

N.C.P.I.-Motor Vehicle 211.36

PEDESTRIAN-CROSSING AT PLACES WITH VEHICULAR TRAFFIC-CONTROL SIGNALS OTHER THAN AT INTERSECTIONS.

MOTOR VEHICLE VOLUME

JUNE 1989

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

211.36 PEDESTRIAN - CROSSING AT PLACES WITH VEHICULAR TRAFFIC-CONTROL SIGNALS OTHER THAN AT INTERSECTIONS.

The motor vehicle law provides that (where there are no special pedestrian-control signals)¹ pedestrians shall be subject to any vehicular traffic-control signals as they apply to pedestrian traffic.² Where there are vehicular traffic-control signals at places other than intersections, and when such a signal is emitting a [steady] [flashing] red light facing vehicular traffic, pedestrians may proceed across the [highway] [street]³ in front of the vehicular traffic.⁴ However,

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

[(Green light)]. When there is a signal light at a place other than an intersection emitting a steady green light facing vehicular traffic, pedestrians shall not start to cross the [highway] [street].]

[(Yellow light)]. When there is a signal light at a place other than an intersection emitting a steady yellow light facing vehicular traffic, pedestrians shall not start to cross the [highway] [street].]

[(Flashing yellow light)]. When there is a signal light at a place other than an intersection emitting a flashing yellow light facing vehicular traffic, a pedestrian must yield the right-of-way to approaching vehicles. *He* may proceed across the [highway] [street] when, in the exercise of reasonable care and prudence, *he* can proceed with reasonable assurance of safety to *himself* and others. Whether *he* can proceed with such assurance of safety depends upon the distance of approaching vehicles from the place with the signal and their speed of approach. Unless the circumstances indicate that there is no danger of collision with an

N.C.P.I.-Motor Vehicle 211.36

PEDESTRIAN-CROSSING AT PLACES WITH VEHICULAR TRAFFIC-CONTROL
SIGNALS OTHER THAN AT INTERSECTIONS.

MOTOR VEHICLE VOLUME

JUNE 1989

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

approaching vehicle, it is *his* duty to wait until the approaching vehicle has passed.^{5]}

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.

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 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 with respect to traffic signals at places other than intersections, which duties are analogized from N.C. Gen. Stat. § 20-158(c).

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) and N.C.P.I.-Civil 203.15.