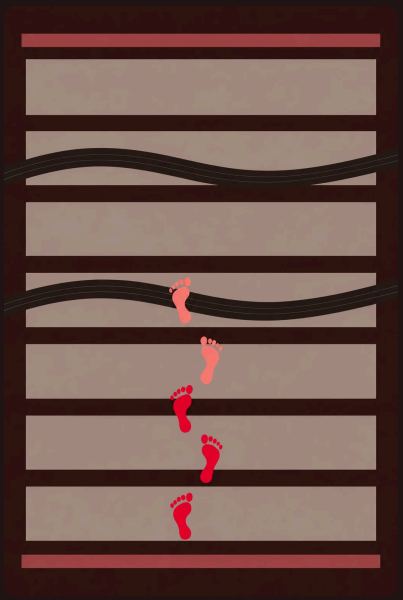
LARSON LAW BOSTON ATTORNEYS

LARSON LAW GUIDES
MASSACHUSETTS INJURY SERIES

A MASSACHUSETTS PEDESTRIAN ACCIDENT GUIDE

Every Step Counts



Hit by a car while walking? Learn your rights, protect the proof and keep the insurance company from putting the blame on you.

INSIDE THIS GUIDE

- Auto coverage when you don't own a car
- Answers to "you darted out"
- Deadlines for city and bus claims
- Crosswalk and walk-signal rules
- Video and proof to save this week
- Tear-out checklists and injury diary

> *Read this before anyone tells you it was your fault.*

12 CHAPTERS + CHECKLISTS

Daniel J. Larson
PRINCIPAL ATTORNEY · LARSON LAW

Every Step Counts

A Massachusetts Pedestrian Accident Guide

Daniel J. Larson
Larson Law

Disclaimer

This book offers general information about claims by people hit by vehicles while walking in Massachusetts. It is not legal advice, and reading it does not make you a client of Larson Law. Every crash is different and the law changes over time, so talk with a lawyer before you act, or decide not to act, on anything here. Information is current as of November 2026.

© 2026 Larson Law. All rights reserved.
Larson Law · 265 Franklin Street #1702, Boston, MA 02110 · 508-888-8888 · https://www.dlarsonlaw.com

Using this book

Start with the chapter you need most.

If you're...	Start with
Hit in the last few days	Chapter 4 (first steps) and Chapter 6 (deadlines)
Being told it was your fault	Chapter 1 (crosswalks, signals and shared fault)
Worried because you don't own a car	Chapter 5 (how auto insurance can still pay)
Hearing from an adjuster	Chapter 8, before you answer
Thinking about value or a lawyer	Chapters 9 and 12

The checklists, deadline card and injury diary at the back are made to be torn out and filled in.

Contents

A message from the author

Part I: The Crossing

1. Right of way, crosswalks and fault
2. Crosswalks, parking lots and other places it happens
3. Evidence that shows what the driver did

Part II: After the Impact

4. The first days after you're hit
5. Medical bills and lost pay after you're hit on foot
6. Deadlines that apply to pedestrian claims

Part III: The Claim Against the Driver

7. The driver, the insurers and everyone else in your claim
8. Insurance arguments aimed at pedestrians
9. What a pedestrian injury claim is worth

Part IV: Reaching the End

10. From the hospital to a settlement check
11. Negotiation, mediation and the courtroom
12. Picking a lawyer and what comes next

Back of the book

- About the Author
- Glossary
- Bibliography
- Checklists and Injury Diary
- Contact

A message from the author

Dear reader,

Being hit by a car while walking is one of the most frightening things that can happen to a person. If it happened to you or someone you love, I'm sorry.

People hit on foot often tell me the same thing: the insurance company acted as if the crash were their fault. You darted out. You weren't in the crosswalk. You were wearing dark clothes. Those arguments are common, and they are often wrong.

I wrote this book so you know your rights before anyone tries to talk you out of them. You'll learn how auto insurance can pay your bills even if you don't own a car, what drivers owe people on foot and which evidence to protect right away.

This book isn't advice about your own case. If you'd like to talk it through, my team and I are glad to listen, and the call is free.

With best wishes for your recovery,

Daniel J. Larson
Principal Attorney, Larson Law

PART I: THE CROSSING

Chapter 1: Right of way, crosswalks and fault

> **EXAMPLE**
>
> *Samuel was halfway across Massachusetts Avenue on a walk signal when an SUV turning left hit him. The driver said the sun was in his eyes and that Samuel "came out of nowhere." The driver's insurer offered to pay only part of Samuel's medical bills, saying he should have been watching for turning cars. Samuel had done exactly what pedestrians are supposed to do. The law was on his side, but he had to prove it.*

A pedestrian claim usually rises or falls on a single issue: did the driver give the person on foot the space and attention the law demands? Everything else in this book builds on the answer, so we start here, with the rules of the road seen from the sidewalk.

Careful driving around people on foot

Massachusetts expects every driver to use reasonable care, and that care looks different near people walking. A careful driver watches the edges of the road, slows where people gather, such as bus stops, store entrances, school zones and parking lots, and keeps a speed that allows a full stop in time. A driver who falls short and hits someone is **negligent** and owes the injured person for the harm.

Intent doesn't matter. You don't need to show the driver meant to hurt you, only that the driver was careless and the carelessness caused your injuries.

The crosswalk rule

A marked crosswalk gives a pedestrian the strongest protection on the road. Massachusetts drivers must come to a **stop**, not just slow down, for a person in a marked crosswalk on the driver's half of the road, and for a person coming from the other half who is getting close. A few details people don't expect:

- The rule applies at crosswalks with no signal at all.
- Faded paint doesn't erase a marked crosswalk.
- A driver may not pass another vehicle that has stopped to let someone cross.

Signals and turning traffic

At a signal, a person crossing on the walk light has the right of way, and drivers turning right or left **must yield** to them. Many of the worst pedestrian crashes happen here, because turning drivers watch for oncoming cars and never look at the crossing they are turning into. If the light changes to a flashing "don't walk" after you've started across, you may finish crossing, and drivers must still wait.

