

## *Is Jaywalking Considered a Traffic Violation?*



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*Walking is a great way to get exercise, get to where you need to go, or to just get outside for some fresh air. But when you walk, you must be careful that you aren't taking unnecessary chances—such as crossing outside of recognized crossing places. Commonly known as jaywalking, this practice can result in serious accidents, injuries and even fatalities. Simply stated, pedestrian vehicle crashes occur when physical environments allow pedestrians to come into contact with moving vehicles. If this occurs repeatedly then a pedestrian-vehicle crash problem exists. Some pedestrian may be injured or killed because they are unaware of their own risk when they frequently travel familiar routes. In fact, pedestrians who regularly use certain paths or crossings are likely to reduce the time they wait at pedestrian's crossings and may be tempted to cross elsewhere and be termed as jaywalkers. Jaywalking is particularly dangerous because in a collision between a vehicle of any size and a pedestrian, the person is likely to receive very serious injuries. ... If crossings are not available, pedestrians should cross at intersections, and should cross when permitted to do so by the 'Green Man'.*

# Is Jaywalking Considered a Traffic Violation?

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The Massachusetts General Laws Chapter 90 Section 18a (US) states that municipalities can fine pedestrians who break jaywalking rules and further promulgates:

*“If it is the first, second or third offense subject to this section committed by such person within the jurisdiction of the court in the calendar year, payment to such clerk of the sum of one dollar (\$1) shall operate as a final disposition of the case; if it is the fourth or subsequent such offense so committed in such calendar year payment to such clerk of the sum of two dollars (\$2) shall operate as a final disposition of the case. Proceedings under this paragraph shall not be deemed criminal; and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records”.<sup>1</sup>*

## Introduction

What would it be like to live in a place with safely designed streets, where people on foot can cross the street if they think it's safe, knowing that the law supports them? You can see for yourself if you ever get a chance to visit the Netherlands. For the last two decades, people walking in Dutch cities have had the freedom to cross the street where they want. If you want to cross a city street you just wait for a gap in traffic and you cross. So, isn't there an obligation to use a pedestrian crossing? No, there no longer is! That article 99 in Dutch law was scrapped from the traffic laws on 1 January 1995.<sup>2</sup> Until then, pedestrians were not allowed to cross within 30 metres of a zebra crossing, effectively making it illegal to cross the street for over 60 metres with just one zebra crossing in the middle of that zone. That restriction was abolished to simplify the traffic rules and to give the pedestrian more freedom. A zebra crossing is now just a service to the pedestrian. You are allowed to judge for yourself if you want to use it, but you are not obliged to. If you do use the zebra crossing, other traffic must yield the moment it becomes clear you are going to cross the street. Just the visible intention to use the zebra crossing already gives the pedestrian priority over motor traffic and people cycling.

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<sup>1</sup> The 191<sup>st</sup> General Court of the Commonwealth of Massachusetts, Section 18a. [malegislature.gov](http://malegislature.gov)

<sup>2</sup> Bicycle Dutch. *When there is no such concept as jaywalking.* [bicycledutch.wordpress.com](http://bicycledutch.wordpress.com)

Unfortunately, a lot of Dutch drivers choose to forget that rule (and people cycling also tend to miss this regulation all too often) so it is best not to depend on getting that priority. That Dutch pedestrians have had this extended freedom to cross the streets for over 20 years, now even becomes apparent in the street design. Some municipalities literally encourage people to cross wherever they like by lowering the kerbs. However, it is very different across the Atlantic Ocean. In the United States, the concept of ‘jaywalking’ was propagated in the 1920s by the automobile industry, with the object to restrict pedestrian movements and to give motor traffic more space in the towns and cities. Nowadays it is still illegal to cross the street mid-block in most of the United States. Although in New York even children are taught to do it carefully as it may be safer than crossing at the crosswalks. As a foreigner it would be best to stick to the rules though, or you may end up flat on the footpath with five police officers pinning you down, like a British professor (see page 8 below) after he crossed a street mid-block in Atlanta.<sup>3</sup> This article examines the whole area of jaywalking and the associated dangers of such a risky activity.

