

- 1 • In February 2020, a man standing in a median was struck and killed
2 by a car driving in reverse in Milwaukee, Wisconsin
3 (<https://www.youtube.com/watch?v=J-ZIEcJBwiw>);
- 4 • In August 2020 a man was struck and killed while standing on a
5 median in Las Vegas, Nevada
6 (<https://news3lv.com/news/local/pedestrian-dies-after-crash-near-las-vegas-boulevard-and-lake-mead>);
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8 • In April 2021, five women suffered injuries when they were struck by
9 a car while standing on a median in Randolph County, Missouri
10 (https://www.komu.com/news/midmissourinews/5-women-hurt-in-pedestrian-crash-in-randolph-county/article_1df84d36-a6af-11eb-b021-cb8752cf5942.html);
- 11
12
13 • In May 2021, a pedestrian was struck and killed while standing on a
14 median in Memphis, Tennessee (<https://wreg.com/news/homeless-man-killed-at-kirby-parkway-385-driver-says-someone-inside-his-car-caused-the-crash>);
- 15
16
17 • In September 2021, a man standing on a median in Berkeley,
18 California, was killed in a hit-and-run crash
19 (<https://www.berkeleyside.org/2021/09/15/hit-run-crash-killed-man-berkeley-median-adeline-street-police-look-for-driver>);
- 20
21 • In November 2021, a man standing on a median in Park City, Utah
22 died when a car drove up onto the median
23 (<https://kutv.com/news/local/identity-released-of-pedestrian-killed-in-chain-reaction-car-crash>);
- 24
25 • In November 2021, a man selling flowers on a median in Harris
26 County, Texas was struck and killed after two cars in the roadway
27 collided (<https://abc13.com/man-hit-and-killed-selling-flowers-airline-drive-pedestrian/11280308>);
- 28
29 • In November 2021, a man standing on a median in Kimball Junction,
30 Utah was struck and killed in a multi-car collision
31 (<https://www.parkrecord.com/news/summit-county/pedestrian-dead-after-multi-vehicle-car-crash-in-kimball-junction>);
- 32

- 1 • In December 2021, a man standing on a median in Medford, Oregon
2 was killed in a hit-and-run crash
3 ([https://www.fox26medford.com/medford-police-investigate-fatal-hit-
5 and-run-crash](https://www.fox26medford.com/medford-police-investigate-fatal-hit-
4 and-run-crash));
- 5 • In January 2022, a pedestrian standing on a median in Santa Cruz,
6 California was killed by a passing car
7 ([https://www.santacruzsentinel.com/2022/01/10/letter-panhandling-
9 accidents-waiting-to-happen](https://www.santacruzsentinel.com/2022/01/10/letter-panhandling-
8 accidents-waiting-to-happen));
- 9 • In March 2022, two pedestrians were struck, and one killed, in a
10 median in Forsyth County, Georgia
11 ([https://www.fox5atlanta.com/news/1-pedestrian-dead-1-injured-after-
13 vehicle-crash-in-forsyth-county](https://www.fox5atlanta.com/news/1-pedestrian-dead-1-injured-after-
12 vehicle-crash-in-forsyth-county));
- 13 • In April 2022, a man standing in a center median in Brooklyn, New
14 York was killed by a van from the New York Police Department
15 ([https://nypost.com/2022/04/08/nypd-van-fatally-strikes-man-in-
17 brooklyn-cops](https://nypost.com/2022/04/08/nypd-van-fatally-strikes-man-in-
16 brooklyn-cops));
- 17 • In April 2022, a man standing in Springfield, Virginia was struck and
18 killed while standing in a median
19 ([https://www.ffxnow.com/2022/04/07/springfield-man-dies-after-three-
21 vehicle-crash-the-fifth-pedestrian-killed-this-year](https://www.ffxnow.com/2022/04/07/springfield-man-dies-after-three-
20 vehicle-crash-the-fifth-pedestrian-killed-this-year)); and

21 WHEREAS, these deaths and injuries occur, in part, because roadway
22 medians are not designed for use by pedestrians; instead, they are designed
23 for the purposes of channelizing traffic, promoting roadway safety by
24 separating opposing lanes of traffic, and enhancing community aesthetics
25 through landscape and artistic features; and

26 WHEREAS, many existing roadway configurations in the City cannot safely
27 accommodate the presence of pedestrians within a median; and

28 WHEREAS, the City has a compelling interest in adopting laws that help
29 promote safety and prevent deaths and injuries resulting from the presence of
30 pedestrians in narrow medians not designed for pedestrian use; and

