

**THE CITY OF OKLAHOMA CITY
OFFICE OF
THE MUNICIPAL COUNSELOR**

Council Agenda
Item No. XI.A.3.
12/8/2015

TO: Mayor and City Council

FROM: Kenneth Jordan, Municipal Counselor

Ordinance on final hearing, relating to Chapter 32, entitled "Motor Vehicles and Traffic," to provide certain regulations regarding persons standing, sitting, or staying on certain public streets, highways, or medians; amending Chapter 32, Article I, Section 32-1 of the Oklahoma City Municipal Code, 2010, to include a definition for "median" and to amend the definition of "emergency;" amending Article XIII, Section 32-458, to delete all current wording in said Section 32-458 and to provide regulations relating to persons standing, sitting, or staying on certain public streets, highways, or medians; further providing a purpose for such regulations and for certain exceptions to such regulations.

Mayor Cornett, Councilmembers Greiner, McAtee, Greenwell, Salyer, Pettis and Stonecipher
Deferred from October 13, 2015

Purpose The Municipal Counselor's Office prepared the original ordinance at the request of Mayor Cornett, Councilmembers Greiner, McAtee, White, Greenwell, Salyer, Pettis and Stonecipher. The amended version, as approved by Council on September 29, 2015, is attached. The purpose for the amended version is to enhance public safety, as stated in the proposed Subsection (a) in the amended version.

Background City staff and citizens have expressed increasing concerns relating to persons who station themselves in the medians and along the streets of the city, some of them asking for donations. This practice poses a risk both to the persons standing and staying on the medians, and such persons sometimes move into traffic lanes to accept some donations. Sometimes others stand on medians for different purposes, seeking to gain the attention of motorists.

Regardless of the underlying reason why a person is standing on a median (or stepping into moving or stopped vehicular traffic), this practice poses a hazard to both the persons doing it and the motoring public, who are at risk of striking such persons or being distracted and hitting another vehicle. Additionally, staff and citizens have expressed concerns relating to interference by these persons activities with the normal flow of traffic, especially during peak driving periods. All such persons pose an added distraction to the flow of traffic.

The ordinance, as amended on September 29, 2015, is to attempt to better protect all persons who may be standing on medians or attempting to walk into traffic lanes for whatever reasons, by keeping them out of the improved portions of the streets and highways actually used by vehicles and by keeping them from standing, sitting, or staying on the medians abutting such streets and highways.

Certain exceptions are provided to cover situations where a person might need to be standing in a street or highway, such as for example in an emergency situation or during construction law enforcement personnel, etc. (Please refer to the exceptions subsection in the amended ordinance.)

Review

Municipal Counselor's Office

Recommendation: Ordinance be adopted.