### **The Term Originated with Jaydrivers**

Pedestrians are among the most vulnerable road users, accounting for 65% of road accidents and deaths worldwide. Violations, rather than error are the main contributing factors in pedestrian-related traffic accidents; the most common violations are illegal road-crossings and not using the various recommended crossing places. Also there are instances of not waiting for the appropriate light when crossing at intersections. Jaywalking occurs when a pedestrian walks in or crosses a roadway that has traffic, other than at a suitable crossing point, or otherwise in disregard of traffic rules. It appears the term originated with "jay-drivers", people who drove horse-drawn carriages and automobiles on the wrong side of the road, before taking its current meaning.<sup>4</sup> The word jaywalking appears to come from Kansas (US) or at least that is where we first see evidence of its written use. Jaywalking laws vary widely by jurisdiction. In many countries such as the United Kingdom, the word is not generally used and there are no laws limiting how pedestrians can use public highways. This has caused confusion among tourists and other people visiting countries with such laws.<sup>5</sup> Legal texts in other countries use different concepts, such as rules applicable to pedestrians in the Vienna Convention on Road Traffic.<sup>6</sup>

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<sup>3</sup> *Where jaywalking is not a crime.* usastreetblog.org

<sup>4</sup> *Why jaywalking is jaywalking.* Merriam-Webster. Retrieved 10 Sept. 2017/

<sup>5</sup> *What every Brit should know about jaywalking.* 12 January 2007.

<sup>6</sup> *The Convention on Road Traffic, commonly known as the Vienna Convention on Road Traffic is an international treaty designed to facilitate international road traffic and to increase road safety by establishing standard traffic*

But there is no such offence in the UK, where it is considered a personal responsibility to cross the road safely, although former London Mayor Ken Livingstone when he was in office proposed making jaywalking illegal. The advice given in the Highway Code recommends that all pedestrians abide by the Green Cross Code: *"Where there is a crossing nearby, use it. Otherwise choose a place where you can see clearly in all directions."*

### **Lacked Sidewalk Etiquette**

Jaywalking seems like a word that originated in New York City, since so many pedestrians of the Metropolis seem to have no regard for crossing the street at the appointed time or place. Its place of birth is actually far from New York; the word appears to come from Kansas or at least that is where we first see evidence of it in written use. It is unclear why the word 'jaywalker' survived, while 'jaydriver' languishes in obscurity. The meaning of jaywalker is different than it was when it first began to be used. The word was formed in imitation of a slightly older word - the 'jay-driver'. This initially referred to a driver of horse-drawn carriages or automobiles who refused to abide by traffic laws in a fairly specific way: they drove on the wrong side of the road. An article in The Junction City Union (Junction City Kansas) newspaper on June 28<sup>th</sup> 1905 begins:

***"Nearly every day someone calls our attention to articles that have been appearing in the Kansas City Star concerning 'the jaywalker', and then goes on to warn against these miscreants who cannot seem to figure out that they should be driving on the right side of the road. Stop at the corner of any well traveled street and you will be astonished at the number who don't know that this is the right way to do or and who are careless in regard to the matter".***

In October of the same year in the Kansas City Star, we find mention of the pedestrian version of these drivers. Much annoyance would be obviated if people when meeting others going in the opposite direction would keep to the right and avoid collisions and being called a 'jaywalker'. For the first years that it was in use, 'jaywalking' had little, if anything, to do with pedestrians crossing the street and were used solely to scold those who lacked sidewalk etiquette.

