
HOUSE BILL 1428

State of Washington

68th Legislature

2023 Regular Session

By Representatives Alvarado, Street, and Reed

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.

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