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**HOUSE BILL 1428**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Alvarado, Street, Reed, Fitzgibbon, Simmons, Berry, Bateman, Mena, Ramel, and Macri

Read first time 01/18/23. Referred to Committee on Transportation.

1 AN ACT Relating to pedestrians crossing and moving along  
2 roadways; amending RCW 46.61.050, 46.61.055, 46.61.060, 46.61.235,  
3 46.61.240, and 46.61.250; adding a new section to chapter 46.61 RCW;  
4 and repealing RCW 46.61.230.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61  
7 RCW to read as follows:

8 (1) A pedestrian may cross a roadway at any point unless a  
9 reasonably careful person would realize there is an immediate danger  
10 of a collision with a moving vehicle, a person operating a bicycle,  
11 or personal delivery device. This subsection does not relieve a  
12 pedestrian from the duty of exercising due care for their safety or  
13 relieve a driver of a vehicle, a person operating a bicycle, or  
14 personal delivery device from the duty of exercising due care for the  
15 safety of any pedestrian within the roadway.

16 (2) This section supersedes and preempts all local rules,  
17 regulations, codes, statutes, and ordinances to the contrary and in  
18 conflict with this act.

19 **Sec. 2.** RCW 46.61.050 and 2020 c 66 s 1 are each amended to read  
20 as follows:

1 (1) The driver of any vehicle, a person operating a bicycle, and  
2 every pedestrian shall obey, and the operation of every personal  
3 delivery device shall follow, the instructions of any official  
4 traffic control device applicable thereto, and as specified in this  
5 chapter, placed in accordance with the provisions of this chapter,  
6 unless otherwise directed by a traffic or police officer, subject to  
7 the exception granted in section 1 of this act and granted the driver  
8 of an authorized emergency vehicle in this chapter.

9 (2) No provision of this chapter for which official traffic  
10 control devices are required shall be enforced against an alleged  
11 violator if at the time and place of the alleged violation an  
12 official device is not in proper position and sufficiently legible or  
13 visible to be seen by an ordinarily observant person. Whenever a  
14 particular section does not state that official traffic control  
15 devices are required, such section shall be effective even though no  
16 devices are erected or in place.

17 (3) Whenever official traffic control devices are placed in  
18 position approximately conforming to the requirements of this  
19 chapter, such devices shall be presumed to have been so placed by the  
20 official act or direction of lawful authority, unless the contrary  
21 shall be established by competent evidence.

22 (4) Any official traffic control device placed pursuant to the  
23 provisions of this chapter and purporting to conform to the lawful  
24 requirements pertaining to such devices shall be presumed to comply  
25 with the requirements of this chapter, unless the contrary shall be  
26 established by competent evidence.

27 **Sec. 3.** RCW 46.61.055 and 2019 c 214 s 10 are each amended to  
28 read as follows:

29 Whenever traffic is controlled by traffic control signals  
30 exhibiting different colored lights, or colored lighted arrows,  
31 successively one at a time or in combination, only the colors green,  
32 red and yellow shall be used, except for special pedestrian signals  
33 carrying a word or legend, and said lights shall indicate and apply  
34 to drivers of vehicles, pedestrians, and personal delivery devices,  
35 as follows:

36 (1) Green indication

37 (a) Vehicle operators facing a circular green signal may proceed  
38 straight through or turn right or left unless a sign at such place  
39 prohibits either such turn. Vehicle operators turning right or left

1 shall stop to allow other vehicles lawfully within the intersection  
2 control area to complete their movements. Vehicle operators turning  
3 right or left shall also stop for pedestrians who or personal  
4 delivery devices that are lawfully within the intersection control  
5 area as required by RCW 46.61.235(1).

6 (b) Vehicle operators facing a green arrow signal, shown alone or  
7 in combination with another indication, may enter the intersection  
8 control area only to make the movement indicated by such arrow, or  
9 such other movement as is permitted by other indications shown at the  
10 same time. Vehicle operators shall stop to allow other vehicles  
11 lawfully within the intersection control area to complete their  
12 movements. Vehicle operators shall also stop for pedestrians who or  
13 personal delivery devices that are lawfully within the intersection  
14 control area as required by RCW 46.61.235(1).

