BILL 2015-5

****** Second Reading ******

AGENDA ITEM

TO: Mayor and City Council

FROM: Police Chief Rick Bashor

DATE: January 30, 2015

RE: **'Move Over' Traffic Regulation**

Issue:
The State of Missouri adopted new regulations in 2006 in an attempt to safeguard all emergency service providers who find themselves stationary along state roadways during the course of their vocation. These laws require that motorists move into a lane not adjacent to the stationary vehicle if possible and/or to reduce the speed of their vehicle so as not to be a threat to the stationary vehicle or its occupants.

Background:
The Police Department received a grant for officers to focus on traffic safety and enforcement on state highways. Officers have experienced numerous occasions of vehicles not slowing or moving out of the adjacent lanes when they were clearly able to do so, thus increasing the risks to both officers and the other parties roadside. To this end, the Police Department would like to be able to enforce the 'Move Over' regulations within the City of Cameron.

To properly enact this regulation it is necessary to add a new definition for stationary emergency vehicle as well as add the section regarding the 'Move Over' regulation. The existing definition for 'authorized emergency vehicles' refers to law enforcement vehicles with the power to stop and detain motorists/vehicles. The new definition, while including law enforcement vehicles, also includes other forms of emergency vehicles which do not have such authority.

Action:
Staff recommends approval of the Ordinance.

Bill 2015-5

AN ORDINANCE OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI, AMENDING SECTION 7-1 OF ARTICLE I - IN GENERAL AND SECTION 7-70 OF ARTICLE III – ENFORCEMENT OF AND OBEDIENCE TO TRAFFIC REGULATIONS, BOTH IN CHAPTER 7 – MOTOR VEHICLES AND TRAFFIC OF THE CITY OF CAMERON CODE (Move Over Law)

Second Reading

WHEREAS, in 2006 the State of Missouri adopted the 'Move Over' law in order to "help protect those who protect you" by requiring drivers to slow down and/or change lanes to give law enforcement, first responders, MoDOT vehicles, and all other types of emergency vehicles room when they are stationary on roadways; and

WHEREAS, the Cameron Police Department requests a new definition for *Stationary Emergency Vehicle* be created for the purpose of this regulation and to delineate between vehicles authorized to stop and detain motorists; and

WHEREAS, the Cameron Police Department requests to update the City of Cameron Code to allow for enforcement of this regulation to safeguard Cameron Officers as well as other emergency service providers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AS FOLLOWS:

Section 1. The Mayor and City Council are hereby authorized to amend Section 7-1 by creating a definition *Stationary emergency vehicle* as follows:

Sec. 7-1. Definitions.

Stationary emergency vehicle means:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or coroner or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to RSMo section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of RSMo chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of RSMo sections 260.500 to 260.550; or

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle.

Section 2. The Mayor and City Council are hereby authorized to amend Section 7-70 by adding a new paragraph (c) as follows:

Sec. 7-70. Same—Operation of vehicles on approach of.

(c) Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

(State law reference – Similar provisions, RSMo 304.022.1)

Section 3. The Mayor is authorized to sign this Ordinance, approving it on behalf of the City of Cameron.

Section 4. The City Clerk is directed to attest to the Mayor's signature.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Second Reading

Passed and approved on first reading this 2nd day of March 2015.
Passed and approved on second reading this 16th day of March 2015.
Passed and approved on third and final reading this _____ day of _____ 2015.

_____
Mayor Dennis M. Clark

ATTEST:

_____
City Clerk/Finance Clerk

Second Reading