**1157 RIGHT OF WAY: AT INTERSECTION OF HIGHWAYS; ULTIMATE VERDICT QUESTION**

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

The statutes further provide that when two vehicles approach or enter an intersection at approximately the same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right. The statute does not make the right of way on the part of the vehicle on the right depend on whether it reaches or begins to enter the intersection first.

The phrase “approach or enter an intersection at approximately the same time” means the approach or entry of two vehicles toward or into the intersection so nearly at the same time that there is imminent danger of a collision if both vehicles continue their same courses at their same speeds.

If you find that the vehicles in question approached or entered the intersection at approximately the same time, then it became the duty of the operator of the vehicle on the left to yield the right of way to the vehicle on the right. This duty compelled the operator either to stop the operator’s vehicle, if necessary or to control and manage it so that the operator could yield the right of way to the vehicle within the zone of danger on the operator’s right and avoid colliding with it.

The safety statute provides that the operator of any vehicle operating at an unlawful speed on a highway is negligent and forfeits any right of way that he or she would otherwise have. Thus, before you can find negligence for failure to yield the right of way, you must first find that the vehicle on the right was being operated at a lawful speed.