

MEMO FROM EMMETT MAYOR GORDON W. PETRIE

SUBJECT: THE RIGHTS OF PEDESTRIANS VS. OUR COGNITIVE DISSONANCE

As a community, we should consider cease being so pedestrian when it comes to our pedestrians. To be clear, pedestrians should never be viewed as little more than speedbumps. In the last year, Emmett has experienced four pedestrian-vehicular “meeting engagements”. Shouldn’t we be more attentive? Do we care so little about our neighbors who walk?

We often hear complaints about how this or that intersection is so dangerous when it comes to pedestrians. Let’s check the facts. If the speed limit is 20 miles per hour (it usually is), and the cross walk is clearly marked (or if it’s faded or an unmarked intersection, at least it’s an intersection) what makes it so dangerous? Two things: drivers not obeying the laws, e.g., speeding or traveling too fast for conditions then existing, perhaps messing with cell phones or radios, or simply not being attentive as the law requires, sometimes coupled with pedestrians not performing their duties. Does there exist a misunderstanding of duties on both sides that needs clearing up?

We would do well to remember that pedestrians in crosswalks get the benefit of the doubt in most instances under our laws, not those encased in metal, plastic and glass and traveling at a far greater speed. Still, pedestrians must do their part, as well. Frankly, I can’t tell you the number of times I’ve stepped down into the cross walk between the courthouse and city hall on my way to the park, with an oncoming vehicle far enough away for its driver to see me in order to slow down or stop as necessary (and too often with me almost to the half-way point of the cross walk) only to have that vehicle simply whiz through the cross walk.

On several occasions when motor vehicles have invaded the cross walk I use, the driver has looked up from his or her phone held low to act as though I’m some kind of nuisance having the audacity to cross Main when they need to drive where I’m walking. That seems like the opposite attitude to have when it comes to pedestrians.

Idaho law relating to pedestrians is not complicated. The general rule is found in Idaho Code 49-702 (1): “When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping, if need be, to yield to a pedestrian crossing the highway within a crosswalk”. To be certain, as with most general provisions, subsection (1) does not amount to a carte blanche grant of authority to pedestrians, as subsection

(2) of 49-702 makes clear: “No pedestrian shall suddenly leave the curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.”

We see, then, the following pattern: drivers must yield to pedestrians in a crosswalk who were safely there first. On the other hand, pedestrians should not jump out in front of a car and expect the law to back them when it’s their own darn fault they got smacked. Nothing too hard there, except, of course, the common sense part.

But there’s more. What about crossing in the middle of a road? Isn’t that J-Walking? Not necessarily. When no adjacent intersections exist where traffic control signals are operating, such as we see block after block in Boise, a pedestrian may cross a highway at any point other than at either a marked crosswalk or at an unmarked crosswalk at an intersection, provided the pedestrian yields to vehicular traffic (Idaho Code 49-704). Hence, the pedestrian’s failure to yield constitutes the violation, not crossing in the middle of the street.

Pedestrians also yield to emergency vehicles (Idaho Code 49-705). Nevertheless, drivers of vehicles yield “the right-of-way to any individual with a disability carrying a clearly visible white cane or accompanied by a service dog,” (Idaho Code 49-706), which, on its face, seems to provide an exception to the rule of Idaho Code 49-704 where the pedestrian yields to the vehicle. Still, nothing complicated about pedestrian law with the possible exception of the emergency vehicle versus the disabled pedestrian with white cane or service dog. Regardless, that minute exception of exceptions need not distract the vast majority of us who do not drive emergency vehicles.

While we might harbor inconsistent thoughts, beliefs or attitudes about the “tyranny” of pedestrian rights—our cognitive dissonance—as citizens we still need to honor them. We must be mindful that citizens who make an honest effort to do the right thing just might be the only glue that holds together our fragile Republic. This is why Benjamin Franklin answered the way he did when asked from the crowd what kind of government the drafters of the US Constitution had given our nascent country: “A Republic, madam, if you can keep it!”

Simply by obeying just and common-sense laws, we do our small part to keep that Republic. This amounts to little more than operating in the original Golden Rule. Indeed, the very rule the Founders counted on us to follow. How revolutionary!