

What Happens If a Driver Hits You in a Massachusetts Crosswalk And Claims They Never Saw You?

A Massachusetts pedestrian accident lawyer explains crosswalk right-of-way, fault, and what happens next

A crosswalk is supposed to be a safe place where a pedestrian can expect drivers to slow down, pay attention, and follow the law. Unfortunately, in cities and towns across Massachusetts, many drivers cause [pedestrian accidents](#) in crosswalks all the time. And when they do, many drivers from Boston to Pittsfield, and everywhere in between have the same excuse: I didn't see the pedestrian in the crosswalk.

If you were hit in a crosswalk in Worcester, Springfield, or another Massachusetts city, drivers don't get a free pass just because they claim they "never saw you." Drivers have a legal responsibility to avoid hitting a pedestrian in a crosswalk. That's the law. And when drivers break those laws and hit a pedestrian in a crosswalk, those drivers need to be held responsible for their actions.

At the [Law Offices of Mark E. Salomone](#), we know how serious these pedestrian accident cases can be, and how quickly many insurance companies try to turn a strong case into an argument about shared fault. Our Massachusetts pedestrian accident lawyers can respond right away and set the record straight. We know how to investigate crosswalk crashes, preserve evidence, and build claims that show exactly how your pedestrian accident happened and why the driver should be held accountable.

Why Massachusetts crosswalk accidents are often so serious

Pedestrian accidents in crosswalks often cause severe injuries because the pedestrian has no protection when a vehicle makes contact. Even when the driver is not traveling at high speed, the impact can throw the pedestrian onto the pavement, into another lane of traffic, or against another vehicle. In a busy area like downtown Boston, along Belmont Street in Worcester, or near Worthington Street in Springfield, that kind of crash can change someone's life in seconds.

These cases are often especially serious because the pedestrian usually has very little time to react. Someone walking through a marked crosswalk may reasonably expect that approaching drivers will stop. But if a driver is distracted, speeding, turning without looking, or simply not paying attention, that driver can enter the crosswalk without braking until the moment of impact, or not brake at all.

That's one reason these cases often involve significant injuries and substantial claims. Common reasons why crosswalk crashes can be so severe include:

- The pedestrian has no physical protection from the force of impact.

- The driver often hits the pedestrian before the pedestrian has time to move out of the way.
- Many crosswalk crashes happen at intersections or in dense city traffic, where secondary impacts are possible.
- Drivers making turns are often focused on traffic gaps instead of people crossing the street.
- The collision can cause head injuries, fractures, internal trauma, and long-term mobility problems.

That cause-and-effect pattern matters because it shows how a driver's failure to yield directly led to the pedestrian's injuries. And that can be critical when it comes to getting the compensation you deserve for your pedestrian injury claim.

What Massachusetts laws apply to drivers in marked crosswalks?

Massachusetts has a clear law on this issue. Under [Massachusetts General Laws Chapter 89, Section 11](#), drivers must yield the right-of-way to pedestrians crossing within a marked crosswalk when traffic control signals are not in place or not operating. The same law also requires drivers to use due care to avoid colliding with pedestrians.

That legal duty is important because it gives pedestrian accident claims in Massachusetts a strong liability foundation. Liability means the at-fault party is legally responsible for paying for the injury victim's financial losses.

If you were in a marked crosswalk and the driver did not stop, the law is already pointing to what that driver should have done. The issue often is not whether the driver meant to hit you. The issue is whether the driver failed to do what the law required.

For example, imagine you're crossing in a marked crosswalk in Cambridge. A driver approaches, looks left, starts to turn, and hits you, claiming later that you "came out of nowhere." In many situations, that defense does not hold up well because a driver is supposed to look for pedestrians before moving into the crosswalk.

Why a driver saying "I never saw you" can actually strengthen your claim

A lot of drivers think that saying they never saw the pedestrian somehow excuses what happened. Usually, it does the opposite. If a driver never saw a pedestrian who was lawfully in a marked crosswalk, that often suggests the driver was not watching the road carefully enough. In legal terms, that can be evidence of negligence, which means failing to use reasonable care under the circumstances.

There are several common reasons why drivers claim they never saw the person they hit:

- The driver was distracted and looking at a phone, dashboard screen, or GPS.

- The driver was focused on oncoming traffic while making a turn.
- The driver was speeding and had too little time to react.
- The driver was tired, impaired, or simply not paying attention.
- The driver saw the pedestrian too late because the driver never properly scanned the crosswalk.

In other words, “I didn’t see you” is often another way of saying, “I wasn’t watching closely enough.” That can become a powerful part of a pedestrian injury claim. That can clearly show that the driver was negligent and caused your pedestrian accident.

What evidence usually proves fault in a Massachusetts crosswalk accident?

These cases are often won or lost on evidence. Drivers rarely admit they just failed to yield. Insurance companies rarely accept fault without pushing back. That is why a strong investigation matters so much from the start.

A Massachusetts pedestrian accident lawyer will often look for evidence that shows where you were, what the driver was doing, and whether the driver had a clear chance to see you before the collision. Some of the most useful evidence in crosswalk accident cases includes:

- The [official police report](#) and any diagrams or officer observations from the scene.
- Witness statements from nearby drivers, pedestrians, cyclists, or business employees.
- Traffic camera footage or nearby surveillance video.
- Photos of the crosswalk, lane markings, lighting, traffic signs, and surrounding area.
- Vehicle damage showing where the impact occurred.
- Skid marks, debris, or the vehicle’s resting position after the crash.
- Cell phone records if distracted driving is suspected.
- Crash reconstruction analysis in serious injury cases.

