



Board of Supervisors Memorandum

May 17, 2016

Traffic Safety Ordinance Prohibiting the Loitering of Pedestrians on Medians

Introduction

At the request of the Sheriff, I am placing on the May 17, 2016 Board of Supervisors Agenda a Traffic Safety Ordinance prohibiting the loitering of pedestrians on medians that separate opposing lanes of a multilane highway.

The primary purpose of a median is to separate opposing traffic streams that approach one another at relatively high speeds. At signalized intersections, medians perform this function, as well provide a temporary refuge for pedestrians crossing a highway perpendicular to opposing traffic lanes. A pedestrian should not be in the median refuge area for longer than one cycle length of a signal light intersection. Most ambulatory pedestrians are able to cross multiple lanes of opposing traffic in one traffic signal length. Those with impaired mobility may, by necessity, use the median refuge if their ambulatory crossing of the highway requires more than one traffic signal cycle.

The proposed ordinance will declare any pedestrian who is in the median refuge area longer than one traffic cycle a trespasser and subject to action by the Sheriff to remove the individual from the median. The ordinance is a vehicle and pedestrian safety issue, not a panhandling issue. It is for the safety of pedestrians and vehicle drivers and passengers and should not be confused with previously proposed panhandling ordinances (see my December 1, 2015 memorandum to the Board regarding this subject) that have been struck down as unconstitutional by the Ninth Circuit of the US Court of Appeals.

Recommendation

I recommend the Board of Supervisors adopt Ordinance No. 2016-____, a Traffic Safety Ordinance Prohibiting the Loitering of Pedestrians on Medians.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Huckelberry".

C.H. Huckelberry
County Administrator

CHH/mjk – April 29, 2016
Attachment

c: The Honorable Chris Nanos, Pima County Sheriff
Tom Weaver, Chief Civil Deputy County Attorney
John Bernal, Deputy County Administrator for Public Works
Priscilla Cornelio, Transportation Director



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: May 17, 2016

Title: Restriction of Median Access Ordinance

Introduction/Background:

This Ordinance is in response to requests from citizens, public safety officers, and county staff regarding the use of County highway medians for purposes other than as a refuge while crossing the highway at marked crosswalks of signalized intersections.

Discussion:

The purpose of the median is to provide access control by separating opposing streams of vehicular traffic. Medians at signalized intersections provide a temporary refuge for pedestrians that need an additional cycle to complete their crossing maneuver. The presence of persons in the median for purposes other than temporary refuge while crossing at a marked crossing is a hazard to the pedestrian and vehicular traffic.

Conclusion:

Pima County Department of Transportation considers it essential to the safety of vehicle occupants and pedestrians alike, and to the orderly flow of traffic, that pedestrians be prohibited from occupying medians on County highways except as temporary refuge when crossing a highway.

Recommendation:

Pima County Department of Transportation recommends approval of this Ordinance relating to traffic safety; prohibiting the use of traffic medians on County highways except as pedestrian refuge at marked crosswalks.

Fiscal Impact:

Minimal.

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Traffic Engineering Division, Robert Lane P.E. Telephone: 520-724-2601

Department Director Signature/Date: [Signature] 5/2/16

Deputy County Administrator Signature/Date: [Signature] 5/2/16

County Administrator Signature/Date: [Signature] 5/2/16

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO TRAFFIC SAFETY; PROHIBITING USE OF TRAFFIC MEDIANS ON COUNTY HIGHWAYS EXCEPT AS PEDESTRIAN REFUGE AT MARKED CROSSWALKS; DIRECTING THE PIMA COUNTY SHERIFF TO DETERMINE PRIORITY INTERSECTIONS FOR THE PLACEMENT OF SIGNS GIVING NOTICE OF THIS ORDINANCE. *(All Districts)*

The Board of Supervisors of Pima County, Arizona, finds that:

1. The Pima County Board of Supervisors has the authority under Arizona Revised Statutes (A.R.S.) Section 11-251(4) to lay out, maintain, control, and manage public roads, ferries, and bridges within the County.
2. The Pima County Board of Supervisors has the authority to establish regulations to provide for the care and safety of the County rights of way.
3. The primary purpose for a marked and signalized crosswalk at an intersection is to provide an organized and reasonable highway crossing for pedestrians.
4. The primary purpose of a median is to separate opposing traffic streams that approach one another at relatively high speeds. Medians at signalized intersections can provide a temporary refuge for pedestrians crossing a highway perpendicular to opposing traffic lanes but a crossing pedestrian shall expeditiously vacate it as soon as reasonable, which is one traffic signal cycle length or sooner. Medians less than six feet wide are not to be used for refuges.
5. The presence of persons in refuge medians, other than for temporary refuge while crossing a highway at the marked crosswalk, is hazardous to both pedestrians and vehicle occupants and negatively affects traffic flow. The presence of persons, other than while crossing per the appropriate signal interval, in non-refuge medians is hazardous and shall be avoided.
6. The Pima County Board of Supervisors considers it essential to the safety of vehicle occupants and pedestrians alike, and to the orderly flow of traffic, that pedestrians be prohibited from occupying medians on County highways except as temporary refuge when crossing a highway.

7. The state traffic laws regulating pedestrian rights and duties apply upon all highways within the County and all pedestrians shall conform to them as required by Arizona law, including A.R.S. Chapter 3, Article 10.
8. The state traffic laws require drivers to exercise due care for pedestrians upon all highways within the County in conformance with Arizona law, including A.R.S. Section 28-794.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. No pedestrian may occupy a median on any County highway, except that a pedestrian may, for no more than one traffic signal cycle length, occupy a median that is six feet wide or wider at a signalized intersection as a temporary refuge when crossing a County highway in a crosswalk. As used in this Ordinance, "median" means that portion of any County highway that both (1) is not intended for vehicular travel and (2) lies between and divides two opposing traveled portions of any County highway.

Section 2. The Pima County Department of Transportation shall erect signs or similar markings giving notice of this Ordinance on medians at selected intersections in unincorporated Pima County. The signs or markings shall state, at a minimum: "Pima County Property, No Trespassing, Use Crosswalk, Violators Will Be Prosecuted, Ordinance No. 2016-____, A.R.S. 13-1502, -1503, -1504." Signs shall be erected at intersections selected by the Pima County Sheriff based on public safety priority, and shall be erected in the order of priority selected by the Pima County Sheriff.

Section 3. In addition to any other penalties or remedies available under law, a violation of Section 1 of this Ordinance is a civil traffic violation.

Section 4. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

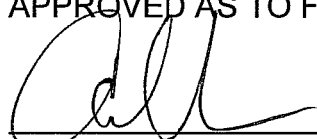
Section 5. This Ordinance is effective immediately upon approval by the Pima County Board of Supervisors because it is necessary for the immediate preservation of the peace, health and safety of Pima County.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this
____ day of _____, 2016.

Chair, Pima County Board of Supervisors

APPROVED AS TO FORM:

ATTEST:



Deputy County Attorney
ANDREW FLAGG

Clerk of the Board