



## Legislation Text

File #: 44204, Version: 5

### Fiscal Note

No fiscal impact.

### Title

4th SUBSTITUTE Repeal and recreate Section 12.325 of the Madison General Ordinances to limit persons entering or staying on highways.

### Body

DRAFTER'S ANALYSIS: This is a public safety measure that limits persons from entering a highway and approaching a vehicle that is in operation. It also limits a person from staying upon the median of the highway longer than it takes to cross the highway. This ordinance also applies to vehicle operators who stop for a person violating these two prohibitions. The ordinance provides exceptions for crossing at crosswalks, getting into or out of a vehicle, highway maintenance, approaching a vehicle legally parked at the side of the street and others.

The ordinance will apply only to such activities taking place on what are defined as "covered highways." These are "arterial" streets, which is a classification based on heavier traffic levels, and on certain portions of some streets intersecting with arterial streets. A list of each street considered "arterial" is provided in the text of the ordinance. These are the streets with the greatest danger of injury to pedestrians, as has occurred in other cities. Because of their high traffic, these streets also present the greatest danger of distractions to drivers by persons in the median or the highway, resulting in higher risk of car crashes and potential injuries. The ordinance is narrowly tailored to cover those parts of the city with the greatest safety risks. It does not, for example, cover sidewalks, where both pedestrians and drivers are accustomed to seeing persons.

As a safety ordinance, it applies to all persons who violate it, regardless of what they are doing. Thus, it applies to persons in the median or highway advertising a business, seeking contributions, urging persons to vote for a candidate or cause, or asking drivers to "Fill The Boot." The ordinance provides for a delayed effective date, citizen education before enforcement and a report to the Council.

Chapter 12, MGO, adopts the definitions in the State traffic laws. In those laws, "Highway" is defined as "all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46)." Wis. Stats. § 340.01 (22). This ordinance also defines medians and arterials.

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The Common Council of the City of Madison do hereby ordain as follows:

Please see "4th Substitute Body" in Attachments.