

## **PART 7 - RIGHTS-OF-WAY**

### **701. Vehicles approaching or entering intersection.**

- (1) When two (2) vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (2) The foregoing rule is modified at through highways and otherwise as stated in Sections 702 to 704. (Ord. 016, 2003 §1)

### **702. Vehicle turning left.**

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. (Ord. 016, 2003 §1)

### **703. Entering through highway - stop or yield intersection.**

- (1) The City Traffic Engineer, may erect and maintain stop signs, yield signs or other official traffic control devices to designate through highways or to designate intersections or other roadway junctions at which vehicular traffic on one (1) or more of the roadways is directed to yield or to stop and yield before entering the intersection or junction. In the case of state highways, such regulations shall be subject to the provisions of Section 43-2-135(1)(g), C.R.S.
- (2) Every sign erected pursuant to Subsection (1) of this Section shall be a standard sign adopted by the Colorado Department of Transportation.
- (3) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the 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 it. After having stopped, 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 when such driver is moving across or within the intersection or junction of roadways.
- (4) The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow 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 the 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 it. 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; except that, if 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 his or her failure to yield right-of-way.

- (5) Where stops signs have been erected on all corners at an intersection, the first vehicle arriving at the intersection shall, after having stopped, have the right-of-way; and when two (2) or more vehicles have arrived at an intersection from different streets at approximately the same time, the driver of the first vehicle on the right, having first stopped, shall have the right-of-way. (Ord. 016, 2003 §1)

**704. Vehicle entering roadway.**

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. (Ord. 016, 2003 §1)

**705. Operation on approach of emergency vehicles.**

- (1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of Section 213 or 222, the driver of every other vehicle shall yield the right-of-way and where possible shall immediately clear the farthest left-hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer or emergency services personnel.
- (2) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of Section 213 or 222, every pedestrian shall yield the right-of-way to the authorized emergency vehicle and shall leave the roadway and remain off the same until said vehicle has passed, except when otherwise directed by a police officer or emergency services personnel. (3) A driver in a vehicle that is approaching or passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating or oscillating red, blue or white lights as permitted by Section 213 or 222 shall exhibit due care and caution and proceed as described in Paragraphs (a) and (b) of this Subsection (3). Any person who violates Subsection (3) of this Section commits careless driving as described in Section 1402.

- (a) On a highway with at least two (2) adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one (1) moving lane apart from the stationary authorized emergency vehicle, unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in Paragraph (b) of this Subsection (3).
- (b) On a highway that does not have at least two (2) adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, or if movement by the driver of the approaching vehicle into an adjacent moving lane, as described in Paragraph (a) of this Subsection (3), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized vehicle, weather conditions, road conditions and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel. (Ord. 016, 2003 §1; Ord. 085, 2005 §9)

**706. Obedience by drivers and pedestrians to railroad signal.**

- (1) Any driver of a motor vehicle approaching a railroad crossing sign shall slow down to a speed that is reasonable and safe for the existing conditions. If required to stop for a traffic control device, flag person or safety before crossing the railroad grade crossing, the driver shall stop at the marked stop line, if any. If no such stop line exists, the driver shall:
  - (a) Stop not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of the railroad grade crossing and shall not proceed until the railroad grade can be crossed safely; or
  - (b) In the event the driver would not have a reasonable view of approaching trains when stopped pursuant to Paragraph (a) of this Subsection (1), stop before proceeding across the railroad grade crossing at the point nearest such crossing where the driver has a reasonable view of approaching trains and not proceed until the railroad grade can be crossed safely.
- (2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed, nor shall any pedestrian pass through, around, over or under

any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed. (Ord. 016, 2003 §1)

**707. Certain vehicles must stop at railroad grade crossings.**

- (1) Except as otherwise provided in this Section, the driver of any commercial vehicle that is transporting passengers, any school bus carrying any school child or any vehicle carrying hazardous materials which is required to be placarded in accordance with regulations issued pursuant to Section 42-20-108, C.R.S., before crossing at grade any tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely. After stopping as required in this Section and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not manually shift gears while crossing the tracks.
- (2) When stopping as required at such railroad crossing, the driver shall keep as far to the right of the roadway as possible and shall not form two (2) lanes of traffic unless the roadway is marked for four (4) or more lanes of traffic.
- (3) Subsection (1) of this Section shall not apply at:
  - (a) Any railroad grade crossing at which traffic is regulated by a traffic control signal;
  - (b) Any railroad grade crossing at which traffic is controlled by a police officer, emergency services personnel or human flag person;
- (4) For the purposes of this Section, the definition of hazardous materials shall be the definition contained in the rules and regulations adopted by the Chief of the Colorado State Patrol pursuant to Section 42-20-108, C.R.S. (Ord. 016, 2003 §1; Ord. 109, 2006 §8)

**708. Moving heavy equipment at railroad grade crossing.**

- (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this Section.

- (2) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time shall be given to such railroad to provide proper protection at such crossing.
- (3) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
- (4) No such crossing shall be made when warning is given by automatic signal, crossing gates, a flag person or otherwise of the immediate approach of a railroad train or car. (Ord. 016, 2003 §1)

**709. Stop when traffic obstructed.**

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding the indication of any traffic control signal to proceed. (Ord. 016, 2003 §1)

**710. Emerging from or entering alley, driveway or building.**

- (1) The driver of a vehicle emerging from an alley, driveway, building, parking lot or other place, immediately prior to driving onto a sidewalk or into the sidewalk area extending across any such alleyway, driveway or entranceway, shall yield the right-of-way to any pedestrian upon or about to enter such sidewalk or sidewalk area extending across such alleyway, driveway or entranceway, as may be necessary to avoid collision, and when entering the roadway shall comply with the provisions of Section 704.
- (2) The driver of a vehicle entering an alley, driveway or entranceway shall yield the right-of-way to any pedestrian within or about to enter the sidewalk or sidewalk area extending across such alleyway, driveway or entranceway.
- (3) No person shall drive any vehicle other than a bicycle, electrical assisted bicycle or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway. (Ord. 016, 2003 §1; Ord. 097, 2009 §22)

**711. Driving on mountain highways.**

- (1) The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the

right-hand edge of the highway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of two hundred (200) feet along the highway.

- (2) On narrow mountain highways with turnouts having a grade of six (6) percent or more, ascending vehicles shall have the right-of-way over descending vehicles, except where it is more practicable for the ascending vehicle to return to a turnout. (Ord. 016, 2003 §1)

**712. Driving in highway work area.**

- (1) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian engaged in work upon a highway within any highway construction or maintenance work area indicated by official traffic control devices.
- (2) The driver of a vehicle shall yield the right-of-way to any authorized service vehicle engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of Section 214.
- (3) The City, in cooperation with law enforcement agencies, may train and appoint adult civilian personnel for special traffic duty as highway flag persons within any highway maintenance or construction work area. Whenever such duly authorized flag persons are wearing the badge, insignia or uniform of their office are engaged in the performance of their respective duties, and are displaying any official hand signal device of a type and in the manner prescribed in the adopted state traffic control manual or supplement thereto for signaling traffic in such areas to stop or to proceed, no person shall willfully fail or refuse to obey the visible instructions or signals so displayed by such flag persons. (Ord. 016, 2003 §1)