If you have lost a loved one or been seriously injured in a traffic crash, this guide is here to help.
Families for Safe Streets embodies the recovery process and shows that, no matter what, life goes on. FSS provides a window of hope for those who are suffering and can provide a type of support that is unlike any other.

Take advantage of the support group or a volunteer peer support mentor and let them help hold you up during this difficult journey.

In my long career, I have seen a lot of terrible injuries and loss. I have also had the honor and pleasure of watching people recover from their trauma and grow and become whole again. FSS shows how people can take their pain, turn it to advocacy and try to make the world a better place while they lean on one another and learn to thrive.

— Deb Travis, Trauma Program Manager, Mount Sinai St. Luke’s Hospital
Introduction

Five Important Considerations After Your Crash

Emotional Support

Hospitals, Visiting Nurse Service, and Physical Therapy

Driver Accountability and an Overview of the Legal System

NYPD Crash Investigation

Civil Lawyers

Insurance/Compensation and Civil Court

District Attorneys and the Criminal Process

Department of Motor Vehicles Hearings

Public Vehicle License/Employment Hearings

Advocacy: Fighting Back and Making Change

Additional Resources

References
Families for Safe Streets prepared this resource guide because so many of us wished we had the information it contains when we experienced the unimaginable, as you have.

Whether you have lost a family member in the crash or suffered a serious injury, your world is changed. Your thoughts and feelings may shift from minute to minute or hour to hour, and you could feel completely out of control. You may question yourself or feel lost, not knowing what to do next or who to contact.

Sadly, you are not alone. New York City has an epidemic of traffic violence. Every 35 hours someone is killed in a traffic crash; 200 people are injured every single day. And it is at this incredibly painful time that you need to navigate the police, insurance companies, and more while also ideally getting the support you need from someone who understands.

We, like you, have experienced the same trauma, and we are here to help.

Families For Safe Streets was formed in early 2014 by a group of families who came together to turn our grief into action and promote safer streets for all users in New York City. We have all either lost family members or been injured in traffic crashes and seek to prevent others from experiencing our pain. Unfortunately, our roads are not safe and making change that saves lives has helped many of us continue when we thought it wouldn’t be possible. We have now expanded our efforts to include a range of support services for others who have lost a loved one, been injured, or are caring for someone injured in a traffic crash. We are a project of Transportation Alternatives, a 43-year-old non-profit organization with 50 paid staffers who are leading the fight for safe streets in NYC.

We have compiled this guide, using our shared experiences and a variety of materials (see list in Additional Resources). Note that we are not attorneys and this guide is not meant to supplant legal advice. If you learn something new as you navigate this process, please share it with us, and we will update our materials.

If we can assist you in any way, or if you would like additional information about our organization, please contact us at any time at info@familiesforsafestreets.org. We can also provide a one-on-one contact person who is available to talk at any point, if and when you’re ready.

We are so sorry you need this information, but we hope you find it useful. No one should have to go through this alone.
Every year, my daughter Victoria pulled out all the stops with her Christmas decorations and was spending the weekend shopping for baubles for the fresh Christmas tree in her apartment. She was smiling and happy with her soon to be fiance when an SUV driver drove onto the sidewalk, struck Victoria from behind, drove with her on his car for 30 feet, when she fell to the ground and he ran her over. She was taken to the hospital but it was too late.

I was like many parents who feel confident that their adult children would never have anything bad happen to them, it was other people that all the everyday horrors happened to. Victoria had lived in San Diego, Chicago and New York, was an Art Curator, a world traveler, and raised to be a productive and caring person. All of this lulls parents into a false sense of security that our children are safe.

The driver who killed my daughter had no license but he was not initially issued any moving violations, not for reckless driving, endangerment, speeding on a sidewalk, vehicular homicide, nothing. They gave him a sobriety and drug test which he passed so he was released.

Immediately after Victoria was killed, we started hounding the police and did not let up. It is very important for the police investigator to know you. We got his name and called him many, many times. We found it more effective to be positive and assertive not rude and aggressive. We insisted on meeting with him in person. We did some of our own investigation. If we hadn’t done all this, the police would have done nothing. The squeaky wheel gets the grease, and we were lucky that after our repeated hounding, the police found out the driver had previous speeding tickets, knew his car had problems he failed to fix, and more - that led to his being charged. We also did the same with the DA and they are now prosecuting the driver. We will continue to fight to make sure justice is done for Victoria.

— Elsa Mauer, mother of Victoria Nicodemus
Five Important Considerations After Your Crash

1. Work with the Police and Gather Evidence as Needed
If you wish to hold the driver accountable in some way, you will need to press the police to conduct a thorough investigation. The police are required to interview all witnesses, locate nearby security cameras to obtain video evidence, and take photos of the crash. Find out which police officer or detective is assigned to investigate your crash, contact them immediately and continue to follow up. If your crash involved a serious injury or fatality, immediately ensure that the NYPD Collision Investigation Squad was deployed and is handling the crash investigation.

Sadly, many of our members have found that the police do not always do enough. You may want to do additional investigative work yourself or perhaps with an attorney, if you hire one right away. If you are concerned that the police are not conducting a thorough investigation, we recommend that you or someone you know go back to the scene and try to collect your own evidence. Family members and friends typically want to help, and gathering evidence is a task you can ask them to do.

POSSIBLE WAYS TO GATHER EVIDENCE:

- **Video Recordings:** Ask local businesses near the scene if they have security cameras that may have recorded the incident. Businesses only keep such videos for a limited time (typically 30 days but sometimes as little as 24 hours), so you will want to obtain this ASAP. Be sure to get contact information of everyone who has handled the video because your lawyer will need to “authenticate” that no one tampered with the video.

- **Photos:** Take photos of evidence you see at the scene, such as: skid marks, debris, damage to vehicles, damage to nearby property, etc.

- **Witnesses:** Try to find your own witnesses. If you do not have anyone’s contact information who was at the scene, ask nearby business owners, put up posters, offer a reward, etc.

