

INTRODUCED: 6/5/2023

REFERRED TO: Public Works Committee

SPONSOR: Councillors Adamson and Barth

DIGEST: amends Chapter 441 of the Revised Code to add a new Sec. 441-326, to allow for the establishment of greenway crossing speed limit zones

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SOURCE:

Initiated by: Department of Public Works

Drafted by: Department of Public Works

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: \_\_\_\_\_

Date: June 1, 2023

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CITY-COUNTY GENERAL ORDINANCE NO. , 2023

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to allow for the establishment of greenway crossing speed limit zones.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 441 of the Revised Code of the Consolidated City and County, regarding Traffic, specifically Article III, Division 2 regarding Speed, be and is hereby amended by the addition of a new section to include the language that is underscored as follows:

**Sec. 441-326. – Greenway crossing zones.**

(a) There is hereby created within the consolidated city areas defined and established as greenway crossing zones, which shall be defined as that portion of any street or highway contiguous to any at-grade crossing of a greenway with the street or highway. The dimensions of said zone at each greenway crossing shall vary depending on the posted speed limit along the street or highway in each direction from the crossing, amount of traffic on the street or highway in the vicinity of the crossing, amount of traffic on the greenway trail in the vicinity of the crossing, roadway and greenway trail geometrics in the area, and any other criteria as determined by the engineering division of the department of public works.

(b) The engineering division of the department of public works, following an engineering and traffic investigation and based on the factors set forth in subsection (a), shall determine an appropriate speed limit for each greenway crossing zone established pursuant to subsection (a).

(c) No person shall drive a motor vehicle on any street or highway within a greenway crossing zone established pursuant to subsection (a) at a speed greater than the speed limit prescribed pursuant to subsection (b).

(d) No restriction under this section shall be applicable until the department of public works posts reasonable and adequate signs and/or other traffic control devices indicating where such greenway crossing zones begin, the reduced speed limit within the zone, and where such zones end or the speed limit for the section of street or highway that follows.

(e) Where no special hazard exists, the speed limit prescribed for a greenway crossing zone pursuant to subsection (b) shall be lawful, but any speed in excess of that limit shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful. When a special hazard does exist, the driver of a motor vehicle shall reduce their speed such that is reasonable and prudent under the conditions, having regard to the actual and potential hazards then existing, the posted speed limit notwithstanding. For purposes of this subsection, a special hazard shall exist when users of a greenway trail are within the crossing of a street or highway or are adjacent thereto awaiting an opportunity to cross the street or highway.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this \_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ p.m.

ATTEST:

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Vop Osili  
President, City-County Council

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Yulonda Winfield  
Clerk, City-County Council

Presented by me to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Yulonda Winfield  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Joseph H. Hogsett, Mayor