



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#14-1152

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: September 16, 2014

TITLE: Ordinance Regulating Solicitation, Storage, Sale and Exhibition of Goods
in the Public Rights-of-Ways

Recommendation

It is recommended that the City Commission adopt on second reading the attached ordinance regulating the solicitation, storage, sale and exhibition of goods in the public rights-of-way.

Background

Traffic related crashes and fatalities and severe injuries are a major concern in the City of Fort Lauderdale Memorandum 14-02, dated January 9, 2014, Impacts of Street Solicitation on Public Safety and Traffic Operations (Appendix A of Exhibit 1), discussed City-wide crash statistics and the impacts of panhandling on traffic incidents and congestion. Memorandum 14-33 (Exhibit 1) expands upon public safety issues in the City specifically crashes at major intersections and interchange ramps and the correlation between crashes, congestion, and distracted driving.

Roadway intersections constitute a diverging point for road users that requires making multiple decisions to be able to proceed safely. These conflicts occur at all types of intersections, including major and minor crossings and intersections with interstate ramps. Crash statistics at major intersections in the City were analyzed for the years 2011-2013. During that period, a total of approximately 3,275 crashes occurred at these intersections. A closer examination of pedestrian fatalities within the City revealed that between 2011 and 2013, there were a total of 24 pedestrian fatalities. Approximately half of these fatalities occurred at intersections.

The relationship between congestion levels and crash rates is well documented in research. Generally, congestion levels on major arterials and freeways tend to increase crash frequencies, which in turn leads to worse congestion, commonly referred to as non-recurring congestion. According to the Federal Highway Administration (FHWA),

about half of all traffic congestion is caused by non-recurring congestion, which is primarily caused by traffic incidents, work zones, and weather.

Level of Service (LOS) is typically used as the standard measure of traffic congestion that ranks roadway facilities as A through F. As described in the City's Comprehensive Plan:

- LOS A denotes free flow conditions with low traffic volumes.
- LOS B represents reasonable and stable traffic flow.
- LOS C describes restricted traffic conditions, where "small increases in flow will result in a substantial deterioration in service".
- LOS D represents high traffic volumes, where delays may occur, and incremental increases in traffic would cause traffic operational issues.
- LOS E represents a roadway that is operating at or near full capacity. Disturbance in flow due to incidents or volume increase would cause the corridor's traffic conditions to break down.
- LOS F describes an over-capacity roadway, where stop and go conditions are experienced and delays are frequent.

The statistics illustrate the relationship between LOS conditions and crashes. As shown in Memorandum 14-33 (Exhibit 1, Table 4), the corridors with the highest number of crashes exhibited unacceptable LOS conditions. While the relationship is not perfectly linear, the data does show that with higher exposure to vehicular traffic, the probability of crashes increases.

While there are multiple reasons for traffic crashes, human behavior contributes to the majority of these incidents. Of these human factors, distracted driving is a prominent, yet avoidable, cause of crashes. Distracted driving is characterized as either visual, manual, or cognitive; involving eyes off the road, hands off the wheel, or mind off driving, respectively. In the US, one in five traffic crashes are attributed to distracted driving. These crashes often cause severe injuries and fatalities. Every day, approximately nine people are killed in the US and another 1,000 are injured due to crashes involving distracted driving.

In 2011, 165 drivers in the State of Florida were involved in fatal crashes due to distracted driving. Between 2011 and 2013, almost 10 percent of all crashes in the City of Fort Lauderdale were attributed to distracted driving as reported by law enforcement agencies. Out of these crashes, one was fatal, and 500 caused injuries. Roughly 30 percent of these crashes occurred at intersections. It is important to note that distracted driving is typically underreported due to the difficulty in documenting these types of crashes. Street vendor solicitation, which prompts unpredictable pedestrian behavior, contributes to distracted driving and leads to traffic crashes, especially in high-conflict points such as major intersections and interchange ramps.

The proposed ordinance (Exhibit 4) would make it unlawful for any person to act as a right-of-way canvasser or solicitor on any portion of a public right-of-way with a functional classification of Arterial on the Broward County Highway Functional Classifications Map and a Broward County Metropolitan Planning Organization Roadway 2012 Peak Level of Service (LOS) designation of D, E or F. Further, it would be unlawful for any person to store or exhibit any goods, merchandise or other materials on any portion of the public street, including the median, or bicycle lane.

The proposed ordinance would not apply to:

- Licensees, lessees, franchisees, permittees, employees or contractors of the City, County or State authorized to engage in inspection, construction, repair or maintenance or in making traffic or engineering surveys.
- Any of the following persons while engaged in the performance of their respective occupations: firefighting and rescue personnel, law enforcement personnel, emergency medical services personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, solid waste or recycling personnel; public works personnel or public utilities personnel.
- Use of public streets, alleys, sidewalks or other portions of the public right-of-way in areas which have been closed to vehicular traffic for festivals or other events or activities permitted by the City.

Resource Impact:

There is no fiscal impact to the City.

Strategic Connections:

This item is a *Commission Annual Action Plan* priority, included within the Policy Agenda, advancing the Comprehensive Homeless Strategy.

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included within the Public Places Cylinder of Excellence, specifically advancing:

- **Goal 3:** Be a community that finds opportunities and leverages partnerships to create unique, inviting and connected gathering places that highlight our beaches, waterways, urban areas, and parks.

- **Objective 5:** Work with partners to reduce homelessness by promoting independence and self-worth through advocacy, housing, and comprehensive services.

- **Initiative 2:** Implement a comprehensive short and long-term strategy with community partners to address Homelessness

This item also furthers the *Fast Forward Fort Lauderdale 2035 Vision Plan: We are Community*.

Attachments:

EX 1- City of Fort Lauderdale Memorandum 14-33 “Crashes at Major Intersections and Interstate Ramps, Traffic Congestion, and Distracted Driving” dated May 19, 2014.

EX 2 - Daily LOS Map

EX 3 - Map of Peak LOS-2012

EX 4 - Proposed Ordinance

Prepared by: Lee R. Feldman, ICMA-CM, City Manager

Department Director: Lee R. Feldman, ICMA-CM, City Manager