

PEDESTRIAN AND TRAFFIC SAFETY ORDINANCE

General Government & Social Services Committee Meeting
May 2, 2017



LEXINGTON



The Problem



Nationally...

- 5,376 pedestrians were killed in motor vehicle accidents in 2015.
- This represents the highest number since 1996, an increase of nearly ten percent (10%) from 2014 to 2015, the last years in which national data is available.

National Highway Traffic Safety Administration's National Center for Statistics and Analysis



Nationally...

- Nearly 70,000 pedestrians were injured in motor vehicle accidents in 2015, an increase of 8% from 2014 to 2015.

National Highway Traffic Safety Administration's National Center for Statistics and Analysis



In 2014...

- 76% of all pedestrian deaths occurred in urban settings.
- 72% of all pedestrian deaths occurred on major roads.
- 26% of all pedestrian deaths occurred at intersections.

Insurance Institute for Highway Safety, Highway Loss Data Institute



Distractions

- The number of distracted drivers has increased substantially over the years.
- Distraction-affected motor vehicle collision fatalities increased nationally from 2014 to 2015, to a total of 3,477 deaths, and an additional 391,000 injured.

Bridgestone America Young Driver Survey 2014; American Journal of Public Health; “Pedestrian Deaths Spiked in 2016, Distraction Cited,” New York Times; National Highway Traffic Safety Administration’s National Center for Statistics and Analysis



The American Journal of Public Health

- Found that separating pedestrians from vehicles by time and space is an effective approach to reducing pedestrian-involved motor vehicle collisions.



What about in Lexington?

- Motor vehicle collisions caused at least 10 pedestrian deaths in Lexington-Fayette County in 2016.

Statistics from Lexington Police



What about in Lexington?

- 20% of all fatalities resulting from motor vehicle collisions in Lexington-Fayette County were pedestrians.

*Obtained by dividing the number of pedestrian fatalities (10) by the total number of motor vehicle fatalities (50).
Statistics from Lexington Police.*



What about in Lexington?

- 2016 was tied with 2008 as our most deadly year of record.

Latest death makes 2016 one of deadliest years for pedestrians in Lexington in decades, Lexington Herald-Leader (November 3, 2016).



What about in Lexington?

- 397 pedestrian-involved motor vehicle collisions have occurred since 2015, resulting in 344 injuries.

Statistics from Lexington Police



What about in Lexington?

- 196 motor vehicle collisions have involved hitting or crossing medians since 2015.
- This illustrates the threat of injury to those standing upon medians on heavily-trafficked roads.

Statistics from Lexington Police



What about in Lexington?

- The number of pedestrians in the roadway and on medians has increased since the *Champion* decision.

City confirms more panhandlers in Lexington since Kentucky Supreme Court struck down ordinance, WTVQ (April 11, 2017) (referenced pedestrians being “on the street”).



What about in Lexington?

- The total average annual daily traffic for all arterial roads in Lexington-Fayette County exceeds 2,000,000.

Computed from Kentucky Transportation Cabinet average annual daily traffic counts.



LFUCG cares about pedestrian safety

- Lexington has implemented alternative means of addressing the serious public safety issue related to pedestrians in the roadway for years, including...
 - A pedestrian safety work group in 2014;
 - Pedestrian safety educational campaigns;
 - A reduction in the speed limit on some heavily trafficked roadways downtown in 2016;
- In fact, the United States Department of Transportation has recently awarded Lexington-Fayette County with the “Mayor’s Challenge Award” in September 2016 for our work addressing pedestrian safety.



Our residents care about pedestrian safety

- The Mayor, Councilmembers, and various Departments in the Urban County Government have received numerous calls from residents relating their fear and concern for the safety of pedestrians that enter the roadways and medians.



The Proposed Solution



What We Looked At

- Ordinances in other communities, including Madison, WI.
- Court cases from across the country, including *Reed v. Town of Gilbert*.
- The Kentucky Supreme Court case, *Champion v. Commonwealth*.



Three Part Solution

- This proposed ordinance contains three parts that work in tandem to separate pedestrians and motor vehicles spatially:
 - It further limits jay-walking by amending Section 18-100;
 - It prohibits being in the roadway and approaching cars on Lexington's most-trafficked roads;
 - It prohibits being on medians on Lexington's most-trafficked roads, except to cross the street.



Section 18-1(19), The Definition of Pedestrian

- In the process of creating this Pedestrian and Traffic Safety Ordinance, we found the definition of “Pedestrian” in our Code of Ordinances did not track with the definition found in the Kentucky Revised Statutes.
- Section 2 – That Section 18-1(19) of the Code of Ordinances be and hereby is amended as follows:
 - (19) Pedestrian: Any person afoot or in a wheelchair.



