

N.C.P.I.-Motor Vehicle 211.76
PEDESTRIANS-DUTY OF LOOKOUT-PEDESTRIAN WITHOUT THE RIGHT-OF-WAY.
MOTOR VEHICLE VOLUME
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211.76 PEDESTRIANS - DUTY OF LOOKOUT - PEDESTRIAN WITHOUT THE RIGHT-OF-WAY.¹

The law provides that a pedestrian who is required to yield the right-of-way is under a duty to keep a reasonable lookout.² This means that the pedestrian is charged with the duty at all times of keeping such a lookout as a reasonably careful and prudent person would keep under all the circumstances then existing. This duty is not only to look, but to see what ought to be seen.³ The pedestrian must be reasonably vigilant and anticipate the use of the highway by others.⁴

A violation of this duty is negligence.

1. For summary of places where pedestrians must yield the right-of-way to vehicular traffic, see N.C. Gen. Stat. § 20-174. See also, N.C.P.I.-Civil 211.30, 211.35, 211.36, 211.40, 211.45, 211.50, 211.55, and 211.56.

2. Crossing without right-of-way:

Brooks v. Boucher, 22 N.C. App. 676, 207 S.E.2d 282, cert. denied, 286 N.C. 211 (1974); *Rosser v. Smith*, 260 N.C. 647, 133 S.E.2d 499 (1963); *Garman v. Thomas*, 241 N.C. 412, 85 S.E.2d 589 (1955).

Walking along highway:

Clark v. Bodycombe, 289 N.C. 246, 221 S.E.2d 506 (1975); *Simpson v. Wood*, 260 N.C. 157, 132 S.E.2d 369 (1963); *Spencer v. Motor Co.*, 236 N.C. 239, 72 S.E.2d 598 (1952).

3. *Rosser v. Smith*, *supra*; *Garman v. Thomas*, *supra*.

4. *Dendy v. Watkins*, 288 N.C. 447, 219 S.E.2d 214 (1975).