*Note that many law firms will hire a private investigator to assist with this effort.*

After five days have passed, contact the police to see if you can review a copy of the report to make sure it’s accurate. If it’s not, fight to fix it. Just because it’s written, doesn’t mean it’s not amendable. If there is evidence you believe was not collected, demand that they do more. You might want to call a lawyer to help with this. See also NYPD Crash Investigation section.

2. Consult with an Attorney
Attorneys in these types of cases are usually paid on a “contingency” basis, meaning they only get paid if they collect money for you. It is always free to get a consultation, so most experts recommend you talk to a lawyer. Given that lawyers may help with the investigation, we recommend you do so as soon as possible. We also suggest that you interview at least two attorneys.

See the sections called Civil Lawyers for more information, including questions you may want to ask when selecting an attorney.
Here is a list of attorneys that FSS members have used and found helpful. Some of the lawyers on the list support Transportation Alternatives by purchasing advertisements and sponsoring events. Note that we do not endorse any particular attorney. We provide their names and contact information for the convenience of our members.

3. Seek Support
Get the help you need.

Take advantage of hospital support services and resources. Ask for a patient advocate or social worker if one is not provided. They can help you understand hospital regulations, insurance requirements, and paperwork, as well as advocate for specific care. Some members have found that a hospital chaplain can serve a similar role. If you or your family member were injured, make sure to not be discharged until all necessary home care arrangements have been made. All hospitals are mandated to provide discharge planning assistance.

Families for Safe Streets also provides a range of supports including:

- Support Groups: in-person and telephone
- Peer Mentoring: one-on-one support
- Online Help: private Facebook discussion groups
- Logistical Assistance: help navigating the various systems involved

See also the section on Emotional Support for details.

4. Start an Insurance Claim
Call up the driver’s insurance company and open a claim. Provide only basic information about what happened: that you were hit as a pedestrian or cyclist by this driver on this day at this location. The insurance company will likely pressure you to give a full narrative, ask whether you’ve seen a doctor, or spoken to the police. You do not have to disclose any of this, and attorneys advise that you get legal counsel before divulging any details related to the crash. If you were driving and/or have auto insurance, you should contact your own insurance company as well. You may be covered, as a pedestrian or cyclist, under your own auto insurance.

5. Brace Yourself, Lean on FSS and Be Prepared to Push Back
Sadly, you will learn that the system is broken. New York City should be doing so much more to prevent crashes and hold reckless drivers accountable. Families and individuals who suffer should be compensated, but unfortunately, this is not typically the case.

Many of our members describe their experience dealing with the police, insurance companies, district attorney, and the press as just pouring salt on an colossal wound.
My dad was killed in a crash on June 3, 2013. He was stopped at a red light on his normal route to work when a driver hit him from behind going about 60mph. The driver didn’t brake or swerve, he just drove right into him at that speed and killed my dad on impact. The driver told the police at the scene that he must have been daydreaming. To this day, he’s offered our family no explanation for what may have caused him to be so distracted and drive so recklessly.

It’s been almost four years, all of which have been very difficult for my family. I worked tirelessly to get justice for my dad, and in a small way, I tried to step into my dad’s shoes because I’m sort of the head of household now. This has been my life for nearly four years, just this crash and all the repercussions that followed -- the legal stuff, the civil suit, the fight for criminal charges, and just getting his things in order.

If I could give advice to others, I’d remind them to take care of themselves. Get support, including the support and assistance provided by FSS. It is a long road. The trauma. The loss. The logistics. The grief and the sense of injustice. Take care of yourself along the way. It’s essential just to keep yourself going.

—Kevin Sami, son of Dr. Medhat Sami
From the very beginning, the odds are stacked against you as you work to find justice. The police, press, and judicial system often try to blame the victim. The system labels crashes as ‘accidents. Insurance compensation is often dictated more by whether the driver was sufficiently insured than by what funds you need to recover or survive after the loss of income or ability to work. Moreover, you may learn that had there been better policies or implementation of our existing law, the crash may have been prevented from occurring in the first place.

If you wish to tell the truth to the press about happened in the crash and fight for change, we can help you. The press may hound you when you are at your most vulnerable, and you may not know what you want to say. Or perhaps, no one has contacted you from the press. Just remember that you are not alone, and we are here.

If you wish to hold the driver accountable in any way for the crash, just know it can be a long and complicated process. Be prepared that you likely will need to fight to make this happen, particularly if the driver was not drunk and stayed at the crash scene. This resource guide is a good place to begin your quest for justice.

Also, consider channeling your grief into action. If you wish to speak out publicly, create an online petition, meet with the District Attorney, contact the NYPD, reach out to your elected officials, etc., we can help you. Join us and demand change, so that others do not suffer as we have.
Emotional Support

It is important to get the necessary support after a loss or injury. It can be unimaginably difficult. No one should endure this alone. The aftermath of losing a loved one or being seriously injured, for many people, brings a sense of confusion, depression, anxiety, and hopelessness. It is an assault on the physical, emotional, mental and spiritual sense of self that few people are prepared for. Dealing with the resulting heartbreak and grief is a full-time, exhausting job that often takes place at the same time practical and legal issues demand attention.

FSS Services

FSS is unique because we have experienced the same trauma and loss. Although family members and friends are invaluable, they are experiencing their own sense of shock, grief, and concern. Sometimes, they are not always able to provide the most objective, understanding support.

There is no substitute for connecting with someone who has been through a similar trauma - a person who has a singular depth of understanding and respect for the experience. FSS support services can help you find strength and resilience through understanding and support. While FSS support services cannot magically take away the unbearable pain, it will assuage feelings of isolation and the sense that no one understands what you’re going through. There is power and comfort in shared grief.

We are here for you.
I was home from college and tried to hail a cab in the rain. I wasn’t planning on crossing the street, but a cab saw me and stopped for me on the other side of the street. So I crossed the street and another cab hit me while I was trying to get into the car.

Being hit by a car is a life altering event. It is incredibly traumatic - physically and emotionally. My shoulder was shattered. Three years later, it still hurts and I do physical therapy several times a week to lessen the pain. I did desensitization therapy called EMDR which helped me stop reliving the crash and made it possible for me to start driving again. It was really helpful.

