

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/5/2014** Received By: **emueller**  
Wanted: **As time permits** Same as LRB: **-2329**  
For: **Keith Ripp** By/Representing: **Liz**  
May Contact: Drafter: **zwyatt**  
Subject: **Transportation - traffic laws** Addl. Drafters:  
Extra Copies: **EVM**

Submit via email: **YES**  
Requester's email: **Rep.Ripp@legis.wisconsin.gov**  
Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**  
**aaron.gary@legis.wisconsin.gov**  
**eric.mueller@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Flashing yellow arrow statutory language (NB 2015-23)

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**Instructions:**

See attached.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 10/21/2014			_____			
/P1	zwyatt 4/27/2015	kfollett 10/29/2014	jmurphy 10/29/2014	_____	srose 10/29/2014		
/1		kfollett		_____	lparisi	lparisi	

Vers. Drafted

Reviewed  
4/27/2015

Typed

Proofed  
\_\_\_\_\_

Submitted  
4/29/2015

Jacketed  
4/29/2015

Required

FE Sent For:

*None  
Needed*

<END>

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/5/2014** Received By: **emueller**  
Wanted: **As time permits** Same as LRB: **-2329**  
For: **Transportation** By/Representing: **John Etzler**  
May Contact: Drafter: **zwyatt**  
Subject: **Transportation - traffic laws** Addl. Drafters:  
Extra Copies: **ARG, EVM**

Submit via email: **YES**  
Requester's email: **JohnM.Etzler@dot.wi.gov**  
Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**  
**aaron.gary@legis.wisconsin.gov**  
**eric.mueller@legis.wisconsin.gov**

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/1		kfollett		_____	sbasford		

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4/27/2015

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FE Sent For:

<END>



# LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL

Wisconsin Department of Transportation

DT1586 6/2014 (see DT1605)

**Instructions:** Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s).

Include this form with your budget submittal materials or return one completed copy to: Office of Policy, Budget & Finance (OPBF), Attention: Paul Hammer.

Forms are available at: <http://dotnet/forms/authorized.htm>.

Short Title of Topic

Flashing Yellow Arrow Statutory Language

Type of Proposal <input type="checkbox"/> Budget <input checked="" type="checkbox"/> Non-Budget	<b>OGC OFFICE USE ONLY</b> "T" Number Assigned	"B" Number Assigned	"NB" Number Assigned 2015-23
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Date Submitted

7/2/14

Division(s)

DTSD

OPBF Contact Person

Linda Merriman Hitchman

(Area Code) Telephone Number

(608) 266-1585

Lead Division Contact Person

Mae Knowles (Joanna Bush)

(Area Code) Telephone Number

(608) 266-8370

OGC Contact Person

John Sobotik

(Area Code) Telephone Number

(608) 267-9320

Define Problem Precisely

In 2009, FHWA updated the MUTCD to prohibit the use of a green ball in the far side median or overhead in front of an exclusive left turn lane. This means that any time a traffic signal is operated with a permissive left turn phase and the signal head is located overhead or in the far side median, it must include a flashing yellow arrow. According to the statutes, a driver is required to stop at a yellow, unless unable to safely do so (346.37(b)). The statutes also contains a definition for a flashing yellow (caution signal) which allows a driver to proceed through a signal with caution (346.39(2)). It does not, however, overrule the language requiring a driver to stop first.

Description of Proposed Change

The state statutes (specifically 346.37 and 346.39) should be modified to include a definition for a flashing yellow arrow that matches the MUTCD definition and does not require a driver to first stop before proceeding with caution.

Justification for Change

Flashing yellow arrows are the standard for any new or reconstructed signals that operate a permissive left turn movement. It is important for both education and enforcement purposes that we give these signals a statutory meaning that coincides with how they are being operated.

Describe any Legislative History and Related Statutory Language

346.37

346.39

**X**

(Division Administrator Signature)

(Date)

**X**

(Division Administrator Signature)

(Date)

**X**

(Division Administrator Signature)

(Date)



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen

1 **AN ACT ...; relating to:** flashing yellow arrow traffic control signals.

***Analysis by the Legislative Reference Bureau***

Under current law, vehicular traffic facing a yellow traffic control signal must stop before entering the intersection unless the stop cannot be made safely. However, vehicular traffic facing a flashing yellow traffic control signal may enter the intersection with caution.

This bill clarifies that vehicular traffic facing a flashing yellow arrow traffic control signal may enter the intersection without stopping after yielding to other traffic lawfully in the intersection. *de*

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2 **SECTION 1.** 346.37 (1) (b) of the statutes is amended to read: ✓  
3 346.37 (1) (b) *Yellow.* ~~When~~ Except as provided in par. (e) and s. 346.39 (2), ✓  
4 when shown with or following the green, traffic facing a yellow signal shall stop  
5 before entering the intersection unless so close to it that a stop may not be made in  
6 safety.

