

A North Carolina Pedestrian Accident Attorney Helping You Get Fair Compensation

People often overlook the dangers that are inherent in traveling on our roadways, particularly in urban areas. Motor vehicle accidents are not the only threat on our North Carolina roadways. Pedestrians face a similar risk of accidents and often face serious injuries when they collide with a vehicle on the street. If you or a loved one has been injured in an accident as a pedestrian, you are likely facing exorbitant medical bills and a long recovery. A North Carolina pedestrian accident attorney can help you get the compensation you need to protect your future and rebuild your life.

Common Injuries Sustained in Pedestrian Accidents

Pedestrians are at a much greater risk of suffering a serious injury when involved in an accident. Some of the common injuries our clients have suffered in pedestrian accidents include the following:

- Concussions and other traumatic brain injuries
- Skull fractures
- Spinal cord injuries and paralysis
- Severe lacerations resulting in permanent scarring
- Broken bones
- Torn ligaments and tendons

- Death

These injuries can be life-altering, leaving you unable to work, take care of your family, or simply enjoy your day-to-day life. A North Carolina injury attorney can help you move forward and put your life back together.

North Carolina's Pedestrian Laws

Motorists tend to dominate the road, but North Carolina law recognizes the rights of cyclists, pedestrians, and other users to share our roadways.

Understanding how North Carolina's pedestrian laws apply to your case is vital to successfully pursuing a claim. The law provides rights but also imposes obligations on pedestrians who are walking on or crossing streets and roadways. How these laws apply to your case may be complicated. If you have been injured in a pedestrian accident, you should discuss your case with a North Carolina pedestrian accident attorney before deciding whether or not you should pursue a claim.

Walking Along the Road

Pedestrians are obligated to use the sidewalk where provided. If there is no sidewalk, pedestrians are expected to walk on the extreme left side of the road or shoulder facing traffic. Oncoming traffic has the right-of-way.

Pedestrian Control Signals

Pedestrians are required to obey all pedestrian control signals. They cannot enter the crosswalk when the "Don't Walk" signal is illuminated but can finish crossing the road if it becomes illuminated after they have entered. However, pedestrians are required to stop at traffic islands were provided if they cannot cross the intersection on a single "Walk" signal.

Crosswalks

Pedestrians have the right-of-way in both marked and unmarked crosswalks, except when there is a pedestrian control signal. When one vehicle is stopped to allow a pedestrian to cross, another vehicle cannot pass that vehicle and enter the intersection. Unless the crosswalk has a pedestrian control signal, pedestrians are expected to obey regular traffic control signals such as stop lights. In other words, pedestrians cannot enter an intersection if there is a red light in their direction of travel.

Right Turn on Red

Motorists must yield the right-of-way to pedestrians when making a right turn on red.

Pedestrians Outside of Intersections and Crosswalks

Generally speaking, pedestrians must yield the right-of-way when crossing the street outside of a crosswalk or intersection. However, there are several situations where motorists must yield the right of way to pedestrians outside of an intersection or crosswalk. For example, pedestrians have the right-of-way when the motorist is approaching a driveway, alley, or private road. Regardless, motorists must use caution to avoid colliding with pedestrians who are in the roadway.

This is just an overview of some of the more pertinent laws pertaining to pedestrians. There are others, and as noted above, how these laws apply to your case can be complex. In addition, you may still have a claim even if the motorist wasn't cited with a traffic violation. A North Carolina pedestrian accident attorney can review your case and determine whether you may be entitled to compensation.

Proving Your Claim

In order to receive compensation for your injuries, you will need to prove that (1) the driver owed you a duty of care; (2) they breached that duty as a result of their negligence; (3) their negligence caused your accident; and (4) you were injured as a result of the accident. Most cases, however, come down to two chief issues:

1. Whether the driver was negligent; and
2. How much compensation you should receive.

If the driver was issued a traffic citation, this could be powerful evidence of negligence. However, you may still have a claim even if they were not. Once you can prove negligence, you must then prove why you are entitled to the amount of compensation you are seeking.

Proving your case is very difficult for non-lawyers. A North Carolina pedestrian accident attorney will know how to build a strong case so that you can get the compensation you need to rebuild your life.

Pedestrian Accidents and Contributory Negligence in North Carolina

Understanding how these laws may apply to your case is important because of North Carolina's contributory negligence laws. North Carolina is one of the few "pure" contributory negligence states, which bars an injured victim from receiving any compensation if their own negligence contributed in any way to the accident.

In the context of a pedestrian accident, a motorist may attempt to avoid liability for the accident by claiming that the pedestrian entered the intersection when the "Don't Walk" signal was illuminated.

If this is an issue in your case, we recommend that you contact a North Carolina pedestrian accident attorney as soon as possible. Contributory negligence is an affirmative defense, and the driver must prove two things:

1. That you were negligent in some way; and
2. That your negligence actually contributed to the accident.

The contributory negligence defense is easy to raise but often difficult to prove. An experienced North Carolina pedestrian accident attorney will know how to defeat this defense and preserve your right to compensation.

Common Causes of Pedestrian Accidents

Motorists will often claim that the accident occurred because they "just didn't see" the pedestrian. This is an excuse that doesn't relieve drivers of their obligation to drive safely. In addition, it's often offered as an explanation to avoid acknowledging the true cause of the accident. Many pedestrian accidents are the result of the following:

- Speeding
- Reckless driving
- Driving while distracted, particularly driving while texting or otherwise using a smartphone
- Driving while under the influence of alcohol or drugs
- Driving while drowsy

In order to prevail on your claim, you will need to prove that the driver was negligent. The fact that the accident occurred will not, by itself, be sufficient. A North Carolina pedestrian accident attorney can investigate your accident and gather the evidence you need that the driver should be held accountable for your injuries.

Pedestrian Accidents and Wrongful Death Claims

Tragically, many pedestrian accidents are fatal. In these cases, the family of the deceased pedestrian can pursue a [wrongful death claim](#) against the driver for their losses, which can include the loss of your loved one's future income and other financial losses, as well as the loss of their companionship, care, guidance, and protection.

Wrongful death claims are complex and require the assistance of an experienced attorney. You will need to prove that the driver was negligent and that their negligence caused the accident that led to your loved one's death.

Furthermore, proving things like future lost income can be challenging and may require expert testimony. While no amount of money can truly replace your loss, you should speak with a North Carolina pedestrian accident attorney to discuss whether your family is entitled to compensation.

What Your Accident Claim May Be Worth

Many accident victims fail to realize the full value of their claim, only to later discover that they can't pay all of their bills. If you've been injured, you may be able to fight for compensation for the following:

- Medical expenses
- Lost income
- Other losses directly related to your accident, such as increased transportation expenses
- Pain and suffering

Your health insurance may cover some of your medical expenses but not your lost income, pain and suffering, or other losses. Our attorneys will evaluate your case and give you a fair estimate of what your case may be worth to help you make important legal decisions.

Contact a North Carolina Pedestrian Accident Attorney at Martin & Jones

Founded in 1982, our personal injury attorneys have 40 years of experience helping injured North Carolinians get the compensation they need to recover after an accident. As dedicated legal advocates, we work with you every step of the way, and as seasoned litigators, we're prepared to pursue your case for the fairest outcome. If you'd like to discuss your case with one of our attorneys, contact us [online](#) or call 1-855-902-4960 to schedule a free, no-obligation consultation. We have office locations in [Raleigh](#), [Durham](#), and [Wilmington](#), North Carolina.