Families for Safe Streets was a big support. Meeting other people who have been seriously injured has been helpful for sure. It is nice to have people who are either a little further ahead in their recovery, or a little further behind, because you can tell people what’s coming, or have somebody else tell you that. And it was helpful to give back -- to help someone who was six months out when I was two years out, to tell them ‘what you’re feeling is normal.’

— Cara Cancelmo, crash survivor
Support Groups

IN-PERSON GROUP
The FSS Support Group offers an opportunity for individuals who have lost a loved one, and those impacted by traumatic traffic violence, to meet in a structured, supportive peer environment. FSS member facilitators lead discussion and guest speakers periodically contribute as well. This group is designed to offer support and guidance through one of the most difficult events we can ever face. We strive to help participants live with the pain and re-experience joy after loss and trauma.

The group in person group meets the second Wednesday of every month in lower Manhattan. Participants may join at any time.

TELEPHONE GROUP
Phone support sessions are offered quarterly for individuals who are unable to travel.

Contact us at 844-FSS-PEER or info@familiesforsafestreets.org for more details.

Peer Mentoring
FSS Peer Mentoring provides bereaved family members, or those seriously injured, with a connection to a volunteer peer support mentor. Our FSS mentors are all individuals who have been through a similar experience and are dedicated to helping others survive this life-altering tragedy.

The desire to talk to someone who understands may arise immediately after the tragedy, or years later. Peer mentors are available to listen, provide support, and share the wisdom they have gained through their own tragedies. They are not acting as therapists, counselors, or legal experts. However, they can listen, share what they have learned to survive, and provide referrals or resources when necessary.

After requesting a peer support mentor, the support services coordinator will contact you for more information. Following this initial call, the volunteer mentor will contact you by phone or email.

Depending on the mutual agreement between you and your volunteer mentor, the frequency and duration of the peer-connection is flexible. Typically, contact is weekly by phone for the first month with an occasional in-person meeting and continues for 3-6 months with a phone call every other week. Phone calls can last up to an hour. You get to choose how often you wish to speak with your mentor, and you can choose to end participation at any time. All discussions are completely confidential.

It is important that each person’s time, energy, and boundaries be respected at all times. Volunteers are not professional counselors and cannot be someone’s sole support system.
Online Help
FSS has private Facebook pages that brings together individuals with similar experiences.

- Families for Safe Streets NYC for Loss of a Loved One (Not Child) to traffic
- Families for Safe Streets NYC for Parents Who Have Lost Children in Crashes
- Families for Safe Streets NYC for Survivors of Traffic Violence
- Families for Safe Streets NYC for Caregivers of Survivors of Traffic Violence
- Families for Safe Streets NY (for all members)

The private groups are online Facebook support groups. Anyone can find the group in a search and see who is in it, but only members of the group can see posts.

You just need to send a Facebook request to join.

Logistical Assistance
The practical and legal issues following a crash can be overwhelming. We are not attorneys, but we are here and can share the knowledge we have gained and refer you as needed. Please feel free to contact us if you have questions or need assistance.

More Online Help
There are many resources online and below are a few you may want to look into:

- Open to Hope Foundation: Has hundreds of video and audio interviews. Their mission is to help individuals find hope after loss.
- MADD: Has a large online library of brochures on coping with loss and injury in English and Spanish and includes information on teen/child grief.
- Trauma Survivors Network: Has an extensive online resource library for individuals who have suffered serious injuries.
On Friday, January 10th 2014, I got a call that my 9-year-old son and husband were hit by a cab driver in front of our apartment building. The driver made a reckless left turn, while they crossed with the light. I ran downstairs and saw my husband lying in the street screaming and crying. I looked over to the left and I saw my son lying on the ground with blood coming out of his ears, surrounded by paramedics. My husband just kept saying it’s bad, it’s very bad. Cooper died several hours later.

After Cooper died, I was a zombie. Someone from FSS came over to my apartment. When you meet someone who has been through exactly what you’ve been through, you just cling on to them. After this violent, sudden devastating loss, you feel like such a freak. And the system only traumatizes you more. I assumed that there will at least be some sort of consequences for the driver who killed Cooper. But the legal system makes you feel as if you are the perpetrator by wanting justice. One of the worst moments for me was when I found out that a judge gave the man who killed my child a traffic ticket and $500 fine. I cannot even tell you how much that crushed my soul.

But everyone at FSS knew exactly what I was talking about, how I felt, what I was going through. These are the people keeping me alive now.

—Dana Lerner, mother of Cooper Stock
More In-Person Support Services

There are many community-based clinics, counselors, and therapists who provide grief and trauma counseling. If you have private health insurance, it may include mental health benefits that can assist you in locating an eligible provider. Medicaid and Medicare also cover mental health services and have community-based clinics that provide counseling services. There are also hundreds of private-pay therapists, many of whom will offer services on a sliding scale.

Many organizations (including Compassionate Friends), places of worship, and hospitals offer in-person support groups. Some of these groups are peer-led -- meaning that non-professionals with a similar loss or injury lead the group. Others offer professionally-led groups that are facilitated by a social worker, psychologist or other mental health professional.

The District Attorney (DA) office in each borough has free victim services that provide support, counseling, advocacy, and information to all individuals who have been criminally victimized. If the crash appears to have been the result of criminal behavior, reach out to the DA in the borough where the crash occurred. See District Attorney and Criminal Proceedings section for details and contact information.

There are a few specialized treatment modalities that some FSS members have found very helpful for their grief and trauma. Eye Movement Desensitization and Reprocessing (EMDR) therapy is an integrative psychotherapy approach that has been extensively researched and proven effective for the treatment of trauma and there are many EMDR practitioners in New York City. Some members have also found help from complicated grief therapy, which also uses cognitive behavioral therapy techniques to help individuals who are suffering from grief and trauma.
Hospitals, Visiting Nurse Service, and Physical Therapy

The most important thing is to get all the help that you need. But be aware that many FSS members have found that they need to be their own advocate -- for themselves and/or their family members and stay on top of all medical care.

