

By Senator Fasano

11-00131-08

2008154__

1 A bill to be entitled

2 An act relating to pedestrian safety; amending ss. 316.075
3 and 316.130, F.S.; requiring a driver to stop at certain
4 intersections to allow a pedestrian to cross a roadway
5 when the pedestrian is in the crosswalk or steps into the
6 crosswalk; providing penalties; providing an effective
7 date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (c) of subsection (1) of section
12 316.075, Florida Statutes, is amended to read:

13 316.075 Traffic control signal devices.--

14 (1) Except for automatic warning signal lights installed or
15 to be installed at railroad crossings, whenever traffic,
16 including municipal traffic, is controlled by traffic control
17 signals exhibiting different colored lights, or colored lighted
18 arrows, successively one at a time or in combination, only the
19 colors green, red, and yellow shall be used, except for special
20 pedestrian signals carrying a word legend, and the lights shall
21 indicate and apply to drivers of vehicles and pedestrians as
22 follows:

23 (c) Steady red indication.--

24 1. Vehicular traffic facing a steady red signal shall stop
25 before entering the crosswalk on the near side of the
26 intersection or, if none, then before entering the intersection
27 and shall remain standing until a green indication is shown;
28 however:

29 a. The driver of a vehicle which is stopped at a clearly

11-00131-08

2008154__

30 marked stop line, but if none, before entering the crosswalk on
31 the near side of the intersection, or, if none then at the point
32 nearest the intersecting roadway where the driver has a view of
33 approaching traffic on the intersecting roadway before entering
34 the intersection in obedience to a steady red signal may make a
35 right turn, but shall yield the right-of-way to pedestrians and
36 other traffic proceeding as directed by the signal at the
37 intersection, except that municipal and county authorities may
38 prohibit any such right turn against a steady red signal at any
39 intersection, which prohibition shall be effective when a sign
40 giving notice thereof is erected in a location visible to traffic
41 approaching the intersection.

42 b. The driver of a vehicle on a one-way street that
43 intersects another one-way street on which traffic moves to the
44 left shall stop in obedience to a steady red signal, but may then
45 make a left turn into the one-way street, but shall yield the
46 right-of-way to pedestrians and other traffic proceeding as
47 directed by the signal at the intersection, except that municipal
48 and county authorities may prohibit any such left turn as
49 described, which prohibition shall be effective when a sign
50 giving notice thereof is attached to the traffic control signal
51 device at the intersection.

52 2.a. The driver of a vehicle facing a steady red signal
53 shall stop before entering the crosswalk and remain stopped to
54 allow a pedestrian, with a permitted signal, to cross a roadway
55 when the pedestrian is in the crosswalk or steps into the
56 crosswalk and is upon the half of the roadway upon which the
57 vehicle is traveling or when the pedestrian is approaching so
58 closely from the opposite half of the roadway as to be in danger.

11-00131-08

2008154__

59 **b.** Unless otherwise directed by a pedestrian control signal
60 as provided in s. 316.0755, pedestrians facing a steady red
61 signal shall not enter the roadway.

62 (4) A violation of this section is a noncriminal traffic
63 infraction, punishable pursuant to chapter 318 as either a
64 pedestrian violation or, if the infraction resulted from the
65 operation of a vehicle, as a moving violation.

66 Section 2. Section 316.130, Florida Statutes, is amended to
67 read:

68 316.130 Pedestrians; ~~Pedestrian obedience to traffic~~
69 ~~control devices and~~ traffic regulations.--

70 (1) A pedestrian shall obey the instructions of any
71 official traffic control device specifically applicable to the
72 pedestrian unless otherwise directed by a police officer.

73 (2) Pedestrians shall be subject to traffic control signals
74 at intersections as provided in s. 316.075, but at all other
75 places pedestrians shall be accorded the privileges and be
76 subject to the restrictions stated in this chapter.

77 (3) Where sidewalks are provided, no pedestrian shall,
78 unless required by other circumstances, walk along and upon the
79 portion of a roadway paved for vehicular traffic.

80 (4) Where sidewalks are not provided, any pedestrian
81 walking along and upon a highway shall, when practicable, walk
82 only on the shoulder on the left side of the roadway in relation
83 to the pedestrian's direction of travel, facing traffic which may
84 approach from the opposite direction.

85 (5) No person shall stand in the portion of a roadway paved
86 for vehicular traffic for the purpose of soliciting a ride,
87 employment, or business from the occupant of any vehicle.

11-00131-08

2008154__

88 (6) No person shall stand on or in proximity to a street or
89 highway for the purpose of soliciting the watching or guarding of
90 any vehicle while parked or about to be parked on a street or
91 highway.

