

5.30J DUTY OF CARE PROCEEDING THROUGH INTERSECTION WITH GREEN LIGHT [The Favored Driver]
(Approved 1977)

Our motor vehicle laws set forth a standard of conduct to be exercised by the driver of a motor vehicle while approaching and proceeding through an intersection controlled by a traffic control device.

N.J.S.A. 39:4-81 in pertinent part provides:

“The driver of every vehicle . . . shall obey the instructions of any official traffic control device placed in accordance with the traffic act.”

N.J.S.A. 39:4-105 in pertinent part provides:

“A three-color system shall be used; red, amber, and green. Green means permission for traffic to go, subject to the safety of others. . . . Red means traffic to stop before entering the intersection or crosswalk and remain standing until green is shown alone.”

These motor vehicle laws provide that the driver of a motor vehicle proceeding on a street with a red light confronting him/her is obligated to stop before entering the intersection and is to remain standing until the light turns green for that driver.

The driver proceeding into (through) an intersection with a green light does not have an unqualified right to proceed. He/She is obligated to exercise reasonable care, which includes making reasonable observations for traffic traveling on an intersection street. That is not to say that a driver proceeding into (through) an intersection on a green light has the same duty of making observations that a driver, for example, with a stop sign confronting him would be obligated to make. What it does mean is that the driver favored with the green light must make reasonable observations and depending on the circumstances you may conclude that that driver acted reasonably if he/she made only cursory observations for traffic proceeding on an intersecting street, whereas in other circumstances the same type of observation would not be considered reasonable.

Failure on the part of the driver favored with the green light to exercise such care while proceeding through the intersection is evidence to be considered by you in determining whether that driver was negligent in the operation of his/her motor vehicle.

NOTE TO JUDGE

Also consider whether the jury should be instructed as follows:

If you find that one of the drivers proceeded through a red light, that driver would be negligent and your consideration should be directed to whether such negligence was a proximate cause of the accident within the meaning and definition of that term previously given.

NOTE TO JUDGE

It is also presumed the jury has been previously instructed that the duty of reasonable care by users of the roadway is mutual and reciprocal and ordinarily each driver may assume that any other driver will observe that standard of conduct in the use thereof.