Take advantage of the supports hospitals offer for discharge planning, counseling, and logistical assistance. Make sure that you are not discharged without all necessary support in place including visiting nurse services, physical therapy, occupational therapy, etc.

Driver Accountability and an Overview of the Legal System

Overview

The legal system provides different ways to hold the driver accountable and to provide you and your family with necessary financial compensation. These include:

- **Criminal Penalties**: These penalties are rare in cases where the driver is sober, licensed, and does not leave the crash scene, but they are increasing in frequency. Criminal prosecution requires action by the District Attorney, and you likely will need to demand action.
- **Civil Penalties**: Civil penalties involve suing the driver for negligence and monetary damages.
- **Traffic court**: Traffic court is where the NYS Department of Motor Vehicles determines whether to suspend or revoke the license of the driver, and whether to impose a fine.

A Challenging Process

It can be a long and complicated process to hold the driver accountable, one which likely requires a lawyer and will likely involve the police, the District Attorney, judges, the Department of Motor Vehicles, insurance companies and more.

Be prepared that you may need to fight to make this happen. It will be a lot of work and emotionally challenging. This is the time to lean on friends and family.

We also are here to help.
On October 6th, 2013, my mother and my three-year-old daughter Allison were crossing the street with the light, when a driver made an aggressive left turn and ran over Ally twice with both tires, killing her and injuring my mom. It is devastating to lose a child, and the worst thing that can happen to a parent, then you’re left to deal with the police.

After the death of my daughter, we received a police report that seemed indecipherable. Besides a short description, a sketch of the intersection and who was involved, the rest were codes on the left and right side of the document which was impossible to decipher as there was no reference guide to explain what they meant. Fortunately, our lawyer was able to help us with this.

Our lawyer also needed to file a Freedom of Information Law (FOIL) request and that’s when we received the 90+ pages of the police investigation. We then needed to file a second FOIL request when we found out that we were missing the videos from three video cameras and the original digital photographs because the ones in the document were unreadable black blobs.

Even though the driver was never criminally charged by the police, we still needed to comb through all the documents and review the crash videos to find that the media accounts were all wrong, and the driver was totally at fault.

—Hsi-Pei Liao, father of Allison Hope Liao
**NYPD Crash Investigation**

**Overview**
Regardless of whether you seek criminal or civil penalties, the legal process starts with an investigation by the New York Police Department (NYPD). You will need a police report if you want to be compensated and/or hold the driver accountable in civil, criminal, or traffic court.

**AT THE SCENE**
A New York Police Department (NYPD) precinct officer typically arrives first on the scene. The officer is charged with investigating the crash unless it is determined that someone is seriously injured or has been killed. If so, the NYPD Collision Investigation Squad is contacted and conducts a more thorough investigation.

As part of the investigation, the police officer is required to interview witnesses, ascertain whether there are any cameras that may have recorded the crash, and determine whether the driver distracted or under the influence. The CIS should conduct a speed computation, if speeding was potentially a factor in the crash. However, if they fail to do so, your attorney should be able to hire someone to conduct the speed computation on your behalf.

It is important to stay involved and make sure the police conduct these critical steps, if it was not done at the time of the crash. You may want to appoint a trusted family member or lawyer to follow up.

**NYC Crash Reports**
The police are required to complete a report in any crash causing a personal injury, property damage of more than $1,000, or a fatality. The report is called the Police Accident Report [1] (MV-104AN) [2] and is typically written at the scene of the crash.

The NYPD submits all MV-104 reports to the New York State Department of Motor Vehicles, which puts the crash on the driver’s record and documents the incident for a future insurance claim.
TO OBTAIN A POLICE REPORT

The police may give a copy of the report to injured individuals at the scene of the crash. If you lost a loved one and/or did not get a copy at the crash site, you may still request one. The NYPD has created a new Outreach Unit to assist families in obtaining crash reports. Jamie Gifkins heads this new unit and can be contacted at 646-610-5500 or jamie.gifkins@nypd.org.

In our experience, the police do not always write a report if they deem that the injuries are not serious. If you were injured and not given a copy of the report, you may request a Police Accident Report at the precinct station, within five days of the crash. If an officer does not get your version of events at the scene, you may also go to the precinct to request that the report be amended. See below for step-by-step instructions in the To Amend A Police Report section.

Note that if you decide to hire an attorney, the lawyer can most likely obtain the report for you. Also, if the police conducted a thorough investigation with photos, witness interviews, and security camera footage of the crash, they will typically only provide the brief summary report (MV-104AN) and not all of the additional material. In our experience, FSS members had to file a Freedom of Information Law (FOIL) request, sometimes more than once, to obtain all of the investigative material. Most all use an attorney for this process, but it is possible to do it on your own.

To request a copy of the MV-104AN, go to the police station in the precinct where the crash happened. You will need:

• Photo ID
• $10 fee (money order or certified check; no personal checks or cash)
• A request for copy of collision record form

Requests must be made within 30 days of the incident. A FOIL can also be filed after 120 days to the NYS Department of Motor Vehicles, since the NYPD is required to send them copies.

The state DMV charges a $20 fee for a request after 120 days and uses the same form.

TO AMEND A POLICE REPORT

Any “involved party” may request to have a Police Accident Report amended.

It is possible that a Police Accident Report will have errors. In addition, we have found that in many instances, the police tend to blame the victim, particularly if the victim is deceased or critically injured and not able to dispute the driver’s assertions about the details surrounding the crash.

To amend a police report, contact the officer or detective handling your case and give them your reasoning for wanting to amend the report.

If the officer refuses to amend the report, file the New York State Department of Motor Vehicle (DMV) MV-104 form.
On August 7, 2014. I was with my friend Jay. It was a warm night so I was biking home while he rode his skateboard. I had on lights, bright colored clothes, a helmet, everything. I heard a really loud engine roar behind me. I turned to look back to see and the next thing I knew I felt the impact and blacked out. The driver fled the scene but because I was with a friend, he called for help and it saved my life.

