SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON PEDESTRIAN SAFETY AND CONVENIENCE ENHANCEMENT

Enactment No. 8212, Dec. 30, 2021
Amendment of Other Laws No. 8530, Dec. 30, 2022
Partial Amendment No. 8564, Dec. 30, 2022

Article 1 (Purpose)

The purpose of this Ordinance shall be to create a comfortable pedestrian environment in which pedestrians can walk safely and conveniently by prescribing matters delegated by the Pedestrian Safety and Convenience Enhancement Act and matters necessary for pedestrian safety and convenience enhancement.

Article 2 (Definitions)

The terms used in this Ordinance are defined as follows:

1. The term "pedestrian right of way" refers to a right with which pedestrians can walk safely and conveniently;
2. The term "pedestrian walkway" refers to places for the traffic of pedestrians under subparagraph 1 of Article 2 of the Pedestrian Safety and Convenience Enhancement Act (hereinafter referred to as the "Act");
3. The term "pedestrian environment" refers to physical, ecological, historical, and cultural elements that pedestrians encounter while walking and all elements that affect pedestrians' safe and comfortable traffic under subparagraph 2 of Article 2 of the Act.

Article 3 (Basic Responsibilities)

The Mayor of Seoul Metropolitan City (hereinafter referred to as the "Mayor") shall perform the following basic responsibilities to create a city where all pedestrians want to walk and it is convenient to walk under Article 4 of the Act:

1. Matters concerning ensuring the right of way;
2. Matters concerning the maintenance of facilities in pedestrian environment;
3. Matters concerning the improvement of pedestrian environment;
4. Matters concerning the participation of and cooperation with citizens to improve pedestrian environment; and
5. Matters concerning the prevention of safety accidents while walking.

Article 4 (Rights and Responsibilities of Citizens)

(1) Citizens of Seoul Metropolitan City (hereinafter referred to as the "Citizen") shall have the right to walk safely and conveniently in a pleasant environment under Article 3 of the Act.
(2) The Citizen shall actively participate and cooperate on pedestrian environment improvement projects.
(3) The Citizen shall pay attention to the use of electronic devices, such as smart phones, to prevent safety accidents while walking.

Article 5 (Relation with Other Ordinances)

Except in cases specifically prescribed by relevant ordinances concerning pedestrian safety and convenience enhancement, what is prescribed by this Ordinance shall be followed.

Article 6 (Survey of Pedestrian Safety and Convenience Enhancement)

(1) The Mayor shall conduct a survey regarding matters under Article 2(2) of the Enforcement Decree of the Act in light of gender, age, etc. every 5 years when formulating the master plan of Seoul Metropolitan City for pedestrian safety and convenience enhancement (hereinafter referred to as the "Master Plan") under Article 7-2 of the Act.
(2) The Mayor shall, when conducting the survey under paragraph (1) above, also conduct a survey of the walking population, changes of pedestrian environment, etc. under Article 37 of the Sustainable Transportation Logistics Development Act, in addition to matters under each subparagraph of Article 6(1) of the Act.
(3) The Mayor shall formulate pedestrian traffic improvement indexes by field and region every five years based on the survey under paragraph (2) above.
(4) The pedestrian traffic improvement indexes under paragraph (3) above shall include the following:

1. Matters concerning the improvement of pedestrians' mobility: Walking signal systems, securing of sidewalks, walking speed, walking density, etc.
2. Matters concerning the improvement of the safety of pedestrian environment: Securing of pedestrian safety facilities, street light illumination, vehicle speed, etc.

3. Matters concerning the improvement of the comfort of pedestrian environment: Maintenance of walking facilities, noise and exhaust gas in walking space, provision of information on public transportation, etc.
4. Matters necessary to improve pedestrian traffic in addition to matters stipulated by subparagraphs (1) through (3).

Article 7 (Formulation of a Master Plan for Pedestrian Traffic and Convenience Enhancement)

(1) The Mayor shall formulate a Master Plan every 5 years based on findings from the survey under Article 6.
(2) The Master Plan may include matters under each subparagraph of Article 7-2(2) of the Act and the following matters other than the pedestrian traffic improvement indexes under Article 6(3):
1. Matters concerning local characteristics, such as tradition, culture, etc.;
2. Matters concerning the participation of residents;
3. Matters concerning linkage with public transportation;
4. Matters concerning the prevention of crimes in pedestrian walkways; and
5. Other matters necessary to enhance pedestrian safety and convenience.
(3) Where the Master Plan is formulated under paragraph (1) above, the Mayor shall publicly announce such fact in a gazette or on an Internet website.
(4) When it is needed to change the contents of the Master Plan due to changes in conditions contemplated when formulating the Master Plan, the Master Plan may be changed.

