

The Dangers of Walking in the San Francisco Bay Area
(Protecting your Interests as a Pedestrian)

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You probably know what it is like edging out into the cross-walk, jumping back, edging out a little further, trying to make eye contact with a driver so that he or she will slow down so you can cross the street. I know that when I walk in the Bay Area it is often a struggle to cross a road, even in a cross-walk. Usually it requires that you take the courageous (or foolhardy) act of stepping out into the roadway before someone will stop. Now there are studies confirming that vehicle on pedestrian collisions are a big problem in the San Francisco Bay Area. Such studies conclude that drivers should be more conscious of pedestrians, especially in this new age of environmental and health awareness, which is bringing many more pedestrians to the streets.

The Bay Citizen (www.baycitizen.org) recently published an article written by Zusba Elinson titled, [“Majority of motorists not charged, keep licenses when found or suspected to be at fault.”](#) The article states that, according to a 2011 report by Transportation of America, pedestrian deaths made up more than a quarter of traffic fatalities over the past decade in the two major metropolitan areas in the Bay Area. The Bay Area was only outpaced by New York and Los Angeles.

Further analysis by the Center for Investigative Reporting found that, from 2007 through 2011, in the five largest Bay Area counties, one third of those fatalities occurred where the victim was walking in a cross-walk when struck. Additionally, sixty percent of those motorists found to be at fault or suspected of a crime faced no criminal charges at all over that five-year period, according to the CIR. Where those persons did face charges, punishment was often light (see the Article for more details).

While, every so often, California legislatures make some effort to address the issue, unsafe driving continues to put pedestrians at risk, with little in the way of punishment to discourage the practice. Thus, we encourage you to be careful when crossing roadways, to always look both ways even at cross-walks, and to never assume someone will stop. Also, use cross-walks at intersections with stop-lights whenever possible.

Even if the criminal system is not always prosecuting these claims, you may have civil law remedies if you have been a pedestrian victim of a motor vehicle collision. What many people do not know is that your own uninsured/underinsured motorist coverage under your own automobile insurance policy may provide you compensation for your personal injury claims suffered as a pedestrian, if the driver causing your injuries is uninsured or has insufficient policy limits to fully compensate your claim. Depending on the circumstances, this may be true even if you do not have automobile insurance, but someone else in your residence carries uninsured motorists coverage. If you have questions about your rights as a pedestrian or believe that the other motorist's insurer or your own insurer is not treating you fairly, please give us a call.

This article is a summary discussion only - to simply give you a heads up on a topic. The information contained herein is not legal advice. Every scenario is different and if you need legal advice, you should contact an attorney immediately.