

FLORIDA PEDESTRIAN LAW ENFORCEMENT GUIDE

A review of
Florida's pedestrian traffic laws
to help with warnings,
citations and crash reports
August 2008

All citations are to the 2008 Florida Statutes



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The challenge of pedestrian traffic enforcement

Many of Florida's streets and roads were laid out when there was little expectation of future pedestrian use. New streets and highways were designed to facilitate motor vehicle travel at higher speeds and to minimize delays at controlled intersections, so that slowing or stopping to observe the legal duty to yield to pedestrians in crosswalks became an unaccustomed inconvenience. Such conditions shaped a road user culture in which pedestrian use is usually sparse outside central business districts, and drivers and pedestrians have not acquired the shared experience that informs a sense of mutual obligations. Traffic law enforcement must be based on a recognized code of behavior. The challenge of pedestrian traffic enforcement is to promote greater appreciation and observance of practices conducive to pedestrian safety and mutual courtesy.

Key traffic principles for pedestrians and drivers include:

- ***A road user's right of way must be exercised with "due care."***

Traffic laws state who must yield the right of way to

whom, but do not assign an absolute right of way. Signals, crosswalk markings, lane markings and other traffic control devices do not confer an absolute right of way for any user. Right of way must be exercised in a reasonable manner with "due care" for the safety of one's self and of other road users.

- ***Pedestrians may cross at most mid-block locations, but must yield outside a crosswalk.***

Mid-block crossing outside a crosswalk is allowed if, in either direction, the nearest intersection is unsignalized. When crossing mid-block, a pedestrian must yield to any approaching driver, except when crossing in a marked crosswalk.

- ***A driver is obliged to yield the right of way to a pedestrian lawfully crossing in a crosswalk.***

Safe yielding requires stopping if the crossing pedestrian is in the driver's lane, the lane into which the driver is turning, or an adjoining lane. A condition for crossing "lawfully" is that the pedestrian began crossing when it was legal to do so. A crosswalk is legally present on each leg of an intersection except where crossing is prohibited by signs. Crosswalks are left unmarked at most unsignalized intersections.

- ***If a sidewalk is provided, a pedestrian traveling along a street or road is obliged to use it if prac-***

tical, otherwise to keep as far left as practical on the shoulder or other area available on left side of the roadway.

On a highway, a shoulder is generally graded. On a street with curbs, the leftmost graded area is simply the leftmost portion of the roadway pavement, not including the gutter.

UNIFORM TRAFFIC CONTROL LAW SYNOPSIS

Sectional citations not otherwise identified are to the Florida Uniform Traffic Control Law (Chapter 316, Florida Statutes).

Definitions

CROSSWALK: "(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway," or "(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface" [§316.003(6)].

For purposes of the driving task, crosswalks must be assumed to be in place across both the approach and departure legs of an intersection, regardless of whether markings are present, since a driver at the critical decision distance for yielding can usually not determine whether the crossing street has sidewalks. A legal crosswalk extending the sidewalk corridor across an intersection leg is presumed to be present unless the responsible authority has closed the crosswalk and posted signs to that effect.



JAYWALKING: This commonly used term does not appear in traffic codes. It is generally understood to

mean crossing a roadway in a manner that violates traffic law, especially (1) crossing mid-block between two adjacent signalized intersections and (2) entering an unsignalized crosswalk when an approaching driver is so close as to make it difficult for him to take evasive action.

MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD): manual published by the Federal Highway Administration and adopted by the Florida Department of Transportation as the "manual of uniform traffic control devices which defines the uniform system [of "traffic control devices for use on the streets and highways of the state"]", pursuant to §316.0745. The MUTCD is online at <http://mutcd.fhwa.dot.gov/>.

PEDESTRIAN: "Any person afoot" [§316.003(28)]. By custom, this is understood to include "a person afoot, in a wheelchair, on skates, or on a skateboard" (meaning of "pedestrian" as used in the MUTCD, Section 1A.13) as well as a person on a foot-powered scooter (nothing in Florida Statutes indicates otherwise). A person operating a bicycle on and along a sidewalk or crosswalk has the rights and duties applicable to a pedestrian under the same circumstances, but must yield to pedestrians and give an audible warning before passing one and

remains subject to bicycle equipment requirements (§316.2065). A person may operate an electric personal assistive mobility device (Segway®) on a sidewalk subject to the duty to yield to pedestrians and to give an audible warning before passing; no other duties are explicitly assigned to EPAMD operators, except the requirement for an operator under the age of 16 to wear a bicycle helmet [§316.2068].