Article 8 (Formulation of an Annual Implementation Plan)

(1) The Mayor shall formulate an annual implementation plan to execute the Master Plan under Article 8(2) of the Act. And when compiling a budget under the implementation plan, projects, such as pedestrian traffic improvement indexes, etc. under Article 6(3) shall be taken into account on a preferential basis.
(2) The Mayor may change an annual implementation plan, where it is recognized as necessary to reinforce the linkage with the Master Plan or execute the same in a more efficient way.

Article 9 (Spread of a Pedestrian Safety Culture)

The Mayor shall endeavor to diffuse a pedestrian safety culture for the prevention of safety accidents while walking by educating and promoting the following matters to raise the awareness of pedestrians:
1. Matters concerning the policy for pedestrian safety;
2. Matters concerning traffic rules and basic order for pedestrian safety;
3. Matters concerning the risk of safety accidents caused by the use of mobile devices while walking;
4. Matters concerning the prevention of safety accidents while walking; and
5. Other matters necessary to improve pedestrians' awareness and diffuse a safe pedestrian culture.

Article 10 (Establishment of Standards for the Creation of Pedestrian Environment)

(1) The Mayor shall do the following: establish standards for the creation of pedestrian environment to be conformed to improve the pedestrian environment; formulate related plans; and apply the plans to the operation, management, etc. of traffic facilities.
(2) Where the Mayor intends to establish standards for the creation of pedestrian environment under paragraph (1) above, the following shall be reflected:
1. Matters concerning the improvement of pedestrian environment on main roads;
2. Matters concerning the improvement of school routes;
3. Matters concerning the improvement of side streets;
4. Matters concerning the improvement of pedestrian environment in zones with heavy pedestrian traffic, such as sightseeing roads, roads with many stores;
5. Matters concerning the maintenance of roads;
6. Matters concerning the installation and maintenance of pedestrian crossings;
7. Matters concerning the improvement of pedestrian environment linked with public transportation;
8. Matters concerning the development of vehicle-free streets;
9. Matters concerning the improvement of wide intersections;
10. Matters concerning the development of sidewalks under Article 2 of the Road Traffic Act and nonsmoking environment on exclusive pedestrian roads; and
11. Other matters concerning the improvement of pedestrian environment;
(3) Detailed standards for the creation of pedestrian environment as to matters that fall under any of the subparagraphs of paragraph (2) above shall be prescribed as rules.

Article 11 (Establishment, Organization, etc. of the Pedestrian Safety and Convenience Enhancement Committee)

(1) The Mayor shall establish the Seoul Metropolitan Government Pedestrian Safety and Convenience Enhancement Committee (hereinafter referred to as the "Committee") under Article 8-3 of the Act to deliberate and adjust the following matters for pedestrian safety and convenience enhancement:

1. Matters concerning the Master Plan for pedestrian safety and convenience enhancement in Seoul Metropolitan City;
2. Matters concerning the formulation and adjustment of main local policies for pedestrian safety and convenience enhancement; and
3. Other matters to be submitted for consideration as related to pedestrian safety and convenience enhancement.

(2) The Committee shall comprise about 20 members including 1 chairperson and 1 vice-chairperson, and members of a specific gender shall not exceed 6/10 of the number of commissioned members under the main sentence of Article 21(2) of the Framework Act on Gender Equality.

(3) The chairperson of the Committee shall be the Vice-Mayor I for Administrative Affairs and the vice-chairperson shall be elected by mutual vote among members.

(4) Members are appointed or commissioned by the Mayor among persons that fall under any of the following subparagraphs:

1. Commissioned members: People with sufficient expertise or experience in pedestrian traffic and policy from public institutions, institutes, schools, businesses, or non-government organizations;
2. Ex-officio members: Heads of offices, divisions, or departments in charge of pedestrian-friendly policies.

(2) Members' term of office shall be 2 years and such members may serve consecutive terms only once; Provided, That a term of office of members who are public officials shall be a period during which he/she holds his/her post.

Article 12 (Exclusion, Recusal, Abdication, etc. of Members)

(1) A member shall be excluded from deliberation or resolution of a relevant matter in the following cases:

1. Where the member or his/her spouse or ex-spouse becomes a party to the relevant matter or is a joint holder of rights or liabilities with the party to the relevant matter;
2. Where the member is or was a relative of a party to the relevant matter; or
3. Where the member provided testimony, statement, advice, research, service, appraisal, etc. as to the relevant matter; or
4. Where the member or a corporation with which the member is affiliated is or was an agent of the party to the relevant matter.