There’s a video of the crash, and everyone who sees it says how shocking it is that I am alive.

Sadly, the police did nothing. My friends found the side mirror from the car that hit me and found a nearby parked car with huge dents and missing the perfectly fitting mirror. My attorney got articles in the press and met with the precinct but nothing was done. Fortunately, our investigative work ensured that I could get my medical bills covered in Civil Court.

—Dulcie Canton, crash survivor
Civil Lawyers

Deciding whether, when, and how to choose a lawyer with the appropriate background and knowledge for your case can be challenging.

Why Hire a Lawyer?
The decision of whether or not to hire an attorney is an important one. In our experience, it is hard to represent yourself after a loss or serious injury. If you want to make an insurance claim, an attorney can advise and guide you through the process. If you pursue a civil litigation, an attorney is likely necessary. Even if all you are seeking is restitution through a No-Fault insurance claim, you may want to hire an attorney. Although originally designed to be non-adversarial, a No-Fault insurance claim has turned out to be just the opposite. The rules change regularly, and failure to comply with one element may destroy your rights to collect these benefits. The nuances of insurance companies requires that you find an attorney who can not only navigate a No-Fault claim, but also prevent any attempts to deny your benefits. (See also Insurance/Compensation section.)

Most lawyers offer free initial consultations, and you likely won’t be charged up front. That’s because most lawyers in these types of cases use contingency fee arrangements. The lawyer agrees to handle the case from start to finish in return for the agreement that if the lawyer obtains a recovery, the lawyer gets a percentage of that recovery (commonly 33% or one-third).

Note that if the driver has only the minimum NYS required liability insurance and there is no one else to sue (e.g., the City, an employer, etc.), it may be very hard to find a lawyer who will properly represent you because they do not stand to gain much financially from your case.

Who to Choose
There are hundreds of lawyers who help families with compensation claims after the injury or death of a loved one in a traffic crash. Many may contact you, or someone may recommend a person they know. If you are a union member, the union may have a list of recommended lawyers.

It is a difficult choice, but there are some factors you may want to consider and questions you may want to ask. It is advisable to interview more than one attorney before you decide. You likely want a lawyer who has significant, related successful experience with your type of case and will provide the additional support in holding the driver accountable outside of the standard civil court proceeding (if this is something you want to pursue).
Suggested Questions
The following questions can be used to evaluate an attorney. Feel free to tailor these to your specific situation.

1. EXPERIENCE
   • What percentage of your practice is personal injury/wrongful death cases?
   • How long have you been doing this work?
   • How many cases have you brought in the past five years similar to yours? (Ask the attorney to be specific.)
   • How many No-Fault claims have you arbitrated in the past three years, and what was the outcome?
   • Have you taught, written or lectured on New York Vehicular and Traffic Laws? (If yes, ask the attorney to explain further.)
   • What experience do you have in relation to [insert own situation]? (e.g., TLC driver, MTA driver, hit-and-run, etc.)

2. CIVIL COURT OUTCOMES
   • During the last three years, approximately what percentage of the personal injury cases at your firm have you settled and how many went to trial?
   • When did you last go to trial? Did you try your own cases? What percent were successful?
   • In what percentage of cases have you obtained personal payments from defendants in excess of available liability or other insurance?

3. WRONGFUL DEATH
   • Can you please describe any successful, relevant experience in wrongful death cases that you have had in the past three years?

4. COMPLEX CASES
   • What is your experience and success related to cases against the City for driver negligence (NYPD, Sanitation, etc.)?
   • What is your experience and success related to cases against the MTA?
   • What is your experience and success related to cases against the City for road defect?

5. MINIMAL/NO INSURANCE
   • What will you do if the driver only has the minimum liability insurance and there is no one else to sue?
   • How many low-insurance claims have you brought to trial in the past three years?
   • What experience does your firm have with MVAIC and/or the NYS Office of Crime Victims Assistance?

6. CRIMINAL CHARGES
   • Will you assist with the criminal charges, if this is something I want to pursue?
   • How many times in recent years have you assisted with bringing criminal charges?
   • What specifically will you do?
   • Will you attend meetings with the District Attorney’s office?

7. DMV HEARING/TLC TRIBUNAL
   • Will you assist with the DMV hearing and/or TLC Tribunal if this is something I want to pursue?
   • How many times in recent years have you done this?
   • What specifically will you do?
8. PLAINTIFF-FOCUSED PRACTICE
• Is your practice primarily a plaintiff practice (meaning do they only represent people like me)?
• Do you also represent the interests of insurance companies or corporate defendants? (If so, how often?)
• Are you or your firm a member of any plaintiff attorney organizations (e.g., New York State Trial Lawyers Association or the American Association of Justice)?

9. COMMITMENT TO SAFE STREETS ADVOCACY
• Are you involved in Safe Streets advocacy?
• Are you on the board or active in an any organization that promotes street safety?
• Have you provided any pro bono work on behalf of any street safety group?

10. GENERAL INFORMATION
• Number of attorneys
• History
I was hit during a snowstorm on 12/15/2013 and the driver fled the scene. It was the first real storm of the winter, so there was a lot of snow. I was walking to get to the subway and the sidewalks were a complete mess. People were walking in the shoulder lane facing traffic since there was also a bike lane after that, and I did too. A driver drove over the bike lane, into me, and then kept going. He or she made the first left turn possible and was out of sight.

I broke a ton of bones. My right knee was shattered, and my pelvis was fractured in four or five places including my tailbone, my shoulder broke, there was a fracture in my shoulder and my rotator cuff was torn, my hand had some broken bones, and my skull was fractured. I spent two weeks in the hospital, had five operations over the first year, and two years of physical therapy. It was physically and emotionally devastating.

The police didn’t find the driver. There were cameras nearby, and I knew what type of car it was. It was late at night and there were so few cars going by at that hour, I thought they might be able to find the driver. The detective told me she watched the footage and the cameras were pointed in the wrong direction, so the case was closed. I wanted to see for myself, and through FSS I learned how to file a Freedom of Information request. I found out through my police records that they never got the videos. There was also a transcript of an interview with me that never happened. The date and time were listed when I was under anesthesia having surgery.

