

Wisconsin Department of Transportation Guide for Path/Street Crossings May 2011

Situation

Bicyclists and motorists are often confused by who has to yield the right-of-way at the intersection of a path and a street or highway. Crosswalk markings can compound the confusion.

When a driver is approaching any legal crosswalk, according to state law, they must yield to “a pedestrian, *or to a person riding a bicycle* in a manner which is consistent with the safe use of the crosswalk by pedestrians”ⁱ. Many bicyclists entering a crosswalk will be using the crosswalk “in a manner which is consistent with the safe use of the crosswalk by a pedestrian”. This means that a bicyclist or pedestrian is not making a “sudden movement”ⁱⁱ into the street. In these cases, the driver has an obligation to yield to the bicyclist and pedestrian. However, the bicyclist when faced with a stop sign *on a path* is required to first obey that sign and stop and yield to traffic. When faced with a yield sign, the bicyclist is not required to stop, but must still yield the right of way to cross-traffic. So is it the bicyclist or the motorist who has to yield when there are crosswalk markings and the path has stop or yield signs? Wisconsin state laws do not address this ambiguity, thus WisDOT offers suggestions on how to interpret and enforce the related laws, and educate users of what to do at these intersections.

Incidentally, a path that uses a crosswalk for a street crossing, but is also posted with stop or yield signs for bicyclists, operates differently for bicyclists than a crosswalk at a traditional intersection. At traditional intersections, bicyclists approaching the crosswalks on sidewalks are not bound by stop and yield signs being used for the adjacent roadway, but have the same rights to the crosswalk as a pedestrian as long as they are walking or riding a bicycle in a manner which is consistent with the safe use of the crosswalk by pedestrians.

Guidance

What should the following users do at path-street intersections?

Pedestrians on the path - - when entering a path-street crossing and the path is marked with a crosswalk, treat it just like any other intersection that has a marked or unmarked crosswalk, or mid-block marked crosswalk. This means to communicate your intention to cross to approaching drivers and expect them (but wait for them) to yield / stop for you to cross.

Bicyclists on the Path - - When approaching an intersection, obey the traffic controls as you encounter them. If there is a yield or stop sign on the path, then a crosswalk across the intersecting street, first obey the yield or stop sign before you cross the sidewalk or enter the street if there is no sidewalk. Once you have met this obligation, and yielded to pedestrians on the sidewalk, crossing the street is similar to crossing at any other

crosswalk at an unsignalized intersection. Enter the crosswalk in a manner that is consistent with the safe use of the crosswalk by pedestrians, which means the bicyclist cannot suddenly leave a curb or other place of safety into the path of a vehicle that is so close that it is difficult for the operator of the vehicle to yield. If a motorist slows or stops to yield to you, or is yielding to a pedestrian also waiting to cross, ride across with care, being alert that another motorist (either approaching in another lane from behind the driver that stopped, or coming from the other direction) may not yield.

Drivers - - a crosswalk is a regulatory control. You must yield to pedestrians and bicyclists that are in the crosswalk. Stay alert and watch for pedestrians and bicyclists approaching the crosswalk. Be prepared to yield or stop in the event a bicyclist or pedestrian enters the crosswalk. You should do everything you can to keep from hitting a pedestrian or bicyclist even if they have failed to meet their obligations.

ⁱ § 346.24 (1), Wis. Stats.: “At an intersection or crosswalk where traffic is not controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right-of-way to a pedestrian, or to a person riding a bicycle or electric personal assistive mobility device in a manner which is consistent with the safe use of the crosswalk by pedestrians, who is crossing the highway within a marked or unmarked crosswalk.”

ⁱⁱ § 346.24 (2), Wis. Stats.: “No pedestrian, bicyclist, or rider of an electric personal assistive mobility device shall suddenly leave a curb or other place of safety and walk, run, or ride into the path of a vehicle which is so close that it is difficult for the operator of the vehicle to yield.”