

Who Is at Fault When a Driver Hits a Pedestrian in a Crosswalk While Making a Right Turn?

A Green Light Doesn't Give a Right-Turning Driver the Crosswalk

A pedestrian can have the WALK signal and still be in danger from a driver turning right. The driver may be watching traffic approaching from the left while the pedestrian enters from the right. By the time the driver looks into the turn, the pedestrian may already be directly in the vehicle's path. In a [pedestrian accident](#), that few-second sequence can decide whether the driver failed to yield.

The risk isn't rare. In 2024, Texas recorded 6,095 pedestrian crashes, 772 pedestrian deaths, and 1,455 serious pedestrian injuries, according to the [Texas Department of Transportation](#). Pedestrians were involved in only about 1 percent of Texas traffic crashes but accounted for 19 percent of roadway deaths.

At [Smith & Hassler](#), our Houston pedestrian accident attorneys look closely at the signal sequence, where the vehicle stopped, which direction the driver was looking, and how far the pedestrian had already moved into the crosswalk. Those details can matter more than a driver's claim that the pedestrian "came out of nowhere."

Who Is Usually at Fault When a Driver Turns Right Into a Pedestrian?

A turning driver often bears responsibility when the pedestrian entered lawfully. [Texas Transportation Code § 552.002](#) says a pedestrian facing a WALK signal may proceed in the direction of the signal, and the operator of a vehicle must stop and yield the right of way.

The driver's signal doesn't erase that duty. Under [Texas Transportation Code § 544.007](#), a driver facing a circular green signal may turn unless the movement is prohibited, but the driver must stop and yield to a pedestrian lawfully in the intersection or an adjacent crosswalk. The statute imposes a similar duty on a driver facing a green arrow.

[Texas Transportation Code § 545.103](#) separately prohibits a driver from turning unless the movement can be made safely. And [§ 552.008](#) requires drivers to exercise due care to avoid colliding with pedestrians. Together, those rules make the driver's entire path through the [crosswalk](#) relevant, not just the color of the traffic light.

The Signal Sequence Can Decide Who Had the Right of Way

A WALK signal is strongest when the evidence establishes when the pedestrian entered the roadway. If the pedestrian starts crossing while WALK is displayed, § 552.002 allows the pedestrian to continue toward the sidewalk or a safety island even if the signal changes to DON'T WALK or WAIT before the crossing is complete.

That matters because a driver may see a flashing or steady hand after the pedestrian is already in the crosswalk and assume the pedestrian entered too late. The important question isn't simply what the signal showed at impact. It's what the pedestrian signal showed when the pedestrian started crossing.

Signal timing records can help reconstruct that sequence. Some intersections also use a leading pedestrian interval, or LPI, which gives pedestrians a WALK indication while vehicle traffic remains red for several seconds. TxDOT identifies LPIs as a proven safety countermeasure because they let pedestrians establish themselves in the crosswalk before turning traffic is released.

Signal Situation	Pedestrian's Position	Turning Driver's Duty
WALK + circular green	Pedestrian may proceed in the direction of WALK.	Driver may turn only while stopping and yielding to a pedestrian lawfully in the adjacent crosswalk.
WALK + green arrow	Pedestrian may still be lawfully in the adjacent crosswalk.	Driver may cautiously enter but must stop and yield to the pedestrian.
WALK changes after entry	Pedestrian who started on WALK may continue to the sidewalk or safety island.	Driver can't treat the signal change as proof that the pedestrian entered illegally.
Right turn on red	Pedestrian may be crossing under WALK or otherwise lawfully occupying the crosswalk.	Driver must stop first, enter only when safe, and yield before turning.
Leading pedestrian interval	WALK may begin while parallel vehicle traffic remains red.	The pedestrian gets a head start; signal timing can show the pedestrian was established before the vehicle was released.

Right Turn on Red Creates a Predictable Visibility Conflict

Texas allows a right turn on red at many intersections after the driver stops, waits until the intersection can be entered safely, and yields to pedestrians lawfully in an adjacent crosswalk. A posted sign can prohibit the turn. The stop must occur at the marked stop line or, when there isn't one, before entering the crosswalk as required by § 544.007.

The danger is where the driver looks next. [TxDOT's roadway design guidance](#) specifically warns that right-turn-on-red drivers may scan left for a gap in traffic and fail to notice pedestrians approaching from the right. TxDOT also notes that drivers waiting to turn can creep into the crosswalk while still watching oncoming vehicles.

That creates a useful evidentiary question: did the driver actually clear the crosswalk before accelerating, or did the driver keep looking left while the vehicle moved right? Video showing the driver's head position, vehicle creep, or the pedestrian already established in the crosswalk can be more persuasive than a general statement that the driver "looked both ways."

Visibility and the Vehicle's Turning Path Can Change the Fault Analysis

Visibility can show whether the driver had a reasonable opportunity to see the pedestrian. Buildings, parked vehicles, construction equipment, darkness, rain, and glare can affect sightlines. Those conditions don't cancel the driver's duty of due care, but they can help explain what an attentive driver should have been able to see before moving through the crosswalk.

The path of the turn matters too. [Texas Transportation Code § 545.101](#) generally requires a right-turning driver to make the approach and turn as close as practicable to the right-hand curb or roadway edge. Video, scene measurements, and impact location can help show whether the driver made a tight turn, swung wide, or entered the crosswalk at an angle that conflicts with the driver's account.