My advice is if you want to get any kind of justice, pick a lawyer carefully. My lawyer was someone my parents knew. He did not specialize in pedestrian crashes and was not invested in helping me ensure the driver was found and held accountable. When I started looking on my own, he told me to let him know if I found anything. That was pretty heartbreaking.

—Lindsay Motlin, Crash Survivor
Insurance/Compensation and Civil Court

Overview
NYS has a very complicated process for crash victims/family members to seek reimbursement for medical expenses, lost wages, and injured property as well as seek remuneration for pain and suffering.

The amount and type of compensation will depend on the driver’s assets, the driver’s insurance, your insurance, the extent of your injuries, and the relative fault of the driver.

Moreover, the process may require a lawsuit and/or litigation in civil court. Civil Court proceedings are notoriously complicated and lengthy. If a settlement is not reached, your case may need to go to a civil trial and can drag on for years. Many of our members have had lawsuits that lasted over five years, so brace yourself for a potentially longer than expected and painful experience.

The procedures and rules on insurance and civil law are very complex and this guide is in no way meant to provide exhaustive, authoritative guidance. Rather, the information below is meant to provide you with an easy-to-understand overview, so that you can have a better understanding should you choose to seek compensation.

Most of our members have hired an attorney to assist them. See Civil Lawyers section for more information on why this can be beneficial and tips on how to select an attorney.

Please do not do this alone. You may have to give a deposition and recount the crash during the civil litigation process. Always ask for support from your friends and family; FSS is here to support you as well.

Compensation for Basic Expenses up to $50,000

GENERAL INFORMATION
In New York State, “No-Fault” auto insurance laws ensure that crash victims will be compensated for basic expenses, regardless of who was at fault for the crash. If you were not in a vehicle at the time of the crash, this coverage is provided by the auto insurance of the driver who hit you, up to $50,000, for “legitimate economic losses.” If you were in a vehicle, basic expenses are paid by the insurance on that vehicle regardless of who was at fault.

New York No-Fault Law applies to any cyclist, pedestrian, passenger, or driver injured by a motor vehicle in New York. The following conditions that must be met to qualify for No-Fault coverage:

- The crash occurred in New York.
- The injured party was the driver or passenger of the insured vehicle or a cyclist or pedestrian struck by or in contact with the motor vehicle.
- The vehicle must be a car, truck, bus, taxi (not a motorcycle) or other vehicle covered by New York No-Fault law.
- The vehicle is registered in New York.
- The vehicle has an insurance policy sold in New York or issued by a company licensed to do business in the State of New York.
My husband Hutch and my 16-year-old daughter and her friend were doing their normal everyday walk to take the subway to school and work when Hutch was hit by a speeding driver. He was thought to be dead at the scene but he survived. He sustained a significant traumatic brain injury and has lost a third of his brain. It’s just not there anymore. Every bone in his face was broken. His ribs were crushed. He had metal rods put in so he could walk again. He was in a coma for about three weeks and was in the hospital and rehab for months. But somehow he has made tremendous progress and is an active FSS member who inspires others who’ve had serious brain injuries.

The person who hit my husband - and this is unbelievable and something I hope we can take on at some point - was a doctor, a man of means, and he hid his assets and tried to declare bankruptcy in order to not pay any of the suit. So as it turns out, if you’re found guilty of drunk driving, that’s an exception that’s been put in the legal code so that bankruptcy doesn’t protect you. But there’s nothing in the code that protects victims of distracted or dangerous or speeding drivers at all. So from a financial perspective, we continue to have medical expenses that aren’t covered and so on.

Our lawyer advised us to settle without a trial, so the driver was not held accountable for anything. My advice is, make sure to pick a lawyer who will do what you want and what is best for you, even if it means going to trial.

—Donna Ganson, wife of crash survivor Hutch Ganson
Allowable expenses up to $50,000 with proper documentation/receipts includes:

• Crash-related medical expenses such as ambulance and hospital expenses, doctor bills, prescription drugs and diagnostic tests, such as x-rays and MRI’s as well as therapeutic services such as physical therapy.
• 80% of your crash-related lost earnings up to $2,000 a month as documented by your employer when accompanied by a doctor's note showing that you are disabled and unable to perform your normal job duties as a result of the crash for the time period for which you seek reimbursement.
• Related incidental expenses such as travel expenses to and from your doctors or medical treatment, other medications, brace and bandages. Other related incidentals can pay up to $25 dollars a day for one year post-crash.

Typically, your medical insurance will be responsible for paying medical claims and collecting medically-related compensation from auto insurers, if necessary.

If you cannot determine the driver's insurance company within the 30-day filing period, neither you nor the driver have auto insurance, or the driver’s vehicle is registered in another state that does not have No-Fault insurance, you are eligible for reimbursement up to $50,000 from the New York State Motor Vehicle Accident Indemnification Corporation (MVAIC). MVAIC is a state run agency which steps into the shoes of the insurance company when there is no insurance. If you find out the identity of the insurance company after you file with MVAIC, you can withdraw your claim. MVAIC is full of bureaucratic paperwork and is difficult to navigate even for a seasoned attorney, so you may not want to seek compensation from the MVAIC alone.

The New York State Office of Crime Victims Assistance also is a payer of last resort should you be unable to collect from any other source. They pay for eligible expenses up to $2,000. A claim form can be obtained from a police station, sheriff’s office, District Attorney’s (DA) office, local victim advocate’s office, hospital emergency room, or by requesting one from the Office of Victim Services.

NOTIFY THE INSURANCE COMPANY

At your earliest opportunity, call the insurance companies of all the motorists involved in the crash. Inform each one that you were involved in a crash with one of their clients, and give the motorist’s name. Your claim will be assigned a claim number and a contact person (or “claims adjuster”) at the insurance company. You will also receive one or more claim forms in the mail.

