



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2017-7839

**Type:** Ordinance      **Status:** Failed to Pass

**File created:** 11/8/2017      **In control:** City Council

**Final action:**

**Title:** Amendment of Municipal Code Chapter 9-60 by adding new Section 9-60-085 entitled "Use of Mobile Electronic Devices in Crosswalks"

**Sponsors:** Burke, Edward M., Beale, Anthony

**Indexes:** Ch. 60 Pedestrians' Rights & Duties

**Attachments:** 1. O2017-7839.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
11/8/2017	1	City Council	Referred	

### ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, according to the National Safety Council (NCS) distracted walking is now a "significant safety threat," with a 400% increase in unintentional cellphone related accidents and deaths from 2000-2011, and an estimated total 11,101 incidents in that time; and

WHEREAS, distracted walking poses a threat everywhere mobile electronic devices are used, but especially near roads and highways; and

WHEREAS, the NCS notes that "it is just as important to walk cell free as it is to drive cell free" and that "pedestrians and drivers using cell phones are both impaired and too mentally distracted to fully focus on their surroundings;" and

WHEREAS, in the United States, overall pedestrian deaths spiked 9% from 2015-2016 alone, rising to 5,987 which is the highest toll on American roads since 1990, according to federal data; and

WHEREAS, a report by the Governors Highway Safety Association states that the growing use of smartphone technology may now be contributing to the spike in pedestrian injuries and deaths, especially those amongst teens who are two times more likely to report crossing the street while distracted, more likely to believe it is okay to cross the street while texting or talking, and believe most people agree with that assertion; and

WHEREAS, according to the World Health Organization (WHO) people who text and walk, are nearly four times as likely to engage in at least one dangerous action, like jaywalking or not looking both ways, and take 18% more time to cross a street than undistracted pedestrians; and

WHEREAS, internationally, "distracted walking" and the increase in mobile cellphone usage have become issues of public safety, resulting in, for instance, Augsburg, Germany installing lights along certain walkways after a teenager was struck by a tram, and Mumbai enacting "no selfie zones," in an effort to curb unintentional injuries to distracted pedestrians; and

WHEREAS, other American states and municipalities have already taken action in this area, with Honolulu and San Mateo County having already banned cell phone usage in crosswalks, California will consider a statewide ban in January of 2018, and New York City is beginning to review its policies; and

WHEREAS, 44 pedestrians were killed in 2016 in Chicago, a 26% increase from the year 2014, and are set to rise again this year in 2017 as part of a multi-year trend; and

WHEREAS, the City of Chicago has consistently remained in the vanguard of pedestrian and road safety, with regulations concerning texting and driving, and initiatives such as Vision Zero, an initiative that has the elimination of traffic fatalities and serious injuries as its goal; and

**WHEREAS, the City of Chicago is committed to improve traffic safety for all residents, whether in vehicles, bikes, or on foot; NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapter 9-60 of the Municipal Code of Chicago is hereby amended by inserting a new section 9-60-085 as follows:

9-60-085. Use of Mobile Electronic Devices in Crosswalks

- a) For purposes of this section "Mobile electronic device" means any handheld or other portable electronic equipment capable of providing wireless and/or data communication between two or more persons or of providing amusement including, but not limited to, a mobile telephone, mobile gaming device, text messaging device, paging device, personal digital assistant, laptop computer, video game, or digital photographic device.
- b) No person shall cross a street or highway while using a mobile electronic device in a manner that averts their visual attention to that device or to that device's activity.
- c) The provisions of this section shall not apply to law enforcement officers or emergency personnel, when on duty and acting in their official capacities or to persons using a telephone to call 911 telephone

numbers or other emergency telephone numbers to contact emergency or law enforcement personnel.

- d) Except as otherwise provided in subsection (c) of this section, any person who violates the requirements of this subsection shall be subject to the fine range set forth in Section 9-4-020.

SECTION 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any provision of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.