



**Roll Call Number**

**Agenda Item Number**

45

Date April 22, 2019

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing Sections 114-328 and 114-328.01, and adding and enacting new Sections 114-328 and 114-328.01 relating to pedestrian safety and use of medians",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Thomas G. Fisher Jr.  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

45

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing Sections 114-328 and 114-328.01, and adding and enacting new Sections 114-328 and 114-328.01 relating to pedestrian safety and use of medians.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 114-328 and 114-328.01, and adding and enacting new Sections 114-328 and 114-328.01 relating to pedestrian safety and use of medians, as follows:

~~Sec. 114-328. Yielding.~~

- ~~(a) — Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.~~
- ~~(b) — Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.~~
- ~~(c) — This section has no application under the conditions stated in section 114-328.01 of this article when pedestrians are prohibited from crossing at certain designated places.~~

Sec. 114-328. Pedestrian Safety, Yielding.

- (a) — Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) — No pedestrian shall cross a roadway with a speed limit of 30 miles per hour or higher or in any business or school district other than in a crosswalk.

~~Sec. 114-328.01. Prohibited crossing.~~

- ~~(a) — Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.~~
- ~~(b) — No pedestrian shall cross a roadway other than in a crosswalk in any business or school district.~~

**Sec. 114-328.01. Pedestrian Safety, Use of Medians.**

(a) The city council makes the following findings and adopts the following statement of purposes of this section:

- (1) Pedestrian fatalities increased in the United States by 46% from 2009 to 2016, with the largest increases in urban arterial streets, according to the Insurance Institute for Highway Safety.
- (2) Fifty percent of pedestrians who are struck by a vehicle travelling at 30 miles per hour are killed; as speed increases, a higher percentage of people struck are killed, according to the U. S. Department of Transportation, *Literature Review on Vehicle Travel Speeds and Pedestrian Injuries* (2000).
- (3) The National Association of City Transportation Officials Urban Street Design Guide (2011) states that a median or island should be at least six feet wide where pedestrians are present. This is consistent with the Public Rights of Way Accessibility Guidelines promulgated by the United States Access Board which specify that a pedestrian refuge in a street must have a top surface width of six feet, excluding curbs.
- (4) The city engineer has determined based on city GIS maps and/or, where appropriate, site visits that the intersections listed in subsection (b) of this ordinance do not have medians or islands of adequate width for pedestrian refuge; therefore, pedestrians should be prohibited from standing, sitting or staying in the medians at these intersections for any purpose other than to cross the street.

(b) For streets with a speed limit of 30 miles per hour or higher, pedestrians are prohibited from standing, sitting or staying on a median for any purpose other than to cross the street unless the width of the top surface of the median, excluding the curbs is at least 6 feet wide. This prohibits pedestrians from standing, sitting or staying on a median at the following intersections in the city:

- E 9th St and E University Ave
- E Park Ave and SE 14th St
- McKinley Ave and Fleur Dr
- McKinley Ave and Indianola Ave
- McKinley Ave and SE 14th St
- McKinley Ave and SW 9th St
- Park Ave and Fleur Dr
- Park Ave and SW 9th St
- S Union St and Army Post/E Army Post Rd
- SE 1st St and Indianola Ave
- SE 5th St and E Army Post Rd
- SW 14th St and Army Post Rd
- SW 2nd/Indianola Ave and SE 2nd/Jackson Ave
- SW 9th St and Bell Ave
- SW 9th St and Boulder Ave
- SW 9th St and Herold Ave
- Thornton Ave and SW 63rd/SE 1st St
- Watrous Ave and Fleur Dr

