



CITY OF FULSHEAR

“FIND YOUR FUTURE IN FULSHEAR”

30603 FM 1093 WEST/ PO Box 279 ~ FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 ~ FAX: 281-346-2556

www.FulshearTexas.gov

CITY COUNCIL:

MAYOR: Aaron Groff

MAYOR PRO-TEM: Kaye Kahlich

COUNCIL MEMBER: Kent Pool

COUNCIL MEMBER: Kevin White

COUNCIL MEMBER: Debra Cates

COUNCIL MEMBER: Lisa Martin

COUNCIL MEMBER: Joel
Patterson

COUNCIL MEMBER: John Kelly

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly
Kopecky

CITY ATTORNEY: J. Grady Randle

SPECIAL CITY COUNCIL MEETING

June 16, 2020

NOTICE IS HEREBY GIVEN OF A SPECIAL CITY COUNCIL MEETING OF THE CITY OF FULSHEAR TO BE HELD ON **Tuesday, June 16, 2020 AT 5:30 PM** IN IRENE STERN COMMUNITY CENTER, 6920 KATY FULSHEAR ROAD, FULSHEAR, TEXAS FOR CONSIDERING THE FOLLOWING ITEMS. THE CITY COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY MATTERS LISTED ON THE AGENDA, AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE, INCLUDING, BUT NOT LIMITED TO, SECTIONS 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATIONS ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), 551.087 (ECONOMIC DEVELOPMENT), 418.175.183 (DELIBERATIONS ABOUT HOMELAND SECURITY ISSUES) AND AS AUTHORIZED BY THE TEXAS TAX CODE, INCLUDING, BUT NOT LIMITED TO, SECTION 321.3022 (SALES TAX INFORMATION).

Incidental Meeting Notice: A quorum of the City of Fulshear City Council, Planning and Zoning Commission, City of Fulshear Development Corporation (Type A), Fulshear Development Corporation (Type B), Parks and Recreation Commission, Historic Preservation and Museum Commission, Zoning Board of Adjustment, or any or all of these, may be in attendance at the meeting specified in the foregoing notice, which attendance may constitute a meeting of such governmental body or bodies as defined by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

Therefore, in addition to the foregoing notice, notice is hereby given of a meeting of each of the above-named governmental bodies, the date, hour, place, and subject of which is the same as specified in the foregoing notice.

Notice Pertaining to Social Distancing Requirements: In accordance with the Texas Open Meetings Act, Chapter 551, Government Code, this meeting shall be open to the public, except as provided by said Act. However, any members of the public who attend the meeting are individually responsible for complying with any applicable proclamation or order issued by the governor or any local official which may be in effect at the time of the meeting, including but not limited to any restrictions which may require such members of the public to implement social distancing, to minimize social gatherings, or to minimize in-person contact with people who are not in the same household.

I. CALL TO ORDER

II. QUORUM AND ROLL CALL

III. CITIZEN'S COMMENTS

THIS IS AN OPPORTUNITY FOR CITIZENS TO SPEAK TO COUNCIL RELATING TO AGENDA AND NON-AGENDA ITEMS. SPEAKERS ARE ADVISED THAT COMMENTS CANNOT BE RECEIVED ON MATTERS WHICH ARE THE SUBJECT OF A PUBLIC HEARING ONCE THE HEARING HAS BEEN CLOSED. SPEAKERS ARE REQUIRED TO REGISTER IN ADVANCE AND MUST LIMIT THEIR COMMENTS TO THREE (3) MINUTES.

IV. BUSINESS

A. DISCUSSION AND POSSIBLE ACTION ON CAPITAL IMPROVEMENT PROJECTS UPDATE

B. DISCUSSION OF THE PRELIMINARY DRAFT OF ORDINANCE NO. 2020-1324 AN ORDINANCE ESTABLISHING RULES AND REGULATIONS IN CITY PARKS

V. ADJOURNMENT

NOTE: IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT, THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICE MUST BE MADE AT LEAST 48 BUSINESS HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT 281-346-1796 FOR FURTHER INFORMATION.

I, KIMBERLY KOPECKY, CITY SECRETARY OF THE CITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING AND AGENDA FOR THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS WAS POSTED ON THURSDAY, JUNE 11, 2020 by 5:00 P.M. IN PLACE CONVENIENT AND READILY ACCESSIBLE AT ALL TIMES TO THE GENERAL PUBLIC, IN COMPLIANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

KIMBERLY KOPECKY, CITY SECRETARY

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 6/16/2020 **ITEMS:** IV.A.
DATE SUBMITTED: 4/28/2020 **DEPARTMENT:** Public Works
PREPARED BY: Sharon Valiante, Public Works **PRESENTER:** Jack Harper, CM; Wes Vela; CFO;
Director Sharon Valiante, DPW
SUBJECT: DISCUSSION AND POSSIBLE ACTION ON CAPITAL IMPROVEMENT PROJECTS UPDATE

Expenditure Required:

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

The City Council adopted the FY 20 Capital Improvement Program (CIP) Projects budget to include related to Drainage, Streets, Facilities, Parks, & Utilities.

