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# **Major Traffic Laws Relating to Pedestrians in Western Australia**

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**For Main Roads WA**

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**Disclaimer:**

This paper was prepared at the request of Main Roads WA. It provides a précis and interpretation of the major traffic laws that relate specifically to pedestrians in Western Australia as contained in the Road Traffic Code 2000 at July 2002. Courts have ultimate responsibility for interpretation of Law and the interpretation of particular road traffic regulations in this paper should not be taken as having any legal standing. Readers should refer directly to Road Traffic Regulations rather than rely on the interpretations placed on them in this document. Readers should also be aware that the laws change from time to time and it is the responsibility of all road users to be aware of those changes.

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# Major Traffic Laws Relating to Pedestrians

## 1. General

There are many laws that relate to road users in Western Australia. The ones that are most directly related to road safety are the *Road Traffic Act 1974* and subsidiary regulations. These laws support the design requirements of roads, define where the provisions apply and define the legal requirements with which vehicles, riders, drivers, pedestrians and others must comply when using roads.

The majority of laws that govern the behaviour of pedestrians (as well as other road users) are contained in the *Road Traffic Code 2000*. These are regulations under the Road Traffic Act 1974. Of course civil laws such as “duty of care” may also apply but is not discussed in this paper. Suffice it to say that everyone owes a duty of care to others.

The term “roads” is defined under the Road Traffic Act and includes the parts that we normally refer to as carriageways, paths and nature strips – which are separately defined in the Road Traffic Code.

Pedestrians are users of “roads” as are vehicles. Laws are essentially to provide safety for users, to allocate blame in the case of crashes and to impose penalties on offenders. The object of penalties is to attempt to modify the behaviour of offenders. It must be appreciated that complying with the law does not automatically ensure safety. This is very important for pedestrians since they are most vulnerable to injury in conflicts with other users. By far the majority of crashes are caused by human error and everyone should be very cautious when using roads.

Penalties are provided for in the Act and in Regulations. While the Road Traffic Code 2000 imposes penalties for breaches of traffic laws by way of infringements, those penalties are generally less than penalties that may otherwise be imposed under the Act.

The major laws that apply to pedestrians using ‘roads’ in Western Australia are outlined in this paper. The laws have been interpreted to suit the circumstances of roads and traffic devices that are installed on roads in many situations in Western Australia.

## 2. National Uniformity of Laws

In December 2000 Western Australia adopted, with a few exceptions, the Australian Road Rules (ARRs). These rules include the major traffic laws that apply to road users. They were initiated by the Federal Government as part of a National Transport Law Reform program. The majority of the ARRs are included in the Road Traffic Code 2000. The main exceptions are –

- a retention of the open speed limit of 110km/h (all other States except the Northern Territory and WA have 100km/h as the open limit)
  - continuing to allow vehicles to right turn across double continuous centrelines (which is disallowed in other jurisdictions)
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### 3. Definitions

The main traffic law definitions that are relevant to pedestrians are as follows.

#### Road Traffic Act

**“road”** means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon;

#### Road Traffic Code 2000

**“children’s crossing”** means a portion of a carriageway between 2 parallel broken or unbroken lines, each approximately 150 mm wide and not more than 5 m apart marked across, or partly across the carriageway and near which “children crossing – stop” signs are displayed and, where the lines are so marked partly across a carriageway, includes the portion of the carriageway between the prolongation of those lines;

Children crossing - stop signs



**“footpath”** means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;

**“marked foot crossing”** means a portion of a carriageway —

- (a) at a place with pedestrian lights facing pedestrians crossing the carriageway, and traffic-control signals facing drivers driving on the carriageway; and
- (b) indicated by a different road surface, or between 2 continuous or broken lines, or rows of studs or markers, on the road surface substantially from one side of the carriageway to the other;

**“motorised wheelchair”** means a motorised wheelchair that is designed so as to be not capable of a speed exceeding 10 km/h;

**“pedestrian”** means any person on foot or in a perambulator, or a physically disabled person in an unmotorised wheelchair or in a motorised wheelchair, and includes —

- (a) a person pushing a perambulator or wheelchair;
  - (b) a person wheeling a bicycle or a wheeled toy, if the person is completely dismounted from the bicycle or wheeled toy;
  - (c) a person in or on a wheeled recreational device; and
  - (d) a person under 12 years of age in or on a wheeled toy;
-

