

N.C.P.I.-Motor Vehicle 211.01

MOTORIST'S DUTY TOWARD PEDESTRIAN-INTERSECTION OR OTHER  
APPROPRIATE PLACE WITH SPECIAL PEDESTRIAN CONTROL SIGNALS.  
MOTOR VEHICLE VOLUME

APRIL 1989

N.C. Gen. Stat. § 20-172(a) and (b)(1)

211.01 MOTORIST'S DUTY TOWARD PEDESTRIAN - INTERSECTION OR  
OTHER APPROPRIATE PLACE WITH SPECIAL PEDESTRIAN CONTROL  
SIGNALS.

The motor vehicle law provides that special pedestrian control signals<sup>1</sup> may be installed at highway<sup>2</sup> intersections<sup>3</sup> or other appropriate places.<sup>4</sup>

[Where such a special pedestrian signal indicates "WALK," the operator of any vehicle must yield the right-of-way to any pedestrian crossing the highway in the direction of the signal. The failure of a operator to yield the right-of-way is negligence within itself.<sup>5</sup>]

[Where the pedestrian begins and partially completes *his* crossing in the direction of the signal while it is indicating "WALK" but does not complete *his* crossing before the signal changes to "DON'T WALK," the operator of any vehicle must yield the right-of-way to the pedestrian until the pedestrian clears the roadway<sup>6</sup> or reaches a safety island.<sup>7</sup> The failure of the operator to yield the right-of-way is negligence within itself.]

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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 "WALK" and "DON'T WALK" as "part of a system of traffic-control signals or devices."

2. "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." A "highway" is broader than a "roadway." See N.C. Gen. Stat. § 20-4.01(38) and N.C.P.I.-Civil 211.10, note 3.

3. See N.C. Gen. Stat. § 20-4.01(16) on the definition of "intersection."

4. "Other appropriate places" is not specifically defined. Presumably it means crosswalks, marked or unmarked (see N.C.P.I.-Civil 211.10, notes 4 and 5), and any other place appropriate for pedestrian crossing.

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5. There is no statutory language which exempts the violation of this rule from negligence *per se*.

6. N.C. Gen. Stat. § 20-172(b)(2) specifies that the pedestrian shall proceed to a "sidewalk" or safety island. "Sidewalk" is not defined in the General Statutes. Since it is obvious that not every highway crossing will be bordered by a sidewalk as that term is commonly understood, this charge uses the term "clear the roadway" in lieu of "sidewalk."

7. N.C. Gen. Stat. § 20-172(b)(1) specifically provides that a pedestrian who proceeds across the highway in conformity with a "WALK" signal "shall be given the right-of-way by the operators of all vehicles." The statute does not, however, specifically require operators to yield the right-of-way to pedestrians who begin and partially complete their crossing on "WALK" after the signal changes to "DON'T WALK." The pedestrian's right-of-way in such cases must be inferred.