Driveways, garages and store lots

A driver crossing a sidewalk to get in or out of a driveway, garage or parking lot must yield to people walking on it. Inside a lot, the painted rules are fewer, but the duty of care is the same. Backing up without checking, cutting across rows and speeding past storefronts are all careless driving, because lots are full of people on foot and drivers know it.

Room to pass

Massachusetts law now names pedestrians among **vulnerable road users** and requires drivers passing them to leave at least four feet and pass at a safe speed. On roads without sidewalks, where people have to walk along the edge, a driver who brushes past too close may be breaking this rule.

> **Signs the driver broke a rule**
>
> - No stop for a person in a marked crosswalk
> - A turn into the crossing without yielding on a walk signal
> - Too fast for the street, the weather or the dark
> - Eyes on a phone, screen or passenger
> - Reversing in a lot or loading lane without checking
> - Passing closer than four feet at the road's edge

Outside the lines

Crossing between intersections or against the light is the issue pedestrians worry about most, and it usually does less damage than they fear. It does **not** automatically end a claim. Drivers owe care to anyone in the road, wherever they're crossing, and a speeding or distracted driver can still carry most or all of the blame. What it does give the insurer is an argument that you share the fault.

Sharing the blame: the numbers

Massachusetts compares fault. Your recovery is reduced by your share, and it stops entirely if your share is more than half. Here is how that plays out on a claim valued at $120,000:

Your share of fault	Driver's share	What you recover
0%	100%	$120,000
20%	80%	$96,000
50%	50%	$60,000
51%	49%	Nothing from that driver

The jump between the last two rows is why insurers fight so hard over a few percentage points, and why the proof in Chapter 3 matters so much.

Crash patterns that keep repeating

Left turn into the crossing. The driver turns on a green light and hits someone walking on the walk signal. Glare and blocked views are common excuses. Neither removes the duty to look where you're turning.

Right on red. The driver stops, looks left for traffic and rolls forward without looking right at the crosswalk.

Reversing van or truck. A delivery or work vehicle backs up in a lot or loading area. Backup cameras and alarms are worth checking: did they work, and did the driver use them?

The second car. One car stops for a pedestrian; a second car in the next lane keeps going and hits them. This is called a **multiple-threat crash**, and passing a stopped car at a crosswalk breaks the law.

After dark. Insurers argue the person walking was hard to see. Drivers must still use headlights, watch the road and keep a speed that lets them stop within what they can see. A dark street may also point to a public agency or a property owner.

Children. Young children aren't held to an adult's judgment, and drivers must take extra care near schools, playgrounds and bus stops.

Fault spread across several parties

Blame can be shared among two drivers in a multiple-threat crash, a driver and an employer, a driver and the business that designed a dangerous lot, or a driver and an agency that left a signal broken. Each added party can mean another insurance policy.

> **Your next step**
>
> Write down where you were crossing, what the signal showed, which way the vehicle was turning and what you saw before impact. Don't apologize or guess at fault, even to be polite.

Chapter 2: Crosswalks, parking lots and other places it happens

> **EXAMPLE**
>
> *Mateo was hit by a car pulling out of a fast-food drive-thru in Springfield as he walked along the sidewalk. Across town the same week, a woman was hit in a downtown crosswalk by a city maintenance truck. Both were badly hurt. Mateo's claim involved the driver and possibly the restaurant's lot design. Hers involved a public agency, a short notice deadline and a cap on what the city could pay.*

The spot where you were hit decides more than people expect: which rule the driver broke, who else may share the blame, where the proof is kept and which deadline applies. Here is a guide to the most common locations.

Location	The rule that usually matters	Others possibly involved
Intersection with a walk signal	Turning drivers yield to people crossing	The city or state, if the signal failed
Marked crosswalk, no signal	Drivers must stop	A second driver who passed a stopped car
Mid-block crossing	Ordinary care; shared-fault argument	Parked vehicles or poor lighting
Business lot, drive-thru, gas station	Ordinary care; yield at sidewalks	The property owner or manager
Loading zone	Backing drivers must check behind	The delivery company

Location	The rule that usually matters	Others possibly involved
Bus stop or MBTA station	Ordinary care near people waiting	The MBTA, if a bus was involved
Road with no sidewalk	Four-foot passing rule	The state or town that maintains the road
Construction zone	Ordinary care; detours must be safe	The contractor that closed the sidewalk

Signalized corners

Signal timing can be checked through records the city or state keeps, and many intersections in Boston, Cambridge, Worcester and Springfield are watched by traffic cameras. Turning-vehicle crashes cluster here.

Crosswalks without lights

Mid-block crosswalks and crossings near schools put a clear duty on drivers to stop. These cases often turn on attention: was the driver looking, and had another car already stopped?

Store lots and drive-thrus

Lots, drive-thru lanes and gas station aprons are among the places pedestrians are hurt most. They bring a second possible defendant, the business that controls the property, if the layout invited crashes: blind corners, faded walkways, no stop signs, dim lighting. Store and gas station cameras often record the lot, but footage can be erased within days.

The mouth of a driveway

A driver crossing the sidewalk to enter or leave a lot or garage must yield to people walking. Many of these crashes involve drivers who looked only for street traffic.

Buses and stations

People are hit walking to and from stops, and sometimes by the bus itself. When an MBTA or other public vehicle is involved, special notice rules and limits on recovery apply (Chapter 6). Buses usually carry cameras, but recordings may not be kept for long.

Work zones and closed sidewalks

A closed sidewalk can push people into traffic. If a contractor didn't set up a safe detour or warning signs, it may share responsibility with the driver.

Roads without sidewalks

At the edge of a road, the passing-distance rule protects people walking, and the driver's speed and the lighting are usually the key facts.

> **Your next step**
>
> Note the exact spot: the street names, the nearest business and which side of the street you were on. If you can, return later, or send someone, to photograph the signals, signs and lighting as they normally look.