**“pedestrian crossing”** means a portion of a carriageway —

- (a) defined —
  - (i) by white stripes; or
  - (ii) by white or yellow stripes (according to the colour of the carriageway) and the portions of the carriageway lying between those stripes,
 in such a manner that each stripe is approximately parallel to the centre of the carriageway; and
- (b) near each end of which may be erected, on each side of the carriageway, so as to be clearly visible to an approaching driver, a “pedestrian crossing” sign;

Pedestrian crossing sign  
(background in yellow)



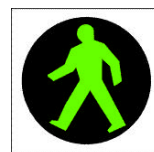
**“pedestrian light”** means a device designed to show, at different times —

- (a) a red pedestrian light – being either an illuminated red pedestrian symbol (whether or not flashing), or the words ‘**don't walk**’ illuminated in red (whether or not flashing); or
- (b) green pedestrian light – being an illuminated green pedestrian symbol, or the word ‘**walk**’ illuminated in green (whether or not flashing);

Red pedestrian light showing red pedestrian symbol



Green pedestrian light showing green pedestrian symbol



**“pedestrian mall”** means any road or portion of a road that is designated as a pedestrian mall by signs erected thereon or adjacent thereto;

**“separated footpath”** means a length of footpath beginning at a “separated footpath” sign or a “separated footpath” road marking, and ending at the nearest of the following:

- (a) an “end separated footpath” sign or an “end separated footpath” road marking;
  - (b) a “no bicycles” sign, or a “no bicycles” road marking;
  - (c) a “bicycle path” sign or “bicycle path” road marking;
  - (d) a carriageway;
  - (e) the end of the path;
-

Separated footpath sign



End separated footpath sign

No bicycles sign  
(circle and slash in red)

Bicycle path sign



“**shared path**” means an area open to the public (except a separated footpath) that is designated for, or has as one of its main uses, use by both the riders of bicycles and pedestrians, and includes a length of path beginning at a “shared path” sign and ending at the nearest of the following:

- (a) an “end shared path” sign;
- (b) a “no bicycles” sign, or a “no bicycles” road marking;
- (c) a “bicycle path” sign;
- (d) a carriageway;
- (e) the end of the path;

Shared path sign



End shared path sign



Bicycle path sign



“**shared zone**” means the network of roads in an area with—

- (a) a “shared zone” sign on each road into the area, indicating the same number; and
- (b) an “end shared zone” sign on each road out of the area;

Shared zone sign  
(circle in red)

End shared zone sign



*Note* There are a number of other permitted versions of each of these signs.

“**slip lane**” means an area of carriageway for vehicles turning left that is separated, at some point, from other parts of the road by some form of painted island or traffic island;

“**wheeled recreational device**” means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play—

- (a) including—
- (i) in-line skates, rollerskates, a skateboard or similar wheeled device;
  - (ii) a scooter being used by a person aged 12 years of age or older; and
  - (iii) a unicycle,
- but
- (b) not including a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy;

#### 4. Regulations Relating to Parts of Roads

The following provides an interpretation of the regulations that apply to various parts of roads as they relate specifically to pedestrians.

##### 4.1 Paths

There are four types of paths – *footpaths*, *separated footpaths*, *shared paths* and *bicycle paths*. Traffic regulations allow the following use of each -

- **Footpaths**

*Footpaths* are for the use of pedestrians (including wheelchairs), skaters, scooters (push type) and bicycles ridden by children under the age of 12 may use *footpaths*. Bicyclists and skaters may be banned from some paths. Bicycles, scooters and skaters must keep left, ride in single file and give way to pedestrians on footpaths. Vehicles crossing paths must give way to all users of footpaths.

- **Separated footpaths**

Signs designate these paths. They are separated longitudinally by some physical means into two parts – one part for pedestrians and the other for bicyclists. The separation might be a line or different surface type or colour (with signs or markings to show which part is for use by bicycles and pedestrians). Bicyclists of any age may use the bicycle part of the *separated footpath*. Bicycles are allowed to cross the pedestrian part but must give way to pedestrians and other users of the pedestrian part. On the bicycle part, pedestrians crossing it must give way to bicycles. Skaters can ride on the bicycle part of separated footpaths. There are few of these types of paths in WA.

- **Shared paths**

These are paths designated by signs that pedestrians, skaters, scooters and bicyclists of any age may use. Other users must give way to pedestrians. Bikes, scooters and

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skaters must keep left. Action is currently proceeding to allow the option of pavement markings to designate a shared path.