- [Watrous Ave and SE 14th St](#)
- [Watrous Ave and SW 9th St](#)
- [63rd St and Ashworth Rd](#)
- [63rd St and Grand Ave](#)
- [63rd St and University Ave](#)
- [63rd St and Vine St](#)
- [Army Post Rd and HWY 28](#)
- [Army Post Rd and SW 14th St](#)
- [Army Post Rd and SW 42nd St](#)
- [Army Post Rd and SW 7th St](#)
- [Bell Ave and Fleur Dr](#)
- [Douglas Ave and 57th St](#)
- [Douglas Ave and 59th St](#)
- [Douglas Ave and 61st St](#)
- [Douglas Ave and 62nd St](#)
- [Douglas Ave and Beaver Ave](#)
- [Douglas Ave and Lower Beaver/Euclid Ave](#)
- [E 14th St and E Court Ave](#)
- [E 14th St and Andy Williams Ave](#)
- [E 14th St and E Douglas Ave](#)
- [E 14th St and E Euclid Ave](#)
- [E 14th St and E Oak Park Ave](#)
- [E 14th St and E Seneca Ave](#)
- [E 14th St and E University Ave](#)
- [E 14th St and Fremont St](#)
- [E 14th St and Guthrie Ave](#)
- [E 14th St and Hull Ave](#)
- [E 14th St and NE Aurora Ave](#)
- [E 15th St and Johnson Ct](#)
- [E Army Post Rd and S Union St](#)
- [E Army Post Rd and Southeast Wubbzy St](#)
- [E Army Post Rd and SE 14th St](#)
- [E Army Post Rd and SE Widget Rd](#)
- [E Euclid Ave and Delaware Ave](#)
- [E Euclid Ave and Dixon St](#)
- [E Euclid Ave and E 25th St](#)
- [E Euclid Ave and E 26th St - East](#)
- [E Euclid Ave and E 26th St - West](#)
- [E Euclid Ave and E 28th St](#)
- [E Euclid Ave and E 29th St](#)
- [E Euclid Ave and E 30th St](#)
- [E Euclid Ave and E 31st St](#)
- [E Euclid Ave and E 32nd St](#)
- [E Euclid Ave and E 33rd St](#)
- [E Euclid Ave and I 235 Ramp - East](#)
- [E University Ave and E 22nd Ct](#)

- [E University Ave and E 22nd St](#)
- [E University Ave and E 23rd Ct](#)
- [E University Ave and E 23rd St](#)
- [E University Ave and E 24th St](#)
- [E University Ave and E 25th Ct](#)
- [E University Ave and E 25th St](#)
- [E University Ave and E 26th St](#)
- [E University Ave and E 27th St](#)
- [E University Ave and E 28th Ct](#)
- [E University Ave and E 29th St](#)
- [E University Ave and E 30th St](#)
- [E University Ave and E 32nd St](#)
- [E University Ave and E 33rd Ct](#)
- [E University Ave and E 33rd St](#)
- [E University Ave and E 8th St](#)
- [E University Ave and E 9th St](#)
- [E University Ave and Hubbell Ave](#)
- [E University Ave and Pennsylvania Ave](#)
- [E University Ave and Williams St](#)
- [Echo Valley Dr and SW 42nd St](#)
- [Euclid Ave and Martin Luther King Jr Pkwy](#)
- [Euclid Ave and Polk County Offices](#)
- [Fleur Dr and Cowles/Highview Dr](#)
- [Fleur Dr and Cowles/Porter Ave](#)
- [Fleur Dr and Crossroad Pl](#)
- [Fleur Dr and Echo Valley Dr/County Line Rd](#)
- [Fleur Dr and Gannett Ave](#)
- [Fleur Dr and George Flagg Pkwy](#)
- [Fleur Dr and Grays Lake/John R Grubb Ln](#)
- [Fleur Dr and Hackley Ave](#)
- [Fleur Dr and HWY 5 Ramp - North](#)
- [Fleur Dr and HWY 5 Ramp - South](#)
- [Fleur Dr and Kenyon Ave](#)
- [Fleur Dr and Leland Ave](#)
- [Fleur Dr and McKinley Ave](#)
- [Fleur Dr and Park Ave](#)
- [Fleur Dr and Payton Ave](#)
- [Fleur Dr and Rittenhouse St](#)
- [Fleur Dr and Southlawn Dr](#)
- [Fleur Dr and Stanton Ave](#)
- [Fleur Dr and Wakonda View Dr](#)
- [Fleur Dr and Watrous Ave](#)
- [Fleur Dr and Willowmere Dr](#)
- [Guthrie Ave and Delaware Ave](#)
- [Guthrie Ave and I 235 Ramps](#)
- [Guthrie Ave and Tichenor St](#)

