

---

## M E M O R A N D U M

---

**DATE:** May 1, 2003  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Ordinance: Traffic Code Amendments  
**CC:** Cindy Gust-Jenson, Rocky Fluhart, David Nimkin, Ed Rutan, David Dobbins, Tim Harpst, Mary Johnston, Larry Spendlove, Dan Bergenthal, Gary Mumford

---

This memorandum pertains to three proposed amendments to Salt Lake City's traffic code. The Administration briefed the City Council on the proposed amendments April 8. According to the Administration's transmittal letter, the proposed amendments are meant to "fine tune" portions of the traffic code to clarify rules for driving in traffic lanes, 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 ordinance.
- Do not adopt the proposed ordinance.
- Adopt the proposed ordinance with the following amendments:
  1. That the words "Motorcycle Rules" be removed from the title of Section 12.44.060 to clarify that "laned roadway driving procedures" apply to all vehicles using traffic lanes.
  2. That City Code Section 1.12.050 Paragraph C shall read: "In the case of an infraction, by a fine in any sum not exceeding seven hundred fifty dollars (\$750.00).

### **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 ordinance with the following amendments:
  1. That the words "Motorcycle Rules" be removed from the title of Section 12.44.060 to clarify that "laned roadway driving procedures" apply to all vehicles using traffic lanes.
  2. That City Code Section 1.12.050 Paragraph C shall read: "in the case of an infraction, by a fine in any sum not exceeding seven hundred fifty dollars (\$750.00).

## **ISSUES/POTENTIAL QUESTIONS FOR CONSIDERATION**

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?

## **DISCUSSION/BACKGROUND**

On April 8 the Administration briefed the City Council, and the City Council discussed the proposed ordinance. According to the Administration, the proposed amendments to the traffic code stem from discussions among City Court judges, police officers, and transportation officials. The Administration said there have been some ongoing problems involving the sections of the traffic code, and the proposed amendments would clarify the sections to allow better enforcement. 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. The Administration also said that police officers had observed several instances in which vehicles had not stopped for school crossing guards holding up signs indicating that traffic should stop. One Council Member noted that police officers should not determine which ordinances to enforce because the officers believed some ordinances were ambiguous or unlikely to result in a successful prosecution of a citation.

Other major points of the proposed ordinance are addressed below:

## **YIELDING TO PEDESTRIANS**

In the proposed ordinance discussed 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. At the April 8 briefing the City Council appeared to agree.

It should be noted that at the April 8 briefing and the April 22 adoption of the ordinance to "re-criminalize" some traffic offenses a Council Member contended that individual police officers should not decide which traffic laws to enforce based on the potential for successful prosecution of citations. Whatever the merits of the argument it appears that the proposed amendments would make police officers more likely to enforce the ordinance.

### **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.

### **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. 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 City Council on April 22 adopted an ordinance that "re-criminalized" traffic offenses. The Council adopted the ordinance to bring categories of traffic offenses into compliance with Utah law. But the ordinance adopted April 22 did not change the penalty for infractions listed in the Salt Lake City Code. The current ordinance – Section 1.12.050 Paragraph C lists the maximum penalty for an infraction as \$500. 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." If the City Council wishes to amend Section 1.12.050 Paragraph C, it would bring the maximum penalty for an infraction into compliance with the State law.