The COVID-19 event affected the City's ability to effectively begin/implement some of these projects. In addition, a Project Manager position, approved by City Council to fill in FY 21 at mid-year, began in February, with interviews scheduled in March. The timing of the event preempted our interview process, delaying the fulfillment of the position until a later date.

With the uncertainty of the duration of the event, staff have reviewed the CIP to determine which projects are waiting to begin design and/or construction.

The following projects that fall into that category, have General Fund (GF) and CIP funding. Staff are presenting them here for City council discussion and possible guidance on advancement/delay:

1. D18A - Master Drainage Plan (\$75,000) (CIP Funds) (Need to assign to Professional Services Vendor)
2. D18B - Drainage System Mgt Program (\$100,000) (CIP Funds) (Designed/ready for bid in 30-60 days - 5 months for construction)
3. D20B - Downtown East Side Storm Sewer (\$1,000,000) (80% GF;20% EDC) (Need RFQ for design; bid for construction)
4. ST20E - Redbird Ln Project - (\$500,000) (GF)(Need to assign a Professional Services vendor for design; bid for construction)

Staff request guidance from City Council regarding status of projects listed for discussion.

RECOMMENDATION

Staff request guidance from City Council regarding status of projects listed for discussion.

**AGENDA MEMO
BUSINESS OF THE CITY COUNCIL
CITY OF FULSHEAR, TEXAS**

AGENDA OF: 6/16/2020 **ITEMS:** IV.B.
DATE 4/2/2020 **DEPARTMENT:** Public Works
SUBMITTED:
PREPARED BY: Sharon Valiante, Public Works **PRESENTER:** Sharon Valiante, Public Works
Director Director

SUBJECT: DISCUSSION OF THE PRELIMINARY DRAFT OF ORDINANCE NO. 2020-1324 AN ORDINANCE ESTABLISHING RULES AND REGULATIONS IN CITY PARKS

Expenditure Required: NA

Amount Budgeted:

Funding Account:

Additional Appropriation Required:

Funding Account:

EXECUTIVE SUMMARY

Currently City of Fulshear has three area parks with park and playground amenities existing and developing. In addition, the City's Parks and Pathways Master Plan will provide for additional Regional Parkland development as the City grows. To preserve the general welfare and provide/preserve public safety, staff believe it is necessary to establish rules and regulations for park use.

The preliminary draft, previously presented and discussed led to Council feedback for follow up by staff. In addition, the Parks Commission has had the opportunity to discuss the drafted Ordinance. The comments, questions and feedback will be the basis of the discussion.

A general summary of the drafted Ordinance 2020-1324 that led to the comments, questions and feedback include:

1. Establish hours of operation from sunset to sunrise
2. Establish provisions for pet waste
3. Establish prohibitions for certain motorized vehicles
4. Establish prohibitions for certain animals
5. Prohibit alcohol
6. Prohibit glass containers

Staff believe further discussion is necessary to be able to present a final draft for consideration of approval and adoption at a subsequent City Council meeting..

RECOMMENDATION

Provide direction for staff to draft a final Ordinance 2020-1324, establishing rules and regulations in all City Parks.

ATTACHMENTS:

Description	Upload Date	Type
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Draft Ordinance 2020-1324
Council Comments
Trans Code 551
Trans Code 664

6/10/2020
6/10/2020
6/10/2020
6/10/2020

Ordinance
Exhibit
Exhibit
Exhibit

ORDINANCE NO. 2020-1324

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING CHAPTER 32 OF THE FULSHEAR CODE BY ADDING A NEW ARTICLE IV, REGARDING RULES AND REGULATIONS FOR CITY PARKS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City of Fulshear, Texas (“City”), owns and operates one or more public parks within its city limits, extraterritorial jurisdiction, or both; and

WHEREAS, the City Council of the City of Fulshear, Texas (the “City Council”) finds that reasonable rules and regulations for the use of City parks promotes the health, safety, and general welfare of the public; and

WHEREAS, the City Council desires to adopt certain rules and regulations for all City parks which provide reasonable accommodations for individuals with disabilities;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. Chapter 32 of the Fulshear Code is hereby amended by adding a new Article IV thereto to read as follows:

“ARTICLE IV. – CITY PARKS

Sec. 32-161. – Park rules.

