

Could a Pedestrian Be at Fault for a Car Accident in California?

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Pedestrian Injury Cases

You might be surprised to learn that pedestrians can be at fault in an accident in California. Most people assume that the driver of the vehicle is at fault because pedestrians have the right-of-way. However, that is not always the case. In many instances, the walker could be partially or even wholly at fault.

If you have been involved in an accident, whether you were the driver or the pedestrian, it is important to seek information from a qualified personal injury lawyer. Contact Johnson Attorneys Group today for a complimentary, no-obligation case review.

According to the State of California's [California Driver's Handbook](#), motorists must respect the right-of-way of pedestrians and stop at pedestrian corners and crosswalks. Drivers are responsible for driving carefully under the circumstances and must always avoid hitting a pedestrian. However, if a walker, bicyclist, skateboarder or jogger makes it impossible for a cautious motorist to avoid hitting them, then most likely a jury or judge would find the pedestrian at fault.



Pedestrian Deaths

Traffic deaths involving pedestrians have steadily increased across the United States. According to the [latest data](#), the number of fatalities involving bicyclists and walkers rose 11 percent last year.

Pedestrians now account for the largest population of traffic-related deaths in the previous quarter century. Pedestrians sometimes shared the blame for their accidents. In nearly a third of the fatalities, the pedestrian was drunk when they were hit. Almost three-fourths were killed while jaywalking or walking between the road and highway intersections. Also, a growing number of pedestrians are distracted by their mobile phones. In fact, [a study](#) found that 40 percent of all pedestrians appeared to be distracted by their mobile devices. People tend to walk down the street looking at their tiny screens rather than paying attention to where they are going.

Here are some typical examples of situations in which a pedestrian would be to blame for an accident:

- Walking across the street while intoxicated
- Jaywalking or walking in an area where there is not a crosswalk
- Jumping out in front of a motorist
- Walking or biking in an area that is prohibited by law, such as along interstates, bridges or other areas that are off-limits to pedestrians
- Texting or looking at a cell phone while walking

Who is At Fault in a Pedestrian Accident?

So, what happens if both a driver and pedestrian are at fault during an accident? For example, what if the driver was speeding through a crosswalk, but the pedestrian was on their phone, or not paying attention to where they were going? In these situations, both parties could share fault.

- **Comparative negligence** – With this type of negligence, a pedestrian might be able to recover some damages even if the pedestrian was partly at fault.

Get a Free Case Review for Your Pedestrian Injury Accident Case in California

If you have been involved in a pedestrian accident in California, you need the advice of a competent accident and injury attorney to help you cut through the legal red tape and learn what your rights are under the law. Contact [Johnson Attorneys Group](#) today for a free [pedestrian accident](#) case review.