

1220 RIGHT OF WAY: PEDESTRIAN'S DUTY: AT PEDESTRIAN CONTROL SIGNAL

The Wisconsin statutes define "right of way" as the privilege of the immediate use of the roadway and, further provide, that no pedestrian may start to cross the roadway (or other vehicular crossing) in the direction of a "Don't Walk" signal, but a pedestrian who has partially completed crossing on the "Walk" signal may proceed to a sidewalk or safety island while the "Don't Walk" signal is showing.

If you find that (pedestrian) was facing a "Don't Walk" signal, then it was (pedestrian)'s duty before entering into the roadway to yield the right of way to an approaching vehicle on the roadway. If, however, you find that (pedestrian) started to cross the roadway on a "Walk" signal and had partially completed crossing when the signal turned to "Don't Walk," then (pedestrian) had the right to proceed to the (sidewalk) (safety island).

COMMENT

The instruction and comment were originally published in 1960. The comment was updated in 1989. Editorial changes were made in 1992 to address gender references in the instruction. The instruction was revised in 1992 and 2008.

The first paragraph refers to Wis. Stat. §§ 340.01(51) and 346.38(2). See City of Hartford v. Godfrey, 92 Wis.2d 815, 286 N.W.2d 10 (Ct. App. 1979); Schoenauer v. Wendinger, 49 Wis.2d 415, 182 N.W.2d 441 (1971).

"Roadway" is defined in Wis. Stat. § 340.01(54).

See Sub. (1) of § 346.38 giving the pedestrian the right of way if on a "walk" signal.