- (a) The following rules apply to all public parks owned and operated by the City:
 - (1) *Hours of operation.* No person shall occupy the premises of a park between sunset and sunrise. This subpart does not apply to a City employee, official, or agent who occupies the premises of a park within the scope of the employee’s, official’s, or agent’s official duty.
 - (2) *Motorized vehicles prohibited.* Motorized vehicles, including vehicles that are powered in whole or in part by an electric motor, are prohibited on the premises of a park. This subpart does not apply to:
 - (A) the operation, stopping, standing, or parking of a motorized vehicle in a designated parking area unless otherwise prohibited; or
 - (B) the use of a motorized vehicle by an individual with a disability if the use is necessary to accommodate the disability.

- (3) *Prohibited animals.* Animals are prohibited on the premises of a park. This subpart does not apply to:
 - (A) wildlife;
 - (B) a dog that is under the control of its handler by use of a harness, leash, or other tether; or
 - (C) a service animal that is used by an individual with a disability and that is under the control of its handler by use of a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
 - (4) *Animal waste.* The handler of an animal described by subpart (3)(B) or (C) shall immediately dispose of the animal's waste in an appropriate solid waste receptacle.
 - (5) *Alcohol prohibited.* Alcohol is prohibited on the premises of a park.
 - (6) *Glass containers prohibited.* Glass containers are prohibited on the premises of a park.
- (b) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined as provided in section 1-17."

Section 2. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 3. Repeal. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. Effective date. This Ordinance shall be effective and in full force when published as required by law.

PASSED, APPROVED, and ADOPTED this, the _____ day of _____, 2020.

Aaron Groff, Mayor

ATTEST:

Kimberly Kopecky, City Secretary

Council Comments Parks Rules and Regulations:

- **Trash**
 - 1.) must be disposed of in receptacles provided
 - 2.) Add a "Fines for Littering" - This is one thing I think could become an issue if not posted. I don't know what the fine amount should be, so I'd revert to City Staff for this.
- **Hours of Operation** Will the sunset to sunrise rule suffice? Especially since its planned to be a park used for sports teams. You'll know better than I on what requests are coming. Possibly though it's better to set a specific time such as 9pm or 10pm.
- **Motorized vehicles –**
 - 1.) Motorized vehicles that should definitely be prohibited such as motorcycles, gators, etc. The current laws within the city for golf carts basically says they are OK on streets (not sure if it's only for certain speed limits -- but they are fairly frequently seen within CCR, definitely not on FM 1093). That seems to satisfy residents as I really am not aware of golf carts on trails within CCR.
 - 2.) Pedego bikes, I am more inclined to allow these because our ultimate Parks and Pathways Master Plan envisions having trails to connect neighborhoods & parks throughout our City. Given the distances involved, and that the electric bikes have a top speed of 20 mph, that seems reasonable to me. Debra Cates made very valid points about courtesy, but those are issues whether the bikes in question or regular bikes or electric bikes -- it's an issue about the behavior of the rider more than the type of bicycle being ridden.
 - 3.) Is this consistent with State law?
 - Specifically, Chapter 551 of the Texas Transportation Code has an applicability provision, section 551.001, which states: "Unless specifically provided otherwise, a provision of this chapter that applies to a person operating a bicycle applies only to a person operating a bicycle on: (1) a highway; or (2) a path set aside for the exclusive operation of bicycles." The term "bicycle" as used in this section includes an electric bicycle. Therefore, the prohibition of regulation stated by section 551.106 applies only within a highway or a path set aside for the exclusive operation of bicycles. Additionally, under section 282.001 of the Local Government Code, "[a] home-rule municipality has exclusive control over and under the public grounds of the municipality."
 - Section 551.106 of the Transportation Code does not preempt the City's proposed park rules. However, the City Council may nevertheless provide an exception for electric bicycles if it wishes.

- **Implement a Speed Rule.** Rather than trying to stipulate type of equipment (since it's ever changing), I suggest setting a max speed of 15mph. 20mph is too close to road speed. Bicyclers, etc. need to decide if they're going on the road or the pathways. If on the road they are required to follow the same rules as motor vehicles. If on the pathways, they should conform to a slower pace with walkers, joggers, people with dogs on leashes.
- **Require an Audible Alert** Additionally, they should be required to have an audible alert. Even at 15mph they sneak up behind you. Audible alerts would help, but even that won't help for someone who may be deaf. Many lawsuits starting to emerge due to bicyclers hitting pedestrians.
- **Hunting and Guns**
 - 1.) Prohibit hunting
 - 2.) There is clear law in Texas on this subject allowing for those with a proper license to carry their gun in parks. I would suggest that we do not allow Open Carry. Even though I'm not against Open Carry, I believe it can create a more militaristic environment which is not what we're striking in a City Park.
- **Alcohol**
 - 1.) By permit only at special events which receive proper city permits
 - 2.) If as the owner of a company or organization I wished to hold a crawfish boil in the park and I want to provide 2 kegs of beer, I think this should be allowed with a permit.
 - 3.) Additional restrictions could be added as they are in county parks where the host is required to have constables or Sherriff deputies present to ensure all rules and legal ages are being honored.
 - 4.) We need to someday return to having events downtown, not at the High School and we need to allow for the consumption of alcohol.

