyId=100980281&sc=emaf>
 - Preoccupied pedestrians, who become absorbed in their devices, can create a loss of "situational awareness," similar to that of distracted drivers.
 - Brian Fligor, who directs the diagnostic audiology program at the Children's Hospital of Boston and teaches at Harvard Medical School says, distractions can be a "public health" issue because "if pedestrians' ears are occupied by some sound, whether it's another person's voice or a podcast, it may isolate them from sounds they may need to hear, such as the train whistle, the ambulance siren, the car horn, the bike messenger's bell."
 - NPR found at least 11 cases in 2008 alone in which pedestrians' use of portable electronics may have played a role in their deaths, based on news accounts and on information from the emergency physicians group. Most of those deaths involved trains.
 - Widespread use of the technology is relatively new, and no uniform reporting system exists among states.
 - "Unfortunately, you can't legislate common sense," says Joe Farren, a spokesman for CTIA, a wireless industry trade group. "We always encourage people to put safety first. If that means waiting to listen to or make a phone call, wait."
- **Texting and Walking: Dangerous Mix**
 - <http://www.time.com/time/business/article/0,8599,1724522,00.html>
 - In 2008, Living Streets, a well-known charity dedicated to making cities more pedestrian-friendly, conducted an unscientific survey of 1,000 texting Brits and found that 1 in 10 — or, potentially, 6.5 million people nationwide — had suffered injuries while texting and walking.
 - George Branyan, pedestrian coordinator for the District of Columbia Department of Transportation, says that in most pedestrian accidents, neither text messaging nor iPod oblivion are major factors. Most pedestrian accidents, according to Branyan, happen because people jaywalk or drivers ignore existing traffic laws — which require, for example, yielding to pedestrians in the crosswalk, heeding the speed limit and stopping at red lights.
 - When the Department of Transportation and the D.C. police recently conducted a two-month street-safety campaign, Branyan said undercover cops at crossings and pull-over police units issued 6,000 tickets — two-thirds to drivers and one-third to pedestrians for jaywalking.
- **States Consider Walking and Texting Ban**
 - http://www.newsnet5.com/dpp/news/local_news/walking-and-texting-ban
 - "It's not just distracted drivers. We focus a lot on distracted drivers, but we also need to focus on distracted walkers and joggers," said Jonathan Adkins, a spokesman for the Governors Highway Safety Association, a nonprofit organization representing state highway safety offices.
 - The proposal in Arkansas would ban pedestrians from wearing headphones in both ears while on, parallel, or adjacent to a street, road, intersection, or highway. The measure also applies to runners and cyclists and would allow pedestrians to wear headphones in one ear.
 - Most states have been tackling distracted driving in some fashion, with 30 states and the District of Columbia banning texting while driving. Many states also have put other restrictions on the use of cell phones, particularly by teen drivers.
 - The proposed restrictions come as safety advocates say they're worried about a slight increase in the number of pedestrian fatalities. The Governors Highway Safety Association

Distracted Pedestrians

- earlier this month reported that pedestrian fatalities rose slightly in the first half of 2010 compared to the same period in 2009. If the second half of the year shows no change, the group said, it would mark an end to four years of decreases.
- Nationally, pedestrians make up about 12 percent of traffic fatalities, the group said. Adkins said the group is not backing any proposals to criminalize headphones, calling, or texting by pedestrians. He said the group would rather see increased public education on the dangers of walking or running while distracted.
 - AR State Senator Jimmy Jeffress said his legislation, which does not spell out any penalty for a violation, is aimed more at increasing awareness than punishing pedestrians.
 - See related story: **Arkansas Lawmaker Drops Proposal to Keep Walkers from Wearing Headphones**
 - <http://www.5newsonline.com/news/northwestarkansas/kfsm-news-nwa-arkansas-could-ban-pedestrian-headphones,0,4604712.story>
 - Sen. Jeffress told The Associated Press on Tuesday that he decided to withdraw his measure aimed at cracking down on distracted pedestrians; he understood his proposal didn't have a chance of passing but felt he was successful in drawing more attention to the issue.
 - Jeffress told the AP he received many e-mails opposing his bill; opponents say pedestrians should use their own judgment.
 - Hands-Free Info.com Distracted Walking Law, Legislation
 - <http://handsfreeinfo.com/category/bicycles-walking>
 - Discusses and links to Kruger's NY SB 1945
 - Kruger has harsh words for Jeffress' (AR) quick surrender: "I don't know the legislator, but shame on him because in the process that goes forward, it's not a question of whether or not you pass a bill. You also file a bill because it may be a cornerstone for others to use."