



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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File #: 4126, Version: 1

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### **Subject:**

Legislative intent and permission to advertise proposed amendments to Section 106-1, Brevard County Code, pertaining to the safe use of public streets, and creation of a new article in Chapter 106 entitled: "Article V. - Pedestrian Safety Ordinance" providing for restrictions on individuals standing, sitting, or remaining within certain areas located along the on and off ramps of Interstate 95 and arterial and collector roads within Brevard County.

### **Fiscal Impact:**

None

### **Dept/Office:**

County Attorney's Office on behalf of District 4

### **Requested Action:**

It is requested that the Board of County Commissioners authorize legislative intent and permission to advertise an ordinance amending Chapter 106 - Article V., in order to add a new article in of the Brevard County Code to create a Pedestrian Safety Ordinance in order to provide for restrictions on individuals standing, sitting, or remaining within certain areas located along the on and off ramps of Interstate 95 and arterial and collector roads within Brevard County and providing for definitions.

### **Summary Explanation and Background:**

Statistics show that a significant number of motor vehicle crashes with pedestrian fatalities occur in Brevard County and the state of Florida. Many of these crashes take place at intersections. A safety issue exists for pedestrians and motorists alike when public roads are encroached upon by pedestrians for non-transitory purposes. Thus, prohibiting pedestrians from standing, sitting, or remaining in roadways will ensure public safety and minimize the risk of vehicle and pedestrian accidents.

Moreover, the 2021 Smart Growth of America Dangerous by Design Report identified the State of Florida as the number one most dangerous state in the country for pedestrians and the Palm Bay-Melbourne-Titusville, Florida area as the fourth most dangerous metropolitan area in the country for walking. Between 2015-2019, over 52,000 crashes occurred on Brevard

County roadways, with 29.4% or 15,487 of those crashes occurring at intersections.<sup>1</sup> During that same time period, there were 334 fatal crashes; 17,023 crashes involving injury; and 35,396 crashes involving property damage within Brevard County<sup>2</sup> and 48 fatal crashes occurred within the influence area of an intersection.<sup>3</sup>

Pedestrians standing, sitting, or remaining within Brevard County intersections and roadways pose a threat to the safety and well-being of both pedestrians and vehicular traffic and the County continues to receive complaints regarding such conduct.

The proposed ordinance will comprehensively define roadways, medians, obstruction of traffic, pedestrian, sidewalk, street or highway, and vehicle in order to fully inform the public as to prohibited conduct. The proposed ordinance adds Section 2. Chapter 106, "Article V. - Designated Safety Areas" to prohibit persons from occupying sidewalks, public streets, traffic medians, crosswalks, bicycles lanes, or on-ramps and off-ramps of Interstate 95 and either (1) making physical contact with any vehicle in any lane of traffic, stopped at a traffic control device, or at an intersection; or (2) exchanging any physical item (including documents, money, pamphlets, narcotics, etc.) with an operator or occupant of a vehicle within any lane of traffic, stopped at a traffic control device, or at an intersection. The ordinance would not apply to individuals rendering emergency assistance, vehicles removed from the traveled portions of the roadways, activities between pedestrians on sidewalks, crashes, persons lawfully exchanging information pursuant to Florida law, or rendering assistance to at-large animals. Pursuant to Fla. Stat. § 125.69, a violation of the ordinance carries a fine not to exceed \$500.00 and/or up to sixty days in jail.

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<sup>1</sup> Space Coast Transportation Planning Organization, 2019 State of the System Report (Oct. 2020), pp. 55-56, available at: [https://spacecoasttpo.com/wp-content/uploads/2020/11/2019-SOS-Draft-Report-2020\\_10\\_19.pdf](https://spacecoasttpo.com/wp-content/uploads/2020/11/2019-SOS-Draft-Report-2020_10_19.pdf) (last accessed August 27, 2021).

<sup>2</sup> Id. at 63.

<sup>3</sup> Id.

## **Clerk to the Board Instructions:**