

CITY OF BOISE

To: Mayor and Council

FROM: Ralph Blount, Assistant City Attorney

ORDINANCE NUMBER: O-69-09

DATE: Wednesday, December 09, 2009

SUBJECT: A Request for Approval: An ordinance amending Boise City Code Title 10, Chapter 10, Driving Rules and Regulations; amending Section 01, pertaining to right of way at intersections, and requiring left turning motorists to yield to oncoming bicyclists and prohibiting motorists from turning right after overtaking a bicyclist unless the maneuver can be executed without the bicyclist having to brake or take evasive action to avoid colliding with the motorist's vehicle; amending Section 04, pertaining to overtaking and passing vehicles and bicycles, requiring the operator of a motor vehicle overtaking a bicycle or pedestrian on a highway to, whenever possible, maintain a distance of not less than three feet until safely past the overtaken bicycle or individual; and adding a new Section 14, pertaining to harassment of bicyclists and pedestrians, defining the conduct as a misdemeanor where any person, maliciously and with the specific intent to intimidate or harass or cause another person to crash, stumble, or fall because that other person is walking along the roadway or operating a bicycle along the roadway, to (1) threaten, by word or act, to cause physical injury to the pedestrian or bicyclist, or (2) throw or otherwise expel any object at or in the direction of the pedestrian or bicyclist.

ACTION REQUIRED: Approval of Amendment of Boise City Code Title 10, Chapter 10, Driving Rules and Regulations, amending Sections 01 and 04, and adding a new Section 14.

RECOMMENDATION: Approve the Ordinance

FISCAL IMPACT/BUDGET IMPLICATIONS: None

BACKGROUND: At the request of the Mayor, the Bicycle Safety Taskforce and the Legal Department have reviewed Title 10, Chapter 10, Driving Rules and Regulations. The Bicycle Safety Taskforce recommends amending Section 01, pertaining to right of way at intersections, to require left turning motorists to yield to oncoming bicyclists and to prohibit motorists from turning right after overtaking a bicyclist unless the maneuver can be executed without the bicyclist having to brake or take evasive action to avoid colliding with the motorist's vehicle. Additionally, the Taskforce recommends amending Section 04, pertaining to overtaking and passing vehicles and bicycles, to require the operator of a motor vehicle overtaking a bicycle or pedestrian on a highway to, whenever

possible, maintain a distance of not less than three feet until safely past the overtaken bicycle or individual. Finally, the Taskforce recommends adding a new Section 14, pertaining to harassment of bicyclists and pedestrians, to define as a new misdemeanor crime intimidation or harassment intended to cause another person to crash, stumble, or fall because that other person is walking along the roadway or operating a bicycle along the roadway, where the conduct is either a threat, by word or act, to cause physical injury to the pedestrian or bicyclist, or the throwing or otherwise expelling of any object at or in the direction of the pedestrian or bicyclist.

The Boise City Legal Department recommends adoption of the attached ordinance as a part of a three piece ordinance package designed to address bicycle, motorist, and pedestrian safety.

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,
JORDAN, SHEALY AND THOMSON

AN ORDINANCE AMENDING TITLE 10, CHAPTER 10, BOISE CITY CODE, DRIVING RULES AND REGULATIONS, AMENDING SECTION 01, RIGHT-OF-WAY AT INTERSECTIONS, REGARDING SAFE RIGHT AND LEFT TURNS AND INTERACTION WITH BICYCLES, AMENDING SECTION 04, OVERTAKING AND PASSING VEHICLES, TO ADD A NEW SUBSECTION REGARDING MAINTAINING THREE FEET OF DISTANCE WHEN PASSING A BICYCLE OR INDIVIDUAL, ENACTING A NEW SECTION 14, PROHIBITING HARRASSMENT OF BICYCLISTS AND PEDESTRIANS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That Title 10, Chapter 10, Section 01, Boise City Code, be and the same is hereby amended to read as follows:

Section 10-10-01 RIGHT-OF-WAY AT INTERSECTIONS

- A. When two (2) vehicles enter or approach an unmarked or uncontrolled intersection from different streets at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right, except that when two vehicles approach an unmarked or uncontrolled intersection where one highway ends when it meets a second highway not ending at that point of convergence from different directions at approximately the same time, the driver of the vehicle on the highway ending at the intersection shall yield the right of way to the other vehicle.
- B. The driver of any vehicle turning left at an intersection shall yield the right-of-way to any vehicle approaching from the opposite direction which is in the intersection or so close thereto as to constitute a hazard.
- C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to a bicycle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
- D. When a motor vehicle and a bicycle are traveling in the same direction on any highway, street, or road, the operator of the motor vehicle overtaking such bicycle traveling on the right side of the roadway shall not turn to the right in front of the bicycle at an intersection, alley, or driveway until such vehicle has overtaken the bicycle and has

sufficient clearance to safely turn without requiring the bicyclist to brake or take evasive action to avoid a collision with the vehicle.

Section 2. That Title 10, Chapter 10, Section 04, Boise City Code, be and the same is hereby amended to read as follows:

Section 10-10-04 OVERTAKING AND PASSING VEHICLES AND BICYCLES

- A. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof and shall not again drive to the right side of roadway until safely clear of such overtaken vehicle.
- B. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - 1. When the vehicle overtaken is making or about to make a left turn.
 - 2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction.
 - 3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.
- C. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic and conditions of the street or highway.
- D. The operator of a motor vehicle overtaking a bicycle or pedestrian on a highway shall, whenever possible, leave a safe distance, but not less than three (3) feet, when passing the bicycle or pedestrian and shall maintain that distance until safely past the overtaken bicycle or individual.

Section 3. That Title 10, Chapter 10, Section 04, Boise City Code, be and the same is hereby amended to read as follows:

Section 10-10-14 ~~REPEALED~~ HARASSMENT OF BICYCLISTS AND PEDESTRIANS PROHIBITED

It shall be a misdemeanor for any person, maliciously and with the specific intent to intimidate or harass or cause another person to crash, stumble, or fall because that other person is walking along the roadway or operating a bicycle along the roadway, to:

- A. threaten, by word or act, to cause physical injury to the pedestrian or bicyclist, or
- B. throw or otherwise expel any object at or in the direction of the pedestrian or bicyclist.

Section 4. That this Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the Council of the City of Boise, Idaho, this ____ day of _____, 2010.

APPROVED by the Mayor of the City of Boise, Idaho this ____ day of _____, 2010.

APPROVED:

ATTEST:

MAYOR

CITY CLERK