

LEGISTAR #44204 – 2nd Substitute 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 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.

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.

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

1. Section 12.325 entitled "Solicitation on Highway Prohibited" of the Madison General Ordinances is repealed and recreated to read as follows:

"12.325 ENTERING OR STAYING UPON HIGHWAYS RESTRICTED.

- (1) Purpose. Pedestrians are increasingly using highways in ways for which the roads were not designed. These uses include approaching vehicles when in use or staying upon medians for purposes other than crossing the highway. These activities create safety hazards for pedestrians and distract drivers, making automobile crashes more likely. This ordinance is designed to decrease the safety hazards by restricting such activity. These safety concerns are most acute on the busiest streets within the City of Madison, identified as arterial streets or highways, and some streets intersecting with those arterial streets. This ordinance applies to those "covered highways" identified in sub. (7) herein.
- (2) Definitions. As used in this ordinance,
 - "Covered Highway" is defined in sub. (7) herein.
 - A vehicle is "in operation" when it has an operator, as defined in Wis. Stat. § 340.01(41).
 - A "median" is a paved or unpaved area dividing a street or highway that separates lanes of traffic traveling in opposite directions, or in the case of left or right hand turn lanes, vehicles traveling in the same direction.
- (3) No person, other than a person in or on a vehicle, shall be on a covered highway listed in sub. (7) and approach any vehicle in operation.
- (4) No person shall be upon a median of a covered highway listed in sub. (7) unless that person is in the process of crossing the highway in a safety zone or crosswalk. It is prima facie evidence of a violation of this section if a person stays on the median through two consecutive opportunities to cross the highway in a legal manner under this Chapter and the state traffic laws adopted herein. This may include a change in the traffic control signal or lack of traffic, as applicable. After such two consecutive opportunities, such person shall not be considered to be "using the safety zone or crosswalk to cross the highway" for purposes of the exception in sub. (6)(b).
- (5) No operator of a vehicle shall park, stop or leave standing a vehicle on a covered highway listed in sub. (7) where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to persons violating subs. (3) or (4).
- (6) Exceptions. This ordinance does not apply to (a) persons on the sidewalk, (b) persons using the safety zone or crosswalk to cross the highway, (c) persons engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person, (d) persons entering a vehicle as an invited passenger where it is lawful to

do so, including activity permitted under Wis. Stat. § 346.29(1) (taxi), (e) persons engaged in repair or maintenance activities on the highway under the direction or authority of the City of Madison or the State of Wisconsin; or (f) streets or portions thereof that have been closed pursuant to a street use permit or other express authorization from the City.

(7) Covered Highways. This ordinance applies only to covered highways, which are those highways or portions of highways listed in subs. (a) and (b) below:

(a) The following highways are designated as arterial streets, the streets and highways within the City of Madison that have the most traffic, and are covered highways under this ordinance:

Aberg Ave	Junction Rd	Schroeder Rd
Allen Blvd	Lien Rd	Seminole Hwy
Agriculture Dr	Maple Grove Dr	Sherman Ave
American Pkwy	Marsh Rd	Siggelkow Rd (Between
Anderson St	Mckee Rd	Stoughton Rd & Holscher Rd)
Atwood Ave	McKenna Blvd	Speedway Rd
Bassett St	Midtown Rd	Sprecher Rd
Beltline Hwy	Midvale Blvd	STH 30
Blair St	Milwaukee St	Stoughton Rd
Brandt Rd	Mineral Point Rd	N Thompson Dr (Between Swanton and East Washington)
Broom St	Monona Dr	University Ave
W Broadway	Monroe St	Verona Rd
Buckeye Rd	Moorland Rd	W Washington Ave
Campus Dr	N Randall Ave	Watts Rd (Between Gammon and Junction)
Commercial Ave	N Sherman Ave	W Wilson St (Between Bassett and Hamilton)
Cottage Grove Rd	Nakoma Rd	Webster St
CTH AB	Nelson Rd	Whitney Way
Dayton St	North Shore Dr	Williamson St
Doty St	Northport Dr	Winnebago St
E Johnson St	Odana Rd	
E Washington Ave	Old Middleton Rd	
Eastwood Dr	Old Sauk Rd	
Fair Oaks Ave	Olin Ave	
Fairchild St	Packers Ave	
Femrite Dr	Park St	
First St	Pennsylvania Ave	
Fish Hatchery Rd	Pflaum Rd	
Fordem Ave	Pleasant View Rd	
Gammon Rd	Proudfit St	
Gorham St	Putnam	
Highland Ave	Randall (Between Regent and Johnson)	
High Crossing Blvd	Raymond Rd	
Hoepker Rd	Raymond Rd	
I 39-90-94	Regent St	
International Ln	Reiner Rd	
John Nolen Dr	Rimrock Rd	
Johnson St		

- (b) In addition to the arterial highways designated above, this ordinance applies to any highway containing a median that intersects with any of the arterial highways, but only for the first two hundred (200) feet of the intersecting highway from the arterial highway, as measured along the center line of the intersecting highway from the point the intersecting highway touches the right of way of the arterial highway.
- (8) Any person violating this ordinance may be required to forfeit not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300)."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Solicitation <u>Entering or staying upon highway prohibited.</u>	12.325	<u>\$25, 1st</u> <u>\$100, 2nd w/in 1 yr</u> <u>\$200, 3rd/more w/in 1 yr</u>
		<u>\$300, 4th/more w/in 1 yr</u>

EDITOR'S NOTE:

Section 12.325 currently reads as follows:

"12.325 SOLICITATION ON HIGHWAY PROHIBITED.

- (1) No person shall be upon or go upon a highway for the purpose of soliciting employment, business or charitable or other contributions of any kind from the occupant of any vehicle, unless such person shall have obtained a Street Use Permit pursuant to Sec. 10.056, MGO, or other authorization under these ordinances.
- (2) No operator of a vehicle shall park, stop or leave standing a vehicle on a highway where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to an individual engaging in activities prohibited in subsection (1).
- (3) This section is not intended to prohibit conduct permitted under Sec. 346.29(1), Wis. Stats.
- (4) Any person violating subsections (1) or (2) may be required to forfeit not less than thirty dollars (\$30) nor more than three hundred dollars (\$300)."