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*rules among the contracting parties.* Vienna Road Traffic 8 November 1968. United Nations Treaty Collection. Chapter X1. Transport and Communication. B Road Traffic. [Treaties.un.org](http://Treaties.un.org)

Both ‘jaywalker’ and ‘jaydriver’ are taken from a sense of the word ‘jay’ meaning ‘greenhorn or ‘rube’.<sup>7</sup> It is unclear why ‘jaywalker’ shifted its meaning and survived for more than a hundred years now while ‘jay-driver’ languishes in obscurity. And if you are one of those who find ‘jaywalker’ objectionable beyond words, take heart, for the sentiments of early century America are in line with yours. In the words of The Chanute Daily Tribune 1909: “*the ‘jaywalker’ needs attention as well as the ‘jaydriver’, and is about as big a nuisance*”.<sup>8</sup> A newspaper article introduced the term jaywalker to readers in Grants Pass, Oregon in 1913:

*"A campaign of ridicule directed toward the extermination of the "Jay Walker Family" was inaugurated [in Tacoma WA] today by the local automobile club. The "Jay Walker Family" according to explanations made today is numerous. It is composed of those pedestrians who cross congested streets without first looking to see if it is safe to do so. The local automobile club today adopted resolutions suggesting propaganda to be distributed all over the country to "kill off the Jay Walker Family." Automobile clubs all over the country ... will be asked to aid in exterminating "Mr. and Mrs. Jay Walker and all the little Walkers." <sup>9</sup>*

Originally, the legal rule was that "*all persons have an equal right in the highway and that in exercising the right each shall take due care not to injure other users of the way*".<sup>10</sup> In time, however, streets became the province of motorized traffic, both practically and legally. To emphasize the seriousness of jaywalking in the US, between 2011 and 2015, Los Angeles (LA) police issued 17,000 jaywalking tickets (which carry a \$197 fine) to pedestrians who violated the agreement that people may only exit the sidewalk and cross the roadway at designated points and at designated times. However, in the not so distant past, it was cars, not people, who were fighting for their right to be on the street.

### Jaywalking UK

The Highway Code relies on the pedestrian making their own judgment on whether it is safe to cross based on the Green Cross Code (*Initiated in 1970 Ed*). Pedestrians do have priority over turning vehicles. Rule 170 of the UK's Highway Code instructs a driver to "*watch out for pedestrians crossing a road into which you are turning. If they have started to cross they have priority, so give way.*"<sup>11</sup>

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<sup>7</sup> Rube: A person from a rural region who lacks polish and sophistication: rustic.

<sup>8</sup> Merriam-Webster Dictionary. merriam-webster.com

<sup>6</sup> <https://unece.org>

<sup>10</sup> Miller McClintock for the Chicago Association of Commerce. "*Report and recommendations of the metropolitan street traffic survey*", p.133 quoted by Norton, *Fighting Traffic* on p. 289.

<sup>11</sup> *Using the road.* (159-203). UK Department of Transportation

Also, according to the Highway Code, first find a safe place to cross and where there is space to reach the pavement on the other side. Where there is a crossing nearby, use it. It is safer to cross using a subway, a footbridge, an island, a zebra, pelican, toucan or puffin crossing, or where there is a crossing point controlled by a police officer, a school crossing patrol or a traffic warden. Otherwise choose a place where you can see clearly in all directions. Try to avoid crossing between parked cars, on a blind bend, or close to the brow of a hill. Move to a space where drivers and riders can see you clearly. Do not cross the road diagonally.<sup>12</sup> In the UK if you jaywalked, no one would bat an eyelid but in Atlanta (US), you could be wrestled to the ground, cuffed and charged with the offence and fined. In Germany and the Netherlands, the onus is more on the motorist. Not stopping for pedestrians on crossings is an offence, and a driver can be issued with a ticket even if they are waiting on the kerb (again, the expectation is that pedestrians should cross safely).

