



Legislation Text

File #: Res 2041-2013, **Version:** *

Res. No. 2041

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation making driving on the sidewalk a misdemeanor.

By Council Members Lappin and Mendez

Whereas, Section 1225-a of the New York State Vehicle and Traffic Law prohibits any individual from driving “a motor vehicle on or across a sidewalk” with minor exceptions, such as to gain access to adjacent buildings or driveways; and

Whereas, A violation of §1225-a is a traffic infraction, resulting in an escalating range of penalties, including a fine of up to \$150 for a first offense; and

Whereas, Driving on the sidewalk presents a grave risk to pedestrians; and

Whereas, In 2010, the State Legislature amended Article 26 of the Vehicle and Traffic Law by enacting section 1146, commonly known as Hayley and Diego’s Law, to create an infraction for failure to exercise due care in operating a motor vehicle; and

Whereas, However, current implementation of section 1146 has been limited because of the requirement that a police officer witness the incident in order to issue a traffic infraction; and

Whereas, During a 30-day period in February and March 2013 there were five instances of a motorist hitting a pedestrian on a sidewalk, resulting in three deaths and two serious injuries; and

Whereas, On September 12, 2013 five children were injured in Maspeth, Queens when an SUV hit them while they were walking on the sidewalk; and

Whereas, In light of the inexcusable and serious nature of driving on the sidewalk and the dangerous conditions it creates, violating §1225-a of the Vehicle and Traffic Law should be a misdemeanor; now,

therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation making driving on the sidewalk a misdemeanor.

LS#4633
10/24/2013
JM