92 (7) (a) The driver of a vehicle at an intersection that has
93 a traffic control signal in place shall stop before entering the
94 crosswalk and remain stopped to allow a pedestrian, with a
95 permitted signal, to cross a roadway when the pedestrian is in
96 the crosswalk or steps into the crosswalk and is upon the half of
97 the roadway upon which the vehicle is traveling or when the
98 pedestrian is approaching so closely from the opposite half of
99 the roadway as to be in danger.

100 (b) The driver of a vehicle at any crosswalk where signage
101 so indicates shall stop and remain stopped to allow a pedestrian
102 to cross a roadway when the pedestrian is in the crosswalk or
103 steps into the crosswalk and is upon the half of the roadway upon
104 which the vehicle is traveling or when the pedestrian is
105 approaching so closely from the opposite half of the roadway as
106 to be in danger.

107 (c) When traffic control signals are not in place or in
108 operation and there is no signage indicating otherwise, the
109 driver of a vehicle shall yield the right-of-way, slowing down or
110 stopping if need be to so yield, to a pedestrian crossing the
111 roadway within a crosswalk when the pedestrian is upon the half
112 of the roadway upon which the vehicle is traveling or when the
113 pedestrian is approaching so closely from the opposite half of
114 the roadway as to be in danger. Any pedestrian crossing a roadway
115 at a point where a pedestrian tunnel or overhead pedestrian
116 crossing has been provided shall yield the right-of-way to all

11-00131-08

2008154__

117 | vehicles upon the roadway.

118 | (8) No pedestrian shall suddenly leave a curb or other
119 | place of safety and walk or run into the path of a vehicle which
120 | is so close that it is impossible for the driver to yield.

121 | (9) Whenever any vehicle is stopped at a marked crosswalk
122 | or at any unmarked crosswalk at an intersection to permit a
123 | pedestrian to cross the roadway, the driver of any other vehicle
124 | approaching from the rear shall not overtake and pass such
125 | stopped vehicle.

126 | (10) Every pedestrian crossing a roadway at any point other
127 | than within a marked crosswalk or within an unmarked crosswalk at
128 | an intersection shall yield the right-of-way to all vehicles upon
129 | the roadway.

130 | (11) Between adjacent intersections at which traffic
131 | control signals are in operation, pedestrians shall not cross at
132 | any place except in a marked crosswalk.

133 | (12) No pedestrian shall, except in a marked crosswalk,
134 | cross a roadway at any other place than by a route at right
135 | angles to the curb or by the shortest route to the opposite curb.

136 | (13) Pedestrians shall move, whenever practicable, upon the
137 | right half of crosswalks.

138 | (14) No pedestrian shall cross a roadway intersection
139 | diagonally unless authorized by official traffic control devices,
140 | and, when authorized to cross diagonally, pedestrians shall cross
141 | only in accordance with the official traffic control devices
142 | pertaining to such crossing movements.

143 | (15) Notwithstanding other provisions of this chapter,
144 | every driver of a vehicle shall exercise due care to avoid
145 | colliding with any pedestrian or any person propelling a human-

11-00131-08

2008154__

146 | powered vehicle and give warning when necessary and exercise
147 | proper precaution upon observing any child or any obviously
148 | confused or incapacitated person.

149 | (16) No pedestrian shall enter or remain upon any bridge or
150 | approach thereto beyond the bridge signal, gate, or barrier after
151 | a bridge operation signal indication has been given. No
152 | pedestrian shall pass through, around, over, or under any
153 | crossing gate or barrier at a railroad grade crossing or bridge
154 | while such gate or barrier is closed or is being opened or
155 | closed.

156 | (17) No pedestrian may jump or dive from a publicly owned
157 | bridge. Nothing in this provision requires the state or any
158 | political subdivision of the state to post signs notifying the
159 | public of this provision. The failure to post a sign may not be
160 | construed by any court to create liability on the part of the
161 | state or any of its political subdivisions for injuries sustained
162 | as a result of jumping or diving from a bridge in violation of
163 | this subsection.

164 | (18) No pedestrian shall walk upon a limited access
165 | facility or a ramp connecting a limited access facility to any
166 | other street or highway; however, this subsection does not apply
167 | to maintenance personnel of any governmental subdivision.

168 | (19) A violation of this section is a noncriminal traffic
169 | infraction, punishable pursuant to chapter 318 as either a
170 | pedestrian violation or, if the infraction resulted from the
171 | operation of a vehicle, as a moving violation.

172 | Section 3. This act shall take effect July 1, 2008.