15 (c) Unless otherwise directed by a pedestrian control signal, as  
16 provided in RCW 46.61.060 (~~as now or hereafter amended~~),  
17 pedestrians or personal delivery devices facing any green signal,  
18 except when the sole green signal is a turn arrow, may proceed across  
19 the roadway within any marked or unmarked crosswalk.

20 (2) Steady yellow indication

21 (a) Vehicle operators facing a steady circular yellow or yellow  
22 arrow signal are thereby warned that the related green movement is  
23 being terminated or that a red indication will be exhibited  
24 immediately thereafter when vehicular traffic shall not enter the  
25 intersection. Vehicle operators shall stop for pedestrians who or  
26 personal delivery devices that are lawfully within the intersection  
27 control area as required by RCW 46.61.235(1).

28 (b) Pedestrians or personal delivery devices facing a steady  
29 circular yellow or yellow arrow signal, unless otherwise directed by  
30 a pedestrian control signal as provided in RCW 46.61.060 and except  
31 as provided otherwise in section 1 of this act, shall not enter the  
32 roadway.

33 (3) Steady red indication

34 (a) Vehicle operators facing a steady circular red signal alone  
35 shall stop at a clearly marked stop line, but if none, before  
36 entering the crosswalk on the near side of the intersection or, if  
37 none, then before entering the intersection control area and shall  
38 remain standing until an indication to proceed is shown. However, the  
39 vehicle operators facing a steady circular red signal may, after  
40 stopping proceed to make a right turn from a one-way or two-way

1 street into a two-way street or into a one-way street carrying  
2 traffic in the direction of the right turn; or a left turn from a  
3 one-way or two-way street into a one-way street carrying traffic in  
4 the direction of the left turn; unless a sign posted by competent  
5 authority prohibits such movement. Vehicle operators planning to make  
6 such turns shall remain stopped to allow other vehicles lawfully  
7 within or approaching the intersection control area to complete their  
8 movements. Vehicle operators planning to make such turns shall also  
9 remain stopped for pedestrians who or personal delivery devices that  
10 are lawfully within the intersection control area as required by RCW  
11 46.61.235(1).

12 (b) Unless otherwise directed by a pedestrian control signal as  
13 provided in RCW 46.61.060 (~~(as now or hereafter amended)~~) and except  
14 as provided otherwise in section 1 of this act, pedestrians or  
15 personal delivery devices facing a steady circular red signal alone  
16 shall not enter the roadway.

17 (c) Vehicle operators facing a steady red arrow indication may  
18 not enter the intersection control area to make the movement  
19 indicated by such arrow, and unless entering the intersection control  
20 area to make such other movement as is permitted by other indications  
21 shown at the same time, shall stop at a clearly marked stop line, but  
22 if none, before entering a crosswalk on the near side of the  
23 intersection control area, or if none, then before entering the  
24 intersection control area and shall remain standing until an  
25 indication to make the movement indicated by such arrow is shown.  
26 However, the vehicle operators facing a steady red arrow indication  
27 may, after stopping proceed to make a right turn from a one-way or  
28 two-way street into a two-way street or into a one-way street  
29 carrying traffic in the direction of the right turn; or a left turn  
30 from a one-way street or two-way street into a one-way street  
31 carrying traffic in the direction of the left turn; unless a sign  
32 posted by competent authority prohibits such movement. Vehicle  
33 operators planning to make such turns shall remain stopped to allow  
34 other vehicles lawfully within or approaching the intersection  
35 control area to complete their movements. Vehicle operators planning  
36 to make such turns shall also remain stopped for pedestrians who or  
37 personal delivery devices that are lawfully within the intersection  
38 control area as required by RCW 46.61.235(1).

