**05.12 RIGHT-OF-WAY – UNMARKED INTERSECTION**

Withdrawn 1986. See 1986 Introductory Use Note of Article 05.

# Comment

This instruction was based on 13 Alaska Admin. Code § 02.120.

The Alaska Supreme Court, however, has not yet ruled on whether the violation of 13 Alaska Admin. Code § 02.120 constitutes negligence per se.

The rule concerning the right-of-way of vehicles approaching from the right arises only where two vehicles approach an intersection at nearly the same time. The test of whether two vehicles are approaching at nearly the same time is whether it would appear to a man of ordinary prudence that if the vehicles continued on their current course, at the same rate of speed, a collision would be likely. See 3 Blashfield, Automobile Law and Practice, § 114.64 (3d ed. 1965).

Although regulations such as 13 Alaska Admin. Code § 02.120, modify the rule that the first vehicle at an intersection has the right-of-way, the priority of approach remains an important factor because the relative speed and distances of the vehicles approaching the intersection must be considered. When the driver of a vehicle reaches an intersection so far in advance of the vehicle on the driver’s right that a reasonable person would believe that continuing through the intersection would not cause danger of a collision, the driver is under no obligation to stop and wait for the vehicle approaching on the right to pass. See 3 Blashfield, Automobile Law and Practice, § 114.67 (3d ed. 1965).

For a general discussion of the “vehicle on the right” right-of-way rule, See 3 Blashfield, Automobile Law and Practice, § 114.64–67 (3d ed. 1965).