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**SECOND SUBSTITUTE SENATE BILL 5383**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Saldaña, Llias, Nguyen, Valdez, and C. Wilson)

READ FIRST TIME 02/05/24.

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

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

6 **Sec. 1.** RCW 46.61.050 and 2020 c 66 s 1 are each amended to read  
7 as follows:

8 (1)(a) The driver of any vehicle, a person operating a bicycle,  
9 and every pedestrian shall obey, and the operation of every personal  
10 delivery device shall follow, the instructions of any official  
11 traffic control device applicable thereto, and as specified in this  
12 chapter, placed in accordance with the provisions of this chapter,  
13 unless otherwise directed by a traffic or police officer, subject to  
14 the exception granted the driver of an authorized emergency vehicle  
15 in this chapter.

16 (b) On a roadway with a posted speed limit of 35 miles per hour  
17 or less, a police officer may only stop a pedestrian for a violation  
18 of this subsection if the pedestrian is in violation of RCW  
19 46.61.235(2). This subsection (1)(b) does not relieve a pedestrian  
20 from the duty of exercising due care for the pedestrian's safety or

1 relieve a driver of a vehicle from the duty of exercising due care  
2 for the safety of any pedestrian within the roadway.

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

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

16 (4) Any official traffic control device placed pursuant to the  
17 provisions of this chapter and purporting to conform to the lawful  
18 requirements pertaining to such devices shall be presumed to comply  
19 with the requirements of this chapter, unless the contrary shall be  
20 established by competent evidence.

21 **Sec. 2.** RCW 46.61.055 and 2019 c 214 s 10 are each amended to  
22 read as follows:

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

30 (1) Green indication

31 (a) Vehicle operators facing a circular green signal may proceed  
32 straight through or turn right or left unless a sign at such place  
33 prohibits either such turn. Vehicle operators turning right or left  
34 shall stop to allow other vehicles lawfully within the intersection  
35 control area to complete their movements. Vehicle operators turning  
36 right or left shall also stop for pedestrians who or personal  
37 delivery devices that are lawfully within the intersection control  
38 area as required by RCW 46.61.235(1).

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

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

15 (2) Steady yellow indication

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

23 (b) (i) Pedestrians or personal delivery devices facing a steady  
24 circular yellow or yellow arrow signal, unless otherwise directed by  
25 a pedestrian control signal as provided in RCW 46.61.060 shall not  
26 enter the roadway.

27 (ii) On a roadway with a posted speed limit of 35 miles per hour  
28 or less, a police officer may only stop a pedestrian for a violation  
29 of (b) (i) of this subsection if the pedestrian is in violation of RCW  
30 46.61.235(2). This subsection (2) (b) (ii) does not relieve a  
31 pedestrian from the duty of exercising due care for the pedestrian's  
32 safety or relieve a driver of a vehicle from the duty of exercising  
33 due care for the safety of any pedestrian within the roadway.

34 (3) Steady red indication

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

1 stopping proceed to make a right turn from a one-way or two-way  
2 street into a two-way street or into a one-way street carrying  
3 traffic in the direction of the right turn; or a left turn from a  
4 one-way or two-way street into a one-way street carrying traffic in  
5 the direction of the left turn; unless a sign posted by competent  
6 authority prohibits such movement. Vehicle operators planning to make  
7 such turns shall remain stopped to allow other vehicles lawfully  
8 within or approaching the intersection control area to complete their  
9 movements. Vehicle operators planning to make such turns shall also  
10 remain stopped for pedestrians who or personal delivery devices that  
11 are lawfully within the intersection control area as required by RCW  
12 46.61.235(1).

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

17 (ii) On a roadway with a posted speed limit of 35 miles per hour  
18 or less, a police officer may only stop a pedestrian for a violation  
19 of (b) (i) of this subsection if the pedestrian is in violation of RCW  
20 46.61.235(2). This subsection (3) (b) (ii) does not relieve a  
21 pedestrian from the duty of exercising due care for the pedestrian's  
22 safety or relieve a driver of a vehicle from the duty of exercising  
23 due care for the safety of any pedestrian within the roadway.