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE C. RULES OF THE ROAD

CHAPTER 551. OPERATION OF BICYCLES AND MOPEDS, GOLF CARTS, AND
OTHER LOW-POWERED VEHICLES

SUBCHAPTER A. APPLICATION OF CHAPTER

Sec. 551.001. APPLICABILITY. Unless specifically provided otherwise, a provision of this chapter that applies to a person operating a bicycle applies only to a person operating a bicycle on:

(1) a highway; or

(2) a path set aside for the exclusive operation of bicycles.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 1318, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 485 (H.B. [2188](#)), Sec. 3, eff. September 1, 2019.

Sec. 551.002. MOPED AND ELECTRIC BICYCLE INCLUDED. A provision of this subtitle applicable to a bicycle also applies to:

(1) a moped, other than a provision that by its nature cannot apply to a moped; and

(2) an electric bicycle, other than a provision that by its nature cannot apply to an electric bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 9, eff. Sept. 1, 2001.

SUBCHAPTER B. BICYCLES

Sec. 551.101. RIGHTS AND DUTIES. (a) A person operating a bicycle has the rights and duties applicable to a driver operating a vehicle under this subtitle, unless:

(1) a provision of this chapter alters a right or duty;
or

(2) a right or duty applicable to a driver operating a vehicle cannot by its nature apply to a person operating a bicycle.

(b) A parent of a child or a guardian of a ward may not knowingly permit the child or ward to violate this subtitle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.102. GENERAL OPERATION. (a) A person operating a bicycle shall ride only on or astride a permanent and regular seat attached to the bicycle.

(b) A person may not use a bicycle to carry more persons than the bicycle is designed or equipped to carry.

(c) A person operating a bicycle may not use the bicycle to carry an object that prevents the person from operating the bicycle with at least one hand on the handlebars of the bicycle.

(d) A person operating a bicycle, coaster, sled, or toy vehicle or using roller skates may not attach either the person or the bicycle, coaster, sled, toy vehicle, or roller skates to a streetcar or vehicle on a roadway.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.103. OPERATION ON ROADWAY. (a) Except as provided by Subsection (b), a person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway shall ride as

near as practicable to the right curb or edge of the roadway, unless:

(1) the person is passing another vehicle moving in the same direction;

(2) the person is preparing to turn left at an intersection or onto a private road or driveway;

(3) a condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway; or

(4) the person is operating a bicycle in an outside lane that is:

(A) less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or

(B) too narrow for a bicycle and a motor vehicle to safely travel side by side.

(b) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.

(c) Persons operating bicycles on a roadway may ride two abreast. Persons riding two abreast on a laned roadway shall ride in a single lane. Persons riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Persons may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles.

(d) Repealed by Acts 2001, 77th Leg., ch. 1085, Sec. 13, eff. Sept. 1, 2001.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 10, 13, eff. Sept. 1, 2001.

Sec. 551.104. SAFETY EQUIPMENT. (a) A person may not operate a bicycle unless the bicycle is equipped with a brake capable of making a braked wheel skid on dry, level, clean pavement.

(b) A person may not operate a bicycle at nighttime unless the bicycle is equipped with:

(1) a lamp on the front of the bicycle that emits a white light visible from a distance of at least 500 feet in front of the bicycle; and

(2) on the rear of the bicycle:

(A) a red reflector that is:

(i) of a type approved by the department; and

(ii) visible when directly in front of lawful upper beams of motor vehicle headlamps from all distances from 50 to 300 feet to the rear of the bicycle; or

(B) a lamp that emits a red light visible from a distance of 500 feet to the rear of the bicycle.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1085, Sec. 11, eff. Sept. 1, 2001.

Sec. 551.105. COMPETITIVE RACING. (a) In this section, "bicycle" means a nonmotorized vehicle propelled by human power.

(b) A sponsoring organization may hold a competitive bicycle race on a public road only with the approval of the appropriate local law enforcement agencies.

