

Appendix H: Pedestrian Safety Legislation

On January 12th 1996, the City of New York amended administrative traffic code with the goal of enhancing the safety of pedestrians. The following text is a copy of amended law.

Introduced by Council Members

Dear, Weiner, Freed, Leffler, Eisland, Eristoff and McCaffrey; also Council Members Marshall, O'Donovan and Fusco — read and referred to Committee on Transportation. Amended December 12, 1995. Ordered re-printed and laid over.

Local Law

To amend administrative code of the city of New York, in relation to enhancing the rights and safety of pedestrians.

Be it enacted by the Council as follows

Section one: Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding thereto a new subchapter three to read as follows:

Subchapter three, pedestrian right and safety

§19-176	Bicycle operation on sidewalk prohibited.
§19-177	Speed Limits; posting of signs.
§19-178	Truck Weight and Length Limitations.
§19-179	Traffic calming study.

§19-176 Bicycle operation on sidewalk prohibited.

a. For purposes of this section:

(1) The term “bicycle” shall mean a two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by a child.

(2) The term “sidewalk” shall mean that portion of the street, whether paved or unpaved, between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians. Where it is not clear which section is intended for the use of pedestrians the sidewalk will be deemed to be that portion of the street between the building line and the curb.

(3) The term “child” shall mean a person less than fourteen years of age.

b. No person shall ride a bicycle upon any sidewalk unless permitted by an official sign.

c. A person who violates subdivision b of this section under circumstances which create a substantial risk of physical injury to another person shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars and imprisonment for not more than twenty days or both such fine and imprisonment. Such person shall also be liable for a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board. Where a summons or notice of violations is issued for a violation of this subdivision, a des-

ignated employee of the department, the department of sanitation or the department of parks and recreation or a police officer may seize and impound the bicycle. In any proceeding under this subdivision it shall be a defense that the defendant or respondent was less than fourteen years old at the time of the commission of the violation.

d. A bicycle impounded pursuant to this section shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the police department and proof of payment of any fine or civil penalty for the violation or, if a proceeding for the violation is pending in a court or before the environmental control board, upon the posting of a bond or other form of security acceptable to the police department in an amount which will assure the payment of such costs and any fine or civil penalty which may be imposed for the violation. If the court or the environmental control board finds in favor of the defendant or respondent, the owner shall be entitled forthwith to possession of the bicycle without charge or to the extent that any amount has been previously paid for release of the bicycle, such amount shall be refunded. The police department shall establish by rule the time within which bicycles which are not redeemed may be deemed abandoned and the procedures for disposal.

e. The owner of a bicycle shall be given the opportunity for a post seizure hearing within five business days before the environmental control board regarding the impoundment. The environmental control board shall render a determination within three business days after the conclusion of the hearing. Where the board finds that there was no basis for the impoundment, the owner shall be entitled forthwith to possession of the bicycle without charge or to the extent that any amount has been previously paid for release of the bicycle,

such amount shall be refunded.

f. Upon the impoundment of a bicycle, the rider shall be given written notice of the procedure for redemption of the bicycle is not the owner there of notice provided to the rider shall be deemed to be notice to the notice to the owner. Where the defendant or respondent is less than eighteen years old such notice shall also be mailed to the parent, guardian or where relevant, employer of the respondent, if the name and address of such person is reasonably ascertainable.

g. The provisions of this section may be enforced by the department, the department of sanitation, the department of parks and recreation and the police department.

§19-177 Speed Limits.

a. The official speed limit for a vehicle in the city of New York shall be thirty miles per hour except where an official sign indicates that a different speed limits is in effect.

b. No person shall drive a vehicle on any street in excess of the speed limit in effect for that street.

c. The commissioner shall post a sign at each exit within the city of New York of each bridge and tunnel having only one terminus in the city of New York that states the speed limit within the city.

§19-178 Truck Weight and Length Limitations. The commissioner shall post a sign at each exit within the city of city of the New York of each bridge and tunnel having only one terminus in the city of New York that states the limits of truck weight and truck length within the city.

§19-179 Traffic calming study.

a. The commissioner shall conduct a study on the feasibility of installing traffic calming measures, including but not limited to, raised crosswalks, traffic circles and protected pedestrian phases in appropriate locations in the city. Within one year of the effective date of this local law, the commissioner shall submit a report of the department's findings to the council.

b. For purposes of this section, the following terms shall have the following meaning:

(1) "traffic calming" shall mean any engineering measure which slows vehicular traffic and accommodate other street users such as pedestrians, bicyclists or children at play.

(2) "raised crosswalks" shall mean crosswalks which are raised several inches above street level in order to slow vehicular traffic.

(3) "traffic circle" shall mean landscaped islands in the middle of intersections which can replace traffic control indications or stop signs on non-arterial streets.

(4) "protected pedestrian phases" shall mean traffic control indications that are adjusted to provide that all conflicting vehicular movements are stopped in order to accommodate pedestrian movement.

§2. This local law shall take effect sixty days after its enactment into law.