Chapter 3: Evidence that shows what the driver did

> EXAMPLE
>
> *Wei was hit while crossing at night near a gas station in Quincy. The driver told police Wei had "jumped out between parked cars." But the gas station's camera showed Wei walking steadily across the crosswalk, and the car never braking. A letter went out the day Wei's family called, and the station saved the footage before it was recorded over.*

Pedestrian claims often come down to your word against the driver's, and you may not remember the moment of impact at all. Independent proof fills that gap. The problem is that much of it has a short life.

Proof on a timer

Gone in days: business security video, dashcam loops, skid marks, debris at the scene, the lighting as it was that night.
Gone in weeks: traffic and bus camera recordings, 911 audio, the vehicle's stored crash data once repairs begin, witnesses' clear memories.
Kept, but must be requested: the police report and diagram, signal timing records, medical records, phone records.

What the vehicle can tell you

Where a vehicle is damaged says a lot. A dent in the bumper and a cracked windshield tell different stories about speed and angle. Many vehicles also store their speed and braking in the seconds before a crash, and that data can be lost once the vehicle goes in for repairs.

What the scene can tell you

Skid marks and debris show where the impact happened and whether the driver braked. In night crashes, the brightness of the scene matters: were the streetlights working? Photos taken at the same hour on another night can help show what the driver should have seen.

What you hold yourself

- **Your clothes and shoes**, kept unwashed in a bag. They can show where you were struck and answer claims that you were hard to see.
- **Your phone.** Delete nothing. If the insurer says you were distracted, records showing no use at the moment of the crash can help.
- **Photos of your injuries**, every few days as they change.
- **Your injury diary**, with daily notes on pain, limits and appointments.
- **Every receipt and bill** connected to your care.

Reconstruction specialists

When fault is disputed or injuries are serious, a crash reconstruction specialist can combine the vehicle damage, the scene, video and stored data to show how fast the driver was going and whether stopping was possible. In pedestrian cases, that work is often decisive.

A letter that saves the video

A **preservation letter** tells a business, driver, employer or agency that a claim exists and that specific evidence must be kept. If they destroy it after receiving notice, a court can hold that against them. In pedestrian claims, this letter is often the difference between having video and having none.

> **Evidence I can protect today**
>
> ☐ Clothes and shoes bagged and unwashed
>
> ☐ Photos of injuries, with dates
>
> ☐ Names of businesses near the scene
>
> ☐ Witness names from the police report
>
> ☐ Phone kept, nothing deleted
>
> ☐ Injury diary started

> **Your next step**
>
> The video that settles a pedestrian claim may already be counting down to deletion. Ask a lawyer to send preservation letters right away.

PART II: AFTER THE IMPACT

Chapter 4: The first days after you're hit

> **EXAMPLE**
>
> *Gabe was clipped by a hatchback in a Somerville crosswalk. He got up, told the driver he was fine and limped home to sleep it off. By morning his knee had swollen to twice its size and he couldn't put weight on it. He had no photos, no witness names and only a first name for the driver.*

People hit on foot are often taken away by ambulance before they can do anything. So this chapter is split by who is able to act: you, if you're able, the person with you, and you again once you're home.

If you're able to act at the scene

Call 911 and ask for police and an ambulance. A police report matters even more for pedestrians than for drivers, because the driver's version often changes later. Stay still if your head, neck or back hurts, unless traffic puts you in danger. If you can, get the driver's name, plate, license, insurer and any company name on the vehicle, and say nothing about fault. "I need medical help" is enough.

If a friend or family member is with you

Hand them this list. They can:

- Photograph the vehicle and its damage, the crossing, the walk signal, the lighting and your belongings on the ground
- Ask bystanders, bus riders and store workers for names and phone numbers
- Note every camera pointed at the scene: shops, gas stations, buses, traffic poles

- Write down the plate and the direction of travel if the driver leaves
- Gather your phone, glasses and bag, and keep anything damaged

If the driver drives off

Report it to police immediately, with whatever you or others saw: part of a plate, the make, the color, the direction. A prompt report is often required before uninsured motorist coverage will pay after a hit-and-run, and it gives police the best chance of finding the driver.

Seeing a doctor

Get checked the same day, even if you feel you can walk it off. Foot and hip fractures, torn knee ligaments and head injuries can take hours to show. Tell the doctor you were hit by a car while walking, and name every place that hurts. Watch for signs of a head injury even without a blow to the head: headaches, dizziness, nausea, confusion, blurred vision or trouble sleeping.

Once you're home

- Put the clothes and shoes you wore in a bag, unwashed.
- File for no-fault benefits (Chapter 5 explains how).
- Start the injury diary at the back of this book.
- Keep every bill, receipt, letter and the police report number in one folder.
- Stay off social media about the crash.
- Don't give the driver's insurer a recorded statement or sign its forms yet (Chapter 8).

First-days checklist for a pedestrian crash

☐ Police called and report number written down

☐ Medical care within 24 hours

☐ Driver's name, plate, insurance and any company name

☐ Photos of the vehicle, crossing, signal and injuries

☐ Witness names and numbers

☐ Nearby cameras noted

☐ Clothes and shoes saved, unwashed

☐ No-fault benefits application filed

☐ Injury diary started

☐ No recorded statement given to the driver's insurer

☐ No posts about the crash

Your next step

Missing most of this list after an ambulance ride is common and usually fixable. A lawyer can request the report, reach witnesses and ask businesses to keep their video, but the sooner, the more of it still exists.

Chapter 5: Medical bills and lost pay after you're hit on foot

> EXAMPLE
>
> *Linh didn't own a car. When a pickup hit her outside a Lowell pharmacy, she assumed that meant no insurance would cover her emergency room visit or the three weeks she couldn't work. A friend told her to file for benefits with the insurer of the pickup that hit her. Within a month, her ambulance and imaging bills were being paid.*

"I wasn't in a car, so car insurance won't help me." It's one of the most common and costly mistakes pedestrians make. In Massachusetts, auto insurance can start paying a person on foot within weeks, and it usually funds the larger claim later.

