

N.C.P.I.-Motor Vehicle 211.35

PEDESTRIAN-CROSSING AT INTERSECTION WITH VEHICULAR TRAFFIC-  
CONTROL SIGNALS.

MOTOR VEHICLE VOLUME

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N.C. Gen. Stat. §§ 20-172(c), 20-158(b)(2), (3), (4)

211.35 PEDESTRIAN - CROSSING AT INTERSECTION WITH VEHICULAR  
TRAFFIC-CONTROL SIGNALS.

The motor vehicle law provides that (where there are no special pedestrian-control signals)<sup>1</sup> pedestrians shall be subject to any vehicular traffic-control signals as they apply to pedestrian traffic.<sup>2</sup> The law further provides that when a signal light at an intersection is emitting a steady green light, pedestrians traveling in the direction of the green light may proceed to cross the [highway] [street].<sup>3,4</sup> However,

*(Choose one or more of the following paragraphs as appropriate.)*

[(*Red light*)]. When there is a signal light at an intersection emitting a steady red light, pedestrians traveling in the direction of the red light shall not start to cross the [highway] [street].]

[(*Yellow light*)]. When there is a signal light at an intersection emitting a steady yellow light, pedestrians traveling in the direction of the yellow light shall not start to cross the [highway] [street].]

[(*Flashing red light*)]. When there is a flashing red signal light at an intersection, a pedestrian traveling in the direction of the flashing red light shall stop and yield the right-of-way to vehicles in or approaching the intersection. *He* may proceed when, in the exercise of reasonable care and prudence, *he* can cross the [highway] [street] with reasonable assurance of safety to *himself* and others. Whether *he* can cross with such assurance of safety depends upon the distance from the intersection of vehicles approaching on the dominant [highway] [street] and their speed of approach. Unless the circumstances indicate that there is no danger of collision with an approaching vehicle, it is *his* duty to wait until

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the approaching vehicle has passed.<sup>5]</sup>

[(*Flashing yellow light*). When there is a flashing yellow signal light at an intersection, a pedestrian must yield the right-of-way to vehicles in or approaching the intersection. *He* may proceed when, in the exercise of reasonable care and prudence, *he* can cross the [highway] [street] with reasonable assurance of safety to *himself* and others. Whether *he* can cross with such assurance of safety depends upon the distance from the intersection of vehicles approaching on the dominant [highway] [street] and their speed of approach. Unless the circumstances indicate that there is no danger of collision with an approaching vehicle, it is *his* duty to wait until the approaching vehicle has passed.]

A violation of [this duty] [these duties] is not negligence within itself. However, a failure to obey the signal light when, under the same or similar circumstances, a reasonably careful and prudent person would have obeyed the signal light, would be negligence.

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1. "Special pedestrian-control signals" is not a statutorily defined term. N.C. Gen. Stat. § 20-172(a) provides, however, that such signals shall exhibit the words, or symbols for, "WALK" and "DON'T WALK" as "part of a system of traffic control-signals or devices." See N.C.P.I.-Civil 211.01.

2. No statute specifically applies vehicular traffic-control signals or devices to pedestrian traffic. Compare N.C. Gen. Stat. § 20-172(b) and N.C.P.I.-Civil 211.30. Therefore, these instructions are based upon pedestrian duties at intersections with traffic signals which are analogized from N.C. Gen. Stat. § 20-158(b).

3. "Highway" is defined at N.C. Gen. Stat. § 20-4.01(13) to mean the "entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The definition of "street" is synonymous. N.C. Gen. Stat. § 20-4.01(46).

4. As to the pedestrian's duty of lookout when he has the right-of-way, see N.C.P.I.-Civil 211.75.

5. The last three sentences of this instruction are based on N.C. Gen. Stat. § 20-158(b)(1).