(c) The local law enforcement agencies and the sponsoring organization may agree on safety regulations governing the movement of bicycles during a competitive race or during training for a competitive race, including the permission for bicycle operators to ride abreast.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 551.106. REGULATION OF BICYCLES BY DEPARTMENT OR LOCAL AUTHORITY. (a) The department or a local authority may not prohibit the operation of an electric bicycle:

(1) on a highway that is used primarily by motor vehicles; or

(2) in an area in which the operation of a nonelectric bicycle is permitted, unless the area is a path that:

(A) is not open to motor vehicles; and

(B) has a natural surface tread made by clearing and grading the native soil without adding surfacing materials.

(b) The department or a local authority may:

(1) prohibit the operation of a bicycle on a sidewalk; and

(2) establish speed limits for bicycles on paths set aside for the exclusive operation of bicycles and other paths on which bicycles may be operated.

(c) The department may establish rules for the administration of this section if necessary.

Added by Acts 2001, 77th Leg., ch. 1085, Sec. 12, eff. Sept. 1, 2001.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 485 (H.B. [2188](#)), Sec. 5, eff. September 1, 2019.

Sec. 551.107. OPERATION OF ELECTRIC BICYCLE. (a) Subtitles A, B, and D and Chapter 663 do not apply to the operation of an electric bicycle.

(b) A person may not operate an electric bicycle unless the

electric motor disengages or ceases to function either:

- (1) when the operator stops pedaling; or
- (2) when the brakes are applied.

(c) A person may not operate a Class 3 electric bicycle, as defined by Section 664.001, unless the person is at least 15 years of age. This subsection does not prohibit a person who is under 15 years of age from riding on a Class 3 bicycle as a passenger.

Added by Acts 2019, 86th Leg., R.S., Ch. 485 (H.B. [2188](#)), Sec. 6, eff. September 1, 2019.

SUBCHAPTER C. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Sec. 551.201. DEFINITION. In this subchapter, "electric personal assistive mobility device" means a two non-tandem wheeled device designed for transporting one person that is:

- (1) self-balancing; and
- (2) propelled by an electric propulsion system with an average power of 750 watts or one horsepower.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.202. OPERATION ON ROADWAY. (a) A person may operate an electric personal assistive mobility device on a residential street, roadway, or public highway with a speed limit of 30 miles per hour or less only:

- (1) while making a direct crossing of a highway in a marked or unmarked crosswalk;
- (2) where no sidewalk is available; or
- (3) when so directed by a traffic control device or by a law enforcement officer.

(b) A person may operate an electric personal assistive mobility device on a path set aside for the exclusive operation of bicycles.

(c) Any person operating an electric personal assistive mobility device on a residential street, roadway, or public highway shall ride as close as practicable to the right-hand edge.

(d) Except as otherwise provided by this section, provisions of this title applicable to the operation of bicycles apply to the operation of electric personal assistive mobility devices.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

Sec. 551.203. SIDEWALKS. A person may operate an electric personal assistive mobility device on a sidewalk.

Added by Acts 2003, 78th Leg., ch. 1318, Sec. 5, eff. Sept. 1, 2003.

SUBCHAPTER D. NEIGHBORHOOD ELECTRIC VEHICLES

Sec. 551.301. DEFINITION. In this subchapter, "neighborhood electric vehicle" means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1325, Sec. 19.07, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 281 (H.B. [2702](#)), Sec. 2.86, eff. June 14, 2005.

Acts 2005, 79th Leg., Ch. 1242 (H.B. [1596](#)), Sec. 2, eff. June 18, 2005.

Acts 2009, 81st Leg., R.S., Ch. 722 (S.B. [129](#)), Sec. 1, eff. September 1, 2009.

Reenacted by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 24.014, eff. September 1, 2011.

Sec. 551.302. REGISTRATION. The Texas Department of Motor Vehicles may adopt rules relating to the registration and issuance of license plates to neighborhood electric vehicles.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 933 (H.B. [3097](#)), Sec. 2I.01, eff. September 1, 2009.

Sec. 551.303. OPERATION ON ROADWAYS. (a) A neighborhood electric vehicle may be operated only on a street or highway for which the posted speed limit is 45 miles per hour or less. A neighborhood electric vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than 45 miles per hour. A neighborhood electric vehicle may not be operated on a street or highway at a speed that exceeds the lesser of:

- (1) the posted speed limit; or
- (2) 35 miles per hour.

(b) A county or municipality may prohibit the operation of a neighborhood electric vehicle on a street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The Texas Department of Transportation may prohibit the operation of a neighborhood electric vehicle on a highway if that department determines that the prohibition is necessary in the interest of safety.

Added by Acts 2003, 78th Leg., ch. 1320, Sec. 7, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 722 (S.B. [129](#)), Sec. 2, eff. September 1, 2009.