For example, if a store camera in Worcester shows you halfway through a marked crosswalk before the driver turned into you, that footage can discredit the driver’s story and credibility. The same is true if witness statements confirm that you were visible and crossing lawfully. This is why early action matters. Video evidence can disappear fast, and memories fade even faster.

Can the insurance company still try to blame you for the crash?

Yes, and that happens often even when the facts seem clear. Massachusetts follows a modified comparative negligence rule under [Massachusetts General Laws Chapter 231, Section 85](#). That

means an injured person can still recover compensation as long as that person is not more than 50 percent at fault, but the recovery can be reduced by that person's share of fault.

Insurance companies know this, and they often try to use it to their advantage. Even in crosswalk cases, they may try to argue that the pedestrian caused part of the collision. They may claim:

- You entered the crosswalk too suddenly.
- You were distracted by your phone.
- You crossed outside the marked area.
- You moved against the signal.
- You should have seen the vehicle and stopped.

Such statements by insurance companies are often less about truth and more about reducing what they have to pay you. A strong case has to deal with those arguments directly and show why the driver's failure to yield was the real reason the crash happened.

What injuries are common when a driver hits a pedestrian in a crosswalk?

Pedestrian accidents often cause much more damage than the first emergency room record makes clear. Some injuries are obvious right away. Others become worse as pain, swelling, and neurological symptoms set in over the next several days.

Common crosswalk accident injuries can include:

- Concussions and traumatic brain injuries.
- Broken wrists, arms, legs, ribs, and hips.
- Herniated discs and back injuries.
- Torn ligaments and other soft tissue damage.
- Internal bleeding and organ injuries.
- Knee, ankle, and shoulder injuries.
- Facial injuries and dental trauma.
- Emotional trauma, anxiety, and sleep problems after the crash.

A pedestrian hit on Route 9 near Framingham or in a busy Boston crosswalk may sustain severe injuries that affect walking, working, sleeping, and basic daily routines for months or years. That's one reason why these claims often involve far more than the initial ambulance bill.

What should you do after a Massachusetts crosswalk accident?

Your first priority should always be your health. Get immediate medical attention and follow up with treatment, even if you think your injuries will improve on their own. Many serious pedestrian accident injuries don't fully reveal themselves right away, especially head injuries, internal injuries, and musculoskeletal injuries.

After that, the steps you take can make a big difference in the outcome of your legal case. Important steps often include:

- Call 911 and make sure police respond to the scene.
- Get medical care right away and keep every follow-up appointment.
- Take photos of the crosswalk, the vehicle, your injuries, and the surrounding area if you can do so safely.
- Get names and contact information for witnesses.
- Don't give a recorded statement to the insurance company before speaking with a lawyer.
- Save your clothing, shoes, and anything else damaged in the crash.
- Contact a lawyer as soon as possible.

For example, if the crash happened near a business in downtown Springfield, there may be security footage that captured the entire incident. But that video footage may only be stored for a short time. Waiting too long could cost you evidence that could have made a difference in the outcome of your case.

How Massachusetts no-fault law can affect a pedestrian injury claim

Massachusetts is a no-fault insurance state for initial injury benefits, which means Personal Injury Protection, often called PIP, may pay certain medical expenses and lost wages first regardless of who caused the crash. But that does not mean fault stops mattering in a pedestrian case.

If your injuries are serious enough, you may be able to pursue a claim against the driver for pain and suffering and other losses that go beyond basic no-fault coverage. Under [Massachusetts General Laws Chapter 231, Section 6D](#), an injured person may recover pain and suffering in a motor vehicle case when reasonable and necessary medical expenses exceed \$2,000 or when the injuries involve certain serious conditions such as fractures, disfigurement, loss of sight or hearing, or death.

That matters because many crosswalk accidents easily clear that threshold. Once they do, proving fault becomes much more important because the at-fault driver may be responsible for a much larger claim.

Why hiring a Massachusetts pedestrian accident lawyer can make a difference

These cases can look simple at first. A driver hits a pedestrian in a marked crosswalk and says they never saw the person. But once the insurance company gets involved, things can change quickly. Suddenly, the driver's failure to yield becomes a debate about visibility, reaction time, traffic signals, and whether the pedestrian somehow shares blame.

That's why legal help matters. At the Law Offices of Mark E. Salomone, our pedestrian accident attorneys know how to investigate crosswalk crashes throughout the state. We can secure video footage, analyze the roadway layout, work with witness testimony, and push back when insurers try to distort what happened. We also know how these cases play out in Massachusetts courts and communities from Boston to Worcester and Springfield. We know what it takes to build a case that delivers results. That's why we've recovered more than \$1 billion in settlements, verdicts, awards and benefits. Experience matters here.

Tell the insurance companies you mean business after your pedestrian accident. [Contact](#) our law firm and schedule a free case evaluation with a pedestrian accident lawyer you can count on in Massachusetts. Put the power of the Law Offices of Mark E. Salomone to work for you. We can answer your questions, explain your rights, investigate what happened and fight to hold the at-fault driver accountable for your pedestrian injury.