

1 AN ACT relating to pedestrians.

2 WHEREAS, the presence of individuals remaining physically stationary in narrow
3 medians, highway shoulders, and exit ramps presents a significant safety risk to both
4 pedestrians and motorists; and

5 WHEREAS, at the present time, Kentucky lacks a clear statewide standard in the
6 law for this behavior, and law enforcement agencies have reported an increase in
7 dangerous pedestrian presence in non-pedestrian portions of the state-maintained right-
8 of-way; and

9 WHEREAS, the General Assembly wishes to promote roadway safety by restricting
10 stationary pedestrian behavior in rights-of-way that are not designed or designated for
11 pedestrian use, while allowing local governments, in coordination with the Kentucky
12 Transportation Cabinet, to authorize limited exceptions through objective and safety-
13 based permitting;

14 NOW, THEREFORE,

15 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

16 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 189 IS CREATED TO
17 READ AS FOLLOWS:

18 *(1) As used in this section:*

19 *(a) "Local government" means any city, county, consolidated local
20 government, urban-county government, charter county government, or
21 unified local government; and*

22 *(b) "State-maintained right-of-way" means any land, property, or
23 infrastructure under the jurisdiction or maintenance of the Kentucky
24 Transportation Cabinet that is used by the public for transportation
25 purposes, including but not limited to travel lanes, paved and unpaved
26 shoulders, medians, entrance and exit ramps, and adjacent grassy or
27 drainage areas not designated for pedestrian use.*

1 (2) Except as provided in subsection (3) or (4) of this section, a person shall not sit,
2 kneel, recline, stand, or remain physically stationary in any portion of a state-
3 maintained right-of-way that is not designated for pedestrian use.

4 (3) Subsection (2) of this section shall not apply to:

5 (a) Individuals experiencing a medical emergency;
6 (b) Individuals involved in a vehicle-related emergency, provided they remain
7 in the immediate area of the vehicle;
8 (c) Emergency personnel or public utility workers performing their official
9 duties; or
10 (d) Persons located within a pedestrian-designated area such as a sidewalk,
11 marked crosswalk, or transit stop.

12 (4) A local government may by ordinance authorize limited exceptions to subsection
13 (2) of this section if:

14 (a) The ordinance:

15 1. Establishes a clear process by which a person may request and receive
16 authorization by the local government to act in accordance with any
17 adopted exception;

18 2. Applies uniformly; and

19 3. Is based solely on objective criteria that is ministerially applied;

20 (b) Authorization granted by the local government to any person is limited in
21 duration and scope;

22 (c) The local government maintains records of each authorization provided
23 under this subsection that includes a statement of justification for its
24 issuance; and

25 (d) Any ordinance adopted under this subsection, and any authorization
26 granted pursuant thereto, comply with this section and any administrative
27 regulations promulgated by the Transportation Cabinet.

1 **(5) The Transportation Cabinet may promulgate administrative regulations in**
2 **accordance with KRS Chapter 13A to define minimum pedestrian safety**
3 **standards for state-maintained rights-of-way.**

4 ➔Section 2. KRS 189.570 is amended to read as follows:

5 (1) Pedestrians shall obey the instruction of any official traffic control devices
6 specifically applicable to them, unless otherwise directed by a police officer or
7 other officially designated persons.

8 (2) Pedestrians shall be subject to traffic and pedestrian control signals as provided in
9 KRS 189.231 and 189.338.

10 (3) At all other places, pedestrians shall be accorded the privileges and shall be subject
11 to the restrictions stated in this chapter.

12 (4) When traffic control signals are not in place or in operation the operator of a vehicle
13 shall yield the right-of-way, slowing down or stopping if need be to so yield, to a
14 pedestrian crossing the roadway upon which the vehicle is traveling, or when the
15 pedestrian is approaching so closely from the opposite half of the roadway as to be
16 in danger.

17 (5) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked
18 crosswalk at an intersection, to permit a pedestrian to cross the roadway, the
19 operator of any other vehicle approaching from the rear shall not overtake and pass
20 the stopped vehicle.

21 (6) (a) Every pedestrian crossing a roadway at a point other than within a marked
22 crosswalk or within an unmarked crosswalk at an intersection shall yield the
23 right-of-way to all vehicles upon the roadway.