Sec. 551.304. LIMITED OPERATION. (a) An operator may operate a neighborhood electric vehicle:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the neighborhood electric vehicle is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the neighborhood electric vehicle is usually parked and for transportation to or from a golf course.

(b) A person is not required to register a neighborhood electric vehicle operated in compliance with this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. [2741](#)), Sec. 94, eff. September 1, 2013.

SUBCHAPTER E. MOTOR-ASSISTED SCOOTERS

Sec. 551.351. DEFINITIONS. In this subchapter:

(1) "Motor-assisted scooter":

(A) means a self-propelled device with:

(i) at least two wheels in contact with the ground during operation;

(ii) a braking system capable of stopping the device under typical operating conditions;

(iii) a gas or electric motor not exceeding 40 cubic centimeters;

(iv) a deck designed to allow a person to stand or sit while operating the device; and

(v) the ability to be propelled by human power alone; and

(B) does not include a pocket bike or a minimotorbike.

(2) "Pocket bike or minimotorbike" means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501. The term does not include:

(A) a moped or motorcycle;

(B) an electric bicycle;

(C) a motorized mobility device, as defined by Section 552A.0101;

(D) an electric personal assistive mobility device,

as defined by Section 551.201; or

(E) a neighborhood electric vehicle, as defined by Section 551.301.

Added by Acts 2005, 79th Leg., Ch. 1242 (H.B. [1596](#)), Sec. 3, eff. June 18, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 24.015, eff. September 1, 2011.

Acts 2019, 86th Leg., R.S., Ch. 612 (S.B. [969](#)), Sec. 5, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 882 (H.B. [3171](#)), Sec. 2.18, eff. September 1, 2019.

Sec. 551.352. OPERATION ON ROADWAYS OR SIDEWALKS. (a) A motor-assisted scooter may be operated only on a street or highway for which the posted speed limit is 35 miles per hour or less. The motor-assisted scooter may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b) A county or municipality may prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The department may prohibit the operation of a motor-assisted scooter on a highway if it determines that the prohibition is necessary in the interest of safety.

(d) A person may operate a motor-assisted scooter on a path set aside for the exclusive operation of bicycles or on a sidewalk. Except as otherwise provided by this section, a provision of this title applicable to the operation of a bicycle

applies to the operation of a motor-assisted scooter.

(e) A provision of this title applicable to a motor vehicle does not apply to a motor-assisted scooter.

Added by Acts 2005, 79th Leg., Ch. 1242 (H.B. [1596](#)), Sec. 3, eff. June 18, 2005.

Sec. 551.353. APPLICATION OF SUBCHAPTER TO POCKET BIKE OR MINIMOTORBIKE. This subchapter may not be construed to authorize the operation of a pocket bike or minimotorbike on any:

- (1) highway, road, or street;
- (2) path set aside for the exclusive operation of bicycles; or
- (3) sidewalk.

Transferred and redesignated from Transportation Code, Section 551.304 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. [1303](#)), Sec. 27.001(64), eff. September 1, 2011.

SUBCHAPTER F. GOLF CARTS

Sec. 551.401. DEFINITION. In this subchapter, "golf cart" means a motor vehicle designed by the manufacturer primarily for use on a golf course.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. [2357](#)), Sec. 239, eff. January 1, 2012.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. [1956](#)), Sec. 22(1), eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 16,

eff. June 14, 2019.

Sec. 551.402. REGISTRATION NOT AUTHORIZED; LICENSE PLATES.

(a) The Texas Department of Motor Vehicles may not register a golf cart for operation on a highway regardless of whether any alteration has been made to the golf cart.

(b) A person may operate a golf cart on a highway in a manner authorized by this subchapter only if the vehicle displays a license plate issued under this section.

(c) The Texas Department of Motor Vehicles:

(1) shall by rule establish a procedure to issue license plates for golf carts; and

(2) may charge a fee not to exceed \$10 for the cost of the license plate, to be deposited to the credit of the Texas Department of Motor Vehicles fund.

(d) A golf cart license plate does not expire. A person who becomes the owner of a golf cart for which the previous owner obtained a license plate may not use the previous owner's license plate.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 877 (H.B. [719](#)), Sec. 1, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1135 (H.B. [2741](#)), Sec. 95, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 17, eff. June 14, 2019.

Sec. 551.403. OPERATION AUTHORIZED IN CERTAIN AREAS. An

operator may operate a golf cart:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach that is open to vehicular traffic; or

(3) on a highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 18, eff. June 14, 2019.

Sec. 551.4031. PROHIBITION OF OPERATION ON HIGHWAY BY MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) A county or municipality may prohibit the operation of a golf cart on a highway under Section 551.404 if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(b) The Texas Department of Transportation may prohibit the operation of a golf cart on a highway under Section 551.404 if the department determines that the prohibition is necessary in the interest of safety.