(2) Where it is difficult to expect that a member would fairly deliberate or resolve , a party may request the Committee to exclude the member and the Committee shall resolve whether or not to exclude the member: In such cases, the member subject to the request for exclusion shall not participate in the resolution.

(3) Where a member falls under any of the subparagraphs of paragraph (1) above, the member shall, for himself/herself, abdicate the deliberation or resolution of the relevant matter.

Article 13 (Dismissal of Members)

Where a member falls under Article 8-2 of the Seoul Metropolitan Government Ordinance on the Installation and Operation of Various Committees, the Mayor may dismiss the member even before his/her term of office expires.

Article 14 (Operation of the Committee)

(1) When a chairperson cannot perform his/her duties due to unavoidable reasons, a vice chairperson shall be an acting chairperson. And when both the chairperson and vice chairperson cannot perform their duties due to unavoidable reasons, a member appointed in advance by the chairperson shall be an acting chairperson.

(2) Committee meetings shall be convened by a chairperson, when the chairperson recognizes as necessary or when 1/3 or more of its registered members request to convene the meeting.

(3) Committee meetings shall be started when a majority of registered members are present and resolved by vote of a majority of members present.

(4) Where it is required to perform affairs related to the deliberation of the agenda, the Committee may request necessary cooperation, such as taking advice from related public officials or experts with expertise and experience.

(5) The Committee shall have 1 secretary to handle its affairs and the secretary shall become an officer in charge of pedestrian-related affairs.

(6) The Mayor may provide allowances and travel expenses for members, experts, etc. present in the meetings, etc. of the Committee within a budgetary limit in accordance with the Seoul Metropolitan Government Ordinance on the Provision of Allowances and Travel Expenses to Committees.

Article 15 (Detailed Operation Rules)

Matters concerning the operation of the Committee in addition to what is prescribed by this Ordinance shall be determined by a

chairperson with resolution of the Committee.

Article 16 (Evaluation of Pedestrian Environment Improvement Projects)

(1) When pedestrian environment improvement projects are implemented under Article 10 of the Act, the Mayor shall evaluate their performance under Article 11 of the Act.
(2) The Mayor shall formulate a plan for the evaluation of pedestrian environment improvement projects before implementing the projects in order to evaluate the projects under paragraph (1) above.
(3) When evaluating projects under paragraph (2) above, the following shall be considered in addition to matters that fall under any of the subparagraphs of Article 10(3) of the Enforcement Decree of the Act:
1. Matters concerning environment friendliness;
2. Matters concerning social benefits, such as increase in community exchange, improvement of pedestrian vitality, etc.; and
3. Other matters necessary for the evaluation of pedestrian environment improvement projects.
(4) The Mayor shall establish the evaluation committee under Article 11 of the Enforcement Decree of the Act and conduct the evaluation. Also, the Mayor shall report the findings of the evaluation to the Minister of Public Administration and Security and the Minister of Land, Infrastructure, and Transport under Article 10(4) of the Enforcement Decree of the Act.

Article 17 (Prompt Clearance of Illegal Facilities)

(1) The Mayor shall promptly clear illegal facilities under Article 14(1) of the Act.
(2) The Mayor may partially subsidize, within a budgetary limit, a person who takes measures necessary for pedestrian safety and prevention of harm under Article 14(4) of the Act.

Article 18 (Organization of the Council for Joint Installation of Public Facilities)

(1) Where it is anticipated that illegal facilities would threaten pedestrian safety or it is recognized as necessary to jointly install public facilities to improve pedestrian environment under Article 23 of the Act or Article 15 of the Enforcement Decree of the Act, the Mayor may organize and operate the Seoul Metropolitan Council for Joint Installation of Public Facilities (hereinafter referred to as the "Council").
(2) The Council shall comprise 7 or less members including 1 chairperson.
(3) A president shall be an urban traffic office head and members shall be appointed or commissioned by the Mayor from among persons that fall under any of the following subparagraphs:
1. Public officials of the road management agency that manages the relevant road section;
2. Public officials of the Si or Do police agency or police office that has jurisdiction over the relevant road section;
3. Employees of the agency that manages public facilities installed in the relevant road section under Article 23(1) of the Act;
4. Residents residing near the relevant road section; or
5. Other people with sufficient learning and experience in the relevant fields, such as pedestrian, traffic, urban planning, etc.
(4) Members' term of office shall be from the date on which they are appointed or commissioned to the date on which the Council completes its deliberation and resolution of the relevant agenda by road section.

