ORDINANCE NO. _____

An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by adding Section 28-61.1; prohibiting standing and walking on medians measuring six feet or less in width, where no medians exist, or in an area designated as a clear zone; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, a study of pedestrian fatalities in the City of Dallas found that the vast majority of pedestrian fatalities occur when the pedestrian enters the roadway at a point that is not designated for crossing or standing;

WHEREAS, traffic studies have found that medians under six feet in width, areas with no medians, or areas designated as clear zones are not safe pedestrian refuges;

WHEREAS, the U.S. Department of Transportation, American Association of State Highway Transportation Officials, National Association of City Transportation Officials, and Section 4.3.5 of the City of Dallas 2019 Street Design Manual recommends a minimum median width of six feet for a median to be used as a pedestrian refuge;

WHEREAS, Chapter 2 of the Texas Department of Transportation 2020 Roadway Design Manual recommends an area of four feet from the face of the curb for curbed roadways, or 10 feet from the edge of a travel lane for non-curbed roadways, to be free from obstructions to provide a way for recovery of errant vehicles;

WHEREAS, Section 4.3.5 of the City of Dallas 2019 Street Design Manual recommends the provision of at least three feet of clearance from the outermost edge of structure to back of curb;

WHEREAS, prohibiting pedestrians from standing in a roadway median, on a divided roadway where no median exists, or in a clear zone will protect the health and safety of both pedestrians and motorists; and

WHEREAS, the city council finds that it in the best interest of the public health and safety to prohibit pedestrians from standing in a roadway median, where no median exists, or in a clear zone, subject to certain exceptions; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article VIII, "Pedestrians' Rights and Duties," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code is amended by adding a new Section 28.61.1, "Standing and Walking on Medians Prohibited," to read as follows:

"SEC. 28-61.1.   STANDING AND WALKING IN CERTAIN AREAS PROHIBITED.

(a)   A person commits an offense if the person stands or walks on a median that measures six feet or less, in areas where no median exists for roadways designated as divided roadways, or in an area designated as a clear zone.

(b)   For purposes of this section,

(1)   CLEAR ZONE means the unobstructed, traversable area provided beyond the edge of the through travelled way for the recovery of errant vehicles. On a curbed street, the clear zone is the area four feet from the face of the curb. On an uncurbed street, the clear zone is 10 feet from the edge of the travel lane. A clear zone includes shoulders, bicycle lanes, and auxiliary lanes, except auxiliary lanes that function like through lanes. However, a clear zone does not include areas adjacent to the back of the curb where a paved sidewalk exists.

(2)   MEDIAN means the intervening space, physical barrier, or clearly indicated dividing section between the two roadways of opposing traffic on a public divided roadway.

(3)   RAISED SPLITTER ISLAND (also known as separator islands) means a median that slows, directs, and separates conflicting traffic and may provide refuge for pedestrians who are crossing a road.

(4)   ROADWAY means streets classified in the city's thoroughfare plan as major/principal or minor arterials, frontage roads or parkways along controlled access freeways and tollways, non-controlled access state roadway facilities and associated intersections with city's major or minor arterials.

(c)   This section does not apply if the person:

(1)   is crossing a divided roadway in the most direct route possible inclusive of roadways that have provisions for dedicated bicycle lane facilities or curb bump outs;

(2)   is the victim of or rendering aid in an emergency situation or in compliance with the directions of a peace officer;

(3)   is performing work in the right-of-way in accordance with a permit issued under Chapter 43 of this code;

(4)   is erecting or dismantling a barricade in the right-of-way in accordance with a permit issued under Chapter 52 of this code;

(5)   has prior authorization from the city or is otherwise in compliance with applicable laws and regulations;

(6)   is standing in a raised splitter island that is not less than four feet in width while attempting to cross a divided roadway in the most direct route possible; or

(7)   is walking or standing on a paved sidewalk if the sidewalk is adjacent to the back of the curb on a curbed roadway which is within a clear zone area.

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $500.

SECTION 3. That Chapter 28 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part

thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5.   That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6.   That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By_____
    Assistant City Attorney

Passed_____