



# March Safety Tips – Pedestrian Right of Way

## At Crosswalks (Vehicle Code §21950)

The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection<sup>i</sup>, and must exercise due care by reducing speed or taking any other action in order to safeguard the pedestrian.

Section 21950 does not relieve a pedestrian from the duty of using due care for his/her safety. No pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close as to constitute an immediate hazard. No pedestrian may unnecessarily stop or delay traffic while in a marked or unmarked crosswalk.<sup>ii</sup>

*Once the pedestrian has crossed your lane of travel and cleared it, you are not required to wait for the pedestrian to make it all the way across the street to the other side before proceeding. If your lane is clear and no pedestrian is about to enter your lane of travel, then you may proceed. If the pedestrian starts on the other side of the roadway and you are several lanes over, you are not required to wait for the pedestrian, if you can make the turn without affecting the pedestrian's movement. Any questions or clarification needed, please see SRO Danipour.*

It is also illegal for any person to stop a vehicle unnecessarily in a manner that causes the vehicle to block a marked or unmarked crosswalk or sidewalk. (Vehicle Code, § 21970.)<sup>iii</sup>

## Vehicles Stopped for Pedestrians (Vehicle Code §21951)

Whenever any vehicle has stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.<sup>iv</sup>

## Right of Way on Sidewalk (Vehicle Code §21952)

The driver of any motor vehicle, prior to driving over or upon any sidewalk, shall yield the right-of-way to any pedestrian approaching thereon.

## Pedestrians Outside Crosswalks (Vehicle Code §21954)

Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.<sup>v</sup>

## Crossing Between Controlled Intersections (Vehicle Code §21955)

**Jaywalking** occurs when a pedestrian crosses a roadway where regulations do not permit doing so. Examples include a pedestrian crossing between intersections without yielding to drivers and starting to cross a crosswalk at a signalized intersection without waiting for a permissive indication to be displayed.

Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.<sup>vi</sup>

## References

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<sup>i</sup> Except as otherwise provided in Chapter 5 of the vehicle code.

<sup>ii</sup> However, there is no violation of this section unless the pedestrian is compelled to change speed or direction (38 Ops. Atty.Gen 100 (1961)); and the motorist is not required to anticipate that the pedestrian will change direction or reverse course. (Happely (1954) 123 Cal.App.2d 894, 897.)

<sup>iii</sup> An unmarked crosswalk is the portion of a roadway included within the prolongation or connection of boundary lines of sidewalks at approximately right-angle intersections except alleys (Veh. Code, § 275), i.e., the space ordinarily traversed by pedestrians proceeding along the sidewalk. (Schilling (1940) 41 Cal.App.2d 541.)

A "sidewalk" is that portion of a highway, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel. (Veh. Code, § 555.) The state and local authorities may establish marked crosswalks between intersections. If there is no sidewalk and no approximate right-angle intersection, there is no unmarked crosswalk.

<sup>iv</sup> Proximity between crosswalk and stopped vehicle is required. (Marshall (1952) 111 Cal.App.2d 248.)

<sup>v</sup> So near as to constitute an immediate hazard. (Carmichael (1962) 205 Cal.App.2d 663.)

The provisions of section 21954 do not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

Example: Even if victim was not in an unmarked crosswalk, defendant had a duty to exercise due care for the pedestrian's safety by virtue of section 21954, subdivision (b). (Walker (1968) 266 Cal.App.2d 562.)

This section does not prohibit a pedestrian from crossing outside a crosswalk, and the right of a motorist to claim right-of-way is not absolute. Real question is whether due care is used. (Servito (1961) 191 Cal.App.2d 799.)

<sup>vi</sup> The section refers to a marked crosswalk, as an unmarked crosswalk cannot exist between intersections. This section refers to mechanically controlled stop-and-go signals operating as traffic control signal devices. (Rosenfeld (1940) 15 Cal.2d 486.) The devices must meet the definition of an official traffic control signal. (Veh. Code, § 445.) If the lights are on flasher or inoperable, the section does not apply. An intersection is not controlled within this section when signals are not in actual operation. (Regan (1938) 10 Cal.2d 519.)