

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

Council Agenda  
Item No. XI.A.2.  
12/8/2015

TO: Mayor and City Council

FROM: Kenneth Jordan  
Municipal Counselor

Proposed amendments to Sections 32-1 (Definitions) and 32-458 (Standing, sitting, or staying on any street, highway, or median); to be included in the language of the Ordinance as previously introduced and discussed by City Council.

Purpose The possible and proposed redlined amendments (attached hereto) would accomplish the following:

- The scope of the proposed regulation in Code § 32-458 would be limited to prohibit any person from standing, sitting, or staying on any open street or on any portion of a “median,” unless the portion of the “median”:
  - is 30 or more feet in width from curb line to curb line; **or**
  - is located more than 200 feet away from any intersection.
- The existing definition of “intersection” in Code § 32-1 would be amended to make it simpler and easier to understand.
- Three additional exceptions would be added to cover:
  - persons standing, sitting, or staying on any trail designated for public use;
  - persons standing, sitting, or staying on land dedicated to the public use as a public park; or
  - portions of a “median” containing benches or other improvements designed for use by the public.

Therefore, in brief summary, the redlined changes to the proposed Ordinance as introduced by Council on September 29, 2015 would narrow the scope of the restriction on the use of medians, would amend the existing definition of “intersection,” and would add three additional exceptions to the application of the restriction.

The rationale for a restriction against standing, sitting or staying in any “median” less than 30 feet in width that is located within 200 feet of an intersection is based on the high number of traffic accidents occurring near intersections and on the obvious fact that narrower medians will provide less space for pedestrians to react and find safety in the event of a collision. The proposed width and distance limitations are designed to target areas presenting significant danger to pedestrians and drivers, with the purpose being to enhance the safety of pedestrians in close proximity to intersections and to help limit the exposure of drivers to potential liability due to pedestrian/vehicle accidents.

#### Background

The proposed Ordinance amending OKC Municipal Code §§ 32-1 (Definitions) and 32-458 (Standing, sitting, or staying on any street, highway, or median) was drafted in response to complaints about pedestrian activities occurring on streets and medians that are causing public safety and traffic concerns. The amendments are intended to improve the safety of pedestrians and drivers travelling on the City’s streets and roadways.

As previously introduced by City Council on September 29, 2015, the proposed Ordinance would have amended City Code § 32-458 to prohibit all persons from sitting, standing, or staying on any portion of an open public street or on any “median” abutting such a street, unless the person was covered by one of four exceptions, which included persons using a cross-walk or safety zone, law enforcement officers or public employees acting within the scope of their work, (persons conducting) authorized construction or maintenance work, or (persons) responding to any emergency situation. The Ordinance also provided a definition for the term “median.” The Ordinance, as introduced, is embodied in the blackline text set forth in the attachment to this memorandum.

The proposed Ordinance was deferred by City Council at the final hearing date of October 13, 2015, to allow the consideration and drafting of possible amendments that would limit the scope of the regulation on the use of any “median.” The proposed amendments to the Ordinance as introduced are shown in redline on the attached version to be presented to City Council at the December 8, 2015, final hearing date.

Recommendation: Consider adoption of the Proposed Amendments.