Added by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 18, eff. June 14, 2019.

Sec. 551.404. OPERATION ON HIGHWAY AUTHORIZED BY MUNICIPALITY OR CERTAIN COUNTIES. (a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a highway that:

- (1) is in the corporate boundaries of the municipality;
- and
- (2) has a posted speed limit of not more than 35 miles per hour.

(b) In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (c) may allow an operator to operate a golf cart on all or part of a highway that:

- (1) is located in the unincorporated area of the county;
- and
- (2) has a speed limit of not more than 35 miles per hour.

(c) Subsection (b) applies only to a county that:

- (1) borders or contains a portion of the Red River;
- (2) borders or contains a portion of the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico; or

(3) is adjacent to a county described by Subdivision (2) and:

- (A) has a population of less than 37,000; and
- (B) contains a part of a barrier island or peninsula that borders the Gulf of Mexico.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1296 (H.B. [2357](#)), Sec. 241, eff. January 1, 2012.

Acts 2013, 83rd Leg., R.S., Ch. 877 (H.B. [719](#)), Sec. 2, eff. June 14, 2013.

Acts 2017, 85th Leg., R.S., Ch. 171 (H.B. [2968](#)), Sec. 1, eff. May 26, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1052 (H.B. [1956](#)), Sec. 2, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 19, eff. June 14, 2019.

Sec. 551.4041. EQUIPMENT. A golf cart operated under Section 551.404 must have the following equipment:

- (1) headlamps;
- (2) taillamps;
- (3) reflectors;
- (4) parking brake; and
- (5) mirrors.

Added by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 19, eff. June 14, 2019.

Sec. 551.405. CROSSING INTERSECTIONS. A golf cart may cross a highway at an intersection, including an intersection with a highway that has a posted speed limit of more than 35 miles per hour.

Added by Acts 2009, 81st Leg., R.S., Ch. 1136 (H.B. [2553](#)), Sec. 10, eff. September 1, 2009.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 20, eff. June 14, 2019.

SUBCHAPTER G. PACKAGE DELIVERY VEHICLES

Sec. 551.451. DEFINITIONS. In this subchapter:

(1) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 41(3), eff. June 14, 2019.

(2) "Golf cart" has the meaning assigned by Section 551.401.

(3) "Motor carrier" has the meaning assigned by Section 643.001.

(4) "Neighborhood electric vehicle" has the meaning assigned by Section 551.301.

(4-a) "Off-highway vehicle" has the meaning assigned by Section 551A.001.

(5) "Public highway" has the meaning assigned by Section 502.001.

(6) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 41(3), eff. June 14, 2019.

(7) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 41(3), eff. June 14, 2019.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 21, eff. June 14, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 41(3), eff. June 14, 2019.

Sec. 551.452. LICENSE PLATES FOR PACKAGE DELIVERY VEHICLES.

(a) The Texas Department of Motor Vehicles may issue distinguishing license plates for a vehicle operated by a motor carrier for the purpose of picking up and delivering mail, parcels, and packages if the vehicle:

(1) is a golf cart, a neighborhood electric vehicle, or an off-highway vehicle; and

(2) is equipped with headlamps, taillamps, reflectors, a parking brake, and mirrors, in addition to any other equipment required by law.

(b) The Texas Department of Motor Vehicles by rule shall establish a procedure to issue the license plates to be used only for operation in accordance with this subchapter.

(c) The license plates must include the words "Package Delivery."

(d) The Texas Department of Motor Vehicles may charge a license plate fee not to exceed \$25 annually to be deposited to the credit of the Texas Department of Motor Vehicles fund.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 22, eff. June 14, 2019.

Sec. 551.453. LIMITED OPERATION. (a) A motor carrier may operate, for the purpose of picking up or delivering mail, parcels, or packages, a vehicle bearing license plates issued under Section 551.452 on a public highway that is not an interstate or a limited-access or controlled-access highway and that has a speed limit of

not more than 35 miles per hour.

(b) The Department of Motor Vehicles may not require the registration of a vehicle operated under Subsection (a) unless the registration is required by other law.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Sec. 551.454. OPERATION ON PROPERTY OF SUBDIVISION OR CONDOMINIUM. (a) In this section:

(1) "Condominium" has the meaning assigned by Section 82.003, Property Code.

(2) "Declaration" has the meaning assigned by Section 82.003, Property Code.

(3) "Property owners' association" has the meaning assigned by Section 202.001, Property Code.

(4) "Restrictions" has the meaning assigned by Section 209.002, Property Code.

(5) "Subdivision" has the meaning assigned by Section 209.002, Property Code.

