
M E M O R A N D U M

DATE: April 3, 2003
TO: City Council Members
FROM: Russell Weeks
RE: Briefing: Traffic Code Amendments
CC: Cindy Gust-Jenson, Rocky Fluhart, David Nimkin, David Dobbins,
Tim Harpst, Mary Johnston, Dan Bergenthal, Gary Mumford

This memorandum pertains to three proposed amendments to Salt Lake City's traffic code. According to the Administration's transmittal letter, the proposed amendments are meant to "fine tune" portions of the traffic code to clarify motorcycle driving rules, to clarify where a vehicle must stop at intersections marked by a stop sign, to clarify that vehicles must stop when yielding to a pedestrian in a crosswalk, and to include school-crossing guards as a specific category of people protected by an increased penalty if a driver is issued a citation for failing to yield to them.

POTENTIAL OPTIONS

- Adopt the proposed amendments.
- Do not adopt the proposed amendments.
- Do not adopt the proposed amendment to Section 12.76.045 that would include school-crossing guards as a specific category of people protected by an increased penalty if a driver is issued a citation for failing to yield to them. (It should be noted that a separate category may not be necessary because the ordinance includes the words "any other pedestrian" in the section that designates who is protected by the ordinance.)
- Amend the proposed amendment to Section 12.76.045 to include children accompanied by a school-crossing guard as a specific category of people protected by an increased penalty if a driver is issued a citation for failing to yield to them.
- The City Council may wish to amend the title of Section 12.44.060 to make clear that the lane roadway driving procedures regulate all vehicles, not solely motorcycles.

POTENTIAL MOTIONS

- I move that the City Council adopt the ordinance.
- I move that the City Council not adopt the ordinance.
- I move that the City Council adopt the proposed ordinance except for the words "crossing guards with a sign upheld; and."
- I move that the City Council adopt the proposed ordinance with the following amendment: In Section 12.76.045 after the words "crossing guards with a sign upheld; and" the words "children accompanied by a crossing guard; and" be inserted.

- I move that the City Council amend the title of Section 12.44.060, *Lane Roadway Driving Procedures – Motorcycle Rules*, by omitting the words “Motorcycle Rules.”

ISSUES/POTENTIAL QUESTIONS FOR CONSIDERATION

- What would be the effect on Section 12.76.045 if the City Council adopts a proposed ordinance to conform to Utah law passed by the 2003 Legislature to re-criminalize moving traffic violations?
- Is it valid public policy to add certain people as a special category protected by an increased penalty if a driver is issued a citation for failing to yield to them?
- The proposed ordinance would add “crossing guards with a sign upheld” as a special category protected by an increased penalty if a driver is issued a citation for failing to yield to them. One might infer that a crossing guard with a sign upheld would have the sign upheld to ferry children through a crosswalk. If the City Council determines that it is valid public policy to add certain people as a special category protected by an increased penalty if a driver is issued a citation for failing to yield to them, the Council may wish to consider adding children accompanied by a crossing guard with sign upheld in a crosswalk as a category as well as crossing guards.

DISCUSSION/BACKGROUND

According to the Administration, the proposed amendments to the traffic code stem from discussions among City Court judges, police officers, and transportation officials. There apparently have been some ongoing problems involving the sections of the traffic code the proposed amendments would change. The problems involved the successful contesting of traffic citations by people who received them. According to the Administration, police officers said the wording of ordinances were ambiguous and made enforcing the particular ordinance sections difficult. Officers also said they had observed several instances in which vehicles had not stopped for crossing guards holding up signs indicating that traffic should stop.

However, another proposed ordinance that the City Council has yet to see may affect the proposed ordinance addressed in the memorandum. (Additional detail is included in the discussion below.)

