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PEDESTRIAN SAFETY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ removes certain language to provide additional safety to pedestrians in crosswalks and at school crossings; and
- ▶ amends provisions describing roads where a pedestrian may not engage in certain activity that could impede or block traffic to include:
 - a highway with a median, whether raised or flat; and
 - a highway where a fixed guideway or rail line shares the right-of-way with the highway.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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



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

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

33 **41-6a-1002. Pedestrians' right-of-way -- Duty of pedestrian.**

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

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

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

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

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

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

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

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

51 **41-6a-1009. Use of roadway by pedestrians -- Prohibited activities.**

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

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

56 (3) Where a sidewalk or a shoulder is not available, a pedestrian walking along or on a
57 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.

Legislative Review Note
Office of Legislative Research and General Counsel