

OPINION
57-220

April 8, 1957 (OPINION)

TRAFFIC

RE: Control Signals - Right Turn

The following comments constitute my opinion concerning your request of April 6, 1957:

Section 6, chapter 237, of the North Dakota 1955 Session Laws, states:

"Whenever traffic is controlled by traffic-control signals exhibiting the words "Go", "Caution, or "Stop", or exhibiting different colored lights successively one at a time or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows: . . . 2. Yellow alone or "Caution" when shown following the green or "Go" signal: a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "stop" signal is exhibited; . . ."

However, subsection 4, section 6, chapter 237, of the North Dakota 1955 Session Laws, states:

"4. Red with Green Arrow: a. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection;"

Subsection 2, as cited above, does limit the vehicle to a standing position when a red light or a stop signal is on display; however, subsection 4, as cited above, states by implication that subsection 2 can be modified by using a green arrow in connection with the red light or stop signal.

So, it can be said that if the red light or stop signal is used with a green arrow, indicating a particular or restricted turn, then a turn to the right can be made, even though a red light or stop signal is on display at the time.

It is to be noted however that the foregoing rules apply only if and when the Highway Commissioner should adopt the above type signal according to section 24-0109 of the 1953 Supplement to the N.D.R.C. of 1943.

This office has been informed that the Highway Commissioner has not adopted a traffic control device allowing a right turn on a red light under any circumstances, hence such a light or device is not allowable under the law.

LESLIE R. BURGUM

Attorney General