

Distracted Driver Pedestrian Accidents in Houston

What It Takes To Prove A Distracted Driver Was Responsible For Hitting Someone On Foot

A driver reaches for their phone at an intersection. A pedestrian who had the walk signal steps off the curb. What follows takes less than a second and produces injuries that last for years, or doesn't end at all. [Distracted driving](#) is one of the most preventable causes of pedestrian deaths in American cities, and Houston's combination of dense urban development, high-traffic corridors, and a driving culture built around long distances makes it a setting where these crashes happen with painful regularity.

The legal challenge in a distracted driving pedestrian case is that the distraction itself is often gone by the time anyone looks. The phone is back in the cup holder. The fast food wrapper is on the floor. The driver's eyes are forward. Building a case that proves what the driver was doing in the seconds before impact requires knowing where to look for evidence and moving quickly before it disappears.

At [Smith & Hassler](#), our [Houston pedestrian accident attorneys](#) have handled pedestrian injury cases throughout Houston and Harris County, and we understand how to reconstruct these events from physical and digital evidence.

The Scale Of The Problem And What It Means For Houston

[NHTSA's distracted driving data](#) shows that distracted driving claimed 3,208 lives in the United States in 2024, with more than 315,000 people injured in crashes involving distracted drivers. Nonoccupants (e.g., pedestrians, [cyclists](#), and others outside vehicles) accounted for 20 percent of distracted driving fatalities.

[NHTSA's pedestrian safety statistics](#) put the 2024 national pedestrian death toll at 7,080, with a pedestrian killed every 74 minutes in traffic crashes. Texas consistently ranks among the deadliest states for pedestrians, and Houston's layout — a sprawling city with wide arterials, limited sidewalk infrastructure in suburban areas, and high vehicle speeds near residential zones — concentrates the risk considerably.

The types of distraction that most frequently enter these crashes include:

- **Cellphone Use:** Texting and phone calls create a combination of visual, manual, and cognitive distraction. A driver sending a text at 55 mph travels the length of a football field without looking at the road. At urban speeds, even a two-second distraction covers enough ground to put a driver through an intersection they didn't see was occupied.
- **In-Vehicle Screen Interaction:** Navigation systems, infotainment displays, and climate controls draw driver attention away from the road. A driver adjusting their navigation at 35 mph in a residential neighborhood may not see a pedestrian at a crosswalk until the braking distance is already gone.

- **Eating And Drinking:** Manual distraction from handling food or a beverage takes at least one hand off the wheel and shifts the driver's attention to an activity that isn't driving. It's a common distraction on Houston's commuter corridors where drive-through culture is embedded in the daily routine.
- **Reaching Or Adjusting:** Reaching to the back seat, adjusting mirrors, or attending to a child can take a driver's eyes off the road for multiple seconds at a time, long enough to miss a pedestrian crossing at the point where the driver's visual field is momentarily absent.

How Texas Law Defines Driver Responsibility To Pedestrians

Under Texas law, drivers have an affirmative duty to exercise due care when approaching pedestrians in or near a roadway. The duty applies at crosswalks with signals, at unmarked crosswalks, and in areas where pedestrians are reasonably expected to be present. A driver who fails to maintain adequate lookout — whether because of distraction, speed, or inattention — breaches that duty when the failure causes injury.

Texas's pedestrian right-of-way rules give pedestrians control of the crossing when the walk signal is displayed, and they require drivers to stop and remain stopped when a pedestrian is in the crosswalk. A driver who enters an intersection on a green light is still required to yield to a pedestrian who was already lawfully in the crosswalk. The driver's light being green doesn't override the pedestrian's legal right to complete the crossing.

[Texas's modified comparative fault rules](#) allow defense counsel to argue that the pedestrian contributed to the crash by jaywalking, crossing against the signal, or entering the roadway without adequate caution. The comparative fault argument is a standard part of how carriers defend pedestrian claims, and it's answered through documentation of the signal status, the pedestrian's position in the crosswalk, and the driver's pre-impact behavior.