No-fault benefits for people on foot

Every Massachusetts auto policy includes **Personal Injury Protection (PIP)**, and it reaches beyond drivers and passengers to pedestrians struck by a Massachusetts-insured vehicle. Fault doesn't matter. PIP pays up to **$8,000** per person toward reasonable medical care related to the crash, 75% of wages you lose with proof from your doctor and employer, and some help with household tasks you can't manage while hurt.

Often it is the insurer of the vehicle that hit you that pays. If someone in your home has a Massachusetts auto policy, that policy can come into it too; the insurers settle the order between themselves. Your part is to file a PIP application promptly, keep a copy, give the claim number to every provider and attend any exam the PIP insurer

schedules, or ask a lawyer about it first. Skipping a required exam can stop your benefits.

Health insurance alongside it

With private health insurance, PIP covers the first $2,000 of medical bills and your health plan takes over as the main payer after that, with PIP picking up copays and deductibles until it runs out. With MassHealth, PIP generally carries more of the medical bills itself. Either way, keep using your health coverage, so bills don't drift into collections while the claim is pending.

The larger claim

Pain and suffering, wages beyond PIP and long-term losses are paid by the at-fault driver's **bodily injury coverage**. Massachusetts lets you claim pain and suffering once your reasonable medical bills pass $2,000, or right away if the crash caused a **fracture**, serious permanent scarring, loss of sight or hearing, loss of a body part or death. Because broken bones are so common when a car hits someone on foot, many pedestrian claims qualify from day one.

Massachusetts policies issued or renewed since July 1, 2025 carry at least $25,000 per person and $50,000 per crash in bodily injury coverage. For a serious pedestrian injury, that often falls short, which is why the other sources below matter.

Your situation	Coverage that may pay
Hit by a personal car	The driver's PIP and bodily injury coverage
Hit by a delivery van, box truck or company car	A business auto policy, usually with much higher limits
Hit by a rideshare or delivery-app driver	The app company's coverage, which changes with the driver's app status

Your situation	Coverage that may pay
Hit by a driver who fled or had no insurance	Uninsured motorist coverage on a household auto policy
Hit by a driver with a small policy	Underinsured motorist coverage on a household policy, if you have it
No auto policy in your home and the driver fled	Limited options; report to police at once and get advice
Walking as part of your job	Workers' compensation, which changes the order of payment

Income while you can't work

PIP's wage benefit shares the same $8,000 as your medical bills, so it doesn't last long after a serious injury. Short-term disability coverage through work can help, and so can Massachusetts **Paid Family and Medical Leave**, which can replace part of your pay during a serious health condition.

Belongings

A broken phone, glasses, clothing, a stroller or a bicycle you were walking can all be part of your claim. Keep the damaged items, photograph them and hold on to the receipts.

My coverage check

- Does anyone in my household have a Massachusetts auto policy? ☐ Yes ☐ No
- If yes: PIP amount _____ Uninsured motorist _____ Underinsured motorist _____
- Insurer of the vehicle that hit me: _____
- Was the driver working? ☐ Yes ☐ No ☐ Not sure
- My health insurance: _____

Your next step

File the PIP application this week, share the claim and health insurance details with every provider, and fill in the coverage check above.

Chapter 6: Deadlines that apply to pedestrian claims

> **EXAMPLE**
>
> *Jordan was 15 when a car hit him in a Brockton crosswalk on his way to school. His parents focused on his surgery and recovery and set the claim aside. They assumed there was no rush. There was more time than they feared for Jordan's own claim, but the city's notice deadline for the broken crosswalk signal had already passed.*

A missed deadline can end a strong claim regardless of the injury. The deadline that applies depends on your situation, so this chapter is organized around who was hurt and who was involved.

Your situation	The deadline to watch
An adult hit by a private driver	File any lawsuit within three years of the crash
A child under 18	The child's three years usually start at 18; a parent's own claim for medical bills may run sooner
A city vehicle, MBTA bus or public road condition involved	A written claim to the right official within two years, and some road and sidewalk defects need written notice within 30 days
A hit-and-run	Report to police immediately; the household policy sets notice rules for uninsured motorist claims
A crash that took a life	The estate's claim generally within three years of the death

Your situation	The deadline to watch
Bills still coming in	PIP generally won't pay bills submitted more than two years after the crash
An insurer treating you unfairly	A written demand at least 30 days before suing over claim handling

Talking isn't filing

Negotiating, writing letters and even receiving an offer do nothing to stop the three-year clock. Only a lawsuit filed in court does. Most claims settle well before the deadline, but if yours hasn't, a suit has to be filed to protect it.

Public agencies move on their own schedule

Signals, crosswalk paint, streetlights, sidewalks, city vehicles and buses are all public responsibilities. Claims against public bodies need a formal written claim first, are usually capped, and carry the shortest notice periods in this book. They are also the deadlines families most often miss, as Jordan's did.

Children's claims

Even when the law gives a child years of extra time, evidence doesn't wait. Witnesses forget, video is erased, and the scene changes. Starting early protects the child's claim and the parents' claim alike.

My deadline card

Date I was hit: _____
Police report number: _____
PIP bills due by (2 years): _____
Lawsuit deadline (3 years): _____
Was I under 18? ☐ Yes ☐ No
Public signal, street, vehicle or bus involved? ☐ Yes ☐ No. If yes, get advice now.

Your next step

Fill in the deadline card and keep it with your papers. If a public agency or a child's claim is involved, talk to a lawyer this week.

PART III: THE CLAIM AGAINST THE DRIVER

Chapter 7: The driver, the insurers and everyone else in your claim

> **EXAMPLE**
>
> *Tasha was walking from her car to the entrance of a Dorchester supermarket when a delivery van backed out of the loading lane and knocked her to the pavement. In the ambulance she wondered whether the van driver, the delivery company or the store would pay for any of it. Over the next week she heard from three insurance companies, and none of them gave her a straight answer.*

By now you know what happened at the crossing and how your first bills get paid. The claim for everything else is aimed at the people and companies responsible, and in a pedestrian crash there are often more of them than the single driver whose name is on the police report.