Article 19 (Operation of the Council)

(1) A president shall represent the Council and supervise the work thereof.
(2) Where a president is unable to perform his/her duties due to unavoidable reasons, a member whom the president designates in advance shall perform the duties for him/her.
(3) Council Meetings shall be held, where a president recognizes as necessary.
(4) Council meetings shall be started when a majority of registered members are present and resolved by vote of a majority of members present.
(5) The Mayor may provide allowances and travel expenses for commissioned members, experts, etc. present in Council meetings within a budgetary limit in accordance with Seoul Metropolitan Government Ordinance on the Provision of Allowances and Travel Expenses to Committees.

Article 20 (Detailed Operation Rules)

Matters concerning the operation of the Council in addition to what is prescribed by this Ordinance shall be determined by a president with resolution of the Council.

Article 21 (Financial Support)

(1) The Mayor shall prepare financial measures necessary to promote a policy for the improvement of pedestrian environment.

(2) The Mayor may provide, within a budgetary limit, pedestrian environment improvement project operators with part of the expenses required for pedestrian environment improvement projects under Article 4(3) of the Act.

Article 22 (Delegation of Authority)

The Mayor may delegate the following authorities to the head of Gu under Article 28 of the Act:

1. Management of pedestrian environment improvement zones under Article 12 of the Act;
2. Prompt clearance of illegal facilities under Article 14 of the Act; and
3. Imposition and collection of administrative fines from drivers of motor vehicles or horses that enter a designated pedestrian-only path under Article 30 of the Act

Article 23 (Enforcement Rules)

Matters required to enforce this Ordinance shall be prescribed as rules.

Addenda <Ordinance No. 8212, Dec. 30, 2021>

Article 1 (Enforcement Date)

This Ordinance shall enter into force on the date of its promulgation.

Article 2 (Abolition of Other Ordinances)

The Seoul Metropolitan Government Framework Ordinance on the Securement of Right of Way and the Improvement of Pedestrian Environment shall be abolished.

Article 3 (General Transitional Measures)

The determination, procedures, and other acts performed under the then "Seoul Metropolitan Government Ordinance on the Securement of Right of Way and the Improvement of Pedestrian Environment" before this Ordinance is enforced shall be regarded as performed under this Ordinance.

Article 4 (Revision of Other Ordinances)

(1) The Seoul Metropolitan Government Ordinance on the Operation of Pedestrian Safety Assistants is partially revised as follows:

"Subparagraph 1 of Article 2 of the Seoul Metropolitan Government Framework Ordinance on the Securement of Right of Way and the Improvement of Pedestrian Environment" in subparagraph 2 of Article 2 shall be changed to "subparagraph 1 of Article 2 of the Seoul Metropolitan Government Ordinance on Pedestrian Safety and Convenience Enhancement," and "subparagraph 2 of Article 2 of the Seoul Metropolitan City Government Ordinance on the Securement of Right of Way and the Improvement of Pedestrian Environment" in subparagraph 3 of the same Article shall be changed to "subparagraph 3 of Article 2 of the Seoul Metropolitan Government Ordinance on Pedestrian Safety and Convenience Enhancement."

(2) The Seoul Metropolitan Government Ordinance on the Management of Drive-Through Traffic Safety is partially revised as follows:

"Subparagraph 1 of Article 2 of the Seoul Metropolitan Government Framework Ordinance on the Securement of Right of Way and the Improvement of Pedestrian Environment" in subparagraph 2 of Article 2 shall be changed to "subparagraph 1 of Article 2 of the Seoul Metropolitan Government Ordinance on Pedestrian Safety and Convenience Enhancement," and "subparagraph 2 of Article 2 of the Seoul Metropolitan City Government Ordinance on the Securement of Right of Way and the Improvement of Pedestrian Environment" in subparagraph 3 of the same Article shall be changed to "subparagraph 3 of Article 2 of the Seoul Metropolitan Government Ordinance on Pedestrian Safety and Convenience Enhancement."

"Article 5(1) of the Seoul Metropolitan Government Framework Ordinance on the Securement of Right of Way and the Improvement of Pedestrian Environment" in Article 4(4) shall be changed to "Article 8(1) of the Seoul Metropolitan Government Ordinance on Pedestrian Safety and Convenience Enhancement."