31 WHEREAS, Albuquerque has adopted a multi-prong approach to
32 addressing pedestrian safety concerns through Vision Zero, a multi-national
33 traffic safety project that aims to achieve a system with no pedestrian fatalities

1 or serious injuries involving road traffic. Through Vision Zero, Albuquerque
2 has begun implementing road improvements; conducting road safety
3 assessments; adopting road designs that encourage and accommodate
4 pedestrian and bicycle use; improving crosswalk safety; and decreasing the
5 speed limit throughout downtown, among other initiatives; and

6 WHEREAS, Albuquerque seeks, in addition to these measures designed to
7 address general pedestrian safety concerns, to prevent further unnecessary
8 deaths and injuries resulting from the pedestrian occupation of medians; and

9 WHEREAS, notwithstanding that occupancy of any median by pedestrians
10 presents a traffic safety risk, this amended ordinance attempts to identify and
11 prohibit the use of only those medians that pose risks to pedestrian safety due
12 to their narrowness and their presence in high-speed, high-intensity
13 roadways; and

14 WHEREAS, because the ordinance only prohibits the occupation of narrow
15 medians in high-speed, high-intensity roadways, it leaves available a
16 substantial portion of the City’s medians for expressive conduct, and in many
17 instances bans pedestrian from occupying only a portion of a median, while
18 permitting expressive conduct to take place in the wider sections of the
19 median; and

20 WHEREAS, the City expects that the Albuquerque Police Department and
21 the Albuquerque Community Safety Department will enforce the provisions of
22 this ordinance in a fair and unbiased way, regardless of the reason any
23 individual is engaging in proscribed activities.

24 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
25 OF ALBUQUERQUE:

26 SECTION 1: Amending Chapter 8, Article 1, Part 1, Section 2 to add the
27 following definitions in alphabetical order, and otherwise leaving existing
28 definitions unchanged:

29 “Flat – An area having a grade of eight percent or less throughout.”

30 SECTION 2: Amending Chapter 8, Article 2, Part 7, Section 2 of the Traffic
31 Code as follows:

32 “§ 8-2-7-2 OCCUPYING ROADWAYS, CERTAIN MEDIANS AND ROADSIDE
33 AREAS PROHIBITED; CERTAIN PEDESTRIAN INTERACTIONS WITH

1 **VEHICLES PROHIBITED.**

2 (A) It is unlawful for any person to stand in any travel lane of a street,
3 highway, or controlled access roadway or in any travel lane of the exit of
4 entrance ramps thereto, or to otherwise enter a travel lane of a street,
5 highway, or controlled access roadway or in any travel lane of the exit of
6 entrance ramps thereto, except for the purpose of legally crossing;

7 (B) ~~It is unlawful for any person to access, use, occupy, congregate or~~
8 ~~assemble within six feet of a travel lane of an entrance or exit ramp to~~
9 ~~Interstate 25, Interstate 40, or to Paseo del Norte at Coors Boulevard NW,~~
10 ~~Second Street NW, Jefferson Street NW, or Interstate 25, except on a grade~~
11 ~~separated sidewalk or designated pedestrian way, unless reasonably~~
12 ~~necessary because of an emergency situation where such area provides the~~
13 ~~only opportunity for refuge from vehicle traffic or other safety hazard;~~

14 (C) ~~It is unlawful for any person to access, use, occupy, congregate, or~~
15 ~~assemble within any median not suitable for pedestrian use, unless~~
16 ~~reasonably necessary during an otherwise lawful street crossing at an~~
17 ~~intersection or designated pedestrian crossing, or because of an emergency~~
18 ~~situation where the median provides the only opportunity for refuge from~~
19 ~~vehicle traffic or other safety hazard. For purposes of this section, a *MEDIAN*~~
20 ~~*NOT SUITABLE FOR PEDESTRIAN USE* is:~~

21 (1) ~~Any portion of a median that is less than six feet in width, and~~
22 ~~located within a roadway with a posted speed limit of 30 miles per hour or~~
23 ~~faster or located within 25 feet of an intersection with such a roadway; or~~

24 (2) ~~Is the landscaped area of the median as defined by this Traffic~~
25 ~~Code; or~~

26 (3) ~~Is otherwise identified by signage as not suitable for~~
27 ~~pedestrian use by the City Traffic Engineer based on identifiable safety~~
28 ~~standards, including but not limited to an unsuitable gradient or other~~
29 ~~objectively unsuitable features.~~

30 (D) ~~Is otherwise identified by signage as not suitable for pedestrian use~~
31 ~~by the City Traffic Engineer based on identifiable safety standards, including~~
32 ~~but not limited to an unsuitable gradient or other objectively unsuitable~~
33 ~~features.~~

