

MOTORIST'S DUTY TOWARD PEDESTRIAN--INTERSECTION OR OTHER APPROPRIATE PLACE
WITH SPECIAL PEDESTRIAN CONTROL SIGNALS. G.S. 20-172(a) and (b)(1).

The motor vehicle law provides that special pedestrian control signals¹ may be installed at highway² intersections³ or other appropriate places.⁴

[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.⁵]

[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

¹"Special pedestrian control signals" is not a statutorily defined term. G.S. 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 G.S. 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 G.S. 20-4.01(38) and N.C.P.I.--Civil 211.10, note 3.

³See G.S. 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.

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

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(Continued)

clears the roadway⁶ or reaches a safety island.⁷ The failure of the operator
to yield the right-of-way is negligence within itself.]

⁶G.S. 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."

⁷G.S. 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.