



Agenda Item Summary

Agenda Date: 12/15/2020

Agenda Item No.: 2.

Agenda Item Name:

Pedestrian Safety in the Right-of-Way

Presenter:

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Description:

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Recommended Action:

Discuss uniform regulatory approach to pedestrian safety in the right-of-way

Prior Board Motions:

On January 23, 2018, the County adopted ordinance 18-06, attached, establishing a vehicle pedestrian interaction code that regulated certain conduct between individuals occupying a portion of the public street and individuals in vehicles. The intent of the ordinance was the protect the public health, safety, and welfare by preventing these interactions due to the inherently dangerous nature of them, as well as the negative impact that pedestrians interacting with vehicles has on the flow of traffic on public streets.

Fiscal Consideration:

N/A

Background:

The City of Gainesville and the County currently have separate and distinct approaches to regulating pedestrian safety. The County adopted an ordinance regulating interactions between pedestrians and vehicles in 2018. That ordinance does not apply in the City of Gainesville and the City has recently been discussing its own regulatory approach.

The City Attorney has presented at least one regulatory concept to the City Commission. Depending on the options presented by the City, the County may want to adopt the same or similar code for purposes of uniformity between the jurisdictions.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 2, 2018

Honorable J. K. "Buddy" Irby
Clerk of the Circuit Court
Alachua County
201 East University Avenue
Post Office Box 939
Gainesville, Florida 32602

Attention: Mr. Steve Donahey

Dear Mr. Irby:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Alachua County Ordinance No. 2018-06, which was filed in this office on February 2, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2018-__06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 117 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED "MISCELLANEOUS OFFENSES"; CREATING SECTION 117.02 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED "INTERACTIONS BETWEEN PEDESTRIANS AND VEHICLES PROHIBITED"; PROVIDING FOR REPEALING CLAUSE, PROVIDING FOR MODIFICATION AT PUBLIC HEARING, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, provides the Alachua County Board of County Commissioners with broad authority to enact ordinances and prescribe penalties for violations of those ordinances; and

WHEREAS, interactions between pedestrians and vehicles pose a safety risk to drivers, pedestrians, and bystanders; and,

WHEREAS, distracted driving is a public safety concern due to its effect on traffic patterns as well as its potential to cause traffic accidents; and

WHEREAS, between January 2012 and May 2017, there were 687 vehicle crashes involving pedestrians in Alachua County, including 21 crashes with traffic fatalities; and

WHEREAS, regulating interactions between pedestrians and vehicles will benefit the health, safety, and welfare of the residents of Alachua County by reducing traffic crashes involving both vehicles and pedestrians and reducing traffic fatalities.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:

1 SECTION 1. The Board of County Commissioners finds and declares that all statements
2 in the preamble of the ordinance are true and correct.

3 SECTION 2. Chapter 117, entitled "Miscellaneous Offenses" of the Code of Alachua
4 County, Florida is hereby amended as follows:

5 Sec. 117.02 – Interactions Between Pedestrians and Vehicles Prohibited

6 (a) Definitions

7 Whenever used herein, the following terms and phrases shall have the following
8 meanings, unless the context clearly indicates otherwise:
9

- 10 (1) "Public street" means that portion of a road or street improved, designed, or
11 ordinarily used for vehicular traffic on any road or street dedicated to the
12 public for use by vehicular traffic;
13 (2) "Traffic median" means any area on a public street that separates opposing
14 lanes of traffic, including, but not limited to, grassed areas, raised concrete
15 areas, or painted areas;
16 (3) "Vehicle" means every device in, upon, or by which any person or property is,
17 or may be, transported upon a public street, bicycle path or lane, or entrance
18 or exit ramp of interstate highways, including, but not limited to, cars, trucks,
19 semi-trucks, vans, buses, motorcycles, mopeds, bicycles, and scooters.
20

21 (b) No person shall occupy a traffic median, bicycle path or lane, entrance or exit ramp of
22 interstate highways, or public street and interact with, or invite interaction between,
23 that person and an operator or occupant of any vehicle. This provision shall not apply
24 to persons occupying sidewalks.
25

26 (c) No person operating or occupying a vehicle on a public street, bicycle path or lane, or
27 entrance or exit ramp of interstate highways shall interact with, or invite interaction
28 between, that operator or occupant of the vehicle and any pedestrian.
29

30 SECTION 3. Repealing Clause. All ordinances or portions thereof in conflict herewith
31 are, to the extent of such conflict, hereby repealed.

32 SECTION 4. Modification. It is the intent of the Board of County Commissioners that
33 the provisions of this ordinance may be modified as a result of considerations that may arise
34 during public hearings. Such modifications shall be incorporated into the final version of the
35 ordinance adopted by the Board and filed by the Clerk to the Board.

1 SECTION 5. Severability. If any word, phrase, clause, paragraph, section or provision of
2 this ordinance or the application hereof to any person or circumstance is held invalid or
3 unconstitutional, such finding shall not affect the other provisions or applications of the
4 ordinance which can be given effect without the invalid or unconstitutional provisions or
5 application, and to this end the provisions of this ordinance are declared severable.

6 SECTION 6. Inclusion in the Code. It is the intent of the Board of County
7 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this
8 ordinance shall become and be made a part of the Code of Ordinances of Alachua County,
9 Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such
10 intent and that the word "ordinance" may be changed to "section", "article", or other appropriate
11 designation.

12 SECTION 7. Effective Date. A certified copy of this ordinance shall be filed with the
13 Department of State by the Clerk of the Board within ten (10) days after enactment by the
14 Board and shall take effect upon filing with the Department of State.

15 **DULY ADOPTED** in regular session, this 23rd day of January 2018.


18 **BOARD OF COUNTY COMMISSIONERS OF**
19 **ALACHUA COUNTY, FLORIDA**

21 ATTEST:

22
23 
24 _____
25 Jesse K. Irby, II
26 Clerk of Court

27 BY: 
28 _____
29 Lee Pinkoson, Chair
30 Board of County Commissioners

31 APPROVED AS TO FORM

32 

County Attorney

(SEAL)