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THE SOCIAL CONTEXT OF PEDESTRIANS' RIGHTS ¹

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PEDESTRIANS' RIGHTS are now problematic only as a result of the relatively recent socio-technological development of motor vehicles and their widespread socioeconomic adoption as a transportation mode. Prior to the advent of motor vehicles, the "pedestrian problem" as we know it today did not exist, This is not because pedestrians did not exist, but because it was not yet politically necessary to define pedestrians and their behavior as a "Problem". To drive home the point, a survey of state statutes in this country reveals that the legal definition of a "pedestrian" is uniformly found within the Motor Vehicle Code of each state. It is in response to the intrusion of the motor vehicle into the environment that it became expedient to legally set forth the characteristics of the "pedestrian" and to codify his/her rights and obligations.

Contemporary pedestrians' "rights" are far more circumscribed than previously and this reduction is essentially malevolent. Use of the roadway for strolling, playing, jogging, dancing, or conversing is proscribed by an interlocking socio-institutional system which begins with the police officer and traffic judge and ends, in its more distant but most powerful sectors, in the boardrooms of motor vehicle manufacturers, highway contractors, and petroleum corporations. This institutional superstructure directly benefits from promulgation of the notion that the motorist now has nearly complete rights of access and exclusivity to the roadway. The result is a powerful, institutionally-backed ideology which today permits traffic safety researchers to conceptualize a child's innocent dash into a roadway to retrieve an errant ball as a "behavioral error". No longer is free play in the streets a right of the pedestrian. On the contrary, the pedestrian is now charged with the obligation to take care lest he/she "cause" an accident.

The legislated obligations of pedestrians are not equally distributed within our society. In practice, we are all pedestrians at one time or another, but most pedestrians (as the wit says) are only drivers who have just parked our cars. The majority assumes the obligations of pedestrianism as infrequently as possible. Others in our community, however, must accept these "responsibilities" on a permanent basis. These are the young, the aged, the handicapped, the impoverished and others who for one reason or another are denied the "privilege" of motor vehicle operation or access. The permanent pedestrian is so often a disadvantaged minority in this society that it comes as no surprise that he/she has no effective advocates or forums for protest. It is upon those who are least able to dismantle the ideology of motor vehicle supremacy that we exact the greatest obligations as pedestrians and for whom we have rationalized an unforgivably hazardous and lethal travel environment.

¹ Summary of comments presented at the National Research Council – Transportation Research Board session on Pedestrian and Motorist Rights, January 19, 1983, Washington, D.C.

Although pedestrians are institutionally and ideologically defined in this society in relation to motor vehicles, there is no sound conceptual reason why those of us in the transportation research community should continue to follow suit. The permanent pedestrian has a right to be heard, not as a constituency to be “accommodated” in the world of the automobile, but as a user mode whose needs, capabilities, limitations, and possibilities deserve consideration in their own right. Our understanding of the pedestrian mode is rudimentary and most of what we do know has come to light within the last 15 years. Unfortunately, what little information we do have is not well-disseminated. We are, however, re-learning that walking is a socially complex event and that it can often be a rewarding as well as merely utilitarian experience. We do know enough to realize that it is time to begin a serious, systematic exploration of the positive potential of pedestrianism as the keystone in an institutional order which venerates the walker, enriches the environment, and protects the playful.