ROADWAY: "That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term 'roadway' as used herein refers to any such roadway separately, but not to all such roadways collectively" [§316.003(42)].

SHOULDER: not defined in Florida Statutes, but generally understood to be the (graded) portion of a highway contiguous with the traveled way that accommodates stopped vehicles, emergency use, and lateral support of base and surface pavement courses (American Association of State Highway and Transportation Officials). Shoulders may be partially or entirely unpaved.

SIDEWALK: "That portion of a street between the curblines, or the lateral line, of a roadway and the

adjacent property lines, intended for use by pedestrians" [§316.003(47)]. The public right-of-way reservation typically includes width for sidewalks and utilities. Unpaved sidewalks (beaten paths or other firm surfaces) may be practical for some pedestrian use, but generally do not meet technical provisions for "accessible trails" or "accessible [pedestrian] routes" as defined in federal accessibility standards and guidelines.

Laws for pedestrians and drivers

PEDESTRIAN TRAVEL ALONG A STREET OR HIGHWAY

Where sidewalks are provided, no pedestrian shall, unless required by other circumstances, walk along and upon the portion of a roadway paved for vehicular traffic [§316.130(3)]. Where sidewalks are not provided, a pedestrian walking along and upon a highway shall, when practicable, walk only on the shoulder on the left side of the roadway in relation to the pedestrian's direction of travel, facing traffic which may approach from the opposite direction [§316.130(4)].

Encroaching vegetation, cracks and upheaval

caused by tree roots, illegally parked vehicles and "other circumstances" can make even paved sidewalks impractical to use at points and highly problematic for those with mobility impairments. Where sidewalk areas have been left unpaved, natural vegetation or landscaping, wet or muddy conditions, nearby ditches, and hazards hidden in grass or under plant litter (wasp nests, sharp objects, tripping hazards, etc.) can similarly make use impractical.

Where such circumstances occur on a road without curbs, pedestrians traveling along the road should use the left shoulder, the graded area adjacent to the traveled way on the left side. Where such circumstances occur on a street with curbs, there is no shoulder per se, but the customary rule for pedestrians to travel on the left side of the roadway, so as to face any traffic approaching in the adjacent lane, is still applicable when practicable. A driver and a pedestrian who face each other are generally more aware of each other and crash risk is therefore reduced for pedestrians who travel on the left. (Note: because of their much greater speeds and other differences in operating characteristics, cyclists do not enhance their safety by following this rule. On the contrary, it increases a cyclist's crash risk. Roadway cyclists are required to travel on the right.)

Pedestrian travel on the left side may be impracticable or be disadvantageous if it requires making otherwise unnecessary crossings of a multi-lane highway, especially one with high traffic speeds or volumes.

NO STANDING IN THE ROADWAY [§316.130(5)]

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

STOPPING, STANDING, PARKING OR DRIVING ON SIDEWALK

- No person shall drive a vehicle except by human power on a sidewalk or sidewalk area, except on a driveway [§316.1995] An exception is made for electric personal assistive mobility devices (Segway® Personal Transporters), if the person operating an EPAMD yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian [§316.2068]. *By custom, a battery-powered motorized wheelchair used by a person with a disability may also go on a sidewalk.*
- No person shall stop, stand or park a vehicle on a sidewalk [§316.1945(1)]. *Although the pavement*

surface may change at a driveway, the legal sidewalk extends across the driveway. Blocked sidewalks force pedestrians to enter the roadway.

DRIVER DUTY TO PEDESTRIAN AT VEHICULAR ROADWAY CONNECTIONS [§316.125]

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or any sidewalk area extending across the alley, building entrance, road or driveway and to yield to all vehicles and pedestrians so close as to constitute an immediate hazard.

For a driver exiting a roadway at such a location, no duty to yield to pedestrians on a sidewalk area is specifically stated. However, the driver must "exercise due care to avoid colliding with any pedestrian" (see below).

