



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
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TO: **Mayor Jordan**
City Council

CC: **Chief Tabor**

FROM: **Kit Williams, City Attorney**

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: **February 22, 2018**

RE: **Definition of "roadway"**

In order to clarify that "roadway" will be understood to mean between the furthest curbs or edges of a road and will include any medians between lanes of travel, I have prepared an ordinance to amend § 74.01 to become **Applications of Regulations and Definitions** with a definition of "roadway". I believe to Police and City Prosecutor need such clear definition of roadway to better protect the safety of our citizens from endangering themselves by standing on medians on highways and arterial streets.

CHAPTER 74: PEDESTRIANS

Sections:

74.01	Application Of Regulations
74.02	Right-Of-Way In Crosswalks; Use By Pedestrians
74.03	Duty To Yield Right-Of-Way To Vehicles At Certain Places
74.04	Standing Or Walking On A State Or Federal Highway Prohibited
74.05	Standing Or Walking Within The Roadway Of Principle Arterials Prohibited Unless Permit Granted
74.06	Blind Pedestrians
74.07	Duty Of Drivers To Exercise Care With Regard To Pedestrians
74.08	Use Of Skates, Coasters And The Like; Clinging To Vehicles
74.09—74.98	Reserved
74.99	Penalty

Current law



→ 74.01 Application Of Regulations

Pedestrians shall be subject to traffic control signals at intersections as declared in this traffic code, but at all other places pedestrians shall be accorded the privileges and shall be subject to restrictions stated in this chapter.

(Code 1965, §19-245; Ord. No. 1447, 6-7-65; Code 1991, §74.01)

74.02 Right-Of-Way In Crosswalks; Use By Pedestrians

- (A) Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.
 - (B) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
 - (C) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
 - (D) Pedestrians shall move, whenever practicable, upon the right half of crosswalk.
- (Code 1965, §§19-246—19-248; Ord. No. 1447, 6-7-65; Code 1991, §74.02)

74.03 Duty To Yield Right-Of-Way To Vehicles At Certain Places

- (A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to vehicles upon the roadway.