The person behind the wheel

The driver's carelessness is what you'll need to prove. In practice, you'll rarely speak with the driver again once a claim is open, because the driver's insurer steps in and handles everything on that side.

Employers and app companies

A surprising number of pedestrian crashes involve someone driving for work: making deliveries, driving a company truck, running errands for a business or carrying passengers for an app. That matters because business policies are usually far larger than personal ones. A van's logo, a uniform or a delivery in progress are all clues worth writing down.

Owners not behind the wheel

When the vehicle belongs to someone else, such as a rental company, a fleet or a friend who lent it, the owner's insurance may be part of the claim.

Property owners

When the crash happened on business property, such as a lot, drive-thru, gas station or loading area, the business that controls it may share responsibility if the layout was dangerous, the lighting was out or there was no safe walkway.

Public agencies

Cities, towns and the state control signals, crosswalk markings and streetlights, and run vehicles of their own. A broken signal, a dark intersection or a city vehicle brings a public agency into the claim, with the special rules described in Chapter 6.

Repayment claims on your settlement

A health plan, MassHealth or Medicare that paid for your care may want to be repaid from your settlement. These **liens** don't change what your claim is worth, but they do change what reaches you, and they can often be reduced.

Insurance you may be able to reach

Source	It applies if	What it can pay
The driver's policy	The driver was at fault	Pain and suffering and other losses, up to its limit
An employer's or fleet policy	The driver was working	Usually much more than a personal policy
A rideshare or delivery-app policy	The driver was using the app	Depends on the driver's app status
A property owner's policy	The lot or premises contributed	Losses tied to the unsafe property
A household auto policy	The driver fled, was uninsured or underinsured	Your losses, up to that policy's limits
A public agency	A public vehicle or condition contributed	Capped amounts, with strict notice rules

Your next step

Write down every company name, logo and vehicle marking you remember. The name painted on a van can lead to the policy that actually pays.

Chapter 8: Insurance arguments aimed at pedestrians

> **EXAMPLE**
>
> *Andre was hit while crossing a New Bedford street just after sunset. Before he even left the hospital, the driver's adjuster had written in the file that he was "wearing dark clothing" and "not in a crosswalk." Andre was in a crosswalk, and his jacket was gray, not black. But nobody would have known that if his family hadn't kept the jacket and photographed the crossing.*

Adjusters see pedestrian claims all the time, and they rely on a familiar set of arguments to cut what they pay. Nearly all of them aim at one thing: moving the blame onto the person who was walking.

The first call

The driver's insurer may call within days, sometimes while you're still in the hospital. It may ask for a recorded statement, ask where you were looking or whether you had your phone out, and send forms to sign. You owe the driver's insurer none of that. Here is how a short, polite call can go:

> **A short script for the adjuster's call**
>
> **Adjuster:** "We'd just like a quick recorded statement about what happened."
> **You:** "I'm not ready to discuss the crash. Please put your questions in writing."
> **Adjuster:** "We'll need you to sign a medical authorization."
> **You:** "Please mail it to me. I'll review it before I sign anything."
> **Adjuster:** "If you sign today, we can close this out quickly."
> **You:** "I'm still being treated. I'm not ready to settle."

Two documents to hold back

A broad **medical authorization** can let the insurer collect years of unrelated records to argue your injuries came from something else. A **release** ends your claim forever in exchange for payment. Neither should be signed before your treatment is finished and you understand what your claim is worth.

The arguments, and the proof that answers them

The argument	Proof that answers it	More in
"You darted out."	Video, witnesses, signal timing and where you were struck on the vehicle	Chapter 3

The argument	Proof that answers it	More in
"You weren't in the crosswalk."	The driver still owed care; at most it shifts part of the fault	Chapter 1
"Dark clothing at night."	Your actual clothes, kept unwashed; the lighting at the scene; headlights	Chapter 3
"You were on your phone."	Phone records showing no use at the moment of the crash	Chapter 3
"Headphones in."	Drivers must watch for people whether or not they can be heard	Chapter 1
"The light had changed."	Signal timing records; people already crossing may finish	Chapter 1
"The driver couldn't see you."	Glare, blind spots and parked cars don't excuse a driver who didn't look	Chapter 1
"The fall hurt you, not the car."	Being knocked down is part of being hit	Chapter 9
"You had a bad knee before."	A careless driver is responsible for making an old injury worse	Chapter 9

Delay as a tactic

Some insurers ask for the same documents again and again, hoping you'll accept less to be done with it. Others offer a quick, low check before treatment is over. Both work best on people who don't know their rights.

Fair handling is required

Massachusetts law requires insurers to deal fairly with people making claims, including making a prompt, fair offer once fault is reasonably clear. An insurer that doesn't can face added damages and attorney's fees, after a written demand is sent. Those protections can change how seriously a claim is treated.

> **Your next step**
>
> Expect the insurer to look for ways to blame you, and get ahead of it: protect the evidence in Chapter 3 and say very little until you understand your claim.

Chapter 9: What a pedestrian injury claim is worth

> **EXAMPLE**
>
> *Joan, a retired teacher, broke her hip when a car turned into a Cambridge crosswalk. She had little lost income, so the insurer argued her claim was small. But Joan had spent years walking to the market, babysitting her grandchildren and volunteering at a library. After surgery she needed a walker for months and gave up all three. Those losses were real, and they belonged in her claim.*

There is no formula for the value of a pedestrian claim. Value is built from proof: proof of the driver's fault, proof of each loss, and proof of how the injury changed your life. Joan's story shows why the last part matters as much as the bills.

Why injuries on foot run deeper

A person on foot takes the full force of a vehicle. Broken legs, hips and pelvises, head and spinal injuries and long rehabilitation are common. Because a fracture alone opens the door to pain-and-suffering damages in Massachusetts, many pedestrian claims include those damages from the start.

