

**Presentation to the Committee on Public Safety  
& Regulatory Services  
August 23, 2006**

**Proposal to restrict pedestrian use of alleys  
Proposed Ordinance 385.85**

Council Member Robert Lilligren has sponsored proposed ordinance that would restrict pedestrian use of alleys, with several important exceptions. This ordinance would enact a new section of the Minneapolis Code of Ordinances. The section (385.85) is located within the section of the code called “offenses – miscellaneous.” The actual text of the proposed ordinance has been submitted to the Committee and is part of the record.

**Public Policy Reasons for the Proposed Ordinance.**

There are two main public policy reasons behind the proposed ordinance, both of which are related to public safety. The first public policy rationale is to protect pedestrians from motor vehicles that use the alleys. Some of the risk to pedestrians is posed by vehicles backing out of garages or driveways into alleys. Visibility risks in backing are heightened in alleys.<sup>1</sup> Pedestrians using alleys also may be hit by cars because there are no sidewalks – or areas designated specifically for pedestrians – in alleys. The second public policy rationale is to deter and reduce crime. The very design of alleys poses risks to pedestrians who use them and creates unique opportunities for criminal activity. Alleys are not well-lit, they are often obstructed by garages and other structures (fences, sheds, etc.), and abutting homeowners’ focus is more often on the street in front of the house, as opposed to behind.

The proposed ordinance is modeled after an existing ordinance, which prohibits vehicles from using alleys as thoroughfares. Minneapolis Code of Ordinances (hereinafter “MCO”), Title 18, Chapter 478, section 478.260. This ordinance was enacted in 1993. The language of the ordinance pertaining to vehicular traffic indicates the reasons for its passage: to reduce the risk of bodily injury and property damage posed by motor vehicles using alleys, to address “cruising,” and to reduce criminal activity. Citations for this section are somewhat rare. Between January 1, 2005, and June 7, 2006, 93 citations were issued for violations of section 478.260. Interestingly, only 19 citations were issued in all of 2005, while 74 had been issued through June 7, 2006.

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<sup>1</sup> See, e.g., “Data Collection Study: Deaths & Injuries Resulting from Certain Non-Traffic and Non-Crash Events” (U.S. Dept of Transportation, National Highway Traffic Safety Administration, May 2004). According to this NHTSA study, deaths found in 1998 death certificates showed a national total of about 120 deaths annually of persons struck by a vehicle backing up. Most of the victims are either very young (less than five years old) or elderly (60 and above), with most of the elderly victims over age 70. As many as 6,000 injuries occur each year as a result of vehicles backing into a person, but these injuries are almost all very minor.

Alleys serve a limited purpose and are not intended as public thoroughfares. Specifically, the Minneapolis zoning code defines “alley” as follows: “A service roadway within a right-of-way providing a secondary means of motor vehicle access to abutting property and not intended for general traffic circulation.” MCO § 520.160. “Alley” is not defined elsewhere in Minneapolis’ ordinances. However, the statutory definition of alley is similar, and it also clarifies that the primary purpose of alleys is as a secondary means for vehicular traffic. The definition in the state traffic code for “alleyway” is: “[A] private or public passage or way located in a municipality and which (1) is less than the usual width of a street, (2) may be open to but *is not designed primarily for general vehicular traffic*, (3) intersects or opens to a street, and (4) is primarily used for the ingress and egress or other convenience of two or more owners of abutting real properties.” Minn. Stat. § 169.01, subd. 67.<sup>2</sup> The legislative intent that is reflected in both definitions is that alleys are not intended as general public thoroughfares – their function is generally for vehicles, and only then for vehicles accessing abutting property.

Minneapolis’ charter vests authority in the Council to control alleys. The Charter states: “The City Council shall have the care, supervision and control of all highways, streets, alleys, public squares and grounds within the limits of the city. . .” Chapter 8, section 1. Thus, management of the alleys is within the purview of the Council.

Minnesota’s traffic code regulates the use of public ways by vehicles, bicyclists, pedestrians and others. For example, on roadways with adjacent sidewalks provided, pedestrians are required to use the sidewalks. Minn. Stat. § 169.21, subd. 5. Jaywalking (crossing between intersections with traffic-control signals) is a crime. Minn. Stat. § 169.21, subd. 3(c). Within business districts, bicyclists are not permitted to use sidewalks. Minn. Stat. § 169.222, subd. 4(d). Through the traffic code, the Legislature has designated purposes for roadways, bikeways, and sidewalks. Restricting the use of alleys is consistent with other traffic regulations.

There are at least some indications that there is a connection between alleys and crime, including hit-and-runs with personal injury. From April 1995 through June 21, 2006, 117 cases of hit and runs with personal injuries were reported in CAPRS as having occurred in alleys. Several of these involved vehicles striking children who were playing in the alleys; others involved vehicle collisions with bicyclists in alleys. One case in 1998, in which a 7-year-old boy died, may have resulted due to a collision with a car in an alley.

CAPRS reveals that, for the first five months of 2006, 1334 police reports were written designating alleys as the location of the crime. Of these reports, the following is a breakdown of some of the more common crimes listed as occurring in alleys:

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<sup>2</sup> On a related note, in a case from Chicago, the Illinois Court of Appeals held that, because pedestrians were not intended users of alleys, the city did not owe a duty of reasonable care to pedestrians who attempted to use alleys. Even frequent use by pedestrians could not convert the alley into a sidewalk; therefore, the city had no duty to maintain the alley in a reasonably safe condition for a pedestrian using the alley as if it were a sidewalk. Khalil v. Chicago, 669 N.E.2d 1189 (Ill. App. Ct. 1996).

Graffiti	232
Auto Theft	108
Damage to Motor Vehicle	108
Theft from Motor Vehicle	56
Loitering	50
Aggravated Robbery	38
Robbery	35
Possess Drug Paraphernalia	30
Assault (felony)	23

Among these cases were two sexual assaults, in which strangers allegedly took females into alleys and sexually assaulted them there. At least 10 of these cases involved gunshots fired in the alley. In one of the cases, a victim saw a car parked in the alley and two people in it engaged in suspected drug activity. When the victim told them to leave, the driver attempted to run the victim down with her car and struck him, injuring his leg. In another case, a 62-year old male was unloading his car in the alley when a stranger came up and fired 2-3 shots at him from a distance of 10-15 feet. The victim was unharmed, but his car window was damaged. These statistics and case reports indicate that crime in alleys is a significant problem.

Research of laws in other United States cities has revealed no other laws similar to the proposed ordinance. Similarly, we have found no other cities with an ordinance comparable to MCO § 478.260 (restricting vehicular use of alleys). As such, there is no legal precedent specifically “on point” within which to analyze this proposal. We believe there are solid constitutional legal arguments in support of the ordinance, but this ordinance would present a case of first impression in the court if it were ever challenged.

The ordinance is aimed at the significant public policy interest of improving public safety. It is narrowly tailored to address that interest. We are pleased to have worked with Council Member Lilligren and the community on this proposal.