



Legislation Details (With Text)

**File #:** Int 0238-2014 **Version:** A **Name:** The right of way of pedestrians and bicyclists.  
**Type:** Introduction **Status:** Enacted  
**In control:** Committee on Transportation

**On agenda:** 3/26/2014

**Enactment date:** 6/23/2014 **Enactment #:** 2014/029

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to the right of way of pedestrians and bicyclists.

**Sponsors:** Mark S. Weprin, Ydanis A. Rodriguez, Mark Levine, Stephen T. Levin, Maria Del Carmen Arroyo, James G. Van Bramer, Daniel Dromm

**Indexes:**

**Attachments:** 1. Int. No. 238 - 3/26/14, 2. Proposed Int. No. 238-A - 4/30/14, 3. Committee Report 4/30/14, 4. Hearing Testimony 4/30/14, 5. Hearing Transcript 4/30/14, 6. Committee Report 5/29/14, 7. Hearing Transcript 5/29/14, 8. Fiscal Impact Statement, 9. Hearing Transcript - Stated Meeting 5-29-14, 10. Mayor's Letter, 11. Local Law 29, 12. Minutes of the Stated Meeting - May 29, 2014

| Date      | Ver. | Action By                   | Action                       | Result |
|-----------|------|-----------------------------|------------------------------|--------|
| 3/26/2014 | *    | City Council                | Introduced by Council        |        |
| 3/26/2014 | *    | City Council                | Referred to Comm by Council  |        |
| 4/30/2014 | *    | Committee on Transportation | Hearing Held by Committee    |        |
| 4/30/2014 | *    | Committee on Transportation | Amendment Proposed by Comm   |        |
| 4/30/2014 | *    | Committee on Transportation | Laid Over by Committee       |        |
| 5/29/2014 | *    | Committee on Transportation | Hearing Held by Committee    |        |
| 5/29/2014 | *    | Committee on Transportation | Amendment Proposed by Comm   |        |
| 5/29/2014 | *    | Committee on Transportation | Amended by Committee         |        |
| 5/29/2014 | A    | Committee on Transportation | Approved by Committee        | Pass   |
| 5/29/2014 | A    | City Council                | Approved by Council          | Pass   |
| 5/29/2014 | A    | City Council                | Sent to Mayor by Council     |        |
| 6/11/2014 | A    | Mayor                       | Hearing Scheduled by Mayor   |        |
| 6/23/2014 | A    | Mayor                       | Hearing Held by Mayor        | Pass   |
| 6/23/2014 | A    | Mayor                       | Signed Into Law by Mayor     |        |
| 6/23/2014 | A    | City Council                | Recved from Mayor by Council |        |

Int. No. 238-A

By Council Members Weprin, Rodriguez, Levine, Levin, Arroyo, Van Bramer and Dromm

A Local Law to amend the administrative code of the city of New York, in relation to the right of way of pedestrians and bicyclists.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-190 to read as follows:

§19-190 Right of way. a. Except as provided in subdivision b of this section, any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way shall be guilty of a traffic infraction, which shall be punishable by a fine of not more than fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall be subject to a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, “motor vehicle” shall have the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

b. Except as provided in subdivision c of this section, any driver of a motor vehicle who violates subdivision a of this section and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than two hundred fifty dollars, or imprisonment for not more than thirty days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, “physical injury” shall have the same meaning as in section 10.00 of the penal law.

c. It shall not be a violation of this section if the failure to yield and/or physical injury was not caused by the driver’s failure to exercise due care.

d. This section shall not apply to persons, teams, motor vehicles, and other equipment working on behalf of the city of New York, the state of New York or the federal government while actively engaged in work requiring the presence of a motor vehicle in a location that interferes with the right of way of a pedestrian or person riding a bicycle. Such persons, teams, motor vehicles, and other equipment shall proceed at all times

during all phases of such work exercising due regard for the safety of all persons and consistent with all applicable laws, rules, and regulations. Nothing in this section shall relieve such persons or teams or such operators of motor vehicles or other equipment from the consequences of failure to exercise due care or the consequences of their reckless disregard for the safety of others.

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

LF  
LS#859, 971  
5/21/14