DRIVER DUTY TO EXERCISE CARE TO AVOID PEDESTRIAN [§316.130(15)]

Notwithstanding other provisions, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle.

CROSSING A ROADWAY MIDBLOCK, NOT IN A CROSSWALK

- A pedestrian crossing a roadway at any point other than a (marked or unmarked) intersection crosswalk or a marked mid-block crosswalk shall yield to all vehicles on the roadway [§316.130(10)].
- A pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway [§316.130(7)]. *Since, at mid-block locations, this duty is already implied by the provision above, the only effect of this provision is at (rare) intersection crossings where a pedestrian tunnel or overpass has been provided.*
- A pedestrian may not cross between adjacent signalized intersections [§316.130(11)]. *Adjacent signalized intersections are generally found in larger central business districts, less commonly in suburban areas. At suburban locations with adjacent signalized intersections, the distance to detour to the nearest signalized crosswalk is often perceived as impractical by pedestrians.*
- Except in a marked crosswalk, a crossing pedestrian must cross at right angles to the edge of the roadway, or by the shortest route to the opposite side [§316.130(12)]

CROSSING A ROADWAY IN AN UNSIGNALIZED CROSSWALK (marked or unmarked crosswalk at intersection, or crosswalk marked mid-block)

● The driver of a vehicle at any crosswalk where signage so indicates shall stop and remain stopped to allow a pedestrian to cross a roadway when the pedestrian is in the crosswalk or steps into the crosswalk and is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger [§316.130(7)].

The sign that "so indicates" should be a traffic sign authorized under the MUTCD. It could be, for example, an In-Street Pedestrian Crossing sign with the legend STOP FOR [PEDESTRIAN symbol] WITHIN CROSSWALK.

- Where a traffic signal is not in place or in operation and no sign indicates otherwise, the driver of a vehicle shall yield, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a (marked or unmarked) crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger [§316.130(7)].
- No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a

vehicle which is so close that it is impossible for the driver to yield [§316.130(8)].

A pedestrian who sets foot in a (marked or unmarked) crosswalk where traffic signals are not in place, or are in place but not operating, obliges an approaching driver to yield, so long as it is feasible for the driver to do so. The driver's duty to yield applies regardless of whether the crossing location is controlled by any signs (Stop or Yield). Yielding may take the form of slowing or stopping; safe yielding requires stopping (and waiting) if the crossing pedestrian is in the driver's lane, in the lane into which the driver is turning, or in an adjoining lane.

● When a vehicle is stopped at a crosswalk to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle [§316.130(9)].

This is a critical provision for pedestrian safety. When one driver stops to let a pedestrian cross, the stopped vehicle may screen the pedestrian from the view of an approaching driver-and also screen the approaching vehicle from the pedestrian's view. The law therefore requires a driver approaching a vehicle stopped at a crosswalk from the rear to assume that a pedestrian may be crossing, even when none can

be seen at the moment. A violation of this rule can cause serious injury because the overtaking driver is traveling at speed. (To reduce this risk, seasoned pedestrians pause at the outside edge of any "screen".)

- A pedestrian may not cross an intersection diagonally except where and when crossing is authorized by official traffic control devices [§316.130(14)].

Note on roundabouts: *A roundabout functions as a loop of yield-controlled T-intersections. Roundabout entries are often designed with the crosswalk marked about one car length before the yield line. A driver may pull up directly to the yield line if no pedestrian is in the crosswalk. The car length spacing leaves the crosswalk unblocked when the presence of circulating traffic in the roundabout obliges the driver to wait for a suitable opening. The same spacing also accommodates an exiting driver (without causing a blockage of the roundabout), when the presence of a pedestrian in the crosswalk requires him to yield.*

CROSSING A ROADWAY IN A SIGNALIZED CROSSWALK [§316.075]

Respective rights of way and duties of pedestrians and drivers at signalized locations depend on the signal indications that are illuminated.

Red indication–

● **pedestrians:** Unless otherwise directed by a pedestrian control signal, pedestrians facing a steady red signal shall not enter the roadway.

