

1245 RIGHT OF WAY: PEDESTRIAN'S DUTY: FACING RED SIGNAL

The Wisconsin statutes define “right of way” as the privilege of the immediate use of the roadway¹ and, further provide, that no pedestrian facing a red signal shall enter the roadway unless the pedestrian can do so safely and without interfering with any vehicular traffic.²

If you find that (pedestrian) was facing a red signal, then it was (pedestrian)’s duty before entering onto the highway to yield the right of way to an approaching vehicle unless (he) (she) could enter the roadway safely and without interference with traffic on the roadway.

NOTES

1. Wis. Stat. § 340.01(51).
2. Wis. Stat. § 346.37(1)(c)(2).

COMMENT

The instruction and comment were originally published in their present form in 1960. 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.

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

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.