- **Bicycle paths**

These paths are for use by bicycles as shown on signs or markings. However, skaters etc and wheelchairs may use them provided they give way to bicycles.

## 4.2 Wheeled Recreational Devices (WRDs)

People using WRDs (skates, skateboards, scooters etc) are a category of *pedestrian* and in most regards they are required to obey the same laws as pedestrians. While some of the special provisions that relate to WRDs are mentioned in the above, there are several other important regulations that relate to their use. For instance regulation 206 prohibits travel by WRDs on carriageways that have dividing lines or lane lines, or those that have median strips. They are also not permitted to travel on carriageways where the speed limit is higher than 50km/h. In essence they are restricted to local streets. Regulation 207 also requires that they keep left on carriageways and travel in single file, while regulation 210 prohibits WRD riders from being drawn by vehicles or travelling close to the rear of vehicles.

## 4.3 Bicycling on footpaths in Australia

While the majority of traffic laws are the same throughout Australia there are some differences. The use of footpaths is one area where there are currently differences. The following table shows the variations that currently occur in various jurisdictions.

### Use of Footpaths – Various Jurisdictions

Jurisdiction	Allowed
WA	Children under 12
SA	Children under 12
Victoria	<ul style="list-style-type: none"> <li>• Children under 12 and</li> <li>• the rider of the bicycle 18 years old or older; and</li> <li>• the rider is accompanying a child under 12 years of age who is riding a bicycle on the footpath; and</li> <li>• the child is under the rider's supervision.</li> </ul>
NSW	<ul style="list-style-type: none"> <li>• Children under 12 and</li> <li>• Adults (at least 18 years old) accompanying a child under 12 years old <ul style="list-style-type: none"> <li>• A person under 18 riding with an adult who is responsible for the child rider</li> </ul> </li> </ul>
Queensland	People of any age
NT	People of any age
ACT	People of any age
Tasmania	People of any age

The use of footpaths by bicycles is currently under review in WA.

#### 4.4 Use of Nature Strips

Nature strips are the part of a road between the edge of a carriageway (where vehicles travel) and property boundaries, but not including paths. Pedestrians can walk on nature strips and any vehicles crossing or using nature strips must give way to pedestrians [Regulations 57(1) and 58].

#### 4.5 Use of Carriageways

The use of carriageway by pedestrians can be separated into two parts – walking along carriageways and crossing carriageways.

##### 4.5.1 Walking Along Carriageways

It is important that pedestrians be aware that if a path is available to walk on then walking along the road is illegal. If there are no paths on which to walk, pedestrians must walk on nature strips rather than the carriageway (Regulation 203). If the nature strip is not fit-for-use by pedestrians then they can only walk on the side of the carriageway facing on-coming traffic. If a vehicle is approaching a pedestrian on a carriageway the pedestrian must step off the carriageway. This is a safety requirement since more pedestrians are injured when walking with their back to traffic. It should also be noted that hitch hiking while standing on the carriageway, which includes the shoulder, is illegal (regulation 259).

##### 4.5.2 Walking Across Carriageways

There are many laws with which pedestrians are required to comply when crossing carriageways. In some instances vehicles are required to give way to pedestrians crossing carriageways while in others the opposite is required. Notwithstanding that one has to give way to another, the law also requires all user to avoid a collision if one can be avoided. A precis of the laws that apply to pedestrians crossing or on carriageways is as follows.

