

SENATE BILL REPORT

SB 5383

As Reported by Senate Committee On:
Transportation, February 23, 2023

Title: An act relating to pedestrians crossing and moving along roadways.

Brief Description: Concerning pedestrians crossing and moving along roadways.

Sponsors: Senators Saldaña, Lias, Nguyen, Valdez and Wilson, C..

Brief History:

Committee Activity: Transportation: 2/13/23, 2/23/23 [DPS, DNP].

Brief Summary of First Substitute Bill

- Authorizes a pedestrian to cross a roadway with a posted speed limit of 45 miles per hour or less at any point as long as such crossing does not impede the flow of traffic (traffic impediment standard).
- Exempts pedestrians from following the requirements of certain traffic control devices or from yielding the right-of-way to vehicles, subject to the traffic impediment standard.
- Requires drivers to stop and remain stopped to allow a pedestrian to cross a roadway at any point, subject to the traffic impediment standard.
- Removes the requirement that a pedestrian moving along a roadway must walk on or move along the shoulder of the roadway facing traffic when sidewalks are not provided or are inaccessible and regardless of the presence of shoulders.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5383 be substituted therefor, and the substitute bill do pass.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Lias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; Cleveland, Kauffman, Lovelett, Nobles, Randall, Valdez and Wilson, C..

Minority Report: Do not pass.

Signed by Senators King, Ranking Member; Holy, Assistant Ranking Member; MacEwen, Padden and Wilson, J..

Staff: Brandon Popovac (786-7465)

Background: Pedestrians Crossing Roadways. Pedestrians are required to obey the instructions of official traffic control devices, unless otherwise directed by a traffic or police officer. Pedestrians facing a steady yellow or red signal, or a yellow or red arrow signal, may not enter the roadway unless otherwise directed by a pedestrian control signal. Pedestrians facing a steady or flashing "DON'T WALK" or hand symbol may not enter the roadway.

Pedestrians may not cross a roadway between adjacent intersections at which traffic-control signals are in operation except in a marked crosswalk, or cross a roadway intersection diagonally unless authorized by official traffic control devices. Pedestrians may also not cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.

Pedestrians crossing a roadway at any point other than within a marked or unmarked crosswalk at an intersection must yield the right-of-way to all vehicles on the roadway. Pedestrians crossing a roadway where a pedestrian tunnel or overhead pedestrian crossing has been provided must yield the right-of-way to all vehicles on the road.

Vehicles Approaching Pedestrians. The operator of an approaching vehicle must stop and remain stopped to allow a pedestrian to cross the roadway within an unmarked or marked crosswalk when the pedestrian is in the roadway on which the vehicle is traveling or onto which it is turning, provided the pedestrian is on the portion of the roadway carrying traffic in the direction of the movement of the vehicle. No pedestrian may suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle that is so close it is impossible for the driver to stop.

Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian, bicyclist, or personal delivery device to cross the roadway, the driver of another vehicle approaching from the rear is prohibited from overtaking and passing the stopped vehicle.

Every driver is required to exercise due care to avoid colliding with any pedestrian on a roadway, must sound the vehicle's horn when necessary to provide a pedestrian with a warning, and must exercise proper precaution when observing a child or any obviously confused or incapacitated person on a roadway.

Pedestrians Moving Along Roadways. When sidewalks are provided and are accessible, it is unlawful for a pedestrian to walk or move along an adjacent roadway. When sidewalks are not available, a pedestrian moving along a roadway must walk or move on the shoulder when available and face traffic when a shoulder facing traffic is available. When a shoulder is not available, a pedestrian must walk or move as near as practicable to the outside edge of the roadway facing traffic. When walking or moving along an adjacent roadway, a pedestrian must exercise due care to avoid colliding with a vehicle on the roadway.

Summary of Bill (First Substitute): Pedestrians Crossing Roadways. A pedestrian may cross a roadway with a posted speed limit of 45 miles per hour or less at any point as long as such crossing does not impede the flow of traffic (traffic impediment standard). Pedestrians retain the duty of exercising due care for their safety, while the driver of a vehicle retains the duty of exercising due care for the safety of pedestrians in the roadway. Any conflicting local rules, regulations, codes, statutes, and ordinances that govern pedestrians crossing roadways are preempted by state law.

