

# SENATE BILL REPORT

## SB 5383

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As of February 13, 2023

**Title:** An act relating to pedestrians crossing and moving along roadways.

**Brief Description:** Concerning pedestrians crossing and moving along roadways.

**Sponsors:** Senators Saldaña, Lias, Nguyen, Valdez and Wilson, C..

**Brief History:**

**Committee Activity:** Transportation: 2/13/23.

### 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 (immediate danger standard).
- Exempts pedestrians from following the requirements of certain traffic control devices or from yielding the right-of-way to vehicles, subject to the immediate danger standard.
- Requires drivers to stop and remain stopped to allow a pedestrian to cross a roadway at any point, subject to the immediate danger standard.
- Removes the requirement that a pedestrian moving along a roadway must walk on or move along the shoulder of the roadway facing traffic when sidewalks are not provided or are inaccessible and regardless of the presence of shoulders.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Brandon Popovac (786-7465)

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*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.*

**Background:** 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, or 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.

Pedestrians may not cross a roadway between adjacent intersections at which traffic-control signals are in operation except in a marked crosswalk, or cross a roadway intersection diagonally unless authorized by official traffic control devices. Pedestrians may also not cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.

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.

Vehicles Approaching Pedestrians. 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 it is impossible for the driver to stop.

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.

Every driver 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 face traffic when a shoulder facing traffic is available. When a shoulder is not available, a pedestrian must walk or move as near as practicable to the outside edge of the roadway facing traffic. When walking or moving along an adjacent 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 (immediate danger standard). Pedestrians retain the duty of exercising due care for their safety, while 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. Any conflicting local rules, regulations, codes, statutes, and ordinances that govern pedestrians crossing roadways are preempted by state law.

A pedestrian is not required to obey certain traffic control devices, and may enter and cross the roadway when facing a red or yellow traffic signal or a steady or flashing "DON'T WALK" or hand symbol, subject to the immediate danger standard. A pedestrian is not required to yield the right-of-way to vehicles on the roadway, subject to the immediate danger standard.

Vehicles Approaching Pedestrians. The operator of an approaching vehicle must stop and remain stopped to allow a pedestrian to cross a roadway at any point, subject to the immediate danger standard. Whenever a vehicle is stopped on the roadway to permit a pedestrian to cross the roadway, the driver of another vehicle approaching from the rear may not overtake and pass the stopped vehicle.

Pedestrians Moving Along Roadways. When sidewalks are not provided or are inaccessible, and regardless of the presence of shoulders, 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 but must exercise due care to avoid colliding with any vehicle on the roadway.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The bill is about the right to walk freely and safely on public rights-of-way. Pedestrians should have more priority for crossing the roadway. Ticketing unhoused individuals moving along the roadway does not make us safer and can become a barrier for this demographic. Fifty percent of those ticketed are unhoused or those simply trying to catch the bus. The bill removes potential inequitable traffic outcomes. Black pedestrians are ticketed four times more than others. Police stops for jaywalking are often checks for open warrants in a stop-and-frisk style of policing. Pedestrians already know when it is safe to cross the roadway. The bill helps police focus on more needed services. More than half of counties have 10 to 30 percent of jaywalking tickets. Current pedestrian infrastructure is not supportive of safe roadway crossings. Alternative actions, like improving sidewalks and lowering speed limits, would be more

beneficial and preferred. Highly discretionary stops are more prevalent in low-income areas and used to execute certain warrants. Current jaywalking ticket penalties are high and may result in eventual criminal penalties if not paid timely. The bill will allow persons with disabilities to cross roadways where it is more convenient and accessible. Having to cross at a signalized intersection can add a lot of additional travel time.

CON: Trends in traffic fatalities are up and highly disproportionate in BIPOC communities. Since 2017, many traffic fatalities have occurred outside of a crosswalk. The immediate danger standard is outcome oriented and jeopardizes both drivers and pedestrians. There is an expectation that more people will jaywalk under the bill. Highways are designed for cars. State laws already contain permissions to cross the roadway. Traffic safety courses would need to be modified.

OTHER: This bill works to accomplish the goal of equity, but safety will be diminished. The bill does not go far enough to clear up liability and puts emphasis of liability on drivers. There are general concerns on right-of-way maintenance costs. Sixty percent of traffic fatalities over previous five years occurred outside of crosswalks. The bill would allow pedestrians to ignore tunnels or traffic signals. We need to focus on enforcement rather than changing the underlying traffic laws. Pedestrians need to use the facilities meant to keep them safe. Other state have amended their jaywalking laws with a focus on enforcement.

**Persons Testifying:** PRO: Senator Rebecca Saldaña, Prime Sponsor; Laurence Leveen; Cristina Mateo, WA Build Back Black Alliance - (WBBA); Bryce Yadon, Transportation Choices Coalition; Ethan Campbell, Transportation Choices Research Partner; Aidan Carroll, Stop The Sweeps; DeAndre Anderson; Jaime Torres; Michael Leach, Move Redmond; Magda Baker, Washington Defender Association.

CON: Taylor Gardner, WA Assn of Sheriffs and Police Chiefs; David-Henry Sedelmeier, Driving School owner.

OTHER: Brandy DeLange, Association of Washington ; Mark McKechnie, Washington Traffic Safety Commission.

**Persons Signed In To Testify But Not Testifying:** No one.