##### a) Crossing at Intersections

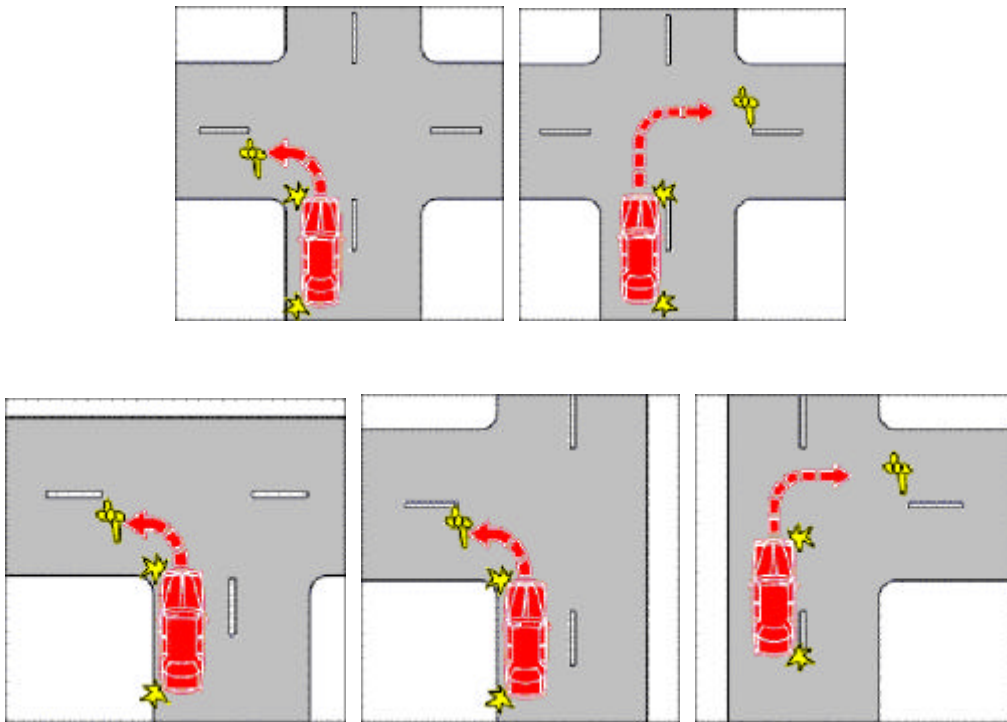
Depending on the facility or control at an intersection the requirements of traffic law varies as far as pedestrians are concerned. A precis follows.

- **Intersections (other than slip lanes) Without Traffic Control Signals or Crossing Device**

At intersections (other than a *slip lane*) that have Stop or Give Way signs or no signs or do not have traffic control signals, regulations 50(4), 52(2), 55(3), 55(6), 56(2), 56(4) and 56(6) require vehicles turning left, right and U turning to give way to pedestrians crossing the carriageway the driver is entering. **These laws do not apply at roundabouts.**

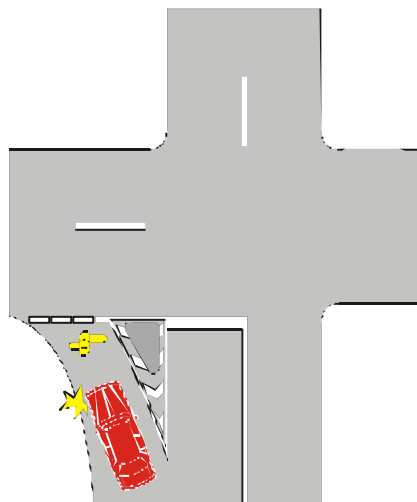
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**Diagrams showing turning vehicles requiring to give way to pedestrians.**



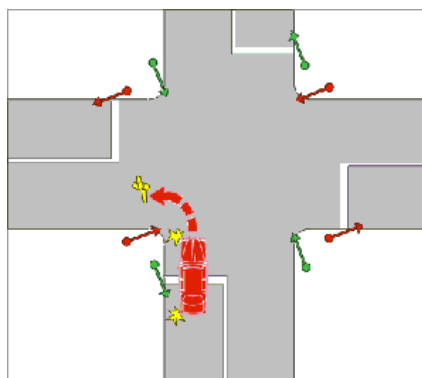
- **Slip Lanes**

The definition of a slip lane requires a particular road layout. Vehicles using slip lanes that are not controlled by traffic lights (traffic control signals) are required to give way to pedestrians crossing a slip lane. The following diagram demonstrates this.



- **Intersections with Traffic Control Signals**

At intersections without *pedestrian lights* (WALK lights) regulation 198 of the Code requires that pedestrians do not commence crossing if the traffic control signals show a circular red light or yellow light for road traffic on the road parallel to the direction of travel of the pedestrian. If, while a pedestrian is crossing a carriageway with a green signal, the signals change to a circular red or circular yellow signal, pedestrians are not permitted to stay on the carriageway for longer than is necessary to cross to the median or traffic island or the nearest side of the carriageway. Regulation 45(3) requires turning traffic to give way to all pedestrians crossing the carriageway the driver is entering.



