

BAR BULLETIN

KING COUNTY BAR

This is a reprint from the King County Bar Association Bar Bulletin
January 2021

New Rule of the Road in Washington

Bicyclists May Treat Stop Signs as Yield Signs

By Bob Anderton

Just before the pandemic resulted in many of us rarely leaving home, the Washington Legislature changed the basic rules of the road for people riding bicycles. The law went into effect on October 1.

People riding bikes may now treat most stop signs as yield signs, but there are a few exceptions:

1) Railroad Crossings: “A person operating a bicycle approaching a stop sign located at a highway grade crossing of a railroad must follow the requirements of RCW 46.61.345.” RCW 46.61.190(b)(ii).

2) School Buses: “A person operating a bicycle approaching a ‘stop’ signal in use by a school bus, as required under RCW 46.37.190, must follow the requirements of RCW 46.61.370.” RCW 46.61.190(b)(iii).

This new law means that the momentum-saving practice of coasting through stop signs on a bike is now legal, so long as it is permissible under the yield law.

However, the yield statute says more than you might think:

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver

has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: PROVIDED, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of the driver’s failure to yield right-of-way.¹

RCW 46.61.190(3).

Washington’s statutory Rules of Road generally provide that people riding bikes on roads have the same rights and duties applicable to the driver of a motor vehicle “except as to those provisions of this chapter which by their nature can have no application.” See RCW 46.61.755(1).

However, because the new version of RCW 46.61.190 creates different duties at stop signs, a collision after a person on a bike who does not stop at a stop sign arguably would not constitute prima facie evidence of the rider’s failure to yield as it would be for a driver of a motor vehicle, because the statute regarding this presumption specifies “driver” and does not address “a person operating a bicycle.”

That this is the correct interpretation is bolstered by the legislative history. An amendment to SB 6208 that was rejected



proposed adding “unless the collision involved a person operating a bicycle that did not stop at a stop sign” at the end of RCW 46.61.190(3).²

Additionally, SB 6208 also amended the statute that generally provides “traffic laws apply to persons riding bicycles” — RCW 46.61.755(1) — adding “except as provided in RCW 46.61.190.”

The new law may paradoxically make our streets safer by no longer requiring people on bikes to stop for most stop signs. The Senate Committee on Transportation staff summarized the public testimony as follows:

There is a lot to like in this bill, but what made me like it even more was the very different states that have all adopted this policy. Arkansas, Delaware, Idaho, and Oregon do

not usually align on state policy, but they did see the merit of the policy for bicyclists being proposed in this bill. This really is an intuitive change. Allowing cyclists to keep some of their momentum increases safety and traffic flow.

Bicyclists usually stop off to the right at a stop sign, which puts them in a blind spot for some motorists. It is the bicyclist's responsibility to yield if a vehicle is in the intersection or fast approaching the intersection, and this bill will not change that responsibility. The advocates worked hard over the interim, engaging the State Patrol and the Washington Traffic Safety Commission.

Biking is a regular form of transportation for me. The safety stop proposed in the bill is important for me because it is safer and more intuitive. Stopping and starting is the hardest and most vulnerable time for bicyclists. This helps reduce the speed difference between me and the cars around me, and when the car does overtake me, I am out of the intersection which removes some unpredictability and traffic. I prefer to plan my routes so I travel in protected bike lanes or on roads with less vehicle traffic. We have also learned a great deal from other state experiences. Bicyclist injuries declined in Idaho after passage of this law. This legalizes typical behavior.³

RCW 46.61.190 now reads as follows:
Vehicle entering stop or yield intersection—Vulnerable users of a public way—Fine. (Effective October 1, 2020)

(1) Preferential right-of-way may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2)(a) Except when directed to proceed by a duly authorized flagger, or a police officer, or a firefighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop except as provided in (b) of this subsection at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. (b)(i) With the exception of (b)(ii) and (iii) of this subsection, a person operating a bicycle approaching a stop sign shall either:

(A) Follow the requirements for approaching a stop sign as specified in (a) of this subsection; or

(B) Follow the requirements for approaching a yield sign as specified in subsection (3) of this section.

(ii) A person operating a bicycle approaching a stop sign located at a highway grade crossing of a railroad must follow the requirements of RCW 46.61.345.

(iii) A person operating a bicycle approaching a "stop" signal in use by a school bus, as required under RCW 46.37.190, must follow the requirements of RCW 46.61.370.

(3) **[Noted above]**

(4)(a) When right-of-way has not

been yielded in accordance with this section to a vehicle that is a vulnerable user of a public way, a driver of a motor vehicle found to be in violation of this section must be assessed an additional fine equal to the base penalty assessed under RCW 46.63.110(3). This fine may not be waived, reduced, or suspended, unless the court finds the offender to be indigent, and is not subject to the additional fees and assessments that the base penalty for this violation is subject to under RCW 2.68.040, 3.62.090, and 46.63.110.

(b) For the purposes of this section, "vulnerable user of a public way" has the same meaning as provided in RCW 46.61.526(11)(c).

(5) The additional fine imposed under subsection (4) of this section must be deposited into the vulnerable roadway user education account created in RCW 46.61.145. ■

Bob Anderton is the founder Washington Bike Law, a firm that represents injured bicyclists statewide and helps make our streets safer for everyone. Anderton also serves on the boards of Seattle Neighborhood Greenways and Bike Works and was the Bar Bulletin editor from 2001 to 2005.

Washington Bike Law is giving away a pandemic-appropriate zip-front hoodie to the first person who correctly identifies the location of the "All Cars Stop" sign in downtown Seattle. If you know it, or want to talk about Bike Law, email bob@washingtonbikelaw.com.

¹ **Editor's Note:** Only a legislative committee could write a sentence this long.

² <https://app.leg.wa.gov/committeeschedules/Home/Documents/26811>

³ <http://lawfilesexternal.leg.wa.gov/biennium/2019-20/Pdf/Bill%20Reports/Senate/6208-S%20SBR%20APS%2020.pdf?q=20201201150756>