24 (c) Vehicle operators facing a steady red arrow indication may  
25 not enter the intersection control area to make the movement  
26 indicated by such arrow, and unless entering the intersection control  
27 area to make such other movement as is permitted by other indications  
28 shown at the same time, shall stop at a clearly marked stop line, but  
29 if none, before entering a crosswalk on the near side of the  
30 intersection control area, or if none, then before entering the  
31 intersection control area and shall remain standing until an  
32 indication to make the movement indicated by such arrow is shown.  
33 However, the vehicle operators facing a steady red arrow indication  
34 may, after stopping proceed to make a right turn from a one-way or  
35 two-way street into a two-way street or into a one-way street  
36 carrying traffic in the direction of the right turn; or a left turn  
37 from a one-way street or two-way street into a one-way street  
38 carrying traffic in the direction of the left turn; unless a sign  
39 posted by competent authority prohibits such movement. Vehicle  
40 operators planning to make such turns shall remain stopped to allow

1 other vehicles lawfully within or approaching the intersection  
2 control area to complete their movements. Vehicle operators planning  
3 to make such turns shall also remain stopped for pedestrians who or  
4 personal delivery devices that are lawfully within the intersection  
5 control area as required by RCW 46.61.235(1).

6 (d) (i) Unless otherwise directed by a pedestrian signal,  
7 pedestrians or personal delivery devices facing a steady red arrow  
8 signal indication shall not enter the roadway.

9 (ii) On a roadway with a posted speed limit of 35 miles per hour  
10 or less, a police officer may only stop a pedestrian for a violation  
11 of (d) (i) of this subsection if the pedestrian is in violation of RCW  
12 46.61.235(2). This subsection (3) (d) (ii) does not relieve a  
13 pedestrian from the duty of exercising due care for the pedestrian's  
14 safety or relieve a driver of a vehicle from the duty of exercising  
15 due care for the safety of any pedestrian within the roadway.

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

23 **Sec. 3.** RCW 46.61.060 and 2019 c 214 s 11 are each amended to  
24 read as follows:

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

28 (1) WALK or walking person symbol—Pedestrians or personal  
29 delivery devices facing such signal may cross the roadway in the  
30 direction of the signal. Vehicle operators shall stop for pedestrians  
31 who or personal delivery devices that are lawfully moving within the  
32 intersection control area on such signal as required by RCW  
33 46.61.235(1).

34 (2) (a) Steady or flashing DON'T WALK or hand symbol—Pedestrians  
35 or personal delivery devices facing such signal shall not enter the  
36 roadway.

37 (b) On a roadway with a posted speed limit of 35 miles per hour  
38 or less, a police officer may only stop a pedestrian for a violation  
39 of (a) of this subsection if the pedestrian is in violation of RCW

1 46.61.235(2). This subsection does not relieve a pedestrian from the  
2 duty of exercising due care for the pedestrian's safety or relieve a  
3 driver of a vehicle from the duty of exercising due care for the  
4 safety of any pedestrian within the roadway.

5 (c) Vehicle operators shall stop for pedestrians who or personal  
6 delivery devices that have begun to cross the roadway before the  
7 display of either signal as required by RCW 46.61.235(1).

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

13 **Sec. 4.** RCW 46.61.230 and 1965 ex.s. c 155 s 33 are each amended  
14 to read as follows:

15 Pedestrians shall be subject to traffic-control signals at  
16 intersections as provided in RCW 46.61.060, and at all other places  
17 pedestrians shall be accorded the privileges and shall be subject to  
18 the restrictions stated in this chapter. On a roadway with a posted  
19 speed limit of 35 miles per hour or less, a police officer may only  
20 stop a pedestrian for a violation of this section if the pedestrian  
21 is in violation of RCW 46.61.235(2). This section does not relieve a  
22 pedestrian from the duty of exercising due care for the pedestrian's  
23 safety or relieve a driver of a vehicle from the duty of exercising  
24 due care for the safety of any pedestrian within the roadway.

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

27 (1) The operator of an approaching vehicle shall stop and remain  
28 stopped to allow a pedestrian, bicycle, or personal delivery device  
29 to cross the roadway within an unmarked or marked crosswalk when the  
30 pedestrian, bicycle, or personal delivery device is upon or within  
31 one lane of the half of the roadway upon which the vehicle is  
32 traveling or onto which it is turning. For purposes of this section  
33 "half of the roadway" means all traffic lanes carrying traffic in one  
34 direction of travel, and includes the entire width of a one-way  
35 roadway.

