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**HOUSE BILL 1428**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Alvarado, Street, Reed, Fitzgibbon, Simmons, Berry, Bateman, Mena, Ramel, and Macri

AN ACT Relating to pedestrians crossing and moving along roadways; amending RCW 46.61.050, 46.61.055, 46.61.060, 46.61.235, 46.61.240, and 46.61.250; adding a new section to chapter 46.61 RCW; and repealing RCW 46.61.230.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 46.61 RCW to read as follows:

(1) 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 personal delivery device. This subsection does not relieve a pedestrian from the duty of exercising due care for their safety or relieve a driver of a vehicle, a person operating a bicycle, or personal delivery device from the duty of exercising due care for the safety of any pedestrian within the roadway.

(2) This section supersedes and preempts all local rules, regulations, codes, statutes, and ordinances to the contrary and in conflict with this act.

**Sec.**  RCW 46.61.050 and 2020 c 66 s 1 are each amended to read as follows:

(1) The driver of any vehicle, a person operating a bicycle, and every pedestrian shall obey, and the operation of every personal delivery device shall follow, the instructions of any official traffic control device applicable thereto, and as specified in this chapter, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exception granted in section 1 of this act and granted the driver of an authorized emergency vehicle in this chapter.

(2) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

**Sec.**  RCW 46.61.055 and 2019 c 214 s 10 are each amended to read as follows:

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or legend, and said lights shall indicate and apply to drivers of vehicles, pedestrians, and personal delivery devices, as follows:

(1) Green indication

(a) Vehicle operators facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicle operators turning right or left shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators turning right or left shall also stop for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Vehicle operators facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection control area only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Vehicle operators shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators shall also stop for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(c) Unless otherwise directed by a pedestrian control signal, as provided in RCW 46.61.060 ((~~as now or hereafter amended~~)), pedestrians or personal delivery devices facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicle operators facing a steady circular yellow or yellow arrow signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicle operators shall stop for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Pedestrians or personal delivery devices facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 and except as provided otherwise in section 1 of this act, shall not enter the roadway.

(3) Steady red indication

(a) Vehicle operators facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection control area and shall remain standing until an indication to proceed is shown. However, the vehicle operators facing a steady circular red signal may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 ((~~as now or hereafter amended~~)) and except as provided otherwise in section 1 of this act, pedestrians or personal delivery devices facing a steady circular red signal alone shall not enter the roadway.

(c) Vehicle operators facing a steady red arrow indication may not enter the intersection control area to make the movement indicated by such arrow, and unless entering the intersection control area to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, before entering a crosswalk on the near side of the intersection control area, or if none, then before entering the intersection control area and shall remain standing until an indication to make the movement indicated by such arrow is shown. However, the vehicle operators facing a steady red arrow indication may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(d) Unless otherwise directed by a pedestrian signal and except as provided otherwise in section 1 of this act, pedestrians or personal delivery devices facing a steady red arrow signal indication shall not enter the roadway.

(4) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

**Sec.**  RCW 46.61.060 and 2019 c 214 s 11 are each amended to read as follows:

Whenever pedestrian control signals exhibiting the words "Walk" or the walking person symbol or "Don't Walk" or the hand symbol are operating, the signals shall indicate as follows:

(1) WALK or walking person symbol—Pedestrians or personal delivery devices facing such signal may cross the roadway in the direction of the signal. Vehicle operators shall stop for pedestrians who or personal delivery devices that are lawfully moving within the intersection control area on such signal as required by RCW 46.61.235(1).

(2) Steady or flashing DON'T WALK or hand symbol—Pedestrians or personal delivery devices facing such signal shall not enter the roadway, except as provided otherwise in section 1 of this act. Vehicle operators shall stop for pedestrians who or personal delivery devices that have begun to cross the roadway before the display of either signal as required by RCW 46.61.235(1).

(3) Pedestrian control signals having the "Wait" legend in use on August 6, 1965, shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such pedestrian control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk" or the hand symbol.

