



TRANSPORTATION  
ALTERNATIVES

OPPOSES

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## Intro 0663-2015

This bill would add a subdivision (e.) to NYC's Right of Way law (Adm. Code 19-190). It seeks to exempt bus drivers (who are authorized to operate in NYC by the NYC Transportation Authority) from liability under Sect. 19-190.

### Summary

New York City's Right of Way law was implemented in 2014 with overwhelming City Council support, in order to address the insufficient accountability for drivers who fail to yield to pedestrians and bicyclists with the right of way, causing thousands to be injured and killed. 44 percent of pedestrians who are struck and injured on our streets – more than 4,500 each year – are walking in the crosswalk, with the right of way. Previously the vast majority of those drivers would only face a small fine and 3 points on their driving record. To address this lack of accountability the Right of Way law works in two ways: If a driver fails to yield but doesn't cause an injury, that driver may be fined up to \$100<sup>1</sup>. If there is physical injury, the driver may be charged with a misdemeanor, resulting in a fine of no more than \$250 and the possibility of imprisonment for a maximum of 30 days, regardless of the severity of injury to the victim. Based upon standard NYPD practice for this level of misdemeanor arrests, the driver would likely be brought to the precinct office, receive a Desk Appearance Ticket, and be free to leave.

The existing Right of Way law also contains a safe-harbor provision for people working on behalf of NYC, who are engaged in work requiring them to be in a location that interferes with a pedestrian's right of way, including workers operating buses on behalf of the City. This safe-harbor provision requires such workers to exercise basic, yet essential, due care for the safety of other people. Importantly, however, it was not the legislature's intent to give a blanket exemption to bus drivers.

### Explanation

Exempting bus drivers from liability under the Right of Way law would be a step backwards in the City's path towards achieving **Vision Zero**, the goal of having no traffic fatalities or serious injuries.

Professional bus drivers **set the standard for all drivers**. Laws meant to deter harmful behavior cannot have carve-outs that dilute their effects and create double standards for motorists. We know that non-uniform application of traffic laws breaks the public trust and adherence to those laws.

Just last year, MTA bus drivers struck and killed nine pedestrians. In eight out of those nine cases, the bus driver failed to yield when the pedestrian had the right of way. Strengthening that law for all drivers, not diluting it, is the commonsense approach to make our streets safer for all of us.

Professional drivers should, at a minimum, be held to the **same standard** as other drivers. Bus drivers receive special training in large part because they are operating a potentially lethal vehicle weighing more than 25,000 lbs. on city streets. The responsibility professional bus drivers have for the safety of others

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<sup>1</sup> In addition to a fine of up to \$100 the law allows for imprisonment for up to 15 days. However, because of the legal precedence of similar level violations, such imprisonment is highly unlikely.

requires us to ensure they operate with the **highest level of diligence, due care, and compliance with laws** that exist to protect all of us, especially pedestrians, the most vulnerable people on our streets.

**T.A. and our thousands of members STRONGLY OPPOSE this bill.**

For these reasons Transportation Alternatives and our thousands of members **Strongly Oppose** this bill.