FINE SCHEDULE

Council Members may recall that when the Council adopted revisions to the traffic code in September 2002 that Section 12.76.045 titled, *Yielding Right of Way at Marked or Unmarked Crosswalks – Driver and Pedestrian Duties*, included a paragraph that allowed for enhanced fines based on civil penalties for people convicted of failing to yield to several categories of people including: those carrying orange pedestrian flags; those using white canes or service animals; those using wheel chairs or other motorized vehicles customarily used by people with mobility impairments; and “pedestrians exhibiting clear and objective signs of impairment or infirmity of any kind, including, but not limited to infirmity resulting from advanced age ...” The enhanced fine of a civil penalty allowed a judge to enhance the fine “up to the maximum penalty provided by Section 1.12.050 of this code or its successor.” Section 1.12.050 allows a maximum civil penalty of “not in excess of one thousand dollars.”

However, the Administration has submitted another ordinance on which the City Council has to be briefed that would change the classification of yielding the right of way at marked or unmarked crosswalks from a civil fine to an infraction. The ordinance on which the City Council has yet to be briefed is intended to “re-criminalize” some violations that were designated as civil violations. The ordinance is designed to make City ordinances conform to a State law passed by the Utah Legislature in its 2003 session. Under that ordinance, as Council staff reads it, penalties for violating Section 12.76.045 would be changed from civil penalties to criminal infractions. Section 1.12.050 sets the maximum fine limit for an infraction at “any sum not exceeding five hundred dollars.” State law 76-3-301 says a person “convicted of an offense may be sentenced to pay a fine not exceeding: ... \$750 for a class C misdemeanor conviction or infraction conviction.”

It appears to Council staff that the minimum effect of the ordinance to conform City ordinances to State law will be to lower the ceiling for an enhanced penalty for violations of Section 12.76.045. The City Council may wish to explore whether the ordinance to re-criminalize moving traffic violations will have any other effect on the ordinance the Council will discuss on April 8.

YIELDING TO PEDESTRIANS

In the proposed ordinance under discussion April 8 revisions of two sections may resolve an issue that the City Council discussed at length during previous consideration of amending the traffic code.

The proposed ordinance would amend Section 12.48.030 titled *Stops Required at Stop Signs* would make clear that vehicles must stop at a designated location before entering the intersection. The proposed ordinance also would amend Section 12.76.045 titled *Yielding Right of Way at Marked or Unmarked Crosswalks – Driver and Pedestrian Duties* to make clear that vehicles must come to a “complete stop at the crosswalk and not entering the crosswalk while such pedestrian is *lawfully* within a marked or unmarked crosswalk and is in the vehicle’s travel lane or adjoining lane.”

Both revisions are designed to make clear that a vehicle must stop – and not simply slow down – to “verify that no pedestrian is within their travel lane or an adjoining lane in a marked or unmarked crosswalk.”

Some might note that the revisions – at least obliquely – address concerns raised by previous and current City Council members about vehicle drivers paying more attention to pedestrians entering crosswalks. According to the Administration, the revisions were proposed to prevent arguments that a driver could slow down – but not stop – at a crosswalk where the intersection was controlled by a stop sign or a semaphore because the driver’s vehicle was behind another vehicle that had stopped.

Again, a proposed amendment to Section 12.76.045 would add crossing guards as a special category protected by an increased penalty if a driver is issued a citation for failing to yield to them. According to the Administration, police officers suggested that crossing guards be added as a category after seeing vehicles not stop for them. The City’s Pedestrian Safety Committee reviewed the suggestion and determined that crossing guards should have the same protection as the other special categories of pedestrians already designated by 12.76.045. The proposal raises two issues: First, is it valid public policy to protect categories of pedestrians more than others? Second, crossing guards are walking in a crosswalk with a sign held aloft suggests

that they are ushering children through the crosswalk. If crossing guards are added as a category, should children under their care also be added?

LANE ROADWAY DRIVING PROCEDURES – MOTORCYCLE RULES

The proposed ordinance also would amend Section 12.44.060 titled *Lane Roadway Driving Procedures – Motorcycle Rules*. The proposed amendment would make clear that unless there is an emergency or a “safety related maneuver,” vehicles must remain in a single lane and not weave to another lane at will. The City Council may wish to amend the title of Section 12.44.060 to make clear that the lane roadway driving procedures regulate all vehicles, not solely motorcycles.