S T A T E O F N E W Y O R K

1122

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. BING, COOK, SPANO, BARRON, CASTRO -- Multi-Sponsored by -- M. of A. GABRYSZAK, GLICK, MENG, PERRY, PHEFFER, ROBINSON, TITONE, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to a pedestrian's right of way

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph 2 of subdivision (a) of section 1111 of the vehicle and traffic law, as amended by chapter 269 of the laws of 1984, is amended to read as follows:

2. Traffic, except pedestrians, facing a steady green arrow signal may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time, except that a U-Turn may be made by traffic facing a left green arrow signal unless a sign prohibits such U-Turn or such U-Turn is in violation of any other provision of law. Such traffic shall yield the right of way to other traffic lawfully within the intersection [or an] AND PEDESTRIANS WITHIN A MARKED OR UNMARKED adjacent cross walk AT THE INTERSECTION at the time such signal is exhibited.

S 2. Paragraph 3 of subdivision (a) of section 1111 of the vehicle and traffic law, as amended by chapter 356 of the laws of 1971, is amended to read as follows:

3. Unless otherwise directed by a pedestrian-control signal as provided in section eleven hundred twelve OF THIS ARTICLE, pedestrians facing any steady green signal, except when the sole green signal is a turn arrow, SHALL HAVE THE RIGHT-OF-WAY AND may proceed across the roadway within any marked or unmarked crosswalk.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 3. Paragraphs 2 and 3 of subdivision (b) of section 1111 of the vehicle and traffic law, as amended by chapter 356 of the laws of 1971, are amended to read as follows:

2. Traffic, except pedestrians, facing a steady yellow arrow signal may cautiously enter the intersection only to complete the movement indicated by such arrow or make such other movement as is permitted by other indications shown at the same time; however, said traffic is thereby warned that the related green arrow movement is being terminated or that a red indication will be exhibited immediately thereafter. SUCH TRAFFIC SHALL YIELD THE RIGHT-OF-WAY TO PEDESTRIANS WITHIN A MARKED OR UNMARKED CROSSWALK AT THE INTERSECTION AND TO OTHER TRAFFIC LAWFULLY USING THE INTERSECTION.

3. Unless otherwise directed by a pedestrian-control signal as provided in section eleven hundred twelve, pedestrians facing any steady yellow signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway. REGARDLESS OF WHEN A PEDESTRIAN STARTS TO CROSS THE ROADWAY, ALL PEDESTRIANS SHALL BE GIVEN THE RIGHT-OF-WAY BY ALL OTHER TRAFFIC WHEN FACING ANY STEADY YELLOW.

S 4. Subparagraph a of paragraph 2 of subdivision (d) of section 1111 of the vehicle and traffic law, as separately amended by chapters 230 and 420 of the laws of 1980, is amended to read as follows:

a. Traffic facing a steady circular red signal may cautiously enter the intersection to make a right turn after stopping as required by paragraph one of this subdivision, except that right turning traffic is not required to stop when a steady right green arrow signal is shown at the same time. Such traffic shall yield the right-of-way to pedestrians within a marked or unmarked crosswalk at the intersection and to ALL other traffic lawfully using the intersection;

S 5. Section 1112 of the vehicle and traffic law, as amended by chapter 228 of the laws of 1987, is amended to read as follows:

S 1112. Pedestrian-control signal indications. Whenever pedestrians are controlled by pedestrian-control signals exhibiting the words "WALK" or "DON'T WALK", or exhibiting symbols of a walking person or upraised hand, such signals shall indicate and apply to pedestrians as follows:

(a) Steady WALK or walking person. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by ALL other traffic.

(b) Flashing DON'T WALK or upraised hand. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrians who have partially completed their crossing on the WALK or walking person signal shall proceed to a sidewalk or safety island while the flashing DON'T WALK or upraised hand signal is showing. REGARDLESS OF WHEN A PEDESTRIAN STARTS TO CROSS THE ROADWAY, ALL PEDESTRIANS SHALL BE GIVEN THE RIGHT-OF-WAY BY ALL OTHER TRAFFIC WHILE A FLASHING DON'T WALK OR UPRAISED HAND SIGNAL IS SHOWING.

(c) Steady DON'T WALK or upraised hand. No pedestrians shall start to cross the roadway in the direction of such signal, but any pedestrians who have partially completed their crossing on the WALK OR WALKING PERSON or flashing DON'T WALK OR FLASHING UPRAISED HAND signal shall proceed to a sidewalk or safety island while the steady DON'T WALK OR UPRAISED HAND signal is showing.

S 6. Subdivision (b) of section 1113 of the vehicle and traffic law, as amended by chapter 722 of the laws of 2006, is amended to read as follows:

(b) Flashing yellow indications. Vehicular traffic facing a circular yellow signal or yellow arrow with rapid intermittent flashes may proceed through the intersection or past such signal only with caution. SUCH TRAFFIC SHALL YIELD THE RIGHT-OF-WAY TO PEDESTRIANS WITHIN A MARKED OR UNMARKED CROSSWALK AT THE INTERSECTION.

S 7. Subdivision (a) of section 1151 of the vehicle and traffic law, as amended by chapter 159 of the laws of 2002, is amended to read as follows:

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk OR AT ANY UNMARKED CROSSWALK AT AN INTERSECTION on the roadway upon which the vehicle is traveling, except that any pedestrian crossing a roadway at a point where a pedestrian tunnel or overpass has been provided shall yield the right of way to all vehicles.

S 8. This act shall take effect immediately.