Can a Pedestrian Share Fault for a Right-Turn Crosswalk Accident?

Yes. A pedestrian who starts crossing against a DON'T WALK or WAIT signal can face a comparative-fault argument. That is different from a pedestrian who entered on WALK and was still completing the crossing when the signal changed. The timing of entry is what separates those two situations.

When no traffic-control signal is in place or operating, [Texas Transportation Code § 552.003](#) generally requires a driver to stop and yield to a pedestrian in the driver's half of the roadway, or approaching closely enough from the opposite half to be in danger. The same statute says a pedestrian can't suddenly leave the curb and enter the path of a vehicle so close that it's impossible for the driver to stop and yield.

Texas uses proportionate responsibility. Under [Texas Civil Practice and Remedies Code § 33.001](#), a claimant can't recover damages if the claimant is more than 50 percent responsible. If the claimant is 50 percent or less responsible, any recovery can still be reduced by the assigned percentage of fault.

What Evidence Can Reconstruct the Few Seconds Before Impact?

Right-turn pedestrian crashes often happen too quickly for either person to remember every detail accurately. The strongest evidence usually establishes three things: what the pedestrian signal showed, what the driver's signal allowed, and how both people moved before impact.

- **Surveillance or dashcam footage** - Video may show when the pedestrian entered the crosswalk, whether the vehicle stopped, where the driver was looking, and how the vehicle moved before impact.
- **Signal timing and phasing records** - Timing plans can show when WALK began, when the pedestrian clearance interval started, whether an LPI was programmed, and when turning traffic received permission to move.

- **Witness statements** - Other pedestrians, motorists, or nearby workers may have seen the signal, the driver's head position, or whether the pedestrian was already established in the crosswalk.
- **Crash scene photographs** - Images may document stop lines, crosswalk markings, signs, lighting, sight obstructions, and the distance between the curb and impact point.
- **Vehicle position and impact evidence** - Damage and point-of-impact evidence can help place the vehicle within the crosswalk, although damage alone doesn't establish the entire pre-impact sequence.
- **The police crash report** - A [Texas accident report](#) can document statements, citations, contributing factors, and reported positions. It's important evidence, but it doesn't by itself decide civil fault.

Signal timing can be especially valuable when the pedestrian says WALK was displayed and the driver remembers only a green light. Both accounts can be true. The pedestrian and driver can receive overlapping permissions, with the turning driver still required to yield.

Where the Driver Was Looking Can Be Evidence of Negligence

A right-turning driver often has a reason to look left: that is where conflicting vehicle traffic may be coming from. But the need to check traffic doesn't remove the duty to check the crosswalk before moving through it.

A witness may have seen the driver's head turned left immediately before impact. Video may show the vehicle creeping forward without a clear crosswalk check. The impact point may show that the pedestrian had already moved several feet into the crossing before the driver accelerated. Those details can help test a claim that the pedestrian was impossible to see.

The same attention problem appears in other [distracted-driver pedestrian crashes](#). A driver doesn't have to be texting for attention to be misplaced. Looking continuously at vehicle traffic while failing to scan the part of the crosswalk the vehicle is about to enter can still become central to the negligence analysis.

How an Insurance Company May Try to Shift Fault to the Pedestrian

An insurer may accept that its driver made the turn but dispute when the pedestrian entered, where the pedestrian was walking, or whether the driver had enough time to react. The carrier's argument often depends on turning a small uncertainty into a larger percentage of fault.

- **Pedestrian signal** - The insurer may argue that DON'T WALK or WAIT was already displayed when the pedestrian stepped from the curb.

- **Driver's signal** - A green light or green arrow may be used to suggest the driver had the right of way, even though § 544.007 still requires the driver to yield to a pedestrian lawfully in an adjacent crosswalk.
- **Entry point and direction** - The carrier may question whether the pedestrian was inside the crosswalk and which direction the pedestrian was traveling.
- **Stopping position** - A vehicle stopped behind the line presents a different sequence from one already extending into the crosswalk before the turn began.
- **Visibility** - Darkness, glare, parked vehicles, construction, or other obstructions may be used to argue that the pedestrian couldn't reasonably have been seen sooner.
- **Video and witnesses** - Independent evidence can confirm or contradict both the driver's and pedestrian's recollections and often becomes the most important evidence when signal timing is disputed.

Because the 50-percent threshold can materially change the outcome, evidence that moves even a small share of fault can matter. That is why preserving the signal sequence and the driver's movement is often more important than debating broad statements about who "had the green."

Smith & Hassler Can Investigate the Entire Right-Turn Sequence

Right-turn pedestrian crashes often produce two stories that sound plausible until they're compared with the signal timing, video, physical scene, and Texas traffic rules. A driver can have a green light and still be required to yield. A pedestrian can see DON'T WALK at impact and still have entered lawfully several seconds earlier.

Our Houston pedestrian accident attorneys can preserve available surveillance footage, obtain signal information, review the crash report, speak with witnesses, and examine where the vehicle entered the crosswalk. When needed, we can also work with reconstruction or traffic-signal experts to explain a sequence that happened too quickly for eyewitness memory alone.

If you were hit by a driver making a right turn in a Houston crosswalk, [contact us](#) for a free consultation. We can review what happened, identify the evidence that may still be available, and explain your legal options.