### **Jaywalking Ireland – 15 Metres**

Ireland is not a member/signatory of the Vienna Convention,<sup>13</sup> (The UK is) but the law is still very clear. Road traffic regulations state that *"a pedestrian shall exercise care and take all reasonable precautions in order to avoid causing danger or inconvenience to traffic and other pedestrians"*. The law states that pedestrians must respect red lights at pedestrian crossings and must use footpaths where provided. Pedestrians are prohibited from crossing a road within 15 metres of a pedestrian crossing, without using the crossing. Fines range from €800 for a first offence, to three months in prison for repeat offenders. However, it's rare to see jaywalkers fined in Ireland. *(In Brazil, it is illegal to cross the road if the nearest zebra crossing is within 50 metres) Ed.)*

According to the Road Safety Authority (RSA):

***"It is a very serious issue and at the heart of it is the safe cross code: stop, look, listen and live," "You should cross the road at a safe place; we all learned this at school. Pedestrians are carelessly crossing road and if they got the basics right they wouldn't be getting knocked down and it is all the more important in an urban setting."***

It is indeed a serious issue. About one fifth of all road deaths are pedestrians. Last year a total of 74 pedestrians lost their lives on the roads out of a total of 367.

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<sup>12</sup> The Highway Code, Department of Transport. 1 October 2015, updated 20 August 2019. [www.gov.uk](http://www.gov.uk)

<sup>13</sup> The Convention on Road Traffic, commonly known as the Vienna Convention on Road Traffic is an international treaty designed to facilitate international road traffic and to increase road safety by establishing standard traffic rules among the contracting parties. Vienna Road Traffic 8 November 1968.

A total of 29 of those deaths were people aged between 61 and 80. So far this year five out of the eight deaths on our roads have been pedestrians. There is no breakdown between urban and rural for these figures, but they do demonstrate that pedestrians must exercise more caution on the road and be held as accountable as much as careless motorists and other road users are. A spokesman for the Garda Dublin Traffic Division said jaywalking was a "daily problem" in the capital for officers on the street: *"It's pretty bad really. At every single junction in the city pedestrians don't wait for the green man."* He said pedestrians in other European countries respected the laws and did not generally wander out in traffic. *"It is the exact opposite here. Maybe it's because it's not enforced, maybe its bad habits, maybe its impatience, it's hard to tell,"* he added. *"People don't see the dangers they put themselves in. The dangers certainly are there given the volumes of traffic. You have motorcyclists legally filtering up and down through traffic and there are cycling tracks."* But the laws are hard to enforce and certainly not in the way they are hammered home in the US. Unlike that country, Gardaí do not have the power to arrest jaywalkers and issue on-the-spot fines. Instead they must rely on the offender stopping voluntarily and giving them the correct name and address. Then a summons must be issued and the matter must proceed through the courts. A spokesman admitted that penalties issued for jaywalking were at best a "rarity" if, in fact, they ever took place at all. A majority of Irish people support the introduction of on-the-spot fines for reckless pedestrians who cross the road in a "zombie like trance", according to a new survey. The Automobile Association (AA) asked almost 6,100 people if they believe that pedestrians should be held to the same road safety standards as drivers and two-thirds agreed that they should. The AA believes that this increase can be attributed to the rise in the number of people using mobile phones and other personal devices.<sup>14</sup>

### *Some European Countries*

In many European countries, pedestrians are banned from motorways (in Ireland and the UK, motorways are defined in law as special roads) and possibly from express roads, but they are generally not prohibited from regular rural and urban roads. That is done in compliance with the Vienna Convention on Road Traffic,<sup>15</sup> which also contains concepts addressing the question of the usage of the road or street by pedestrians for walking or crossing. Some countries like Ireland do not comply with the convention as rigorously as others. Laws and traditions vary from country to country.

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<sup>14</sup> Majority of people want fines imposed for jaywalking. independent.ie

<sup>15</sup> Vienna Convention on Road Traffic. 8/11/1968. <https://unece.org>

Pedestrians account for 10% of fatalities: 217 pedestrian fatalities on EU motorways in 2012 and 847 between 2010 and 2012. The rate is 20% in Poland, 17% in Great Britain, 15% in Spain and 10% in France. These include vehicle users who leave their vehicles after they have broken down, workers in work zones and individuals who illegally enter the motorway on foot.<sup>16</sup>