1           **SECTION 2.** 346.37 (1) (e) of the statutes is created to read:

2           346.37 (1) (e) *Flashing yellow arrow*. 1. Vehicular traffic facing a flashing  
3 yellow arrow signal may cautiously enter the intersection to make the movement  
4 indicated by the arrow but shall yield the right-of-way to pedestrians, bicyclists, and  
5 riders of electric personal assistive mobility devices lawfully within a crosswalk and  
6 to other traffic lawfully using the intersection. Vehicular traffic facing a left turn  
7 arrow may make a U-turn unless a sign prohibits U-turns.

8           2. No pedestrian, bicyclist, or rider of an electric personal assistive mobility  
9 device facing such signal shall enter the roadway unless he or she can do so safely  
10 and without interfering with any vehicular traffic.

11           **SECTION 3.** 346.39 (2) of the statutes is amended to read:

12           346.39 (2) FLASHING YELLOW (CAUTION SIGNAL). ~~When~~ Subject to s. 346.37 (1) (e),  
13 when a yellow lens is illuminated with rapid intermittent flashes, operators of  
14 vehicles may proceed through the intersection or past such signal only with caution.

15   **(END)**

**E. Flashing yellow signal indications shall have the following meanings:**

1. Vehicular traffic, on an approach to an intersection, facing a flashing **CIRCULAR YELLOW** signal indication is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a U-turn except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices.

Such vehicular traffic, including vehicles turning right or left or making a U-turn, shall yield the right-of-way to:

- (a) Pedestrians lawfully within an associated crosswalk, and
- (b) Other vehicles lawfully within the intersection.

In addition, vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

2. Vehicular traffic, on an approach to an intersection, facing a flashing **YELLOW ARROW** signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time.

Such vehicular traffic, including vehicles turning right or left or making a U-turn, shall yield the right-of-way to:

- (a) Pedestrians lawfully within an associated crosswalk, and
- (b) Other vehicles lawfully within the intersection.

In addition, vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

3. Pedestrians facing any flashing yellow signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.
4. When a flashing **CIRCULAR YELLOW** signal indication(s) is displayed as a beacon (see Chapter 4L) to supplement another traffic control device, road users are notified that there is a need to pay extra attention to the message contained thereon or that the regulatory or warning requirements of the other traffic control device, which might not be applicable at all times, are currently applicable.

**F. Flashing red signal indications shall have the following meanings:**

1. Vehicular traffic, on an approach to an intersection, facing a flashing **CIRCULAR RED** signal indication shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the rules applicable after making a stop at a **STOP** sign.
2. Vehicular traffic, on an approach to an intersection, facing a flashing **RED ARROW** signal indication if intending to turn in the direction indicated by the arrow shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed with the turn shall be limited to the direction indicated by the arrow and shall be subject to the rules applicable after making a stop at a **STOP** sign.
3. Pedestrians facing any flashing red signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing red signal indication is first displayed.
4. When a flashing **CIRCULAR RED** signal indication(s) is displayed as a beacon (see Chapter 4L) to supplement another traffic control device, road users are notified that there is a need to pay extra attention to the message contained thereon or that the regulatory requirements of the other traffic control device, which might not be applicable at all times, are currently applicable. Use of this signal indication shall be limited to supplementing **STOP (R1-1)**, **DO NOT ENTER (R5-1)**, or **WRONG WAY (R5-1a)** signs, and to applications where compliance with the supplemented traffic control device requires a stop at a designated point.





NO CHANGES

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 AN ACT *to amend* 346.37 (1) (b) and 346.39 (2); and *to create* 346.37 (1) (e) of  
2 the statutes; **relating to:** flashing yellow arrow traffic control signals.

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***Analysis by the Legislative Reference Bureau***

Under current law, vehicular traffic facing a yellow traffic control signal must stop before entering the intersection unless the stop cannot be made safely. However, vehicular traffic facing a flashing yellow traffic control signal may enter the intersection with caution.

This bill clarifies that vehicular traffic facing a flashing yellow arrow traffic control signal may enter the intersection without stopping after yielding to other traffic lawfully in the intersection.

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6 before entering the intersection unless so close to it that a stop may not be made in  
7 safety.

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6 to other traffic lawfully using the intersection. Vehicular traffic facing a left turn  
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10 and without interfering with any vehicular traffic.

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12           346.39 (2) FLASHING YELLOW (CAUTION SIGNAL). ~~When~~ Subject to s. 346.37 (1) (e),  
13 when a yellow lens is illuminated with rapid intermittent flashes, operators of  
14 vehicles may proceed through the intersection or past such signal only with caution.

15   (END)

**Parisi, Lori**

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**From:** Portz, Elisabeth  
**Sent:** Wednesday, April 29, 2015 11:13 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0056/1 Topic: Flashing yellow arrow statutory language (NB 2015-23)

Please Jacket LRB -0056/1 for the ASSEMBLY.