

One-rdg. \_\_\_\_\_  
P. Hrngs. \_\_\_\_\_  
Pgs. 5  
Filed: 10-13-20

Sponsored by: Ollis

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

COUNCIL BILL 2020-241

GENERAL ORDINANCE \_\_\_\_\_

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 106, 'Traffic and Vehicles,' Article I, 'In  
2 General,' Section 106-1, 'Definitions,' and Article VII, 'Pedestrians,'  
3 Section 106-450, 'Right-of-way in crosswalks,' to clarify the right-of-way  
4 between pedestrians, cyclists, and drivers at crosswalks; amending Article  
5 V, 'Operation,' Section 106-183, 'Right-of-way at intersections; left turns  
6 into alley, private road or driveway, speed limit near construction or  
7 maintenance operations,' to clarify the right-of-way between pedestrians,  
8 cyclists, and drivers when a vehicle is entering or leaving the street and  
9 crossing sidewalks or paths; and adding Section 106-211, 'Yielding to  
10 disabled persons with white cane or dog,' to require drivers to yield to  
11 persons with disabilities carrying a white cane or using a guide, hearing, or  
12 service dog.

13 \_\_\_\_\_  
14  
15 WHEREAS, amendments to City Code Chapter 106, Section 106-1 and Section  
16 106-450 will clarify the duties between pedestrians, cyclists, and drivers to yield at  
17 crosswalks; and

18  
19 WHEREAS, amendments to City Code Chapter 106, Section 106-183 will clarify  
20 the duties between pedestrians, cyclists, and drivers to yield when a vehicle is entering  
21 or leaving the street and crossing sidewalks or paths; and

22  
23 WHEREAS, new Section 106-211 is modeled on a state statute requiring drivers  
24 to yield to persons with disabilities carrying a white cane or using a guide, hearing, or  
25 service dog and will allow local enforcement.

26  
27 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
28 SPRINGFIELD, MISSOURI, as follows, that:

29  
30 Note: Language to be added is underlined. Language to be removed is ~~stricken~~.

31  
32 Section 1 – The Springfield City Code, Chapter 106, 'Traffic and Vehicles,' Article  
33 I, 'In General,' Section 106-1, 'Definitions'; Article VII, 'Pedestrians,' Section 106-450

34 'Right-of-Way in crosswalks'; and Article V, 'Operation,' Section 106-183, 'Right-of-Way  
35 at Intersections; left turns into alley, private road or driveway, speed limit near  
36 construction or maintenance operations,' are hereby amended as follows:

37

38 Section 106-1. – Definitions.

39

40 Crosswalk includes:

41

42 (1) That part of a roadway at any intersection included within the lateral lines of a  
43 roadway and property lines.

44

45 (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for  
46 pedestrian crossing by marked lines or other markings on the surface, ramps  
47 or signs or other markings on the surface.

48

49 Section 106-450. – Right-of-way in Crosswalks.

50

51 When traffic control signals are not in place or not in operation, the driver of a vehicle  
52 shall yield the right-of-way, slowing down or stopping if need be to so yield, to a  
53 pedestrian approaching or waiting within 3 feet of a crosswalk or crossing the roadway  
54 within a crosswalk when the pedestrian is upon the half of the roadway upon which the  
55 vehicle is traveling or when the pedestrian is approaching so closely from the opposite  
56 half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb  
57 or other place of safety and walk or run into the path of a vehicle which is so close that  
58 it is impossible for the driver to yield. The penalty for a violation of this section shall be  
59 as provided in section 1-7, except that, the penalty shall be or include a fine in an  
60 amount not less than \$100.00. The imposition or execution of such fine shall not be  
61 suspended. A bicyclist shall be considered a pedestrian for purposes of this section only  
62 if approaching, entering, and crossing the roadway while dismounted and walking the  
63 bicycle.

64

65 Sec. 106-183. - Right-of-way at intersections; yield required before entering or leaving a  
66 street; ~~left~~-turns into alley, private road or driveway; speed limit near construction or  
67 maintenance operations.

68

69 (f) The driver of a vehicle about to enter or cross a highway from an alley, a building or  
70 any private road or driveway shall yield the right-of-way to all vehicles approaching on  
71 the highway to be entered; and shall yield the right-of-way to any pedestrian or  
72 bicycle on a sidewalk or path.

73

74 (g) The driver of a vehicle intending to make a left turn into an alley, private road or  
75 driveway shall yield the right-of-way to any vehicle approaching from the opposite  
76 direction when the making of such left turn would create a traffic hazard. Drivers from  
77 any direction entering an alley, private road, or driveway shall yield the right-of-way to  
78 any pedestrian or bicycle approaching on a sidewalk or path.