### **Discomfort With Traffic**

Pedestrians are often forced to walk outside crosswalks, when they are blocked by cars due to traffic congestion or drivers stopping too far forward. The common practice of car-centric traffic-signal synchronization produces green waves for motorists but not necessarily for pedestrians, who may encounter little or no conflicting traffic at cross streets where signals instruct them to wait. Pedestrians may dislike crossing at intersections for other reasons, such as discomfort dealing with traffic from several directions (whereas a jaywalker at a location distant from an intersection only needs to observe two directions of traffic), or wanting to avoid the extra air emissions generated by vehicles stopping and starting (given that vehicular emissions are significantly less when vehicles are moving at steady speeds). In rural and suburban areas, people may jaywalk due to a lack of sidewalks. Some pedestrians are unwilling to observe lengthy wait times at traffic signals. They are also more likely to make "informal crossings" at wide roads, or at locations where formal crosswalks are too distant to be practical for them to use.

### **Pedestrians' – "Herd Mentality".**

Cues from other pedestrians affect the cautiousness and walking behaviour of pedestrians sharing the same intersection or route. For instance, some pedestrians act as "front-liners" (those pedestrians nearest to the street at an intersection or crossing) while others act as "back-fielders" (those pedestrians behind other pedestrians at an intersection or crossing). One study found that when "front-liners" crossed, "back-fielders" followed without examining walking conditions.<sup>17</sup> Therefore, if "front-liners" cross illegally, other walkers may enter a road without adequately assessing their own individual risk. Essentially, this situation can be described as a "herd mentality" where each member feels an exaggerated sense of protection from being part of a group.

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<sup>16</sup> <http://etsc.eu>

<sup>17</sup> Justin A. Heinenon & John E. Eck. *Pedestrian's injuries and fatalities*. Guide No. 51. Centre for problem-oriented Policing. [popcenter.asu.edu](http://popcenter.asu.edu)



Similarly, obedient pedestrians (those who do not jaywalk) and disobedient pedestrians (those who do) influence one another's behavior: the disobedient encourage jaywalking among the normally obedient, but the obedient can reduce jaywalking among the normally disobedient.<sup>18</sup> In addition, disobedient walkers can diminish pedestrian penalties' deterrent effects. For example, disobedient walkers might motivate other pedestrians to cross illegally because their behavior indicates that particular situations lack penalties.<sup>19</sup>

### **Combination of Rambo & Perry Mason**

It is a cautionary tale for any traveler - distinguished historian Felipe Fernandez-Armesto tried to cross the road while in Atlanta for the conference of the American Historical Association, only to find himself in handcuffs and surrounded by armed police. *"I come from a country where you can cross the road where you like,"* said the visiting professor of global environmental history at Queen Mary College, University of London. *"It hadn't occurred to me that I wasn't allowed to cross the road between the two main conference venues."* Professor Fernandez-Armesto then spent eight hours in the cells before the charges were dropped. He said that his colleagues now regard him *"as a combination of Rambo, because it took five cops to pin me to the ground, and Perry Mason, because my eloquence before a judge obtained my immediate release"*.

### **Culture Clash**

Just because you can do something in the UK doesn't mean it's OK in another country. Jaywalking is an offence in most urban areas in the United States - although enforcement varies between states - and Canada, and in places such as Singapore, Spain, Poland, Slovenia and Australia. In Brisbane, police have begun doling out fines after complaints from motorists involved in near-misses with jaywalkers. In Beijing and Shanghai, city officials have clamped down on jaywalkers in an attempt to improve public behaviour ahead of the 2008 Olympics and 2010 World Expo respectively. Some road safety campaigners claim that with traffic heavier, where light phases are timed to allow as many vehicles through an intersection as possible, pedestrians are increasingly taking risks in order to cross the road

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<sup>18</sup> Justin A. Heinenon & John E. Eck. *Pedestrian's injuries and fatalities*. Guide No. 51. Centre for Problem-oriented Policing. Justin A. Heinenon & John E. Eck. *Pedestrians injuries and fatalities*. Guide No. 51. Centre for problem-oriented Policing. [popcenter.asu.edu](http://popcenter.asu.edu)