39 (d) Unless otherwise directed by a pedestrian signal and except  
40 as provided otherwise in section 1 of this act, pedestrians or

1 personal delivery devices facing a steady red arrow signal indication  
2 shall not enter the roadway.

3 (4) If an official traffic control signal is erected and  
4 maintained at a place other than an intersection, the provisions of  
5 this section shall be applicable except as to those provisions which  
6 by their nature can have no application. Any stop required shall be  
7 made at a sign or marking on the pavement indicating where the stop  
8 shall be made, but in the absence of any such sign or marking the  
9 stop shall be made at the signal.

10 **Sec. 4.** RCW 46.61.060 and 2019 c 214 s 11 are each amended to  
11 read as follows:

12 Whenever pedestrian control signals exhibiting the words "Walk"  
13 or the walking person symbol or "Don't Walk" or the hand symbol are  
14 operating, the signals shall indicate as follows:

15 (1) WALK or walking person symbol—Pedestrians or personal  
16 delivery devices facing such signal may cross the roadway in the  
17 direction of the signal. Vehicle operators shall stop for pedestrians  
18 who or personal delivery devices that are lawfully moving within the  
19 intersection control area on such signal as required by RCW  
20 46.61.235(1).

21 (2) Steady or flashing DON'T WALK or hand symbol—Pedestrians or  
22 personal delivery devices facing such signal shall not enter the  
23 roadway, except as provided otherwise in section 1 of this act.  
24 Vehicle operators shall stop for pedestrians who or personal delivery  
25 devices that have begun to cross the roadway before the display of  
26 either signal as required by RCW 46.61.235(1).

27 (3) Pedestrian control signals having the "Wait" legend in use on  
28 August 6, 1965, shall be deemed authorized signals and shall indicate  
29 the same as the "Don't Walk" legend. Whenever such pedestrian control  
30 signals are replaced the legend "Wait" shall be replaced by the  
31 legend "Don't Walk" or the hand symbol.

32 **Sec. 5.** RCW 46.61.235 and 2019 c 214 s 12 are each amended to  
33 read as follows:

34 (1) The operator of an approaching vehicle shall stop and remain  
35 stopped to allow a pedestrian((~~τ~~)) to cross the roadway at any point  
36 subject to section 1 of this act, and to allow a bicycle((~~τ~~)) or  
37 personal delivery device to cross the roadway within an unmarked or  
38 marked crosswalk, when the pedestrian, bicycle, or personal delivery

1 device is upon or within one lane of the half of the roadway upon  
2 which the vehicle is traveling or onto which it is turning. For  
3 purposes of this section "half of the roadway" means all traffic  
4 lanes carrying traffic in one direction of travel, and includes the  
5 entire width of a one-way roadway.

6 (2) ~~((No))~~ Except as provided in section 1 of this act, no  
7 pedestrian, bicycle, or personal delivery device shall suddenly leave  
8 a curb or other place of safety and walk, run, or otherwise move into  
9 the path of a vehicle which is so close that it is impossible for the  
10 driver to stop.

11 (3) ~~((Subsection (1) of this section does not apply under the~~  
12 ~~conditions stated in RCW 46.61.240(2)).~~

13 ~~(4))~~ Whenever any vehicle is stopped ~~((at a marked crosswalk or~~  
14 ~~at any unmarked crosswalk at an intersection))~~ in the roadway to  
15 permit a pedestrian, bicycle, or personal delivery device to cross  
16 the roadway, the driver of any other vehicle approaching from the  
17 rear shall not overtake and pass such stopped vehicle.

18 ~~((5))~~ (4)(a) If a person is found to have committed an  
19 infraction under this section within a school, playground, or  
20 crosswalk speed zone created under RCW 46.61.440, the person must be  
21 assessed a monetary penalty equal to twice the penalty assessed under  
22 RCW 46.63.110. The penalty may not be waived, reduced, or suspended.

23 (b) Fifty percent of the moneys collected under this subsection  
24 must be deposited into the school zone safety account.