Section 18-100, “Prohibited Crossing”

Section 3 – That Section 18-100 of the Code of Ordinances titled “Prohibited Crossing” be and hereby is amended as follows:

(a) ~~Between adjacent intersections at which traffic control signals are in operation,]~~ ~~[p]~~ Pedestrians shall not cross a roadway at any place except in a crosswalk. Where there is no crosswalk, pedestrians shall cross only at an intersection in which traffic control signals or other devices are in place. Where there is no crosswalk or traffic control signals or devices, pedestrians shall cross a roadway only at an intersection.

~~[(b) No pedestrian shall cross a roadway other than in a crosswalk in the central traffic district or in any business district.]~~



New Section 18-94, titled “Pedestrians Approaching Vehicles or Being upon Median, Prohibited”

Section 4 – That Section 18-94 titled “Pedestrians Approaching Vehicles or Being upon Median, Prohibited” of the Code of Ordinances be and hereby is created as follows:

(1) Definitions – As used in this Section:

(a) Arterial roadway shall mean any arterial roadways listed in subsection (4) of this ordinance.



New Section 18-94

(2) Prohibitions –

(a) No person, other than a person in or on a vehicle, shall be upon an arterial roadway and approach a vehicle, except one that is legally parked at the curb or shoulder.

(b) No person shall be upon a median of an arterial roadway unless in the process of legally crossing the roadway in a crosswalk. It is prima facie evidence of a violation of this subsection if a person stays on the median through two consecutive opportunities to cross the roadway in a legal manner under this Chapter and the traffic laws of the Commonwealth Kentucky. The exception found in 3(a) shall not apply to those pedestrians who stay on the median through two consecutive opportunities to cross.



New Section 18-94

- (3) Exceptions – This Section shall not apply to
- (a) Any person using a crosswalk to cross the roadway;
 - (b) Any person engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person;
 - (c) Any person entering a stopped vehicle as an invited passenger where it is lawful to do so, including accessing taxicabs; and
 - (d) Any person engaged in emergency repair or maintenance activities of a vehicle.



New Section 18-94

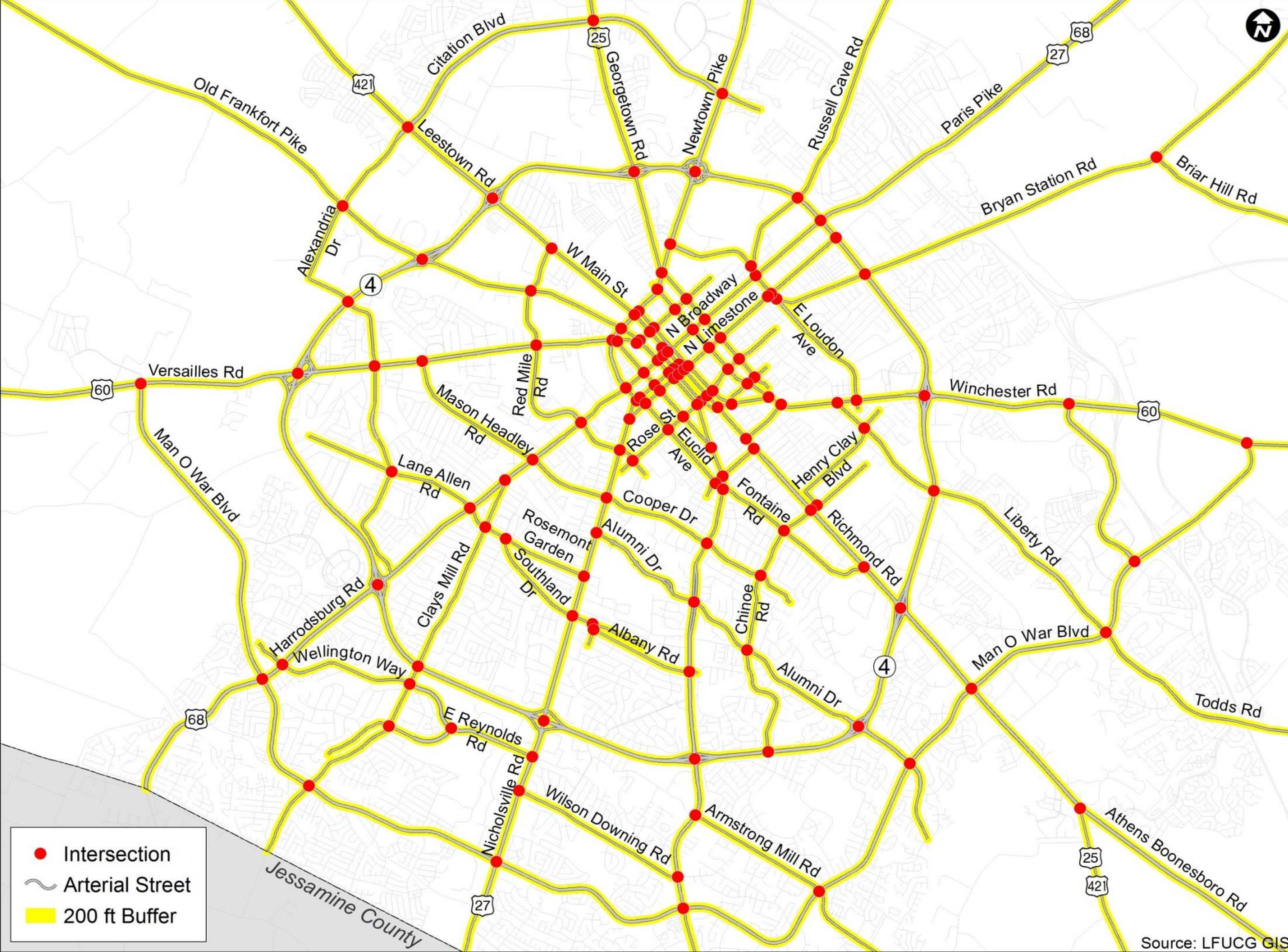
(4) The following roadways, which carry the most traffic within Lexington-Fayette County, are arterial roadways for the purposes of this Section:



