

**1159 RIGHT OF WAY: PEDESTRIAN CONTROL SIGNAL: WALK SIGNAL**

Question \_\_ asks whether (name) failed to yield the right of way to (name).

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, “A pedestrian facing a ‘Walk’ signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the operators of all vehicles.”<sup>2</sup>

If you find that (pedestrian) faced a ‘Walk’ signal and was proceeding across the roadway in the direction of the signal, then it became the duty of (operator) to yield the right of way to (pedestrian).

**NOTES**

1. Wis. Stat. § 340.01(51).
2. Wis. Stat. § 346.38(1).

**COMMENT**

This instruction and comment were approved in 1977. 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 September 2021.

The pedestrian also retains the right of way if he or she has partially completed his or her walk to the far curb or to a safety island when the light changes to “Wait” or “Don't Walk.” Wis. Stat. § 346.38(2).

**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.