<sup>19</sup> Justin A. Heinenon & John E. Eck. *Pedestrian's injuries and fatalities*. Guide No. 51. Centre for Problem-oriented Policing. [popcenter.asu.edu](http://popcenter.asu.edu)

At least Prof Fernandez-Armesto can relax in the knowledge that it's not just outsiders who commit such heinous offences as crossing the road where they please. Back in 1915, the Atlanta Constitution reported that the practice of "jaywalking" was all too commonplace it said:

***"People cross the streets any and everywhere, without regard to traffic, darting in front of fast-moving motor vehicles, dodging horses and street cars, and even braving ambulances and fire apparatus with no satisfaction except the consciousness that 'they did it,' and then having plenty of time to turn and contemplate the danger they have escaped."***

Having been carted off in a "filthy, foetid paddy wagon" as the professor described it, that last observation was one denied to him.

### **10-Day Coma – Ticket for Jaywalking**

Despite being both dangerous and against the law, jaywalkers are hardly ever punished. It takes a certain amount of foolhardiness to run across three lanes of oncoming traffic at rush-hour in dark clothing. At best you could get blown out of it by an irate motorist or tackled by an unhappy cyclist. At worst you could be killed or seriously injured but you will probably not be arrested. If a motorist mounted a footpath and drove slowly through the oncoming crowds and gave the two-fingers to whoever challenged him he would most likely be set upon by an angry mob before being carted off to the nearest police station. And rightly so. But things seem a little unfair from behind the wheel where it can appear that jaywalking is a national pastime that goes unchecked despite its obvious dangers to all road users. It's a different story across the Atlantic, where a British professor (see above) was recently wrestled to the ground by no fewer than five police officers in the US city of Atlanta after attempting to cross the road in the wrong place. But there is little doubt that American authorities take jaywalking seriously. A New Jersey teenager who was hit by a car while crossing a road, ended up in a 10-day coma, during which she received a ticket for jaywalking. Sixteen-year-old Ryan Van Brunt later made a full recovery and had the charges dropped. Most cities in the US and Canada have laws banning jaywalking and it is illegal in many other states around the world including Singapore and Taiwan, where it was made illegal last July. In the UK, Netherlands and India, however, there are no such laws. The Dutch, naturally, legalized jaywalking in 1997.

### *Some Proposals to Make Walking Safer*

In order to make walking safer, first, spend more money on making it safer; despite the fact that pedestrians make up a large part of the traffic deaths in many countries, funding is always disproportionately scant. Second, provide good places to walk. People instinctively strive for the conservation of energy, and failing to provide proper crossings in the presence of clear “desire lines” invites a jaywalking problem. Third, install pedestrian-friendly engineering. One of the simplest tools is the “leading pedestrian interval,” which gives walkers a slight head start against turning traffic, thus making them more visible and allowing them to establish their presence in the intersection. A much more common problem than urban jaywalking crashes are left- and right-turn car-pedestrian crashes at intersections. Fourth, lower (and enforce) urban speeds. Cities like Barcelona and Amsterdam—pedestrian paradises both—are proposing limiting entire tracts of the city to 30 kph (*that’s 18.6 mph, Ed.*), and in places like the “Skvallertorget,” or “Gossip Square,” in Norrköping, Sweden, the legal right of way is shared equally, and safely, among pedestrians and drivers, without clear markings, because car traffic has dropped to human speeds. Fifth, stiffen penalties for cars that violate the rights of those legally crossing (which would provide ancillary benefits for those crossing in a more informal fashion). Pedestrian fatalities wouldn’t exist without cars, a stubborn fact that the law should reflect. <sup>20</sup>

### *Legal Issues – Contributory Negligence*

Accidents take place everyday -- people are injured and property is damaged. When accidents happen, one of the first questions people typically ask is: “*Who was at fault?*” The concepts of contributory and comparative negligence address this question and provide a way to allocate fault between parties when the answer to this question is not entirely clear. As the terms imply, a party may contribute to an act of negligence or be comparatively negligent for their incurring own injuries. The concept of contributory negligence is used to characterize conduct that creates an unreasonable risk to one's self. The idea is that an individual has a duty to act as a reasonable person. When a person does not act this way and injury occurs, that person may be held entirely or partially responsible for the resulting injury, even though another party was involved in the accident. For example, Dave, a motorist, strikes Sally, a pedestrian who was crossing the street without carefully checking traffic or heeding the warning of the ‘red man’ of the nearby. Who's at fault in this situation?

