



Legislation Text

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**CITY of ALBUQUERQUE**  
**TWENTY SECOND COUNCIL**

COUNCIL BILL NO. F/S O-17-51 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Trudy E. Jones

**ORDINANCE**

**F/S Amending The Traffic Code And The Municipal Ordinance Relating To Pedestrian Safety And Vehicle/Pedestrian Conflicts (Jones)**

**AMENDING THE TRAFFIC CODE AND THE MUNICIPAL ORDINANCE RELATING TO PEDESTRIAN SAFETY AND VEHICLE/PEDESTRIAN CONFLICTS.**

**WHEREAS, according to the National Highway Traffic Safety Administration (NHTSA), more than 4,000 pedestrians die and 70,000 get injured by encounters with vehicle traffic annually; and**

**WHEREAS, according to NHTSA, New Mexico had the highest rate of pedestrian fatalities per 100,000 population in 2014 and seventh highest in 2015, and Albuquerque had the second highest pedestrian fatality rate per 100,000 population amongst cities with a population of over 500,000 in 2014; and**

**WHEREAS, New Mexico was also among the 10 worst states for pedestrian fatalities per 100,000 population from 2010 through 2013; and**

**WHEREAS, New Mexico has been identified as a focus state for pedestrian and bicyclist safety by the Federal Highway Administration (FHWA) due to the high number of pedestrian and bicyclist fatalities from encounters with vehicles; and**

**WHEREAS, among all of the pedestrian and bicyclist involved crashes in New Mexico, more than 40% occur in Albuquerque and over 80% happen around intersections; and**

**WHEREAS, in 2015 the City commissioned a study by the University of New Mexico to**

study the occurrences and possible causes of pedestrian and bicyclist involved crashes in Albuquerque (the “Study”); and

WHEREAS, the Study revealed that among the 10 intersections in the City with the highest number of pedestrian injuries and fatalities, pedestrian error and driver inattention were frequently among the top contributing factors; and

WHEREAS, at the intersections with high incidents of pedestrian error and driver inattention as a contributing factor, the Study identifies the existence of pedestrians entering traffic outside of crosswalks for such purposes as interacting with motorists to solicit donations; and

WHEREAS, interaction with motorists at street intersections by pedestrians on the adjacent sidewalks or within street medians can distract drivers, which contributes to the danger experienced by pedestrians and motorists alike as identified by the Study; and

WHEREAS, driver interactions with pedestrians from the sidewalk, street-sides or medians foster scenarios for greater driver distraction and pedestrian-vehicle conflicts which increases the safety risk for all pedestrians and motorists in the vicinity; and

WHEREAS, motorist interaction with pedestrians from the street-side or median foster increased occurrences of pedestrians entering the roadway outside of designated cross walks for purposes of interacting with vehicles, which compounds safety concerns by creating additional conflict points for pedestrians and potentially distracted drivers; and

WHEREAS, roadways are specifically designed to minimize pedestrian vehicle interactions by providing signals and designated crossing areas and designated, grade separated accommodations for each - sidewalks for pedestrians and driving lanes for vehicles; and

WHEREAS, absent special safety accommodations specifically for pedestrians such as pedestrian refuges, roadway medians are not designed for use by pedestrians - instead they are designed for the purposes of channelizing traffic, promoting roadway safety by separating opposing lanes of traffic, and enhancing community aesthetics through landscape and artistic features; and

WHEREAS, both the American Association of State Highway and Transportation Officials (AASHTO) and National Association of City Transportation Officials (NACTO) recommend a minimum median width of 6 feet (NACTO recommends a *preferred* width of 8 -10 feet) when the median is contemplated to accommodate a pedestrian-refuge from

traffic; and

**WHEREAS, the Study identified some potential physical, capital improvements that might help improve intersection safety such as median barriers and flashing warning lights, but amendments to the City's traffic code as it relates to pedestrian and motorist conduct can also help promote safety without requiring additional capital expenditures from the City's limited capital resources; and**