**Sec.**  RCW 46.61.235 and 2019 c 214 s 12 are each amended to read as follows:

(1) The operator of an approaching vehicle shall stop and remain stopped to allow a pedestrian((~~,~~)) to cross the roadway at any point subject to section 1 of this act, and to allow a bicycle((~~,~~)) or personal delivery device to cross the roadway within an unmarked or marked crosswalk, when the pedestrian, bicycle, or personal delivery device is upon or within one lane of the half of the roadway upon which the vehicle is traveling or onto which it is turning. For purposes of this section "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

(2) ((~~No~~)) Except as provided in section 1 of this act, no pedestrian, bicycle, or personal delivery device shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle which is so close that it is impossible for the driver to stop.

(3) ((~~Subsection (1) of this section does not apply under the conditions stated in RCW 46.61.240(2).~~

~~(4)~~)) Whenever any vehicle is stopped ((~~at a marked crosswalk or at any unmarked crosswalk at an intersection~~)) in the roadway to permit a pedestrian, bicycle, or personal delivery device to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

((~~(5)~~)) (4)(a) If a person is found to have committed an infraction under this section within a school, playground, or crosswalk speed zone created under RCW 46.61.440, the person must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. The penalty may not be waived, reduced, or suspended.

(b) Fifty percent of the moneys collected under this subsection must be deposited into the school zone safety account.

**Sec.**  RCW 46.61.240 and 2019 c 214 s 13 are each amended to read as follows:

(1) Every ((~~pedestrian or~~)) personal delivery device crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(2) ((~~Where curb ramps exist at or adjacent to intersections or at marked crosswalks in other locations, persons with disabilities or personal delivery devices may enter the roadway from the curb ramps and cross the roadway within or as closely as practicable to the crosswalk. All other pedestrian rights and duties as defined elsewhere in this chapter remain applicable.~~

~~(3) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.~~

~~(4) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.~~

~~(5)~~)) No ((~~pedestrian or~~)) personal delivery device shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, ((~~pedestrians and~~)) personal delivery devices shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

((~~(6)~~)) (3) No ((~~pedestrian or~~)) personal delivery device shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.

**Sec.**  RCW 46.61.250 and 2022 c 235 s 3 are each amended to read as follows:

(1) Where sidewalks are provided and are accessible, it is unlawful for any pedestrian to walk or otherwise move along and upon an adjacent roadway. Where sidewalks are provided but wheelchair access is not available, persons with disabilities who require such access may walk or otherwise move along and upon an adjacent roadway until they reach an access point in the sidewalk.

(2) Where sidewalks are not provided or are inaccessible, a pedestrian walking or otherwise moving along and upon a highway, and any personal delivery device moving along and upon a highway, shall:

(a) When shoulders are provided and are accessible, walk or move on the shoulder of the roadway as far as is practicable from the edge of the roadway((~~, facing traffic when a shoulder is available in this direction~~)); or

(b) When shoulders are not provided or are inaccessible, walk or move as near as is practicable to the outside edge of the roadway ((~~facing traffic~~)), and when practicable, move clear of the roadway upon meeting an oncoming vehicle.

(3) ((~~A pedestrian traveling to the nearest emergency reporting device on a one-way roadway of a controlled access highway is not required to travel facing traffic as otherwise required by subsection (2) of this section.~~

~~(4)~~)) When walking or otherwise moving along and upon ((~~an adjacent~~)) a roadway as authorized under this section, a pedestrian shall exercise due care to avoid colliding with any vehicle upon the roadway.

((~~(5)~~)) (4) Subsections (1) and (2) of this section do not apply when the roadway is duly closed to vehicular traffic by placement of official traffic control devices for the sole purposes of pedestrian and bicyclist use of the roadway.

NEW SECTION. **Sec.**  RCW 46.61.230 (Pedestrians subject to traffic regulations) and 1965 ex.s. c 155 s 33 are each repealed.

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