[Hickman Rd and 18th St](#)  
[Hickman Rd and 59th St](#)  
[Hickman Rd and 62nd St](#)  
[Hickman Rd and 63rd St](#)  
[Hickman Rd and Merle Hay Rd](#)  
[Hickman Rd and Westover Blvd](#)  
[Hickman Rd and 30th St](#)  
[Hubbell Ave and E 29th St](#)  
[Hubbell Ave and E 37th St](#)  
[Hubbell Ave and E Broadway Ave](#)  
[Hubbell Ave and E Euclid Ave](#)  
[HWY 28 and Pine Ave](#)  
[HWY 28 and SW Leland Ave](#)  
[HWY 28 and Willow Creek Ave](#)  
[Indianola Ave and Dunham Ave](#)  
[Indianola Ave and E Porter Ave](#)  
[Indianola Ave and Easter Lake Dr](#)  
[Indianola Ave and Ewing Trace Blvd](#)  
[Indianola Ave and Hart Ave](#)  
[Indianola Ave and McKinley Ave](#)  
[Indianola Ave and SE 1st/Indianola RD](#)  
[Indianola Ave and SE 60th Ave](#)  
[Indianola/SW 2nd St and Jackson/SE 2nd St](#)  
[Johnson Ct and E Court Ave](#)  
[Johnson Ct and Walker St](#)  
[Keo Way and 10th St](#)  
[Keo Way and 11th St](#)  
[Keo Way and 12th St](#)  
[Keo Way/19th St and Carpenter Ave](#)  
[Keo Way and Crocker/Oakridge Dr](#)  
[Keo Way and I 235 Ramps](#)  
[Martin Luther King Jr Pkwy and Hickman Rd](#)  
[Martin Luther King Jr Pkwy and Ingersoll Ave](#)  
[Martin Luther King Jr Pkwy and Post St](#)  
[Martin Luther King Jr Pkwy and Urbandale Ave](#)  
[Martin Luther King Jr Pkwy and Woodland Ave](#)  
[Merle Hay Rd and Aurora Ave](#)  
[Merle Hay Rd and Boston Ave](#)  
[Merle Hay Rd and Douglas Ave](#)  
[Merle Hay Rd and Madison Ave](#)  
[Merle Hay Rd and Meredith Dr](#)  
[Merle Hay Rd and Merle Hay Mall Entrance](#)  
[Merle Hay Rd and Sutton Dr](#)  
[Merle Hay Rd and Urbandale Ave](#)  
[Park Ave and SW 56th St](#)  
[Park Ave and SW 61st St](#)

[SE 14th St and Cummins Rd](#)  
[SE 14th St and E Bell Ave](#)  
[SE 14th St and E Diehl Ave](#)  
[SE 14th St and E Edison Ave](#)  
[SE 14th St and E Emma Ave](#)  
[SE 14th St and E Herold Ave](#)  
[SE 14th St and E Kenyon Ave](#)  
[SE 14th St and E Lacona Ave](#)  
[SE 14th St and E Park Ave](#)  
[SE 14th St and E Railroad Ave](#)  
[SE 14th St and E Thornton Ave](#)  
[SE 14th St and E Virginia Ave](#)  
[SE 14th St and Harriet St](#)  
[SE 14th St and Hart Ave](#)  
[SE 14th St and Hartford Ave](#)  
[SE 14th St and Indianola Ave](#)  
[SE 14th St and King Ave](#)  
[SE 14th St and Maury St](#)  
[SE 14th St and McKinley Ave](#)  
[SE 14th St And Pioneer Rd](#)  
[SE 14th St and SE Peach/Bloomfield Rd](#)  
[SE 14th St and Watrous Ave](#)  
[SE 5th St and Army Post Rd](#)  
[SW 63rd St and Locust/Welker Ave](#)  
[SW 63rd St and Scout Trail](#)  
[SW 63rd St and Thornton Ave](#)  
[SW 63rd St and Tonka Ave](#)  
[SW 63rd St and Veterans Pkwy](#)  
[SW 63rd St and Walnut/Muskogee Ave](#)  
[SW 63rd St and Watrous Ave](#)  
[SW 7th St and Thomas Beck/Indianola Rd](#)  
[SW 9th St and Army Post Rd](#)  
[SW 9th St and Herold Ave](#)  
[SW 9th St and Hillside Ave](#)  
[SW 9th St and McKinley Ave](#)  
[SW 9th St and Morgan St](#)  
[SW 9th St and SW 9th/Bancroft St](#)  
[Thomas Beck Rd and SW 9th St](#)  
[Thomas Beck/Indianola Rd and SW 7th and Courtland Dr](#)  
[University Ave and Illinois St](#)  
[University Ave and 2nd Ave](#)  
[W Martin Luther King, Jr Pkwy and Fleur Dr](#)  
[W Martin Luther King, Jr Pkwy and SW 16th St](#)

(c) Section 114-328.01(b) does not apply to:

- (1) Police officers, peace officers and parking enforcement personnel of the police department or employees of the fire department while performing official duties of the city.
- (2) Employees or contactors for the city or other individuals authorized by the city to perform construction or maintenance work on city streets or rights-of-way, while performing construction or maintenance work on the street provided that proper street signage is used and streets are blocked off as required by the city.
- (3) Any individual responding to an emergency in the street.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Thomas G. Fisher Jr.  
Assistant City Attorney