



Legislation Text

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Int. No. 343-A

By Council Members Vallone Jr., Clarke, Fidler, Foster, Gennaro, Gentile, Gerson, Nelson, Reed, Rivera, Sanders Jr., Sears, Weprin, Liu, Palma, Katz, Seabrook and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to increasing the fines for the offense of failing to yield the right of way to emergency vehicles en route to an emergency.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. Traffic congestion in New York presents an ongoing problem to emergency services. Emergency vehicles en route to an emergency are often forced to contend with stubbornly apathetic drivers who refuse to yield the right of way.

State law currently sets the fine schedule for consecutive traffic infractions. The density of the population in New York City, however, increases not only automobile congestion, but also the number of emergency situations that arise and the scale of the response required to address many emergencies, thus posing a risk to public safety and health. Drivers who are unwilling to yield the roadway for emergency vehicles obstruct not only emergency vehicles, but also other drivers who attempt to yield the roadway. Many of the city's roadways are narrow enough that one such unwilling driver has the ability to obstruct completely the progress of an emergency vehicle.

The City Council, in an effort to protect those in emergency situations by opening up the city's streets to emergency vehicles, creates a new section of the administrative code that increases the fines for failing to yield the right of way for an emergency vehicle.

§ 2. Chapter one of title 10 of the administrative code of the city of New York is amended to add a new section 10-164, to read as follows:

§10-164 Operation of vehicles on approach of authorized emergency vehicles.

a. Upon the immediate approach of an authorized emergency vehicle, as defined in the vehicle and traffic law, equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle other than a police vehicle or bicycle when operated as an authorized emergency vehicle, and when audible signals are sounded from any said vehicle by siren, exhaust whistle, bell, air-horn or electronic equivalent; the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway, or to either edge of a one-way roadway three or more lanes in width, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer or other authorized employee of the police department.

b. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and for a first conviction thereof shall be punishable by a fine of not more than three hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of ten years, a person shall be punishable by a fine of not more than six hundred dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of ten years, a person shall be punishable by a fine of not more than nine hundred dollars or by imprisonment for not more than one-hundred eighty days or by both such fine and imprisonment.

§ 3. This local law shall take effect immediately.