

ORDINANCE NO. 8119

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 16-3, ARTICLE XXI, ADDING SECTION 16-3-315; PROVIDING FOR DEFINITION OF A CLEAR ZONE AND A SAFETY ZONE TO PROHIBIT PEDESTRIANS FROM OCCUPYING ROADWAY MEDIANS OF SIX FEET OR LESS AND/OR FROM INTERFERING WITH NORMAL MOTOR VEHICLE TRAVEL ON ROADWAYS IN A SAFETY ZONE; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, PENALTY, PUBLICATION AND EFFECTIVE DATE.

WHEREAS, according to the National Highway Traffic Safety Administration (NHTSA), in 2020 there were 6,516 pedestrians killed in traffic crashes, a 3.9-percent increase from the 6,272 pedestrian fatalities in 2019; and,

WHEREAS, according to the NHTSA on average, a pedestrian was killed every 81 minutes and injured every 10 minutes in traffic crashes in 2020; and,

WHEREAS, pedestrian traffic fatalities increased 30 percent in Texas from 2018 through 2022 and now account for one in five of all roadway deaths; and,

WHEREAS, in 2022 according to the Texas Department of Transportation data there were 5,751 accidents involving pedestrians in Texas, resulting in 823 deaths and 3,669 injuries; and,

WHEREAS, according to crash fatality statistics in the City of Amarillo there have been 222 accidents involving pedestrians since January 2021 with 25 of those resulting in pedestrian fatalities; and,

WHEREAS, a study of pedestrian fatalities in the City of Amarillo found that from 2021 through 2023, thirty-one percent (31%) of all crash fatalities involve a pedestrian; and,

WHEREAS, according to crash fatality statistics in the City of Amarillo pedestrian fatalities rates have doubled since 2021 (6 in 2021 to 12 in 2023); and,

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; and,

WHEREAS, the U.S. Department of Transportation, American Association of State Highway Transportation Officials, National Association of City Transportation Officials, and the Texas Department of Transportation 2022 Roadway Design Manual recommends a minimum median width of six feet for a median to be used as a pedestrian refuge; and,

WHEREAS, Chapter 2 of the Texas Department of Transportation 2022 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; Chapter 28 (standing and walking on medians)(alternate); and,

WHEREAS, Roads are primarily designed for vehicular traffic and are not suited to safely accommodate right-of-way pedestrians; and,

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, state law and local ordinance prohibit pedestrians from entering a roadway outside of cross-walk or interfering with traffic by standing in a roadway or area of travel; and,

WHEREAS, Pedestrians who approach motorists and passengers while the motor vehicle is engaged in travel on roads and are particularly susceptible to serious bodily injury or death due to the speed and number of motorists who operate vehicles on busy roads of the city; and,

WHEREAS, pursuant to the Texas Department of Transportation data distracted driving contributes to one out of every six vehicle accidents; and,

WHEREAS, pursuant to 2022 Texas Department of Transportation distracted driving contributed to 95,765 accidents throughout the state resulting in 484 fatalities; and,

WHEREAS, pursuant to 2022 Texas Department of Transportation distracted driving contributed to 681 accidents in the greater Amarillo Metro area (Potter and Randall counties) resulting in 20 serious injuries; and,

WHEREAS, intersections controlled by traffic signals have higher volumes of traffic and therefore present even greater chances of pedestrian related traffic accidents; and,

WHEREAS, pedestrians that approach a vehicle while the vehicle occupies a lane of traffic distracts motorists and interferes with the safe movement and normal flow of traffic increasing the chance of accidents and fatalities; and,

WHEREAS, it is the intention of the City Council to use the least restrictive means to advance the significant governmental interests of traffic safety and public safety; and,

WHEREAS, it is the finding of the City Council that other alternative, and safer, channels of communication for pedestrians exist, such as, but by no means limited to, parks, sidewalks (outside of a safety zone), mail solicitation, or delivery of literature, distribution of literature or solicitation for donations at other locations (such as homes, places of worship, businesses, shopping areas, news and magazine racks, special events, and any other place not prohibited by law); the distribution or sale of newspapers or other literature through the use of home or business delivery, vending machines, and retail stores; and the sale of goods and services at retail stores, through the internet, and from vending machines; and,

WHEREAS, the City Council has reviewed the proposed regulations and finds that such regulations accomplish the intended purposes while utilizing the least restrictive means possible; and,

WHEREAS, the City Council finds that it in the best interest of the public health and safety to prohibit pedestrians from interfering with the travel of motor vehicles in a safety zone, standing in a roadway median, where no median exists, or in a clear zone, subject to certain exceptions; and,

WHEREAS, the City Council now finds that data stated herein and such recommendation balances the need for safe and efficient traffic movement on the streets as well as protecting the public health and safety of pedestrians.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. That City Council incorporates all the findings as stated above as if specifically described herein.

SECTION 2. That Chapter 16-3, Article XXI, Section 16-3-315 is hereby added, to read as follows:

Sec. 16-3-315. 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 width, in areas where no median exists for roadways designated as divided roadways, in an area designated as a clear zone, or interferes with the normal travel of a motor vehicle on roadway in a safety 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 or disabled access ramp 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.

(5) SAFETY ZONE means an area 100 hundred feet from the center of any intersection controlled by a traffic signal.

(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 in accordance with City code;

(4) is erecting or dismantling a barricade in the right-of-way in accordance with a permit issued per City 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

(d) In a prosecution for an offense under Subsection (a), there shall be a rebuttable presumption that a person interferes with the normal travel of a motor vehicle if it is shown at the trial of the offense that the person approached a motor vehicle while the motor vehicle was engaged in travel on a roadway in a safety zone.

Sections 16-3-315-16-3-316 - 16-3-325 Reserved.

SECTION 3. That Section 10-3-41 of Chapter 10-3 of the Amarillo Municipal Code is repealed in its entirety.

SECTION 4. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.


SECTION 5. Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 6. Continuation. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any act or ordinance repealed by this ordinance.


SECTION 7. Penalty. It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-1-5 of the Amarillo Municipal Code of Ordinances.

SECTION 8. Publishing and Effective Date. This ordinance shall be published and become effective according to law.

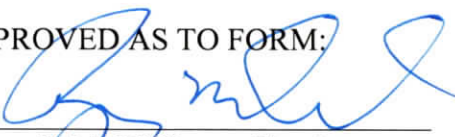
INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 27th day of February 2024; and **PASSED** on Second and Final Reading the 12th day of March, 2024.


Don Tipps, Mayor Pro Tem

ATTEST:


Stephanie Coggins, City Secretary

APPROVED AS TO FORM:


Bryan S. McWilliams, City Attorney