

1 **PEDESTRIAN SAFETY AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to roads where a pedestrian is restricted from
10 certain conduct that may impede and block traffic to include roads with a median or that
11 share a right-of-way with a railway, and also amends provisions related to pedestrian
12 safety in a crosswalk.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ removes certain language to provide additional safety to pedestrians in crosswalks
16 and at school crossings; and

17 ▶ amends provisions describing roads where a pedestrian may not engage in certain
18 activity that could impede or block traffic to include:

- 19 • a highway with a median, whether raised or flat; and
20 • a highway where a fixed guideway or rail line shares the right-of-way with the
21 highway.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **41-6a-1002**, as renumbered and amended by Laws of Utah 2005, Chapter 2

29 **41-6a-1009**, as last amended by Laws of Utah 2017, Chapter 69

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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-1002** is amended to read:

41-6a-1002. Pedestrians' right-of-way -- Duty of pedestrian.

(1) (a) Except as provided under Subsection (2), [~~when traffic-control signals are not in place or not in operation,~~] the operator of a vehicle shall yield the right-of-way by slowing down or stopping if necessary:

(i) to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway upon which the vehicle is traveling; or

(ii) when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) Subsection (1)(a) does not apply under conditions of Subsection **41-6a-1003(2)**.

(c) A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(2) The operator of a vehicle approaching a school crosswalk shall come to a complete stop at the school crosswalk if [~~(a) a school speed limit sign has the warning lights operating; and (b)~~] the crosswalk is occupied by a person.

(3) If a vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

Section 2. Section **41-6a-1009** is amended to read:

41-6a-1009. Use of roadway by pedestrians -- Prohibited activities.

(1) Where there is a sidewalk provided and its use is practicable, a pedestrian may not walk along or on an adjacent roadway.

(2) Where a sidewalk is not provided, a pedestrian walking along or on a highway shall walk only on the shoulder, as far as practicable from the edge of the roadway.

(3) Where a sidewalk or a shoulder is not available, a pedestrian walking along or on a highway shall:

- 58 (a) walk as near as practicable to the outside edge of the roadway; and
- 59 (b) if on a two-way roadway, walk only on the left side of the roadway facing traffic.
- 60 (4) (a) An individual may not impede or block traffic within any of the following:
- 61 (i) an interstate system, as defined in Section 72-1-102;
- 62 (ii) a freeway, as defined in Section 41-6a-102;
- 63 (iii) a state highway, as defined in Title 72, Chapter 4, Designation of State Highways

64 Act;

- 65 (iv) a state route, or "SR," as defined in Section 72-1-102; or
- 66 (v) a highway, as defined in Section 72-1-102, that:
 - 67 (A) is paved[;] and [~~B~~] has a speed limit of 35 miles per hour or higher[-];
 - 68 (B) has a median, whether elevated or flat; or
 - 69 (C) has a fixed guideway as defined in Section 59-12-102 or any other railway that
 - 70 shares the highway right-of-way.

71 (b) The locations described in Subsection (4)(a) include:

- 72 (i) shoulder areas, as defined in Section 41-6a-102;
- 73 (ii) on-ramps;
- 74 (iii) off-ramps; and
- 75 (iv) an area between the roadways of a divided highway, as defined in Section
- 76 41-6a-102.

77 (c) The locations described in Subsection (4)(a) do not include sidewalks, as defined in

78 Section 41-6a-102.

79 (d) Conduct that may impede or block traffic includes:

80 (i) while a pedestrian, accepting, transacting, exchanging, or otherwise taking

81 possession or control of money or property from a person within a motor vehicle while that

82 motor vehicle is within an area described in Subsection (4)(a); or

83 (ii) while a driver or passenger of a motor vehicle within an area described in

84 Subsection (4)(a), accepting, transacting, exchanging, or otherwise taking possession or control

85 of money or property from a pedestrian.

86 (e) Conduct that impedes or blocks traffic does not include:
87 (i) the conduct described in Section 41-6a-209 or other lawful direction of a peace
88 officer;
89 (ii) conduct or actions resulting from a traffic accident, medical emergency, or similar
90 exigent circumstance, including:
91 (A) exchanging insurance information; or
92 (B) exchanging contact information; or
93 (iii) conduct or actions that occur while the motor vehicle is legally parked.
94 (f) A county or municipality may adopt a resolution, ordinance, or regulation
95 prohibiting conduct in locations described in Subsections (4)(a) and (b) within any of the
96 roadways under its jurisdiction.
97 (g) (i) The state, a county, or a municipality shall create a permitting process for
98 granting a person an exemption from this Subsection (4).
99 (ii) Upon receipt of a valid permit application, the state, a county, or a municipality
100 shall grant a person a temporary exemption from this Subsection (4) for a specified location or
101 time.
102 (h) Nothing in this section prohibits a temporary spontaneous demonstration.
103 (5) A pedestrian who is under the influence of alcohol or any drug to a degree which
104 renders the pedestrian a hazard may not walk or be on a highway except on a sidewalk or
105 sidewalk area.
106 (6) Except as otherwise provided in this chapter, a pedestrian on a roadway shall yield
107 the right-of-way to all vehicles on the roadway.
108 (7) A pedestrian may not walk along or on a no-access freeway facility except during
109 an emergency.
110 (8) (a) As used in this Subsection (8):
111 (i) "Aggressive manner" means intentionally:
112 (A) persisting in approaching or following an individual after the individual has
113 negatively responded to the solicitation;

114 (B) engaging in conduct that would cause a reasonable individual to fear imminent
115 bodily harm;

116 (C) engaging in conduct that would intimidate a reasonable individual into giving
117 money or goods;

118 (D) blocking the path of an individual; or

119 (E) physically contacting an individual or the individual's personal property without
120 that individual's consent.

121 (ii) "Bank" is as defined in Section [13-42-102](#).

122 (iii) "Sidewalk" is as defined in Section [41-6a-102](#).

123 (b) An individual may not solicit money or goods from another individual in an
124 aggressive manner:

125 (i) during the business hours of a bank if either the individual soliciting, or the
126 individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank's
127 entrance or exit; or

128 (ii) on the portion of a sidewalk that is within 10 feet of an automated teller machine.

129 (9) (a) Except as provided in Subsection (9)(b), a violation of this section is an
130 infraction.

131 (b) A third or subsequent violation of Subsection (4) in a one-year period is a class C
132 misdemeanor.