A pedestrian is not required to obey certain traffic control devices, and may enter and cross the roadway with a posted speed limit of 45 miles per hour or less at any point when facing a red or yellow traffic signal or a steady or flashing "DON'T WALK" or hand symbol, subject to the traffic impediment standard. A pedestrian is not required to yield the right-of-way to vehicles on the roadway at any point other than within a marked or unmarked crosswalk or pedestrian tunnel or bridge. A pedestrian may only cross the roadway at any point between adjacent intersections or diagonally within an intersection in accordance with the traffic impediment standard.

Vehicles Approaching Pedestrians. The operator of an approaching vehicle must stop and remain stopped to allow a pedestrian to cross a roadway with a posted speed limit of 45 miles per hour or less at any point, subject to the traffic impediment standard. Whenever a vehicle is stopped on the roadway to permit a pedestrian to lawfully cross the roadway, the driver of another vehicle approaching from the rear may not overtake and pass the stopped vehicle.

Pedestrians Moving Along Roadways. When sidewalks are not provided or are inaccessible, and regardless of the presence of shoulders, a pedestrian walking or otherwise moving along a roadway is not required to walk on or move along the shoulder of the roadway facing traffic but must exercise due care to avoid colliding with any vehicle on the roadway.

Roadway Crossing Violations Report. By July 1, 2024, and until July 1, 2028, the Administrative Office of the Courts must annually report infraction data for pedestrian violations of crossing or moving along a roadway to the appropriate committees of the Legislature.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):

- Explicitly authorizes persons to cross a roadway with a posted speed limit of 45 miles per hour or less at any point as long as they do not impede the flow of traffic, and makes conforming amendments to other related statutes.
- Restores the prohibition that pedestrians may not suddenly leave a curb or other place of safety to move into the path of an oncoming vehicle.
- Restores the prohibition that pedestrians may not cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.
- Requires the Administrative Office of the Courts to annually report to the Legislature infraction data for pedestrian violations of crossing or moving along a roadway, every July 1st until July 1, 2028.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on First Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: The bill is about the right to walk freely and safely on public rights-of-way. Pedestrians should have more priority for crossing the roadway. Ticketing unhoused individuals moving along the roadway does not make us safer and can become a barrier for this demographic. Fifty percent of those ticketed are unhoused or those simply trying to catch the bus. The bill removes potential inequitable traffic outcomes. Black pedestrians are ticketed four times more than others. Police stops for jaywalking are often checks for open warrants in a stop-and-frisk style of policing. Pedestrians already know when it is safe to cross the roadway. The bill helps police focus on more needed services. More than half of counties have 10 to 30 percent of jaywalking tickets. Current pedestrian infrastructure is not supportive of safe roadway crossings. Alternative actions, like improving sidewalks and lowering speed limits, would be more beneficial and preferred. Highly discretionary stops are more prevalent in low-income areas and used to execute certain warrants. Current jaywalking ticket penalties are high and may result in eventual criminal penalties if not paid timely. The bill will allow persons with disabilities to cross roadways where it is more convenient and accessible. Having to cross at a signalized intersection can add a lot of additional travel time.

CON: Trends in traffic fatalities are up and highly disproportionate in BIPOC communities. Since 2017, many traffic fatalities have occurred outside of a crosswalk. The immediate danger standard is outcome oriented and jeopardizes both drivers and pedestrians. There is an expectation that more people will jaywalk under the bill. Highways are designed for cars. State laws already contain permissions to cross the roadway. Traffic safety courses would need to be modified.

OTHER: This bill works to accomplish the goal of equity, but safety will be diminished. The bill does not go far enough to clear up liability and puts emphasis of liability on drivers. There are general concerns on right-of-way maintenance costs. Sixty percent of traffic fatalities over previous five years occurred outside of crosswalks. The bill would allow pedestrians to ignore tunnels or traffic signals. We need to focus on enforcement rather than changing the underlying traffic laws. Pedestrians need to use the facilities meant to keep them safe. Other state have amended their jaywalking laws with a focus on enforcement.

Persons Testifying: PRO: Senator Rebecca Saldaña, Prime Sponsor; Laurence Leveen; Cristina Mateo, WA Build Back Black Alliance - (WBBA); Bryce Yadon, Transportation Choices Coalition; Ethan Campbell, Transportation Choices Research Partner; Aidan Carroll, Stop The Sweeps; DeAndre Anderson; Jaime Torres; Michael Leach, Move Redmond; Magda Baker, Washington Defender Association.

CON: Taylor Gardner, WA Assn of Sheriffs and Police Chiefs; David-Henry Sedelmeier, Driving School owner.

OTHER: Brandy DeLange, Association of Washington ; Mark McKechnie, Washington Traffic Safety Commission.

Persons Signed In To Testify But Not Testifying: No one.