If you are asked to give a written or tape recorded statement, you should refuse to do so. You should answer the claims adjuster’s question to permit the insurance company to evaluate your claim, but a recorded statement might be used against you if there is a disagreement over who caused the crash.
TO FILE A NO-FAULT CLAIM

There are important steps to follow in order to make a No-Fault claim. Although the intent of the no-fault legislation was to simplify the reimbursement process, this is simply not the case. If you miss a filing date, a medical appointment, or make an incorrect entry on a form, a carrier can deny your medical benefits and lost wages. Even when everything is done properly, you still may face a denial after one of their doctors says you don’t need treatment. In order to protect your coverage and your benefits, these are the steps needed to properly file a claim.

Note that your claim is assigned to an adjuster whose job it is to handle the claims process. You should feel free to call him or her and ask any questions you might have about the company’s claims process, as you are filling out their forms and submitting your documentation. *(A tip: have your claim number handy when you call, to save them time in looking up your claim.)*

**Step 1: The No-Fault Application** *(form NF-2)*
The No-Fault application is normally provided by the insurance carrier of the car that struck you, you came into contact with, that you were driving, or in which you were a passenger. If you were a cyclist or a pedestrian AND own your own car, you should request or send the application to your insurance company as well. You may have benefits under your policy such as excess Personal Insurance Protection (additional No-Fault coverage above $50,000). The application can be requested by phone, but it is recommended to also request the application by mail with a certified return receipt.

**Step 2: Time Constraints**
You have *thirty (30) days* from the date of the crash to file the application. Do not assume your health insurance policy will cover the costs. Most insurance companies do not cover a personal injury resulting from a car crash. Simply filing the application does not obligate you to commence a claim, but protects your right to do so if necessary.

Additionally, make sure that you send the form to the correct insurance company. Even if you believe the crash was not the fault of the driver, the No-Fault Application still gets sent to the insurance carrier for the car that you were struck by or was a passenger in, or was driving.

There are occasions where you may not be able to ascertain the insurance company of the car that struck you, especially if a driver of a car is particularly uncooperative and will not provide the information. Always call the police. *The police will obtain the information* for you and place it on the Police Report. *The police report will have a three-digit code that will identify the insurance carrier.*

If you still cannot find the insurance company within the 30-day limit, regulations do allow you to provide written proof of a “clear or reasonable” reason for missing the deadline. However, insurance companies are largely responsible for determining what is “clear or reasonable,” so don’t count on this provision to save you from the late filing.
After my crash, I could not work and had medical bills piling up - MRIs, CT Scans, you name it - but I had no money. A lot of people in crashes are not aware of this, but New York State has an Motor Vehicle Accident Indemnification Corporation (MVAIC) Fund that pays up to $50,000 for medical bills. If the insurer is later found, as it was in my case, the insurer reimburses the fund. Getting my medical bills covered was a HUGE help.

—Dulcie Canton, crash survivor
Step 3: Medical Forms
Also, the medical portion of the insurance claim forms will include authorizations for your doctors to release medical information. These releases are usually very broad, permitting the insurance company to obtain your entire medical history. Therefore, when you find authorizations in the form that permit the insurance company to have “any or all medical records” (or similar language), you may wish to add the clause, “relating to my crash on such-and-such date,” so that you limit the authorization to releasing only those medical records that relate to the crash.

Step 4: Additional Forms and Documentation
Submit the No-Fault Wage Verification Report to be reimbursed for lost wages. You may need to be on top of your boss or H.R. department to get this filled out. You will also need receipts for all expenses.

Be sure to make photocopies of everything you mail in, including the claims forms themselves.

WHAT TO EXPECT AFTER YOUR CLAIM IS FILED
After your claim is filed, you should be provided with a No-Fault claim number. This number, together with the name of the insurance company, the adjuster assigned, and contact information should be provided to your doctor and other health care providers for all treatment, both past and future. If you left the hospital without providing insurance information, call the hospital billing department right away and give them the information.

You may have also been provided with a No-Fault Hospital Facility Form to mail to the hospital. Fill this out with the No-Fault information and your patient number and mail in right away.

In the next several weeks you may receive a bill for the ambulance, x-rays, labs, or other treatment related to the crash. The No-Fault information should be provided to these facilities as well. Once you provide the information you have fulfilled your obligation. It is now incumbent upon the health providers to timely submit the claims and respond to the insurance companies demand for additional information.

Don’t expect No-Fault coverage to last forever. The insurance company wants you off their coverage as soon as possible. In order to do so, they are allowed to have you examined by a physician or medical specialist to determine, in his or her opinion, whether you still need additional treatment. The doctor hired by the insurance company will also decide whether you are still disabled or can return to work. Plan to wait a long time for the appointment. It may take a full day to be seen by the insurance company’s physician. Also, be sure that you share with the doctor all of the issues you are facing, even if the doctor fails to ask. If you fail to appear for an exam, they can use this as grounds to terminate your benefits.

You may also be required to appear for an Examination Under Oath (EUO) hearing. At an EUO hearing, an attorney hired by the insurance company will ask you questions about the crash and your treatment. If you fail to appear, they can use this as grounds to terminate your benefits.

Before the insurance company pays you, they might want you to sign a document that indicates that you are satisfied with the payment you will receive, and that releases them from any further claims by you. This document is called a release. You should be very careful about signing one, because once you have signed it, you cannot make any further claims against this insurance company based on the claim they are settling.
Before signing and returning a release form, it is best to wait until you are aware of all potential injuries. Once you have signed the release, you cannot make any claim for any other injuries you may have suffered in the crash, even if you did not know that you had them.

**WHAT IF YOUR CLAIM IS DENIED?**

If your claim is denied and you have private health insurance, you can submit the bills to your private carrier and also direct your doctors to bill them as well. Obtain a copy of the denial (as most insurance companies want proof that you have been denied by No-Fault before they assume the bills).

If you do not have any insurance and cannot afford to continue treatment, speak to your doctor concerning your continued treatment on a medical “lien basis”. A medical lien is a guarantee to a medical provider, doctor, or treatment center to recover medical cost associated with the treatment of a crash. These additional medical lien expenses become part of the damages being claimed in your underlying case against the defendant.