24 (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or
25 overhead pedestrian crossing has been provided shall yield the right-of-way to
26 all vehicles upon the roadway.

27 (c) Between adjacent intersections within the city limits of every city at which

1 traffic control signals are in operation, pedestrians shall not cross at any place
2 except in a marked crosswalk.

3 (d) Notwithstanding other provisions of this subsection or the provisions of any
4 local ordinance, every operator of a vehicle shall exercise due care to avoid
5 colliding with any pedestrian and shall give warning by sounding the horn
6 when necessary and shall exercise proper precaution upon observing a child
7 or an obviously confused or incapacitated person upon a roadway.

8 (7) **The operator of a**~~No~~ vehicle shall **not drive**~~at any time be driven~~ through or
9 within a safety zone.

10 (8) The operator of a vehicle shall yield the right-of-way to any pedestrian on a
11 sidewalk.

12 (9) **A**~~No~~ pedestrian shall **not** suddenly leave a curb or other place of safety and walk
13 or run into the path of a vehicle which is so close as to constitute an immediate
14 hazard.

15 (10) **A**~~No~~ pedestrian shall **not** cross a roadway intersection diagonally unless
16 authorized by official traffic control devices; and, when authorized to cross
17 diagonally, pedestrians shall cross only in accordance with the official traffic
18 control devices pertaining to such crossing movements.

19 (11) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

20 (12) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any
21 pedestrian to walk along and upon an adjacent roadway.

22 (13) Where a sidewalk is not available, any pedestrian walking along and upon a
23 highway shall walk only on a shoulder, as far as practicable from the edge of the
24 roadway.

25 (14) Where neither a sidewalk nor a shoulder is available, any pedestrian walking on or
26 along a highway shall walk as near as practicable to an outside edge of the roadway,
27 and, if on a two-way roadway shall walk only on the left side of the roadway.

- 1 (15) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall
2 yield the right-of-way to all vehicles upon the roadway.
- 3 (16) A pedestrian who is under the influence of alcohol or any kind of drug to a degree
4 which renders himself ***or herself*** a hazard shall not walk or be upon a highway
5 except on a sidewalk.
- 6 (17) ~~A~~~~No~~ pedestrian shall **not** enter or remain upon any bridge or approach thereto
7 beyond the bridge signal, gate, or barrier, after a bridge operation signal indication
8 has been given.
- 9 (18) ~~A~~~~No~~ pedestrian shall **not** pass through, around, over, or under any crossing gate or
10 barrier at a railroad grade crossing or bridge while such gate or barrier is closed or
11 is being opened or closed.
- 12 (19) ~~A~~~~No~~ person shall **not** stand in a roadway for the purpose of soliciting a ride.
- 13 (20) ~~A~~~~No~~ person shall **not** stand on a roadway for the purpose of soliciting
14 employment or business from the occupant of any vehicle.
- 15 (21) ~~A~~~~No~~ person shall **not** stand on a highway for the purpose of soliciting
16 contributions unless such soliciting is designated by the presence of a traffic control
17 device or warning signal or an emergency vehicle or public safety vehicle as
18 defined in KRS 189.910 making use of the flashing, rotating or oscillating red, blue,
19 or yellow lights on such devices or vehicles.
- 20 (22) ~~A~~~~No~~ person shall **not** stand on or in proximity to a street or highway for the
21 purpose of soliciting the watching or guarding of any vehicle while parked or about
22 to be parked on a street or highway.
- 23 (23) **A person shall not occupy any portion of a state-maintained right-of-way in**
24 **violation of Section 1 of this Act.**
- 25 (24) Upon the immediate approach of an emergency vehicle equipped with~~the~~ and
26 operating~~the~~ one (1) or more flashing, rotating, or oscillating red or blue lights~~the~~
27 visible under normal conditions from a distance of **five hundred** (500) feet to the

1 front of such vehicle, and the operator of which is giving audible signal by siren,
2 exhaust whistle, or bell, every pedestrian shall yield the right-of-way to the
3 emergency vehicle.

4 (25){(24)} This section shall not relieve the operator of an emergency vehicle from the
5 duty to:

6 (a) Drive with due regard for the safety of all persons using the highway; and
7 (b) ~~[nor from the duty to]~~Exercise due care to avoid colliding with any
8 pedestrian.