1 (E) ~~It is unlawful for any occupant of a motor vehicle within any travel~~
2 ~~lane or intersection to engage in any physical interaction or exchange with a~~
3 ~~pedestrian unless reasonably required because of an emergency situation. For~~
4 ~~purposes of this section, a **PHYSICAL INTERACTION OR EXCHANGE** is~~
5 ~~conduct by which an occupant of a motor vehicle in a travel lane intentionally~~
6 ~~makes physical contact with a pedestrian, either directly or with an object.~~

7 [(B) It is unlawful for any person to access, use, occupy, congregate or
8 assemble on any median that is located on any roadway with a posted speed
9 limit of 30 miles per hour or greater and that does not possess a flat area of at
10 least four feet (4') in diameter.]

11 (FC) Nothing herein shall be construed as preventing maintenance[,
12 repair] or construction activities within medians or roadside areas by public
13 agencies or agents thereof, [including law enforcement officers engaged in the
14 performance of their official duties,] entering or exiting a bus or other form of
15 public transit at authorized pick up and drop off locations, or as preventing
16 physical interactions or exchanges between pedestrians and occupants of
17 vehicles where the vehicle is lawfully stopped or pulled over outside of a
18 travel lane, or parked at a location where on-street parking is permitted.

19 [(D) A person who violates this provision shall be guilty of a petty
20 misdemeanor and is subject to a fine of up to \$100; provided, however, that:

21 (1) the Albuquerque Community Safety Department shall be the
22 preferred responder for any report of a person violating this provision; and

23 (2) a law enforcement officer, in that officer's discretion, may
24 issue a warning to the person for violating this section in lieu of a citation or
25 arrest.]

26 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
27 clause, word or phrase of this ordinance is for any reason held to be invalid or
28 unenforceable by any court of competent jurisdiction, such decision shall not
29 affect the validity of the remaining provisions of this ordinance. The Council
30 hereby declares that it would have passed this ordinance and each section,
31 paragraph, sentence, clause, word or phrase thereof irrespective of any
32 provision being declared unconstitutional or otherwise invalid.

33 SECTION 4. COMPILATION. The ordinance amendment prescribed by

1 **SECTIONS 1 and 2 shall amend, be incorporated in and made part of the**
2 **Revised ordinances of Albuquerque, New Mexico, 1994.**

3 **SECTION 5. EFFECTIVE DATE. This ordinance shall take effect five days**
4 **after publication by title and general summary.**

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City of Albuquerque

Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

September 6, 2022

To: Isaac Benton, President, City Council

From: Timothy M. Keller, Mayor 

Subject: Approval of Amending Chapter 8, Article 2, Part 7 of the Traffic Code,
Relating to Pedestrian Safety in Medians and Pedestrian Vehicle Interactions

The Department of Municipal Development, Engineering Division, seeks approval to amend Chapter 8, Article 2, Part 7 of the Traffic Code related to pedestrian safety in medians and pedestrian – vehicle interaction.

Due to the fact the large number of pedestrian/vehicle involved crashes, Albuquerque seeks to address general pedestrian safety concerns and to prevent further unnecessary deaths and injuries resulting from pedestrian occupation of medians by amending the Traffic Code to disallow occupancy by pedestrians in medians.

Occupancy of medians by pedestrians presents a traffic safety risk and amending the ordinance attempts to identify and prohibit the use of only those medians that pose the highest risks to pedestrian safety due to their narrowness and their presence in high-speed, high intensity roadways.

I concur with this recommendation.

The City expects that the Albuquerque Police Department and the Albuquerque Community Safety Department will enforce the provisions of this amended legislation in a fair and unbiased way.

Cover Analysis

1. What is it?

This is a request for approval to amend Chapter 8, Article 2, Part 7 of the Traffic Code relating to Pedestrian Safety in Medians and Pedestrian Vehicle Interactions.

2. What will this piece of legislation do?

This Executive Communication will amend the Traffic Code to prohibit pedestrian occupancy of City medians in order to comply with the City's Vision Zero Goals to reduce pedestrian/vehicular injuries and fatalities.

3. Why is it needed?

The legislation is needed to address the City's pedestrian safety issues related to pedestrian and vehicular conflicts. Pedestrians in medians present a traffic safety risk and changes to the Traffic Code will prohibit this type of use and allow the Albuquerque Police Department and Albuquerque Community Safety Department to enforce the provisions of the amended legislation.

4. How much will it cost and what is the funding source?

N/A

5. Is there a revenue source? If yes, what level of income is projected?

N/A