

LEGISTAR 44204 – Substitute – Version 2

DRAFTER'S ANALYSIS: This is a public safety measure that limits persons from entering a highway and approaching a vehicle that is in operation. It also limits a person from staying upon the median of the highway longer than it takes to cross the highway. This ordinance also applies to vehicle operators who stop for a person violating these two prohibitions. The ordinance provides exceptions for crossing at crosswalks, getting into or out of a vehicle, highway maintenance and others.

The ordinance will apply only to such activities taking place on an "arterial" street, which is a classification based on heavier traffic levels. A list of each street considered "arterial" is provided in the text of the ordinance.

Chapter 12, MGO, adopts the definitions in the State traffic laws. In those laws, "Highway" is defined as "all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46)." Wis. Stats. § 340.01(22). This ordinance also defines medians and arterials.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 12.325 entitled "Solicitation on Highway Prohibited" of the Madison General Ordinances is repealed and recreated to read as follows:

"12.325 ENTERING OR STAYING UPON HIGHWAYS RESTRICTED.

- (1) Purpose. Pedestrians are increasingly using highways in ways for which the roads were not designed. These uses include approaching vehicles when in use or staying upon medians for purposes other than crossing the highway. These activities create safety hazards for pedestrians and distract drivers, making automobile crashes more likely. This ordinance is designed to decrease the safety hazards by restricting such activity. These safety concerns are most acute on the busiest streets within the City of Madison, identified as arterial streets or highways. This ordinance applies to those arterial streets identified in sub. (7) herein.
- (2) Definitions. As used in this ordinance,
 - "Arterial Street" is defined in sub. (7) herein.
 - A vehicle is "in operation" when it has an operator, as defined in Wis. Stat. § 340.01(41).
 - A "median" is a paved or unpaved area dividing a street or highway that separates lanes of traffic traveling in opposite directions, or in the case of left or right hand turn lanes, vehicles traveling in the same direction.
- (3) No person, other than a person in or on a vehicle, shall be on an arterial highway listed in sub. (7) and approach any vehicle in operation.
- (4) No person shall be upon a median of an arterial highway listed in sub. (7) unless that person is in the process of crossing the highway in a safety zone or crosswalk. It is prima facie evidence of a violation of this section if a person stays on the median through two consecutive opportunities to cross the highway in a legal manner under this Chapter and the state traffic laws adopted herein. This may include a change in the traffic control signal or lack of traffic, as applicable. After such two consecutive opportunities, such person shall not be considered to be "using the safety zone or crosswalk to cross the highway" for purposes of the exception in sub. (6)(b).
- (5) No operator of a vehicle shall park, stop or leave standing a vehicle on an arterial highway listed in sub. (7) where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose or responding to persons violating subs. (3) or (4).
- (6) Exceptions. This ordinance does not apply to (a) persons on the sidewalk, (b) persons using the safety zone or crosswalk to cross the highway, (c) persons engaged in law enforcement or rescue activities, including providing assistance to an injured or disabled vehicle or person, (d) persons entering a vehicle as an invited passenger where it is lawful to do so, including activity permitted under Wis. Stat. § 346.29(1) (taxis), (e) persons engaged in repair or maintenance activities on the highway under the direction or authority of the City of

Madison or the State of Wisconsin; or (f) streets or portions thereof that have been closed pursuant to a street use permit or other express authorization from the City.

- (7) Arterial Streets. This ordinance applies only to the following streets which are designated as arterial streets, the streets and highways within the City of Madison that have the most traffic:

Aberg Ave	Marsh Rd	Speedway Rd
Allen Blvd	Mckee Rd	Sprecher Rd
Agriculture Dr	McKenna Blvd	STH 30
American Pkwy	Midtown Rd	Stoughton Rd
Anderson St	Midvale Blvd	N Thompson Dr (Between Swanton and East Washington)
Atwood Ave	Milwaukee St	University Ave
Bassett St	Mineral Point Rd	Verona Rd
Beltline Hwy	Monona Dr	W Washington Ave
Blair St	Monroe St	Watts Rd (Between Gammon and Junction)
Brandt Rd	Moorland Rd	W Wilson St (Between Bassett and Hamilton)
Broom St	N Randall Ave	Webster St
W Broadway	N Sherman Ave	Whitney Way
Buckeye Rd	Nakoma Rd	Williamson St
Campus Dr	Nelson Rd	Winnebago St
Commercial Ave	North Shore Dr	
Cottage Grove Rd	Northport Dr	
CTH AB	Odana Rd	
Dayton St	Old Middleton Rd	
Doty St	Old Sauk Rd	
E Johnson St	Olin Ave	
E Washington Ave	Packers Ave	
Eastwood Dr	Park St	
Fair Oaks Ave	Pennsylvania Ave	
Fairchild St	Pflaum Rd	
Femrite Dr	Pleasant View Rd	
First St	Proudfit St	
Fish Hatchery Rd	Putnam	
Fordem Ave	Randall (Between Regent and Johnson)	
Gammon Rd	Raymond Rd	
Gorham St	Raymond Rd	
Highland Ave	Regent St	
High Crossing Blvd	Reiner Rd	
Hoepker Rd	Rimrock Rd	
I 39-90-94	Schroeder Rd	
International Ln	Seminole Hwy	
John Nolen Dr	Sherman Ave	
Johnson St	Siggelkow Rd (Between Stoughton Rd & Holscher Rd)	
Junction Rd		
Lien Rd		
Maple Grove Dr		

- (8) Any person violating this ordinance may be required to forfeit not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300)."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Solicitation <u>Entering or staying upon highway prohibited.</u>	12.325	<u>\$25, 1st</u> <u>\$100, 2nd w/in 1 yr</u> <u>\$200, 3rd/more w/in 1 yr</u> <u>\$300, 4th/more w/in 1 yr"</u>

EDITOR'S NOTE:

Section 12.325 currently reads as follows:

"12.325 SOLICITATION ON HIGHWAY PROHIBITED.

- (1) No person shall be upon or go upon a highway for the purpose of soliciting employment, business or charitable or other contributions of any kind from the occupant of any vehicle, unless such person shall have obtained a Street Use Permit pursuant to Sec. 10.056, MGO, or other authorization under these ordinances.
- (2) No operator of a vehicle shall park, stop or leave standing a vehicle on a highway where prohibited or suddenly decrease the speed of said vehicle or deviate from a traffic lane for the purpose of responding to an individual engaging in activities prohibited in subsection (1).
- (3) This section is not intended to prohibit conduct permitted under Sec. 346.29(1), Wis. Stats.
- (4) Any person violating subsections (1) or (2) may be required to forfeit not less than thirty dollars (\$30) nor more than three hundred dollars (\$300)."