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<sup>20</sup> Tom Vanderbilt 2 November 2009. *In defence of jaywalking – banning the practice won’t make pedestrian safer.* Slate.com

After an injured party files a negligence claim, the defendant (the person sued) may then assert a contributory negligence claim against the plaintiff (the person bringing the lawsuit), effectively stating that the injury occurred at least partially as a result of the plaintiff's own actions. This would be a contributory negligence counterclaim, a common defense to negligence claims. If the defendant is able to prove the contributory negligence claim, the plaintiff may be totally barred from recovering damages or her damages may be reduced to reflect her role in the resulting injury. The pedestrian in the example, Sally, probably would be considered at least partially at fault (and therefore liable for contributory negligence) for carelessly crossing the street. Traditionally, the courts viewed contributory negligence as a total bar to the recovery of any damages. Under the traditional view, if a person had contributed to the accident in any way, the person was not entitled to compensation for his or her injuries. In an attempt to reduce the harsh, oftentimes unfair outcomes resulting from this approach, many jurisdictions have now adopted a comparative negligence approach. If the plaintiffs damaged are totaled and then reduced to reflect their contribution to the injury for example, if a plaintiff was awarded say £10,000 and the judge and jury determined that the plaintiff was 25% responsible for the accident, they would be awarded £7,500.

### **Conclusion**

Jaywalking is particularly dangerous because in a collision between a vehicle and a pedestrian, the person is likely to come out worst and receive very serious injuries. That is why it is so important that pedestrians do what they can to reduce the risk of accidents and avoid jaywalking whenever possible. Jaywalking pedestrians are responsible for using their own judgment, but some not-so-responsible pedestrians will attempt crossing without paying appropriate attention. Many pedestrians – especially the young and the elderly – may be unable to judge the speed of traffic and the distance away it is and therefore step into the path of oncoming traffic. Some will even deliberately interfere with the right of way that belongs to the traffic, not to them. Unless there is a collision, it can be difficult for police and courts to determine whether a jaywalker was doing so properly or was failing to yield to traffic. Saying, always cross at pedestrian crossings is easy. It's a simple rule, and in most cases it works. But that doesn't mean that it's the safest way to cross the street. When a pedestrian crosses a road at a pedestrian crossing, the pedestrian has right of way over opposing traffic, which normally has a red light, or some other explicit indication that they must yield to pedestrians. Under such circumstances, most pedestrians assume that their having right of way means that they will be safe crossing the road, and they do so without much thought or observation, especially those staring into their mobile phone or other personal electronic devices.

It is these people that are involved with collisions most often, even though they may not be at fault. Other pedestrians are more careful, observing traffic to ensure that not only do they have the right to cross; conflicting traffic is aware of this and aware that they are there. These people tend not to be involved with collisions, but the continual shoulder checks require effort and can be stressful. Typically vehicles can conflict with pedestrians in intersections from four different directions. That at least one of these directions might be illegal, and the others violate the pedestrian's right of way, is of little consolation. From a legal perspective, a court, following a crash between a car and pedestrian, may well find the jaywalker guilty of comparative or contributory negligence and any compensatory award may be reduced accordingly i.e. if the plaintiff (jaywalker) was found to be 25% liable for the accident then, the amount awarded would be reduced accordingly. Also, in view of the continuing conflict between pedestrians and motorists, the time may well be overdue for countries like the UK and others to consider implementing jaywalker laws so as to control jaywalking and thus reduce injuries and possibly save of lives. Finally, as an unknown writer proffered: *“There are only two kinds of pedestrians – the quick and the dead”*.