25 **Sec. 6.** RCW 46.61.240 and 2019 c 214 s 13 are each amended to  
26 read as follows:

27 (1) Every ~~((pedestrian or))~~ personal delivery device crossing a  
28 roadway at any point other than within a marked crosswalk or within  
29 an unmarked crosswalk at an intersection shall yield the right-of-way  
30 to all vehicles upon the roadway.

31 (2) ~~((Where curb ramps exist at or adjacent to intersections or~~  
32 ~~at marked crosswalks in other locations, persons with disabilities or~~  
33 ~~personal delivery devices may enter the roadway from the curb ramps~~  
34 ~~and cross the roadway within or as closely as practicable to the~~  
35 ~~crosswalk. All other pedestrian rights and duties as defined~~  
36 ~~elsewhere in this chapter remain applicable.~~

37 ~~(3) Any pedestrian crossing a roadway at a point where a~~  
38 ~~pedestrian tunnel or overhead pedestrian crossing has been provided~~  
39 ~~shall yield the right-of-way to all vehicles upon the roadway.~~

1 ~~(4) Between adjacent intersections at which traffic control~~  
2 ~~signals are in operation pedestrians shall not cross at any place~~  
3 ~~except in a marked crosswalk.~~

4 ~~(5)) No ((pedestrian or)) personal delivery device shall cross a~~  
5 ~~roadway intersection diagonally unless authorized by official~~  
6 ~~traffic-control devices; and, when authorized to cross diagonally,~~  
7 ~~((pedestrians and)) personal delivery devices shall cross only in~~  
8 ~~accordance with the official traffic-control devices pertaining to~~  
9 ~~such crossing movements.~~

10 ~~((6)) (3) No ((pedestrian or)) personal delivery device shall~~  
11 ~~cross a roadway at an unmarked crosswalk where an official sign~~  
12 ~~prohibits such crossing.~~

13 **Sec. 7.** RCW 46.61.250 and 2022 c 235 s 3 are each amended to  
14 read as follows:

15 (1) Where sidewalks are provided and are accessible, it is  
16 unlawful for any pedestrian to walk or otherwise move along and upon  
17 an adjacent roadway. Where sidewalks are provided but wheelchair  
18 access is not available, persons with disabilities who require such  
19 access may walk or otherwise move along and upon an adjacent roadway  
20 until they reach an access point in the sidewalk.

21 (2) Where sidewalks are not provided or are inaccessible, a  
22 pedestrian walking or otherwise moving along and upon a highway, and  
23 any personal delivery device moving along and upon a highway, shall:

24 (a) When shoulders are provided and are accessible, walk or move  
25 on the shoulder of the roadway as far as is practicable from the edge  
26 of the roadway(~~, facing traffic when a shoulder is available in this~~  
27 ~~direction)); or~~

28 (b) When shoulders are not provided or are inaccessible, walk or  
29 move as near as is practicable to the outside edge of the roadway  
30 (~~facing traffic)), and when practicable, move clear of the roadway~~  
31 ~~upon meeting an oncoming vehicle.~~

32 (3) (~~A pedestrian traveling to the nearest emergency reporting~~  
33 ~~device on a one-way roadway of a controlled access highway is not~~  
34 ~~required to travel facing traffic as otherwise required by subsection~~  
35 ~~(2) of this section.~~

36 ~~(4))~~ When walking or otherwise moving along and upon ~~((an~~  
37 ~~adjacent))~~ a roadway as authorized under this section, a pedestrian  
38 shall exercise due care to avoid colliding with any vehicle upon the  
39 roadway.

1        (~~(5)~~) (4) Subsections (1) and (2) of this section do not apply  
2 when the roadway is duly closed to vehicular traffic by placement of  
3 official traffic control devices for the sole purposes of pedestrian  
4 and bicyclist use of the roadway.

5        NEW SECTION.    **Sec. 8.**    RCW 46.61.230 (Pedestrians subject to  
6 traffic regulations) and 1965 ex.s. c 155 s 33 are each repealed.

--- **END** ---