Albany Road	Crestwood Drive	East and West Third Street
Alexandria Drive	East and West Fourth Street	East and West Vine Street
Alumni Drive	East and West High Street	Elm Tree Lane
Armstrong Mill Road	East and West Loudon Street	Euclid Avenue
Athens Boonesboro Road	East and West Main Street	Fairway Drive
Avenue of Champions	East and West Maxwell Street	Fontaine Road
Bolivar Street	East and West New Circle Road	Georgetown Road
Briar Hill Road	East and West New Circle Ramps	Georgetown Street
Bryan Avenue	East and West Short Street	Harrodsburg Road
Bryan Station Road		Henry Clay Boulevard
Chinoe Road		Holiday Road
Citation Boulevard		Huguelet Drive
Clays Mill Road		Jefferson Street
Cooper Drive		Jesselin Drive
		Keithshire Way



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- | | | |
|------------------------------|----------------------|---------------------|
| Lane Allen Road | Paris Pike | Versailles Road |
| Leestown Road | Race Street | Virginia Avenue |
| Liberty Road | Red Mile Road | West Reynolds Road |
| Man O' War Boulevard | Richmond Road | Waller Avenue |
| Manchester Street | Rose Street | Walton Avenue |
| Mason Headley Road | Rosemont Garden | Wellington Way |
| Midland Avenue | Russell Cave Road | Wilson Downing Road |
| North and South
Broadway | South Ashland Avenue | Winchester Road |
| North and South
Limestone | South Forbes Road | Winslow Street |
| Newtown Pike | South Upper Street | |
| Nicholasville Road | Sir Barton Way | |
| Old Frankfort Pike | Southland Drive | |
| Old Richmond Road | Tates Creek Road | |
| Oliver Lewis Way | Todds Road | |



- Intersection
- ~ Arterial Street
- 200 ft Buffer



New Section 18-94

This Section shall also apply to the first two hundred (200) feet of any roadway that intersects with an arterial roadway, as measured from the point where the roadway and the arterial roadway intersect.



Annual Roadway Review

Section 5 – That the appropriate Departments of the Urban County Government shall annually review the list of arterial roadways found in Section 4 of this Ordinance and provide recommendations to the Urban County Council concerning any roadways that it believes, in the interest of pedestrian safety, should be added to or removed from the list of arterial roadways found therein.



Penalties

- Section 6 - That Section 18-164 of the Code of Ordinances be and hereby is amended as follows:

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter. Unless another penalty is expressly provided by law or in section 18-166, every person convicted of a violation of any provision of the traffic regulations shall be subject to a fine of not less than ~~five~~ twenty-five dollars (~~\$5.00~~) (\$25.00) nor more than ~~one~~ two hundred dollars (~~\$100.00~~) (\$200.00).



