**05.11 RIGHT-OF-WAY -- DEFINITION**

The term right-of-way means the right of one vehicle or pedestrian to proceed in preference to another vehicle or pedestrian approaching under circumstances where direction, speed and proximity give rise to danger of collision. The person with the right-of-way has the right to assume that other persons will allow (him/her) to go ahead before they move across (his/her) line of travel. Nonetheless, no right-of-way is absolute, and the person with the right-of-way must exercise reasonable care to avoid a collision.

# Use Note

This instruction should be given in all cases in which an issue of right-of-way is raised.

Comment

This instruction is based on 13 Alaska Admin. Code § 40.010(43) (right-of-way defined) and the rule of law articulated in Hundley v. United States, 131 F. Supp. 655, 658 (D. Alaska 1955).

The duty to exercise reasonable care, particularly with respect to the duty to maintain a proper lookout for the other vehicles, with the right-of-way in some circumstances. For example, the Alaska Supreme Court has held that when the driver of a vehicle in the right-hand lane, intending to pass through an intersection, sees the lane of traffic to his left is blocked and his view of the intersection is obstructed, reasonable care calls for the driver to slow down and proceed with special caution because of the likelihood that an approaching vehicle is intending to cross his lane of travel. Mitchell v. Knight, 394 P.2d 892, 895 (Alaska 1964).