Traffic/Pedestrian Safety Ordinance
Questions and Answers

Q: What does the ordinance do?
A: The ordinance has three objectives:
   (1) to prohibit both drivers and pedestrians from transferring items on certain designated streets;
   (2) to prohibit people from standing on medians on certain designated streets unless the person is actually crossing the street; and
   (3) to prohibit a person from using a pedestrian crosswalk signal for any purpose other than to cross any street.

Q: Do these prohibitions apply to all streets in the city?
A: No. Only the prohibition against folks using a pedestrian crosswalk signal for any purpose other than to cross a street.

Q: If not, to which streets in the city do these prohibitions apply?
A: The prohibitions against transferring items and standing on medians apply only on the streets identified as ‘arterial streets’ and the streets located within the ‘congested area.’ These particular streets were identified based upon data reflecting a higher volume of vehicular traffic accidents and an increased number of pedestrian injuries/fatalities.

Q: What is a pedestrian prohibited from doing?
A: A pedestrian cannot stand in any part of the designated street (i.e. shoulder, median); or stand next to the designated street and approach a stopped vehicle or try to attract the attention of the driver/occupant to get the driver to stop or slow down to facilitate a transfer of an item (e.g. money, food).

Q: How will the police determine if a pedestrian has violated the second or third prohibition?
A: If the pedestrian lingers at the median or the intersection through two consecutive opportunities to cross (e.g. two light changes; no traffic), that will evidence that the pedestrian isn’t using the crosswalk to cross the street.

Q: Would the ordinance apply to a person advertising for a business or activity such as a car wash or going out of business sale?
A: No, as long as the pedestrian is not on the median and does not enter the roadway to engage in a transfer with a vehicle driver.
Q: *What is a driver prohibited from doing?*
A: A driver cannot stop the vehicle, slow down, or change lanes to facilitate a transfer of an item (e.g. money, food) to a pedestrian.

Q: *Does the ‘congested area’ include private property and parking lots?*
A: No. The prohibitions apply only to the streets within that area and exclude alleys.

Q: *Does the ordinance provide for any exceptions?*
A: Yes. Crossing the street. Law enforcement and emergency personnel. Street repair. Streets closed for special events permitted by the City.

Q: *Does the ordinance provide an exception for city employees and/or those volunteering on behalf of charitable organizations to solicit funds?*
A: No. The purpose of the ordinance is to promote traffic safety by protecting both drivers and pedestrians. The City cannot discriminate among various types of speech without subjecting itself to potential legal exposure.

Q: *What constitutes a special event?*
A: A special event is an outdoor event held on public property organized for a particular and limited purpose and time, including, but not limited to, parades, block parties running/walking/bicycling events, motor vehicle events, festivals and concerts. TMC 12.70.010.

Q: *Will there be a ‘grace period’ within which TPD will issue warnings before issuing actual citations?*
A: Yes. Staff will follow Wichita’s lead, which allowed for a 90 day grace period.

Q: *What’s the penalty if convicted?*
A: Misdemeanor. Fine of up to $499 and 30 days in jail.