Each loss and the proof behind it

Loss	Proof that supports it
Medical care, past and future	Records, bills, and your doctors' opinions on future treatment

Loss	Proof that supports it
Lost wages and earning ability	Pay records, employer letters, and expert opinions for lasting limits
Pain and suffering	Medical records, your injury diary and the people who see you every day
Lost activities and independence	Photos, family and friends, and the life you had before
Scarring and visible injuries	Photos over time and medical notes
Fear of crossing streets	Treatment notes and your own account
A spouse's or partner's loss	Testimony about companionship and support
A death	A wrongful death claim brought by the estate
Damaged belongings	Receipts and photos

The insurance ceiling

The insurance available often caps what can realistically be recovered. A driver with a $25,000 policy can rarely be made to pay more, however badly you were hurt. That's why Chapter 7's list of other sources matters: an employer's or app company's policy, a property owner's coverage, and your household's underinsured coverage.

What reaches you

Out of a settlement come the attorney's fee agreed in writing, the case costs, any liens and any unpaid medical bills. The rest is yours, and liens can often be negotiated down so you keep more. Money paid for physical injuries is generally not taxed, though parts of some settlements can be treated differently; a tax professional can advise on your situation. For example, a $90,000 settlement with a one-third fee, $3,500 in costs including a reconstruction specialist, and a MassHealth lien negotiated down from $11,000 to $7,500 would leave $49,000 for the injured person. Every case's numbers are explained in writing before anything is agreed.

Larson Law pedestrian results

Amount	Case
$100,000	Settlement: pedestrian accident, spinal injury
$50,000	Settlement: pedestrian accident, fractures
$50,000	Settlement: pedestrian accident, fracture

Results disclaimer: Client names and identifying details are left out to protect their privacy. Past results do not guarantee or predict a similar outcome in any future case. Every case is different and depends on its own facts, injuries, insurance coverage and law. Amounts shown are gross recoveries before attorney's fees, case costs and medical liens were deducted. Results include settlements with insurance companies and may combine more than one source of coverage in the same case.

> **Your next step**
>
> Be wary of any number offered before your recovery is clear. Keep building the proof in the table above; the value follows the proof.

PART IV: REACHING THE END

Chapter 10: From the hospital to a settlement check

> **EXAMPLE**
>
> *Elena broke her pelvis when a box truck turned into a Worcester crosswalk. She spent five days in the hospital, two weeks in rehab and four months in physical therapy. An adjuster called while she was still in rehab with an offer to "close the file." Elena's surgeon hadn't yet said whether she would walk without a cane.*

A pedestrian claim moves at the speed of your recovery. Injuries on foot are often slow to heal, so it helps to see the two tracks side by side: what's happening to your body, and what's happening to your claim at the same time.

Your recovery	Your claim meanwhile
Emergency care, surgery, the first days in the hospital	Evidence is protected and the insurers are told to deal with your lawyer
Rehab and the first weeks home	No-fault benefits are opened and bills are routed to the right payers
Months of therapy and follow-up visits	Records and bills are gathered as they come in; the claim waits
Your doctors say you've recovered as much as you're likely to	The full cost of the injury is finally known
Life settles into its new shape	A demand is sent; the insurer usually takes about a month to respond
Back and forth on value	Negotiation, sometimes mediation
If the insurer won't be fair	A lawsuit, often adding a year or more

Your recovery	Your claim meanwhile
An agreement is reached	A release is signed, liens are resolved and payment usually arrives within several weeks

The waiting stage is the long one

For fractures, joint injuries and head injuries, the time between leaving the hospital and your doctors' final word often runs six months to a year or more. A claim settled before then is a guess about your future, and the guess almost always favors the insurer.

Things that stretch the timeline

Disputes over the signal or the crossing, more surgery, several possible responsible parties, layered business or rideshare insurance and Medicare or MassHealth liens all add time. None of them is a reason to settle early; each is a reason the claim needs care.

Early checks and closed doors

The offer that comes while you're still in rehab arrives before a fracture has healed, before anyone knows whether a knee needs surgery and before a head injury's effects are understood. Once a release is signed, the door is closed for good. Pedestrians, whose injuries are so often serious and slow to mend, lose the most to early settlements.

> **Your next step**
>
> Keep every appointment and follow your treatment plan. Missed visits slow your recovery and hand the insurer an argument that you healed.

Chapter 11: Negotiation, mediation and the courtroom

> **EXAMPLE**
>
> *Marcus was hit by a delivery truck in a Worcester shopping plaza. The delivery company's insurer offered his medical bills and nothing more. His case went into a lawsuit, and the truck driver was deposed. Once the driver admitted under oath that he never checked his mirrors before backing up, the case settled at mediation a few weeks later.*

Most pedestrian claims never reach a jury. They end in an agreement, sometimes before a lawsuit and often after one has begun. Your claim will follow one or more of four tracks.

Track	It's used for	The decision is made by
Negotiation with the insurer	Most claims, from the first demand onward	The two sides, by agreement
A mediation session	Claims stuck on value or fault, before or during a lawsuit	The two sides, with a neutral mediator's help
Private arbitration	Hit-and-run, uninsured and underinsured claims under a household policy	A neutral arbitrator, usually for good
A lawsuit in court	Claims the insurer won't resolve fairly	A judge and jury, unless the case settles first

Claims involving a city vehicle, an MBTA bus or a public road condition start differently: with a formal written claim, and a waiting

period for the agency to respond before any lawsuit.

Inside a lawsuit

Smaller cases generally go to District Court and larger ones to Superior Court. The driver's insurer hires and pays the defense lawyer. Each side answers written questions under oath and trades documents. Then come **depositions**, recorded questioning under oath, where you, the driver and witnesses each tell what happened. In pedestrian cases, experts often follow: doctors to explain the injuries and reconstruction specialists to explain the crash. Most suits settle somewhere along this path, often once the driver has had to answer questions under oath, as in Marcus's case.

> **Preparing for your deposition**
>
> - Meet with your lawyer beforehand and go over the questions you're likely to hear.
> - Answer only the question asked, then stop.
> - "I don't remember" is a fine answer when it's true; many people don't recall the moment of impact.
> - Never guess at distances, speeds or times.
> - Your lawyer sits beside you the whole time.

