

**1158 RIGHT OF WAY: TO PEDESTRIAN CROSSING AT CONTROLLED INTERSECTION**

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

The statutes further provide that at an intersection or crosswalk where traffic is controlled by (traffic control signals) (a traffic officer), the operator of a vehicle shall yield the right of way to a pedestrian crossing or who has started to cross the highway on a green or ‘WALK’ signal.<sup>2</sup>

If you find that (pedestrian) was crossing or had started to cross the highway (at the direction of a traffic officer) (with the green or ‘WALK’ signal in his or her favor), it became the duty of (operator) to yield the right of way to (pedestrian).

**NOTES**

1. Wis. Stat. § 340.01(51).
2. Wis. Stat. § 346.18(1).

**COMMENT**

This instruction and comment were approved in 1977. Editorial changes were made in 1992 to address gender references in the instruction. This revision was approved by the Committee in September 2021.

Schoehauer v. Wendinger, 49 Wis.2d 415, 182 N.W.2d 441 (1971).

If the highway is a divided highway or contains safety zones, use Wis JI-Civil 1160.

**Driver or Operator.** This instruction applies to either an operator or a driver of a motor vehicle. If “driver” is more appropriate to the evidence, then substitute “driver” for “operator.”

**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.