

..Number

150648

..Version

PROPOSED SUBSTITUTE

..Reference

..Sponsor

ALD. PEREZ AND ZIELINSKI

..Title

A substitute ordinance relating to the display of warning lights by school buses.

..Sections

101-46 cr

101-48 cr

..Analysis

State statutes provide that school bus operators shall not use flashing red or amber warning lights in residence or business districts when pupils or other authorized passengers are to be loaded or unloaded where a sidewalk and curb are laid on both sides of the road, unless required otherwise by municipal ordinance. This ordinance requires school bus operators to use flashing red or amber warning lights in residence and business districts where a sidewalk and curb are laid on both sides of the road.

Specifically, this ordinance provides that the operator of a school bus equipped with flashing red and amber warning lights shall do all of the following when stopping to load or unload pupils or other authorized passengers, regardless of whether the stopping location is in a business or residence district and a sidewalk and curb are laid on both sides of the road:

a. Actuate the flashing amber warning lights at least 300 feet before stopping in a 45 miles per hour or greater speed zone or at least 100 feet before stopping in a less than 45 mile per hour speed zone.

b. At the point of loading or unloading, bring the bus to a stop and:

b-1. If the school bus operator can bring the bus to the curb, keep the flashing amber warning lights actuated but not actuate the flashing red warning lights.

b-2. If the school bus operator has to stop the bus in a traffic lane or otherwise cannot bring the bus to the curb, extinguish the flashing amber warning lights and actuate the flashing red warning lights.

c. After loading or unloading is completed, extinguish the flashing red warning lights or flashing amber warning lights, as the case may be.

This ordinance further provides that no school bus operator shall use flashing red or amber warning lights when loading or unloading passengers in a school zone.

This ordinance takes effect August 1, 2016.

..Body

Whereas, Section 346.48(2)(b)2, Wis. Stats., provides that school bus operators shall not use flashing red or amber warning lights in residence or business districts when pupils or other authorized passengers are to be loaded or unloaded where a sidewalk and curb are laid on both sides of the road, unless required otherwise by municipal ordinance enacted under s. 349.21(1), Wis. Stats.; and

Whereas, Section 349.21(1), Wis. Stats., provides that the governing body of any town, city, village or county may, by ordinance, provide for the use of flashing red or amber warning lights by school bus operators in a residence or business district when pupils or other authorized passengers are to be loaded or unloaded at a location at which there are no traffic signals and such persons must cross the street or highway before being loaded or after being unloaded; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Sections 101-46 and 101-48 of the code are created to read:

101-46. Vehicles to Stop for School Buses Displaying Flashing Lights. The operator of a vehicle which approaches from the front or rear any school bus which has stopped on a street or highway when the bus is equipped according to s. 347.25(2), Wis. Stats., and when it is displaying flashing red warning lights, shall stop the vehicle not less than 20 feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of any school bus which approaches from the front or rear any school bus which has stopped and is displaying flashing red warning lights shall display its flashing red lights while stopped. The operator of a vehicle upon a street or highway that has been divided into 2 roadways by leaving an intervening space, or by a physical barrier or clearly-indicated dividing sections so constructed as to impede vehicular traffic, is not required to stop upon meeting a school bus that has stopped across the dividing space, barrier or section.

101-48. School Buses to Display Warning Lights. 1. BUS EQUIPPED WITH RED LIGHTS ONLY. The operator of a school bus equipped with only flashing red warning lights shall actuate the lights at least 100 feet before stopping to load or unload pupils or other authorized passengers, and shall not extinguish the lights until loading or unloading is completed. These requirements shall apply regardless of whether the stopping location is in a business or residence district and a sidewalk and curb are laid on both sides of the road.

2. BUS EQUIPPED WITH RED AND AMBER WARNING LIGHTS. The operator of a school bus equipped with flashing red and amber warning lights shall do all of the following when stopping to load or unload pupils or other authorized passengers, regardless of whether the stopping location is in a business or residence district and a sidewalk and curb are laid on both sides of the road:

a. Actuate the flashing amber warning lights at least 300 feet before stopping in a 45 miles per hour or greater speed zone or at least 100 feet before stopping in a less than 45 mile per hour speed zone.

b. At the point of loading or unloading, bring the bus to a stop and:

b-1. If the school bus operator can bring the bus to the curb, keep the flashing amber warning lights actuated but not actuate the flashing red warning lights.

b-2. If the school bus operator has to stop the bus in a traffic lane or otherwise cannot bring the bus to the curb, extinguish the flashing amber warning lights and actuate the flashing red warning lights.

c. After loading or unloading is completed, extinguish the flashing red warning lights or flashing amber warning lights, as the case may be.

3. SIDEWALK AND CURB ON ONE SIDE OF ROAD. Where the curb and sidewalk are laid on one side of the road only, the operator shall use the flashing red or flashing amber warning lights when loading or unloading passengers from either side of the road.

4. STOP SIGNAL ARM REQUIRED. Every school bus painted with the yellow and black color scheme shall be equipped with a stop signal arm as required by s. TRANS 300.64, Wis. Adm. Code.

5. USE OF WARNING LIGHTS IN SCHOOL ZONE PROHIBITED. No school bus operator shall actuate flashing red or amber warning lights when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds in a zone designated by "school" warning signs, as provided in s. 118.08(1), Wis. Stats., in which a street or highway borders the grounds of a school.

Part 2. This ordinance takes effect August 1, 2016.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date:_____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date:_____

..Requestor

..Drafter
LRB160421-5
Jeff Osterman
11/30/2015