**WHEREAS, the City recognizes and supports the first amendment rights of individuals on public sidewalks, physical interactions between pedestrians and motorists can present serious threats to safety for pedestrians and the general public and contributes to the City's high rate of pedestrian injuries and fatalities; and**

**WHEREAS, many existing roadway configurations in the City cannot safely facilitate the presence of pedestrians within the median or physical interactions between pedestrians and vehicles because of the relative vulnerability of pedestrians when compared to motor vehicles and vast speed discrepancies, maneuvering limitations and required stopping distances associated with automobiles; and**

**WHEREAS, the City has a compelling interest in adopting laws that help promote safety, and especially when the City has been identified as one of the most dangerous for pedestrians; and**

**WHEREAS, the City believes that by narrowly focusing on pedestrian activities that take place in areas that were not specifically designed for use by pedestrians or that do not otherwise include adequate safety accommodations for pedestrian-vehicle interactions, the City is using the least restrictive means to further this compelling interest; and**

**WHEREAS, through adoption of this ordinance the City expects that the Albuquerque Police Department will enforce the provisions of this ordinance evenly against all violators regardless of their purpose for engaging in the proscribed activities.**

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

**SECTION 1. "§ 8-2-7-2 OCCUPYING ROADWAYS, CERTAIN MEDIANS AND ROADSIDE AREAS PROHIBITED; CERTAIN PEDESTRIAN INTERACTIONS WITH VEHICLES PROHIBITED.**

**(A) It is unlawful for any person to stand on a street, highway, or controlled access roadway or the exit or entrance ramps thereto;**

**(B) It is unlawful for any person to access, use, occupy, congregate or assemble within 6 feet of a travel lane of a highway exit ramp or other controlled access roadway exit or entrance ramp, except on a grade separated sidewalk or designated pedestrian way, unless reasonably necessary because of an emergency situation where such area provides the only opportunity for refuge from vehicle traffic or other safety hazard;**

**(C) It is unlawful for any person to access, use, occupy, congregate, or assemble within the landscaped area of any street median, or within any median not suitable for pedestrian use, unless reasonably necessary during an otherwise lawful street crossing at an intersection or designated pedestrian crossing, or because of an emergency situation where the median provides the only opportunity for refuge from vehicle traffic or other safety hazard. For purposes of this section, a “median not suitable for pedestrian use” is any median that:**

**(1) Is located within a roadway designated as a Minor Arterial or greater intensity by the Albuquerque Major Thoroughfare Plan or within twenty-five feet of an intersection with such a roadway; and**

**(2) Has less than a six-foot-wide, paved (with concrete or equivalent material), grade-separated surface with an average slope of less than 9%; or**

**(3) Is otherwise identified as not suitable for pedestrian use by the City Traffic Engineer based on identifiable safety standards.**

**(D) It is unlawful for any pedestrian to engage in any physical interaction or exchange with the driver or occupants of any vehicle within a travel lane unless reasonably required because of an emergency situation.**

**(E) It is unlawful for any occupant of a motor vehicle within any travel lane or intersection to engage in any physical interaction or exchange with a pedestrian unless reasonably required because of an emergency situation.**

**(F) Nothing herein shall be construed as preventing maintenance or construction activities within medians or roadside areas by public agencies or agents thereof, entering or existing a bus or other form of transit, or as preventing physical interactions or exchanges between pedestrians and occupants of vehicles lawfully stopped or parked at a location where on-street parking is permitted.”**

**SECTION 2. SIGN PROGRAM. The Director of the Department of Municipal Development, in cooperation with the Albuquerque Police Department and the City Traffic**

Engineer, shall develop a signage program that posts notice of the limitations prescribed by this ordinance within priority locations based on enforcement needs and physical conditions, and based on budget availability.

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

**SECTION 4. COMPILATION.** The amendments set forth in Section 1 above shall amend, be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

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

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