A trial, if it comes to that

If no agreement is reached, a jury hears the evidence and decides both fault and damages. Being ready for trial is also what moves negotiations: insurers offer more when they believe the case will be tried.

> **Your next step**
>
> A lawsuit isn't a failure and doesn't mean you'll face a jury. Often it's the step that makes an insurer treat the claim seriously.

Chapter 12: Picking a lawyer and what comes next

> **EXAMPLE**
>
> *After Farah's father was hit in a Lynn crosswalk, she called three law firms. One never called back. One sent a contract by text within an hour. The third asked about the crosswalk, the signal, the van's company logo and her father's surgery, then explained the deadlines and the fee before asking her to decide anything. That was the one she chose.*

Some pedestrian injuries don't need a lawyer. If the injury was minor, healed quickly, PIP covered the bills and the insurer is treating you fairly, you may manage on your own. But pedestrian claims so often involve serious injuries, disputes over the crossing, business or app insurers and public agencies that the right help can change the outcome.

Questions worth asking, and what a good answer sounds like

Ask	A good answer sounds like
"How many pedestrian cases have you handled?"	A clear number and examples like yours
"How would you answer 'you darted out'?"	Talk of video, signal records, witnesses and reconstruction
"How soon will you ask businesses to save video?"	Right away, often the same day
"Who will I talk to day to day?"	A named person and a promise of regular updates

Ask	A good answer sounds like
"Have you taken injury cases to trial?"	Yes, with a willingness to do it again
"What will this cost me?"	A written percentage, and a clear answer on costs if there's no recovery

The fee agreement

Injury lawyers usually charge a **contingency fee**: nothing up front, and payment only from a recovery. Massachusetts requires the agreement to be in writing and signed by you and the lawyer, spelling out the percentage, how costs are handled and what happens if nothing is recovered. Read it slowly and ask about anything that isn't clear.

Red flags

Be cautious with anyone who promises an amount before seeing your records, pushes you to sign on the spot, approaches you uninvited at the hospital or the scene, has no written agreement, or stops answering once you've signed. Any Massachusetts lawyer's license and discipline record can be checked with the **Board of Bar Overseers** at https://www.massbbo.org, and you're free to change lawyers later; the fee is normally divided between firms, not paid twice.

With Larson Law, in three stages

The first week. You call 508-888-8888 or reach out at https://www.dlarsonlaw.com for a free, private review, and we aim to reply the same day. If we can help, we explain your options, the deadlines and our fee in writing before you decide. Then we request the police report and send preservation letters for video, signal records and vehicle data.

While you heal. The insurers deal with us, not you. Your case team keeps track of your treatment, records and bills, returns calls and texts the same day and tells you where things stand.

When you're ready. Once your recovery is clear, we present the full claim and negotiate. If the insurer won't be fair, we're prepared to take the case to court.

No fee unless we win. Offices in Boston, Dorchester and Worcester.

> **Your next step**
>
> You now know how a pedestrian claim works, from the crossing to the check. Use it to ask good questions, and choose help you trust. Whatever you decide, put your recovery first.

About the Author

Daniel J. Larson leads Larson Law, a Massachusetts personal injury firm with offices in Boston, Dorchester and Worcester. His practice is devoted to people and families harmed through someone else's negligence, including pedestrians hit in crosswalks, parking lots and city streets across the Commonwealth.

A cum laude graduate of Suffolk University Law School, Dan was admitted to the Massachusetts bar in 2017. Super Lawyers has named him a Rising Star each year from 2021 through 2026. He belongs to the Massachusetts Academy of Trial Attorneys and the Massachusetts Bar Association.

Larson Law is small by design. With a focused caseload, Dan reviews each new case himself, looking closely at the injuries, the insurance available and the proof of fault, and builds every claim on medical evidence rather than an adjuster's quick estimate.

Each client works with an assigned case team that answers calls and texts the same day and keeps the client informed at every step. Dan prepares each case with trial in mind, because insurers respond differently to a lawyer who is ready to go to court.

He wrote this guide for people hurt on foot, who are so often told the crash was their own fault. If you have a question the book doesn't answer, Dan and his team are happy to help.

Glossary

- **Adjuster:** the person an insurance company assigns to evaluate and negotiate a claim.
- **Arbitration:** a private hearing in which a neutral arbitrator decides a claim, usually for good.
- **Bodily injury coverage:** the part of a driver's policy that pays people the driver injures.
- **Business auto policy:** insurance on a company's vehicles, usually with higher limits than a personal policy.
- **Comparative fault:** the rule that reduces a recovery by the injured person's share of fault and bars it above 50%.
- **Contingency fee:** a lawyer's fee paid as a share of the recovery, owed only if there is one.
- **Crash reconstruction expert:** a specialist who uses damage, scene evidence and data to show how a crash happened.
- **Crosswalk:** a marked crossing where drivers must stop for people on foot.
- **Damages:** money awarded or paid for losses caused by someone else's carelessness.
- **Demand package:** the documents and letter that present a claim to the insurer.
- **Deposition:** sworn questioning before trial, recorded by a court reporter.
- **Discovery:** the stage of a lawsuit when both sides exchange information.
- **Examination under oath:** formal sworn questioning that a PIP insurer may require.

- **Fracture:** a broken bone; in Massachusetts, it allows a claim for pain and suffering regardless of medical bill totals.
- **Hit-and-run:** a crash in which the driver leaves without identifying themselves.
- **Household policy:** an auto policy held by you or someone you live with, which may cover you as a pedestrian.
- **Independent medical examination:** an exam by a doctor chosen and paid by an insurance company.
- **Lien:** a right to be repaid from a settlement, held by a health plan, MassHealth, Medicare or others.
- **Loss of consortium:** a spouse's or partner's claim for lost companionship and support.
- **Lost earning capacity:** a reduced ability to earn in the future because of an injury.
- **Mediation:** a meeting led by a neutral mediator to help the sides settle.
- **Multiple-threat crash:** a crash in which one vehicle stops for a pedestrian and another in the next lane hits them.
- **Negligence:** a failure to use the care a reasonable person would use.
- **Non-economic damages:** losses without a price tag, such as pain and loss of enjoyment of life.
- **Paid Family and Medical Leave:** the state program that can replace part of your wages during a serious health condition.
- **Personal Injury Protection (PIP):** no-fault auto coverage that pays up to $8,000 for medical bills and lost wages, including for pedestrians.
- **Policy limits:** the most an insurer will pay under a policy.