(b) A property owners' association may adopt reasonable safety and use rules for the operation, for the purpose of picking up or delivering mail, parcels, or packages, of a vehicle bearing license plates issued under Section 551.452 on the property of a subdivision or condominium managed or regulated by the association.

(c) A motor carrier may operate, for the purpose of picking up or delivering mail, parcels, or packages, a vehicle bearing license plates issued under Section 551.452 on the property of a subdivision subject to restrictions or a condominium that has in place a declaration, in a manner that complies with any applicable rules adopted by a property owners' association that manages or

regulates the subdivision or condominium.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Sec. 551.455. OPERATION IN MUNICIPALITIES AND COUNTIES.

(a) In addition to the operation authorized by Sections 551.453 and 551.454, the governing body of a municipality may allow a motor carrier to operate, for the purpose of picking up or delivering mail, parcels, or packages, a vehicle bearing license plates issued under Section 551.452 on all or part of a public highway that:

(1) is in the corporate boundaries of the municipality;

and

(2) has a speed limit of not more than 35 miles per hour.

(b) In addition to the operation authorized by Sections 551.453 and 551.454, a county commissioners court may allow a motor carrier to operate, for the purpose of picking up or delivering mail, parcels, or packages, a vehicle bearing license plates issued under Section 551.452 on all or part of a public highway that:

(1) is located in the unincorporated area of the county;

and

(2) has a speed limit of not more than 35 miles per hour.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1, eff. May 26, 2017.

Sec. 551.456. CROSSING CERTAIN ROADWAYS. A vehicle bearing license plates issued under Section 551.452 may cross intersections, including on or through a road or street that has a speed limit of more than 35 miles per hour.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1,
eff. May 26, 2017.

Sec. 551.457. CONFLICTS. In the case of a conflict between
this subchapter and other law, including Chapters 502 and 551A,
this subchapter controls.

Added by Acts 2017, 85th Leg., R.S., Ch. 119 (H.B. [561](#)), Sec. 1,
eff. May 26, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1233 (H.B. [1548](#)), Sec. 23,
eff. June 14, 2019.

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE G. MOTORCYCLES AND ELECTRIC BICYCLES

CHAPTER 664. STANDARDS FOR ELECTRIC BICYCLES

Sec. 664.001. DEFINITIONS. In this chapter:

(1) "Class 1 electric bicycle" means an electric bicycle:

(A) equipped with a motor that assists the rider only when the rider is pedaling; and

(B) with a top assisted speed of 20 miles per hour or less.

(2) "Class 2 electric bicycle" means an electric bicycle:

(A) equipped with a motor that may be used to propel the bicycle without the pedaling of the rider; and

(B) with a top assisted speed of 20 miles per hour or less.

(3) "Class 3 electric bicycle" means an electric bicycle:

(A) equipped with a motor that assists the rider only when the rider is pedaling; and

(B) with a top assisted speed of more than 20 but less than 28 miles per hour.

(4) "Electric bicycle" means a bicycle:

(A) equipped with:

(i) fully operable pedals; and

(ii) an electric motor of fewer than 750 watts; and

(B) with a top assisted speed of 28 miles per hour

or less.

(5) "Top assisted speed" means the speed at which the bicycle's motor ceases propelling the bicycle or assisting the rider.

Added by Acts 2019, 86th Leg., R.S., Ch. 485 (H.B. [2188](#)), Sec. 8, eff. September 1, 2019.

Sec. 664.002. LABELING. (a) A person who manufactures or sells an electric bicycle shall apply a permanent label to the electric bicycle in a prominent location that shows in Arial font in at least 9-point type:

- (1) whether the electric bicycle is a Class 1, Class 2, or Class 3 electric bicycle;
- (2) the top assisted speed of the electric bicycle; and
- (3) the motor wattage of the electric bicycle.

(b) A person who changes the motor-powered speed capability or engagement of an electric bicycle shall replace the label required by Subsection (a) to show accurate information about the electric bicycle.

Added by Acts 2019, 86th Leg., R.S., Ch. 485 (H.B. [2188](#)), Sec. 8, eff. September 1, 2019.

Sec. 664.003. FEDERAL STANDARDS. A person who manufactures or sells an electric bicycle shall ensure that the bicycle complies with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission under 16 C.F.R. Part 1512.

Added by Acts 2019, 86th Leg., R.S., Ch. 485 (H.B. [2188](#)), Sec. 8, eff. September 1, 2019.

Sec. 664.004. SPEEDOMETER. A person who manufactures or sells a Class 3 electric bicycle shall ensure that the bicycle is equipped with a speedometer.

Added by Acts 2019, 86th Leg., R.S., Ch. 485 (H.B. [2188](#)), Sec. 8, eff. September 1, 2019.