At intersections with traffic control signals and *pedestrian lights* regulation 197 requires that pedestrians only cross when the pedestrian light for the carriageway being crossed is green. These crossings are called *marked foot crossings*. If the pedestrian light turns to flashing red pedestrians must not commence crossing. If crossing has commenced and the pedestrian lights turn to flashing red, pedestrians must not stop on the carriageway for longer than is necessary to cross to the nearer of the median or traffic island or the nearest side of the carriageway. If a pedestrian button is not available on the island, a pedestrian can complete crossing when the signals for traffic display a green light or flashing yellow and it is safe to do so. Or a pedestrian may wait for the pedestrian light to turn green.

Diagonal crossing at intersections is not allowed unless the intersection is controlled by traffic control signals and it also has *pedestrians may cross diagonally* sign installed at the intersection (regulation 196). This sign allows pedestrians to cross diagonally and is only installed when vehicular traffic is stopped on all approaches at the one time (pedestrian lights are green on all carriageways).

Pedestrians may cross diagonally sign



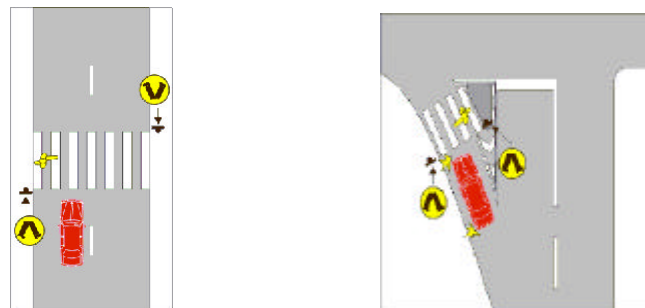
**b) Crossing carriageways on or near a crossing for pedestrians (other than at an intersection)**

- **Mid-block *marked foot crossing***

These crossings are defined the same as pedestrian light controlled crossings at intersections. The operational difference relates to the traffic control signals that control vehicles on the carriageway. Regulation 199 requires pedestrians to not cross a carriageway within 20 metres of a *marked foot crossing*. It also requires that pedestrians not stay on the carriageway for longer than is necessary to cross safely (allowance is made for helping someone else across the carriageway). In all other regards pedestrians are required to obey the pedestrian lights as mentioned above (intersection traffic control signals with pedestrian lights).

- ***Pedestrian crossings* (regulations 62, 63, 144, 199 & 214)**

These crossings are more commonly called zebra crossings. Vehicles are required to give way to pedestrians on a pedestrian crossing and to not overtake another vehicle stopping or stopped at a pedestrian crossing. If a pedestrian wishes to cross a carriageway and is within 20m of a pedestrian crossing, the crossing must be used.



- ***Children's crossings* (regulations 61, 62)**

A *children's crossing* only exists while a guard displays the flag/sign. Vehicles must stop before the crossing and give way to pedestrians on the crossing while the flag/sign is displayed.



## 4.6 Miscellaneous

- **Pedestrians crossing Roads Generally (regulation 196)**

Pedestrians are required to only cross a carriageway (other than in a *shared zone* or at an intersection where diagonal crossing may be permitted) by the shortest safe route and not stay on the carriageway for longer than is necessary to cross safely.

- **Alighting from or boarding moving vehicles (regulation 202)**

A person is not permitted to alight from or board a moving vehicle unless engaged in door to door deliveries and provided the vehicle is not travelling at more than 5km/h.

- **Pedestrians to not cause an obstruction (regulation 201)**

Pedestrians are not to obstruct or prevent the free passage of any other pedestrian or vehicle on a path or carriageway

- **Level crossings (regulation 200)**

Pedestrians must not cross a level crossing if warning lights are illuminated or flashing or bells are ringing or a gate or barrier at the crossing is closed or a train is approaching.

- **Shared Zones (regulations 11, 64)**

*Shared Zones* are lengths of a carriageway or a network of carriageways where *shared zone* signs are installed on the entry points. In *shared zones* vehicles must give way to pedestrians and vehicles are limited to a speed of 10km/h. Pedestrians are permitted to walk anywhere in *shared zones* and are not restricted by laws that relate to crossing carriageways elsewhere.



- **Pedestrians on Freeways and other places (reg 195)**

Pedestrians are not permitted (except in an emergency or breakdown) to walk within a freeway reservation other than on paths. A *road access* sign applies on all entries to freeways. These list users who are not permitted on the freeway or beyond the signs. Similar signs banning pedestrians may be installed on other roads.

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