- **Pre-existing condition:** a health issue from before the crash; a careless driver is still responsible for worsening it.
- **Preservation letter:** a written demand that someone save evidence such as video.
- **Release:** a signed agreement that ends a claim permanently in exchange for payment.
- **Right of way:** the legal right to go first, which drivers must give pedestrians in many situations.
- **Rideshare coverage:** insurance carried for app-based drivers, which changes with the driver's app status.
- **Settlement:** an agreement that resolves a claim for an agreed amount.
- **Signal timing records:** city or state records showing when traffic and walk signals changed.
- **Statute of limitations:** the deadline to file a lawsuit, generally three years for these claims.
- **Tort threshold:** the rule requiring more than $2,000 in medical bills or a serious injury, such as a fracture, before claiming pain and suffering.
- **Underinsured motorist coverage:** household coverage that adds to a driver's too-small policy.
- **Uninsured motorist coverage:** household coverage that pays when the driver had no insurance or can't be found.
- **Vulnerable road user:** a person outside a vehicle, such as a pedestrian, given extra protection under Massachusetts law.
- **Wrongful death claim:** a claim brought by a person's estate when carelessness causes a death.

Bibliography

The rules in this book are drawn from the Massachusetts laws and public sources listed here. Laws are amended over time; check the current text or ask a lawyer before relying on any of them.

Massachusetts General Laws

- Chapter 84, Sections 15 and 18: defects in public ways and the notice requirement.
- Chapter 89, Section 11: duties of drivers at crosswalks.
- Chapter 90, Section 26: reporting a motor vehicle crash.
- Chapter 90, Sections 34A and 34M: compulsory motor vehicle insurance and Personal Injury Protection, including coverage for pedestrians.
- Chapter 93A: consumer protection.
- Chapter 175, Section 113L: uninsured and underinsured motorist coverage.
- Chapter 176D: unfair claim settlement practices by insurers.
- Chapter 229: wrongful death.
- Chapter 231, Section 6D: the threshold for pain and suffering in motor vehicle cases.
- Chapter 231, Section 85: comparative negligence.
- Chapter 258: claims against public employers.
- Chapter 260, Sections 2A and 7: deadlines for injury lawsuits and the extension for minors.

Session laws

- Acts of 2022, Chapter 358: An Act to reduce traffic fatalities, including protections for vulnerable road users.

Court and professional rules

- Massachusetts Rules of Civil Procedure, Rules 26 to 37: discovery.
- Massachusetts Rules of Professional Conduct, Rule 1.5: fees and written contingency agreements.

Federal law

- Internal Revenue Code, Section 104(a)(2): tax treatment of damages for physical injuries.

Government and public sources

- Massachusetts Department of Transportation: pedestrian safety information. https://www.mass.gov/orgs/massachusetts-department-of-transportation
- Massachusetts Division of Insurance: auto insurance and PIP information. https://www.mass.gov/orgs/division-of-insurance
- Massachusetts Department of Family and Medical Leave. https://www.mass.gov/orgs/department-of-family-and-medical-leave
- Massachusetts Board of Bar Overseers: attorney records. https://www.massbbo.org
- The General Laws of Massachusetts. https://malegislature.gov/Laws/GeneralLaws

Tear-outs

- First-days checklist for a pedestrian crash (from Chapter 4)
- My coverage check (from Chapter 5)
- My deadline card (from Chapter 6)
- Evidence I can protect today (from Chapter 3)

Injury Diary

Date	Pain (0–10) and where	What I couldn't do today	Medicine taken	Appointments	Bills or costs

Contact

Larson Law
Call: 508-888-8888 · Text: 617-932-6169
https://www.dlarsonlaw.com

- **Boston:** 265 Franklin Street #1702, Boston, MA 02110
- **Dorchester:** 12 Ericsson Street #201, Dorchester, MA 02122
- **Worcester:** 120 Stafford Street Unit 13, Worcester, MA 01603

Free case review · Same-day response · No fee unless we win

You were on foot. The driver had two tons of steel. The law knows the difference.

When a car hits someone walking, the injuries are often serious and the blame comes fast. You darted out. You weren't in the crosswalk. You were hard to see. Many people accept those words before they learn what drivers actually owe pedestrians.

This guide explains a Massachusetts pedestrian claim in plain words: how auto insurance can pay your bills even without a car, the crosswalk and signal rules that protect you, the proof to save right away and how fault and value are really decided.



ABOUT THE AUTHOR

Daniel J. Larson

Principal Attorney, Larson Law

Dan represents people and families harmed by negligence throughout Massachusetts. He personally reviews every case, its injuries and its insurance coverage, and builds each claim on medical proof rather than a rushed call with an adjuster.

- Suffolk University Law School, cum laude
- Admitted in Massachusetts, 2017
- Super Lawyers Rising Star, 2021–2026
- Member, MATA and Mass. Bar Association

ABOUT THE FIRM

Big-firm results without the big-firm runaround.

Larson Law is a boutique personal injury firm by design. Every client gets an assigned case team, updates at every stage and a same-day response. Offices in Boston, Dorchester and Worcester.

$1M+	100+	2017	$0
WON FOR CLIENTS	5-STAR REVIEWS	SERVING MA SINCE	UNLESS WE WIN

Attorney advertising. This guide gives general information, not legal advice. Past results do not guarantee or predict a similar outcome; every case depends on its own facts.

LARSON LAW BOSTON ATTORNEYS

508-888-8888

Free case review · Text 617-932-6169

dlarsonlaw.com