79

80            Section 2 – The Springfield City Code, Chapter 106, ‘Traffic and Vehicles,’ Article  
81 V, ‘Operation,’ is hereby amended by adding a new Section 106-211, ‘Yield to disabled  
82 persons with white cane or dog,’ which reads as follows:  
83

84 Section 106-211 - Yield to disabled persons with white cane or dog.

86 The driver of a vehicle approaching a person with a visual, aural, or physical disability  
87 who is carrying a cane predominantly white or metallic in color, with or without a red tip,  
88 or using a guide dog, hearing dog, or service dog shall yield to such pedestrian.

89  
90            Section 3 – Savings Clause. Nothing in this Ordinance shall be construed to  
91 affect any suit or proceeding now pending in any court or any rights acquired, or liability  
92 incurred nor any cause or causes of action accrued or existing, under any act or  
93 ordinance repealed hereby, or shall any right or remedy of any character be lost,  
94 impaired, or affected by this Ordinance.

95  
96            Section 4 – Severability Clause. If any section, subsection, sentence, clause, or  
97 phrase of this Ordinance is for any reason held to be invalid, such decision shall not  
98 affect the validity of the remaining portions of this ordinance. City Council hereby  
99 declares that it would have adopted the Ordinance and each section, subsection,  
100 sentence, clause, or phrase thereof, irrespective of the fact that any one or more  
101 sections, subsections, sentences, clauses, or phrases be declared invalid.

102  
103            Section 5 – This Ordinance shall be in full force and effect from and after  
104 passage.

105  
106 Passed at meeting: \_\_\_\_\_

107  
108 \_\_\_\_\_  
109 Mayor

110  
111 Attest: \_\_\_\_\_, City Clerk

112  
113 Filed as Ordinance: \_\_\_\_\_

114  
115 Approved as to form: , Assistant City Attorney

116  
117  
118 Approved for Council action: , City Manager  
119

## EXPLANATION TO COUNCIL BILL 2020- 241

FILED: 10-13-20

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Amending Chapter 106 of the Springfield, Missouri, City Code, 'Traffic and Vehicles' Article I, 'In General,' Section 106-1 'Definitions,' Article VII, 'Pedestrians,' Section 106-450 'Right-of-Way in crosswalks;' and Article V, 'Operation,' Section 106-183, 'Right-of-Way at Intersections; left turns into alley, private road or driveway, speed limit near construction or maintenance operations;' and adding new Section 106-211, 'Yielding to disabled persons with white cane or dog.' (Staff recommends approval.)

BACKGROUND INFORMATION: City Code Chapter 106 regulates all matters traffic, including motorists' and pedestrians' rights and duties. The proposed amendments aim to make Springfield a safer, more walkable community.

Currently, City Code Section 106-1 'Definitions' and 106-450 'Right-of-way in crosswalks' reflects state law which does not require a driver to yield to a pedestrian at a crosswalk unless the pedestrian is already within a certain area of the roadway (RSMo Section 300.375). This language is problematic for vulnerable road users such as children and the elderly, or at crosswalk locations where the traffic lanes are narrow. The proposed addition would allow a pedestrian to remain on the sidewalk or ramp directly adjacent to the crosswalk and require drivers to yield to such pedestrian.

City Code Section 106-183 'Right-of-way at Intersections; left turn into alley, private road or driveway; speed limit near construction or maintenance operations,' regulates when drivers must yield to other vehicles when exiting or entering the roadway but does not address yielding to pedestrians or bicyclists. The proposed amendments clarify that a driver entering or leaving the roadway must yield to a pedestrian or cyclist on the sidewalk or path, and not only to oncoming traffic.

City Code does not currently reflect Missouri's 'White Cane Law' (RSMo 304.080) requiring motorists to yield to persons with visual disabilities with a white cane or service dog. Even though state law applies, a local version of this law would increase awareness and affirm our commitment to serve citizens of all abilities.

Supports the Following City Council Priority:

- Public Safety

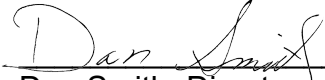
REMARKS: Public Works recommends passage of this Council bill.

Submitted by:



\_\_\_\_\_  
Martin Gugel, Assistant Director of Public Works

Recommended by:



\_\_\_\_\_  
Dan Smith, Director of Public Works

Approved by:



\_\_\_\_\_  
Jason Gage, City Manager