

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Transportation Committee

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BILL: SB 154

INTRODUCER: Senator Fasano

SUBJECT: Pedestrian Safety/Driver Requirements

DATE: January 31, 2008

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Paradise	Meyer	TR	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

Chapter 316, F.S., requires drivers to yield the right of way to pedestrians crossing the roadway at crosswalks and intersections. Senate Bill 154 (“the bill”) clarifies these requirements by requiring drivers at both signal controlled and unsignalized intersections to stop for pedestrians currently legally in the roadway, but does not require them to remain stopped for pedestrians who step into the roadway after a vehicle stop unless the pedestrian is on the half of the road the vehicle is traveling, or is coming so close as to be in danger.

This bill substantially amends sections 316.075 and 316.130 of the Florida Statutes.

**II. Present Situation:**

Section 316.075, F.S., authorizes pedestrians to cross a roadway in a marked or unmarked crosswalk when facing a green traffic control signal, unless a pedestrian control signal directs otherwise or the only green signal is a turning arrow. A motor vehicle driver facing a green traffic control signal must yield the right of way to any pedestrians lawfully in the intersection or adjacent crosswalk. Pedestrians facing a steady yellow or red traffic control signal may not cross the road unless otherwise directed by a pedestrian control signal.

Motor vehicle drivers facing a steady red signal after completing their stop are generally allowed to make a right on red (or a left on red from a one way street onto another one way street); however, drivers must yield the right of way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

For intersections where traffic control signals are not in place or operating, such as an intersection controlled by a stop sign, s. 316.130, F.S., states drivers should yield the right of way to pedestrians crossing a crosswalk, when the pedestrian is crossing on the half of the roadway on which the vehicle is traveling or is approaching so closely from the opposite half as to be in danger.

Violations by drivers are punished as moving violations, with a \$60 fine (plus court costs assessed by the county) along with the assessment of 3 points against the violator's drivers license.

Pedestrian violations are punished as non-criminal traffic infractions, with a \$15 fine (plus court costs assessed by the county).

### **III. Effect of Proposed Changes:**

The bill clarifies the requirement for a driver of a vehicle stopping at a steady red signal (or any crosswalk where signage so indicates) to remain stopped to allow a pedestrian already in the crosswalk with a permitted signal to cross the roadway, and to allow a pedestrian stepping into the crosswalk to cross if upon the half of the roadway upon which the vehicle is traveling, or if the pedestrian is approaching so closely from the other half of the road as to be in danger.

The bill further clarifies a driver approaching a stop sign-controlled intersection shall, unless signage indicates otherwise, yield the right-of-way to pedestrians crossing the roadway when a pedestrian is in the crosswalk, or when the pedestrian steps into the crosswalk and is upon the half of the roadway that the vehicle is traveling on, or is approaching so closely from the other half of the road as to be in danger.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.