● **drivers:** Vehicular traffic must stop before the crosswalk, stop bar, or if none marked, the intersection. However, when a pedestrian is in the crosswalk or steps into the crosswalk and is (a) upon the half of the roadway upon which the vehicle is traveling or (b) is approaching so closely from the opposite half of the roadway as to be in danger, the driver shall stop before entering the crosswalk, and shall remain stopped to allow the pedestrian to cross the roadway on an indication that so permits

Otherwise, having stopped, a driver may make a right turn, except where prohibited by sign, but must yield to pedestrians and other traffic proceeding in accordance with signals (such pedestrians might be crossing in the parallel crosswalk that the driver must turn across). A driver making a left turn from a one-way street onto a one-way street after stopping on red (where not prohibited by sign) must also yield to pedestrians and other traffic proceeding in accordance with signals.

Green indication–

● **pedestrians:** A pedestrian facing a green signal, except when the sole green signal is an arrow sig-

nal, may proceed across roadway in any marked or unmarked crosswalk (i.e., in the direction controlled by the signal face), unless directed otherwise by a pedestrian control signal.

● **drivers:** Vehicular traffic facing a *circular* green signal may proceed cautiously straight through or turn right or left unless a sign at such place prohibits either such turn, but shall yield the right-of-way to pedestrians lawfully within the intersection or an adjacent crosswalk.

Vehicular traffic facing a green *arrow* signal may cautiously enter the intersection to make the movement indicated by such arrow, but must yield to pedestrians lawfully within an adjacent crosswalk.

A pedestrian is considered to be lawfully within a crosswalk if he started crossing in it when it was legal to do so, and is finishing crossing without undue delay. Under the provisions of this section and current MUTCD standards, a driver facing a green arrow signal displayed by a properly operating signal should not encounter a pedestrian in a parallel crosswalk. However, a driver facing either type of green indication may need to wait for a pedestrian to finish crossing in the crosswalk immediately before him.

Steady yellow indication–

- **pedestrians:** A pedestrian facing a steady yellow signal may not start to cross. *A pedestrian facing a steady yellow signal (i.e., from a corner) will generally not have sufficient time to cross before a red indication is displayed. The yellow indication does not apply to a pedestrian who started crossing (in the direction controlled by the signal face) before it was illuminated.*
- **drivers:** *For a driver already (still waiting) in the intersection to make a permitted left turn, the duty to yield to lawfully crossing pedestrians (described for the green indication) still applies.*

Pedestrian control signals–

For pedestrians the directions of a pedestrian control signal supersede those of the associated traffic signal. Such signals may also be placed at mid-block locations. The meanings of the symbolic signal indications (some older pedestrian signal heads still use word messages) are assumed to be self-evident and are not described in law, although they are described in the MUTCD (Section 4E.02). Still, many pedestrians and motorists do not understand the meaning of the flashing UPRAISED HAND indication.

● **steady WALKING PERSON (symbolizing WALK)**

indication: pedestrian facing the signal indication is permitted to start to cross the roadway in the direction of the signal indication. Pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the WALKING PERSON signal indication is first shown.

● **flashing UPRAISED HAND (symbolizing DONT WALK)**

indication: pedestrian shall not start to cross the roadway in the direction of the signal indication, but any pedestrian who has already started to cross on a steady WALKING PERSON (symbolizing WALK) signal indication shall proceed out of the traveled way.

● **steady UPRAISED HAND (symbolizing DONT WALK)**

indication: pedestrian shall not enter the roadway in the direction of the signal indication.

Pedestrian signal indications apply to pedestrians, not drivers. Vehicular traffic is controlled by traffic signal indications as described above.

At some locations a slower walker (who entered the crosswalk during the WALKING PERSON indication) may not have reached the far side of the roadway when the steady UPRAISED HAND indication is first displayed. However, some crossing time still remains. Per the MUTCD (Section 4E.10), the

pedestrian clearance time is comprised of three intervals: the pedestrian change interval (the interval during which a flashing UPRAISED HAND indication is displayed), the yellow change interval (when the steady UPRAISED HAND is displayed and the traffic signal for the parallel vehicular movement displays a yellow indication), and any red clearance ("all red") interval. The recommended duration of the pedestrian clearance time is sufficient to allow a pedestrian crossing in the crosswalk who left the curb or shoulder during the WALKING PERSON indication to travel at a walking speed of 1.2 m (4 ft) per second, to at least the far side of the traveled way or to a median of sufficient width for pedestrians to wait.

