

**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.

The statutes further provide that at an intersection or crosswalk where traffic is controlled by (traffic control signals) (a traffic officer), the driver 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.

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 (driver) to yield the right of way to (pedestrian).

**COMMENT**

This instruction and comment were approved in 1977. Editorial changes were made in 1992 to address gender references in the instruction. The comment was reviewed without change in 2008.

Wis. Stat. §§ 340.01(51), 346.23(1). 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.