
Transportation Committee

HB 1428

Brief Description: Concerning pedestrians crossing and moving along roadways.

Sponsors: Representatives Alvarado, Street, Reed, Fitzgibbon, Simmons, Berry, Bateman, Mena, Ramel and Macri.

Brief Summary of Bill

- Authorizes a pedestrian to cross a roadway at any point unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle, a person operating a bicycle, or a personal delivery device (referenced as "immediate danger standard" below).
- Exempts pedestrians from following the requirements of traffic control devices provided the immediate danger standard for crossing a roadway is followed.
- Requires the operator of an approaching vehicle to stop and remain stopped to allow a pedestrian to cross a roadway at any point unless the immediate danger standard for crossing a roadway is met.
- Removes the requirement that a pedestrian moving along a roadway is required to walk on or move along the shoulder of the roadway facing traffic when sidewalks are not provided or are inaccessible and shoulders are accessible.

Hearing Date: 2/8/23

Staff: Jennifer Harris (786-7143).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Pedestrians Crossing Roadways.

Pedestrians are required to obey the instructions of official traffic control devices, unless otherwise directed by a traffic or police officer. Pedestrians facing a steady yellow or red signal, a yellow or red arrow signal may not enter the roadway unless otherwise directed by a pedestrian control signal. Pedestrians facing a steady or flashing "DON'T WALK" or hand symbol may not enter the roadway.

The operator of an approaching vehicle must stop and remain stopped to allow a pedestrian to cross the roadway within an unmarked or marked crosswalk when the pedestrian is in the roadway on which the vehicle is traveling or onto which it is turning, provided the pedestrian is on the portion of the roadway carrying traffic in the direction of the movement of the vehicle. No pedestrian may suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle that is so close that it is impossible for the driver to stop.

Pedestrians crossing a roadway at any point other than within a marked or unmarked crosswalk at an intersection must yield the right-of-way to all vehicles on the roadway. Pedestrians crossing a roadway where a pedestrian tunnel or overhead pedestrian crossing has been provided must yield the right-of-way to all vehicles on the road.

Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian, bicyclist, or personal delivery device to cross the roadway, the driver of another vehicle approaching from the rear is prohibited from overtaking and passing the stopped vehicle.

Pedestrians may not cross a roadway between adjacent intersections at which traffic-control signals are in operation except in a marked crosswalk, nor may a pedestrian cross a roadway intersection diagonally unless authorized by official traffic-control devices. Pedestrians may not cross a roadway at an unmarked crosswalk where an official sign prohibits crossing.

Every driver of a vehicle is required to exercise due care to avoid colliding with any pedestrian on a roadway, must sound the vehicle's horn when necessary to provide a pedestrian with a warning, and must exercise proper precaution when observing a child or any obviously confused or incapacitated person on a roadway.

Pedestrians Moving along Roadways.

When sidewalks are provided and are accessible, it is unlawful for a pedestrian to walk or move along an adjacent roadway. When sidewalks are not available, a pedestrian moving along a roadway must walk or move on the shoulder when available and is required to face traffic when a shoulder facing traffic is available, and when a shoulder is not available, is required to walk or move as near as practicable to the outside edge of the roadway facing traffic.

When walking or moving along a roadway, a pedestrian must exercise due care to avoid colliding with a vehicle on the roadway.

Summary of Bill:

Pedestrians Crossing Roadways.

A pedestrian may cross a roadway at any point unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle, a person operating a bicycle, or a personal delivery device (referenced below as "immediate danger standard"). Pedestrians retain the duty of exercising due care for their safety, and the driver of a vehicle, a bicyclist, and a personal delivery device retains the duty of exercising due care for the safety of pedestrians in the roadway. Local rules, regulations, codes, statutes, and ordinances that govern when a pedestrian may cross a roadway are preempted by state law.

A pedestrian is not subject to the requirements of traffic control devices provided the immediate danger standard is followed, and is not prohibited from entering the roadway when facing a red or yellow traffic signal or a "DON'T WALK" or hand symbol.

Pedestrians are not required to yield the right-of-way to vehicles on the roadway unless the immediate danger standard cannot be met. The operator of an approaching vehicle must stop and remain stopped to allow a pedestrian to cross a roadway at any point unless the immediate danger standard has not been met by the pedestrian crossing.

Whenever a vehicle is stopped at any point on the roadway to permit a pedestrian, bicyclist, or personal delivery device to cross a roadway, the driver of another vehicle approaching from the rear is prohibited from overtaking and passing the stopped vehicle.

Pedestrians Moving along Roadways.

When sidewalks are not provided or are inaccessible and shoulders are accessible, a pedestrian walking or otherwise moving along a roadway is not required to walk on or move along the shoulder of the roadway facing traffic.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.