*Many pedestrian signal heads now incorporate **countdown pedestrian signals**. These signals count the seconds remaining in the pedestrian change interval (flashing UPRAISED HAND displayed). At the end of this interval, the countdown signal briefly displays a zero and the steady UPRAISED HAND indication is displayed. As explained above, some time still remains in the pedestrian clearance time.*

CROSSINGS BY VISUALLY OR MOBILITY IMPAIRED PEDESTRIANS

- When a pedestrian is trying to cross a public street or highway, guided by a dog guide or carrying in a raised or extended position a white cane or walking stick, an approaching driver is obliged to bring his vehicle to a full stop before arriving at such intersection or place of crossing and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian [§316.1301].
- Only a blind person may carry a white cane or walking stick in a raised or extended position on a public street or highway [§316.1301].
- If a mobility-impaired person (using a guide dog or service animal, a walker, a crutch, an orthopedic cane, or a wheelchair), is in the process of crossing a roadway at an intersection, drivers approaching the intersection must stop before arriving at the intersection and take reasonable precautions to avoid injuring such a pedestrian [§316.1303].

PRIORITIES FOR ENFORCEMENT & AWARENESS

In a national study,* the following conditions were identified as common contributing factors in pedestrian-motor vehicle crashes.

Primary error by pedestrian—

Failure to yield, crossing at mid-block location	16.1%
Failure to yield, crossing at intersection . . .	8.9%
Traveling along roadway in wrong direction	5.2%

Primary error by driver—

Failure to yield at intersection crosswalk	14.4%
(8.6% while turning; 5.8 % while going straight)	
Backing vehicle (failed to detect pedestrian)	6.9%

*W.W. Hunter, W.E. Pein, J.C. Stutts, Pein, and C.L. Cox, Pedestrian and Bicycle Crash Types of the Early 1990s, Report No. FHWA-RD-95-163, Federal Highway Administration, 1996.

Relative frequencies of pedestrian crash types vary to some extent with development character (urban, rural), prevailing speeds, light condition, number of lanes, presence or absence of sidewalks, etc.

Enforcing pedestrian duties to yield (where & when required)

Enforcement of pedestrian duty to yield at mid-block locations without crosswalks requires observing a driver taking evasive action (braking or changing lanes) to avoid the pedestrian.

When enforcing pedestrian duties at or near signalized intersections, officers should concentrate on pedestrians who commit blatant violations—especially ones whose example inspires a larger group of pedestrians to follow, or who cause drivers to brake or swerve—and pedestrians who seem impaired or inattentive to conditions (especially under dark conditions, when such individuals are at high risk).

Enforcing motorist duties to yield (where & when required)

Drivers' failure to yield is frequently given by pedestrians as a reason for not using crosswalks. The movement of a queue of drivers turning right on green, for example, can induce a pack mentality that leaves less assertive or agile pedestrians insuffi-

cient time to cross. Since locations away from intersections and major driveways usually have few or no turning vehicles to attend to, pedestrians often find crossings at such locations simpler to execute, especially where frequent gaps in traffic do not require long waits (while one yields to drivers), or where a median refuge allows a crossing to be made in two stages. However, intersection crosswalks provide the most direct and practical paths for many pedestrian purposes.

Warning pedestrians using wrong shoulder

Pedestrians observed walking (or running) along roadways with their backs to traffic should generally be warned. Many pedestrians are not aware of the safety advantage of walking along the left side, so as to face approaching drivers, in places where sidewalks are not provided. Judgment should be used; crossing a roadway so as to walk facing traffic may be risky or impractical under some conditions.

Awareness of and by backing drivers

Pedestrians hit by backing drivers who failed to detect their presence were most commonly struck in parking lots. Others were stepping into streets behind parked cars, or walking past driveways and

alleys. Small children are especially vulnerable in driveways. The FHWA study cited above found that 9% of pedestrian-motor vehicle collisions occurred in parking lots. Pedestrians in parking lots should be attentive to any signs of a backing vehicle and walk in front of cars when possible. Backing drivers should look over both shoulders and continue looking while backing.