36 (2) No pedestrian, bicycle, or personal delivery device shall  
37 suddenly leave a curb or other place of safety and walk, run, or  
38 otherwise move into the path of a vehicle (~~which~~) or municipal

1 transit vehicle that is so close that it is impossible for the driver  
2 or operator to stop.

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

5 (4) Whenever any vehicle is stopped at a marked crosswalk or at  
6 any unmarked crosswalk at an intersection to permit a pedestrian,  
7 bicycle, or personal delivery device to cross the roadway, the driver  
8 of any other vehicle approaching from the rear shall not overtake and  
9 pass such stopped vehicle.

10 (5) (a) If a person is found to have committed an infraction under  
11 this section within a school, playground, or crosswalk speed zone  
12 created under RCW 46.61.440, the person must be assessed a monetary  
13 penalty equal to twice the penalty assessed under RCW 46.63.110. The  
14 penalty may not be waived, reduced, or suspended.

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

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

19 (1) Every pedestrian or personal delivery device crossing a  
20 roadway at any point other than within a marked crosswalk or within  
21 an unmarked crosswalk at an intersection shall yield the right-of-way  
22 to all vehicles upon the roadway.

23 (2) Where curb ramps exist at or adjacent to intersections or at  
24 marked crosswalks in other locations, persons with disabilities or  
25 personal delivery devices may enter the roadway from the curb ramps  
26 and cross the roadway within or as closely as practicable to the  
27 crosswalk. All other pedestrian rights and duties as defined  
28 elsewhere in this chapter remain applicable.

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

32 (4) Between adjacent intersections at which traffic-control  
33 signals are in operation pedestrians shall not cross at any place  
34 except in a marked crosswalk.

35 (5) No pedestrian or personal delivery device shall cross a  
36 roadway intersection diagonally unless authorized by official  
37 traffic-control devices; and, when authorized to cross diagonally,  
38 pedestrians and personal delivery devices shall cross only in

1 accordance with the official traffic-control devices pertaining to  
2 such crossing movements.

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

6 (7) On a roadway with a posted speed limit of 35 miles per hour  
7 or less, a police officer may only stop a pedestrian for a violation  
8 of subsections (1) through (5) of this section if the pedestrian is  
9 in violation of RCW 46.61.235(2). This subsection does not relieve a  
10 pedestrian from the duty of exercising due care for the pedestrian's  
11 safety or relieve a driver of a vehicle from the duty of exercising  
12 due care for the safety of any pedestrian within the roadway.

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       (5) On a roadway with a posted speed limit of 35 miles per hour  
6 or less, a police officer may only stop a pedestrian for a violation  
7 of subsections (1) through (3) of this section if the pedestrian is  
8 in violation of RCW 46.61.235(2).

9       NEW SECTION. Sec. 8. (1) By July 1, 2025, and every July 1st  
10 thereafter, the administrative office of the courts must report state  
11 and local infraction data for pedestrian violations of crossing or  
12 moving along a roadway to the appropriate committees of the  
13 legislature.

14       (2) This section expires August 1, 2029.

15       NEW SECTION. Sec. 9. A new section is added to chapter 46.61  
16 RCW to read as follows:

17       On a roadway with a posted speed limit of 35 miles per hour or  
18 less, a police officer may only stop a pedestrian for a violation of  
19 a local ordinance regulating the crossing or entering of roadways by  
20 pedestrians if the pedestrian is in violation of RCW 46.61.235(2) or  
21 an equivalent local ordinance. This section does not relieve a  
22 pedestrian from the duty of exercising due care for the pedestrian's  
23 safety or relieve a driver of a vehicle from the duty of exercising  
24 due care for the safety of any pedestrian within the roadway.

25       NEW SECTION. Sec. 10. This act does not apply to fully  
26 controlled limited access highways in locations where no pedestrian  
27 facilities are available or pedestrian movement is restricted  
28 consistent with RCW 46.61.160.

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