

1191 DUTY OF DRIVER ENTERING INTERSECTION WITH GREEN LIGHT IN DRIVER'S FAVOR: LOOKOUT

A driver entering an intersection with the light in his or her favor does not have an absolute right of way. The driver, when entering the intersection, has the duty of maintaining an efficient lookout to determine the presence of other vehicles approaching his or her course of travel and must also exercise reasonable judgment in calculating the distance and speed of any approaching vehicles so as to determine whether such approaching vehicle will run the light. If after such lookout and calculation it is apparent that the approaching vehicle is going to run the light, then the driver having the light in his or her favor must exercise ordinary care in an attempt to avoid a collision.

If the driver entering the intersection with the light in his or her favor properly determined that any automobile approaching the intersection was traveling at such speed and was at such distance from the intersection that the approaching driver could, as a matter of physical fact, yield the right of way if the driver responded to the red light, then the driver with lights in his or her favor, after entering the intersection, need not make continuing observations to either side for approaching traffic.

COMMENT

The instruction and comment were originally published in 1972. The instruction was reviewed without change in 2008. The comment was updated in 2008. Editorial changes were made in 1992 to address gender references in the instruction.

See Wis JI-Civil 1190, Right of Way: Green Signal; Wis JI-Civil 1030, Right to Assume Due Care; and Wis JI-Civil 1090, Driver at Arterial Approaching Intersection: Lookout; Right of Way; Flashing Yellow Signal.

Hardware Dealers Mut. Fire Ins. Co. v. Home Mut. Ins. Co., 24 Wis.2d 381, 129 N.W.2d 214 (1964); Oelke v. Earle, 271 Wis. 479, 74 N.W.2d 336 (1956); Wilson v. Koch, 241 Wis. 594, 6 N.W.2d 659 (1942); Gleason v. Gillihan, 32 Wis.2d 50, 55, 145 N.W.2d 90 (1966).

When approaching a green light, if a driver's view of traffic approaching on the intersection road is obstructed, the driver has a duty to make further observation at a point which will enable the driver to take effective steps to avoid a collision. Oelke v. Earle, supra at 483. But see Battice v. Michaelis, 255 Wis. 571, 576, 39 N.W.2d 702 (1949).