

To: Jacquelyn Beaudry, City Clerk

From: Mayor John Hieftje

RE: Veto of the "Crosswalk Ordinance"

December 9, 2013

Veto of Ordinance NO. ORD-13-31

2013 DEC -9 PM 3:44
CITY OF ANN ARBOR
CITY CLERK
REC'D

Walkability and pedestrian safety are of fundamental importance to the quality of life in Ann Arbor. Ordinance No. ORD-13-31 would reduce both by requiring pedestrians to put themselves in harm's way before obtaining the right of way. By way of this transmittal I, therefore, veto the Ordinance to Amend Section 10:148 of Chapter 126 Traffic of Title X of the Code of the City of Ann Arbor (Ordinance No. ORD-13-31, as amended) that was approved by City Council on December 2, 2013.

Referred to as the "Crosswalk Ordinance," existing Section 10:148 in the Ann Arbor City Code differs from Rule 702 of the Michigan Uniform Traffic Code ("UTC") in that it explicitly requires drivers to stop, if they can do so safely, for pedestrians stopped on the curb, curb line or ramp. Although both the City ordinance and the UTC put drivers on notice to anticipate being required to yield to pedestrians in unsignalized crosswalks, Section 10:148 is unambiguous where UTC Rule 702 is less clear. Pedestrians enter crosswalks by stepping off the curb or ramp. By explicitly referencing pedestrians on the curb, Section 10:148 clearly and succinctly gives drivers notice to anticipate being required to stop and yield to pedestrians who are in the crosswalk and to pedestrians drivers should anticipate will enter the crosswalk. At the same time, both the City ordinance and UTC Rule 702 provide notice to pedestrians not to place him or herself in harm's way by suddenly leaving the curb or ramp when a vehicle "is so close that it is impossible for the driver to yield." The capability of a driver to stop depends on the distance the vehicle is from the pedestrian and the vehicle's speed.

No data has been presented indicating the need for a change in the existing Crosswalk Ordinance. Indeed, the available data show more and more drivers are stopping for pedestrians stopped at the curb, curb line or ramp and that pedestrians are safer in Ann Arbor than in three out of four other Michigan college towns included in the data set.

In cities in Michigan that have adopted the UTC without a change to or replacement of Rule 702 as was done by Ann Arbor, drivers must yield to a pedestrian in a crosswalk. In Ann Arbor, under the existing language of Section 10:148, pedestrians are able to stop safely on the curb or ramp until vehicle drivers have recognized their presence and come to a stop. Pedestrians do not have to place themselves at risk before knowing whether or not their right to cross has been recognized by motorists. This is far safer than the provisions of UTC Rule 702, particularly when the UTC is not a statewide law, has not been adopted by all municipalities, and it cannot yet be said that there is a statewide culture or practice of Michigan drivers stopping for pedestrians waiting to cross at a crosswalk, even in locations where the UTC has been adopted by ordinance.


John Hieftje – Mayor of Ann Arbor