The Evidence That Establishes Distraction

Suppose a woman leaves a Houston restaurant after dinner and crosses a four-lane arterial at a marked crosswalk on a walk signal. A driver heading southbound runs through the intersection without slowing, striking her before she reaches the far curb. She sustains a fractured femur, pelvic fractures, and a traumatic brain injury. The driver's phone records show a text message was sent twelve seconds before the crash.

That phone record is the kind of evidence that changes how a case resolves. Texas law allows civil discovery of cell phone records in personal injury litigation, and courts have consistently allowed this discovery when there's a credible basis to believe the driver was on the phone. The records show call logs, message timestamps, and data usage; and the timestamps can be cross-referenced against the crash time to establish a timeline.

Other evidence sources that establish distraction include:

- **Surveillance Camera Footage:** Houston's urban areas are extensively covered by traffic cameras, business exterior cameras, and residential doorbell cameras. A camera positioned near the intersection may have captured the driver's head-down posture, the

absence of braking before impact, or the path of travel that indicates the driver wasn't watching the road. This footage is typically overwritten within 24 to 72 hours, which makes immediate legal action on evidence preservation critical.

- **The Driver's Own Statements:** What a driver says at the scene and to responding officers often includes admissions about distraction that they later try to walk back. Recording these statements accurately — in the police report, in witness accounts, and in the written record — matters enormously for how the case develops.
- **Electronic Data From The Vehicle:** Newer vehicles retain event data recorder information that includes speed, braking, and steering inputs in the seconds before impact. This data can establish whether the driver was traveling above the posted speed limit, whether braking was applied, and when. Combined with the physical evidence at the scene, it creates a reconstruction that's difficult to dispute.
- **The Absence Of Skid Marks:** A driver who was paying attention and reacted to a pedestrian in their path typically produces visible braking evidence. A driver who wasn't watching doesn't brake until after impact, or doesn't brake at all. The absence of pre-impact skid marks tells a story that photographs can preserve.

Injuries From Pedestrian Crashes In Urban Houston

Pedestrian crashes in urban environments at speeds of 30 to 50 mph produce injuries that are categorically different from minor accidents. The human body absorbs the full force of a vehicle strike without any protective structure, and the injury pattern reflects where the impact occurs and how the pedestrian falls.

[Traumatic brain injuries in crashes](#) are particularly common in pedestrian accidents because the pedestrian's head frequently contacts the vehicle hood, windshield, or ground during the fall sequence. A TBI that looks manageable in the emergency room can produce progressively apparent cognitive, emotional, and neurological effects over weeks and months. Concentration problems, memory gaps, mood changes, and chronic headaches are all consequences that shape the injured person's ability to work and function.

Lower extremity fractures — femur fractures, tibial fractures, and knee injuries from primary vehicle contact — often require surgical repair and extended non-weight-bearing recovery. A femur fracture in a pedestrian crash typically involves intramedullary nailing and a recovery timeline of three to six months before any meaningful mobility returns, with physical therapy extending well beyond that.

[Soft tissue injuries from the crash](#) are frequently present alongside fractures, and they're often underestimated in initial assessments. Ligament damage, muscle tears, and internal organ injuries from the impact can be masked by more obvious orthopedic injuries in the immediate post-crash evaluation.

Documenting Distraction Before The Evidence Disappears

The first 48 hours after a pedestrian crash are the most important for evidence preservation. Surveillance footage needs to be requested before it's overwritten. The driver's phone needs to

be preserved before it's wiped or reset. Witness contact information needs to be collected before people leave the scene. Medical records documenting the injuries need to start accumulating from the emergency room visit forward.

[Documenting injuries consistently after a crash](#) means creating a record that tracks not just the initial injuries but their evolution, the treatment they require, and their effect on the injured person's daily life. Insurance carriers reduce claims by arguing that the injuries were minor or resolved quickly, and a thorough documentation record answers that argument directly.

Let Our Houston Pedestrian Accident Lawyers Fight For You

We take pedestrian injury cases on a contingency fee basis, which means you won't owe us anything unless we recover compensation on your behalf. If you or a family member was struck by a distracted driver in Houston, [contact Smith & Hassler](#) to discuss what the evidence shows and what your claim may be worth.