

Memorandum



CITY OF DALLAS

DATE September 15, 2022

TO Honorable Members of the Transportation and Infrastructure Committee

SUBJECT **Upcoming Agenda Items for October 26, 2022, City Council Agenda - Ordinance Amending Chapter 28 “Motor Vehicles and Traffic” and Ordinance Amending Chapter 13 “Courts, Fines and Imprisonments”**

During the April 18, 2022, Transportation & Infrastructure Committee meeting, several questions were raised regarding an upcoming agenda item to add a new Section 28-61.1, “Standing and Walking in Certain Areas Prohibited” to the City Code which would prohibit 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.

This memorandum serves to provide responses to those questions, share an update on the status of the discussions with the Government Performance and Financial Management (GPFM) Committee, and review proposed next steps.

Questions and Responses

1) What traffic studies have been completed that identify “medians under 6’ in width are not safe pedestrian refuges”?

The American Association of State Highway and Transportation Officials (AASHTO) is a nonprofit association representing highway and transportation departments in all 50 states, the District of Columbia, and Puerto Rico. It leads and sets technical standards for design and construction of multimodal transportation systems. One of its key publications is “A Policy on Geometric Design of Highways and Streets.” Section 4.11 of the 2018 referenced AASHTO publication states that, “In urban areas, medians that are intended to serve as a pedestrian refuge area should be at least 6 ft [1.8 m], as discussed in Section 4.17.” Further, Section 4.3.5 of the City Council approved 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.

2) The draft ordinance included several references to the Texas Department of Transportation’s (TxDOT) guidance on pedestrian safety. TxDOT may be more focused on motor vehicles than pedestrian safety. How can we ensure we are referencing the best resources and data as it relates to pedestrian safety?

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Following the April 18th TRNI Committee meeting, staff reviewed the Agenda Information Sheet and draft ordinance and provided additional references to other leading transportation resources and guides including the U.S. Department of Transportation, American Association of State Highway Transportation Officials, National Association of City Transportation Officials, City of Dallas Street Design Manual.

3) Will this ordinance make it illegal for pedestrians to step out into a protected area (stepping out to look for traffic rather than just crossing)?

The purpose of this ordinance is for pedestrian safety. The draft ordinance states that the section does not apply if a 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.

Feedback from the GPFM Committee

The proposed amendments to Section 28-61.1 of the City Code are intended as a safety measure for all pedestrians. The GPFM Committee has expressed support for this item.

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Next Steps

With the support of the Transportation and Infrastructure Committee, the Department of Transportation will place an item on the October 26th City Council Agenda for the proposed amendments. Additionally, Court and Detention Services will place an additional item on the agenda to amend Chapter 13, “Courts, Fines and Imprisonments”, which would authorize the City Marshal and his/her deputies to enforce the proposed changes to Chapter 28. The draft ordinances for both of these items are attached for reference.

If you have questions or need additional information, please contact Ghassan ‘Gus’ Khankarli, Ph.D., P.E., Director of the Department of Transportation, at ghassan.khankarli@dallascityhall.com, or David Pughes, Interim City Marshal, at david.pughes@dallascityhall.com.



Dr. Robert Perez
Assistant City Manager

[Attachments]

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
Billierae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Deputy City Manager
Jon Fortune, Deputy City Manager

Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Carl Simpson, Assistant City Manager
Jack Ireland, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Directors and Assistant Directors

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;

ORDINANCE NO. _____

An ordinance amending Chapter 13, “Courts, Fines and Imprisonments,” of the Dallas City Code, by amending Section 13-10; authorizing the city marshal and his or her deputies to enforce the city’s provisions regarding standing or walking on medians contained in Section 28-61.1 of the Dallas City Code and the city’s solicitation provisions contained in Section 28-63.3 of the Dallas City Code; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 13-10, “Duties of the City Marshal,” of Article II, “Municipal Court of Record,” of Chapter 13, “Courts, Fines and Imprisonment,” of the Dallas City Code, is amended to read as follows:

“SEC. 13-10. DUTIES OF THE CITY MARSHAL.

The city marshal and his or her deputies, acting under the direction of the municipal clerk, shall perform the following duties:

- (1) execute warrants of arrest, subpoenas, and other legal process issuing out of the municipal court of record; [~~and~~]
- (2) execute other warrants of arrest, subpoenas, and legal process as determined by the municipal clerk; and
- (3) enforce Sections 28-61.1 and 28-63.3 of the Dallas City Code.”

SECTION 2. That Chapter 13 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3 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 4. 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 5. 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 _____

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 _____