

1190 RIGHT OF WAY: GREEN SIGNAL

The Wisconsin statutes define “right of way” as the privilege of the immediate use of the roadway.¹

The statutes further provide that vehicular traffic facing a green signal may proceed straight through or turn right or left unless a sign at the place prohibits either turn, but vehicular traffic shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.²

“Vehicular traffic,” includes any device in, upon, or by which persons or property may be transported or drawn upon a highway. The term includes (bicycles) (____).

“Adjacent” means near, close, or adjoining. As here used, it refers to (the crosswalk the driver of the vehicle will be compelled to cross if the driver moves straight ahead) (the crosswalk the driver will be compelled to cross on the intersecting street if the driver turns right or left).

NOTES

1. Wis. Stat. § 340.01(51).
2. Wis. Stat. § 346.37(1)(a).

COMMENT

This instruction and comment were approved in 1978. The instruction was revised in 1992 and 2008. Editorial changes were made in 1992 to address gender references in the instruction. This revision was approved by the Committee in January 2023; it added to the comment.

The blank in the third paragraph is for the inclusion of other vehicles about which the jury may be in doubt. Wis. Stat. § 340.01(74) has a specific mention of snowmobiles.

Rights and duties of bicyclists. Different right-of-way standards apply depending on whether a bicyclist was using the roadway as any other vehicle or as a pedestrian upon a sidewalk or within a crosswalk. See Chernetski v. American Family Mutual Insurance Co., 183 Wis.2d 68, 515 N.W.2d 283 (1994) and Estate of Zhu v. Hodgson, 2021 WI App 10, 395 Wis.2d 768, 954 N.W.2d 748.

Casual negligence in a proper lookout. “While negligence in failing to keep a proper lookout is usually causal, it is not always so.” Powers v. Joint School Dist. No. 3 of Price County, 2 Wis.2d 556, 561, 87 N.W.2d 275 (1958). See also, Pfeifer v. Standard Gateway Theater, Inc., 262 Wis. 229, 55 N.W.2d 29 (1952); Oelke v. Earle, 271 Wis. 479, 74 N.W.2d 336 (1956); and Crye v. Mueller, 7 Wis. 2d 182, 96 N.W.2d 520 (1959).