Penalties

- Section 7 – That Section 18-166 of the Code of Ordinances be and hereby is amended as follows:

(a) Any person who shall violate any of the provisions of the following sections of this chapter:

18-12, 18-13, 18-43, 18-97, 18-98, 18-107, 18-154 and 18-155

shall be fined not less than ~~three~~ fifteen dollars (~~\$3.00~~) (\$15.00)
nor more than ~~one~~ two hundred dollars (~~\$100.00~~) (\$200.00).



Penalties

(b) Any person who shall violate any of the provisions of the following sections of this chapter:

8-7, 18-10, 18-11, 18-19, 18-20, 18-21, 18-26, 18-27, 18-28, 18-29, 18-30, 18-31, 18-32, 18-34, 18-37, 18-38, 18-39, 18-41, 18-42, 18-53, 18-56, 18-57, 18-58, 18-72, 18-74, 18-75, 18-76, 18-77, 18-78, 18-84, 18-87, 18-88, 18-89, 18-90, 18-91, 18-96, 18-99, 18-100, 18-101, 18-102, 18-103, 18-105, 18-111, 18-118, 18-124, 18-125, 18-128, 18-132, 18-134, 18-136, 18-137, 18-138, 18-141, 18-142, 18-144, 18-146, 18-147, 18-148, 18-149, 18-151, 18-152, 18-153, 18-164 and 18-165

shall be fined not less than five twenty-five dollars ~~(\$5.00)~~ (\$25.00) nor more than ~~one~~ two hundred dollars ~~(\$100.00)~~ (\$200.00).



Penalties

(c) Any person who shall violate any of the provisions of the following sections of this chapter:

18-94, 18-54, 18-59, 18-15, 18-17, 18-67, 18-68, 18-79, 18-80, 18-82, 18-18, 18-22, 18-23, 18-24, 18-25, 18-104, 18-33, 18-36, 18-150 and 18-156

shall be fined not less than ~~ten~~ fifty dollars (~~\$10.00~~) (\$50.00) nor more than ~~one~~ two hundred dollars (~~\$100.00~~) (\$200.00).



Penalties

(d) Any person who shall violate the provisions of section 18-69 of this chapter shall be fined not less than ~~twenty-five~~ one hundred dollars ~~(\$25.00)~~ (\$100.00) nor more than five hundred dollars (\$500.00), or imprisoned for not less than three (3) days nor more than six (6) months, or both so fined and imprisoned.

(e) Any person who shall violate the provisions of section 18-44 of this chapter shall be fined not less than ~~twenty-five~~ fifty dollars ~~(\$25.00)~~ (\$50.00) nor more than ~~one~~ two hundred dollars ~~(\$100.00)~~ (\$200.00).



Penalties

(f) Any person who shall violate any provision of section 18-64(a) shall be fined not less than four dollars (\$4.00) nor more than one hundred dollars (\$100.00); however, if any parking citation remains unpaid for more than thirty (30) days from the date thereof, the fine shall be not less than eight dollars (\$8.00) nor more than one hundred dollars (\$100.00).

(g) Any person who shall violate any provision of section 18-66 shall be fined not less than eight dollars (\$8.00) nor more than one hundred dollars (\$100.00); however, if any parking citation remains unpaid for more than thirty (30) days from the date thereof, the fine shall be not less than sixteen dollars (\$16.00) nor more than one hundred dollars (\$100.00).



Penalties

(h) Any person who shall violate any provisions of sections 18-61, 18-63, 18-64(b), 18-64(c), 18-106, 18-108, 18-110, 18-115, 18-119, 18-120, 18-121, 18-122, 18-123, 18-126, 18-127, 18-129, 18-133, and 18-135 shall be fined not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00); however, if any parking citation remains unpaid for more than ten (10) working days (excluding Saturdays, Sundays and holidays) from the date thereof, the fine shall be not less than thirty dollars (\$30.00) nor more than one hundred dollars (\$100.00).

(i) Any person who shall violate any provision of section 18-113.3 shall be fined two hundred fifty dollars (\$250.00).



Penalties

- (j) Any person who shall violate any provision of section 18-94 shall be fined one hundred dollars (\$100.00). Nothing contained herein shall prohibit the issuance of a warning citation.



Effective Date

Section 8 – That this Ordinance shall be effective sixty (60) days from the date of its passage to provide a period of time to educate residents regarding the Ordinance’s new requirements.



In summary, this Ordinance

- Instructs all pedestrians on the proper place to cross roadways and fines those who do not act accordingly.
- Addresses the conduct of all pedestrians who enter heavily trafficked roadways or stay upon medians located on roadways where most pedestrian-involved motor vehicle collisions occur and where the risks associated with pedestrians and motor vehicles in close proximity are most profound.

Questions?