The No-Fault carrier’s denial includes instructions on how to fight or arbitrate the denial. Do not arbitrate the no-fault denial or allow your doctor to do it for you until any related lawsuit is resolved. An adverse finding at the arbitration can destroy your claims for a personal injury or wrongful death lawsuit.

**Personal Injury/Wrongful Death Lawsuit**

It goes without saying that being hit by a car can be a traumatic experience. And in the chaotic aftermath of a crash, a lawsuit might be the furthest thing from your mind. But if the crash occurred because of someone else’s negligence, and you’ve suffered injuries or lost a loved one, you’ll want to keep all your legal options open.

A claim can be pursued (in addition to the no-fault benefits) by a separate personal injury and/or wrongful death lawsuit against the driver(s) and vehicle owner, or any other party who is responsible for causing the crash and your injury. Unlike compensation for basic expenses, the driver who hit you or killed your loved one must be found to be at least partially at fault for the crash. In a personal injury lawsuit, damages are meant to compensate the injured person for all harm that was suffered. This is rarely undertaken without an attorney. (See also section on Civil Lawyers.)

When you are a cyclist, pedestrian, or passenger, the insurance company that provides and pays your No-Fault claim will also be defending and paying a judgment or settlement for your personal injury or wrongful death claim. Although payment is made by the same insurance company, No-Fault and Personal Injury/Wrongful Death are completely separate claims. Each has its own laws and rules and is usually handled by different adjusters and departments at the insurance company. The two claims also have different standards of proof, available compensation, and coverage.

If you were injured, you may seek compensation for your expenses in excess of $50,000, pain and suffering, as well as the loss of enjoyment of life. There is a saying in law that damages are “meant to make a person whole again.” Obviously, it is difficult to equate money with injuries, but that is how the system works. Loss of normal life or “loss of enjoyment” refers to the negative impact on the injured person’s life as a result of...
I was walking with my two sons, Lucian and Theo, on the sidewalk in Brooklyn, on Dekalb Avenue in November 2013. We were on the sidewalk, waiting to cross the street. A driver in an SUV came down Dekalb and made a left turn, but the driver swerved because there was someone in the crosswalk (with the light). He went up on the opposite curb and drove into the corner of a building. It was a busy Saturday and there were people everywhere. People were freaking out. He then stepped on the gas, spun his SUV around, went back into the intersection and across the street.

Then he made a u-turn and went the wrong way up Dekalb Avenue. He came towards us, we were standing catty-corner across the avenue watching this happen. We didn’t start running because it didn’t occur to us in a million years that he would come towards us going the wrong way up the avenue and drive up on the sidewalk. So my two sons and I just stood there staring. And all of a sudden we realized that he was barreling toward us, actually accelerating.

He drove over Lucian and Theo. I could see Lucian on the sidewalk and his injuries made it clear that he had died instantly. Theo was under the car and I assumed he was dead.
too. A civilian pulled him from under the SUV and took us to Kings County trauma center. He had been seriously injured but he survived.

Since his driving was so egregious, he was charged immediately with criminally negligent homicide. The Brooklyn DA’s office met with us a number of times, and I have to say they were really attuned to our needs. They listened carefully to us and warned us of the possibility that a trial could drag on, and that it might not end in the conviction we hoped for. What was most important to us was that the driver be convicted of a felony and that I would not have to meet him face-to-face ever. Sadly, even with the incredible egregious obviousness of his guilt, the system is so broken that if the case went to trial, there was a very good chance that the driver would not be charged with a felony; might never get prison time; and/or the charges could potentially be thrown out on appeal. We wanted some certainty, so we chose to support a settlement that included a felony conviction and probation but no jail time.

It is important to know what you want and make it clear to the District Attorney. And if the DA’s office is not supportive, get help from FSS. They will help you get your story in the press, connect you with your elected officials to put on the pressure, and more.

—Anna Kovel, mother of Lucian Merryweather
the crash. So, if a crash leaves a pedestrian paralyzed from the waist down, and the individual used to be an avid surfer and rock climber, these damages would be higher than if the injured person had spent little time outdoors before the crash.

If your loved one died, there are two types of monetary damages: (1) economic loss to the estate of the loved one; and (2) pain and suffering for the period before they died. Economic loss is calculated based on their personal earnings and their age. It is meant to compensate the family for the “lost earnings” the person would have earned. It is extremely difficult having your loved one valued this way. Horrifically, those who were young, without know future earnings, generally do not qualify. If your loved one suffered prior to his/her death, there also may be an awarded for pain and suffering. How does one calculate the value of pain and suffering? That is really up to a jury. To give an extremely rough guide, if a pedestrian suffers some scrapes and bruises and a sore back for about a week, pain and suffering might be worth less than a thousand dollars. If the pedestrian suffers a broken hip, a broken collarbone, and a severe concussion, leaving the pedestrian with permanent severe headaches and permanent severe pain in the neck and shoulder area, pain and suffering might be worth hundreds of thousands of dollars.

The amount of compensation you can recover is also related to the amount of insurance the driver had. In New York State, all drivers must carry a minimum of $25,000 per person and $50,000 per occurrence in liability insurance. Many drivers only carry the minimum so if the driver has no personal assets, it will be harder to collect additional compensation. Some of our members have been successful in getting monies from the driver directly and garnishing future wages, though that is not typical in personal injury cases.

If there was a commercial or public vehicle involved in the crash, it may be possible to sue the company or related government entity. Unfortunately, courts have found that the City is not liable for crashes involving taxis or drivers for hire.

There also was a recent court ruling that found that if the crash involved speeding on a known dangerous street and NYC failed to install speed control or other safety measures, the City may be partially liable and have to pay damages in a lawsuit. Similarly, if the crash involved a driver who was working at the time of crash, you may be able to sue their employer.

Some FSS members have obtained additional consequences for the driver through the settlement of civil litigation process including voluntary license suspension, public apologies, and more. You may also want to request a modest monthly payment from the driver’s personal earnings (not the insurance company) so that the driver is reminded regularly of the consequences of their action. As an example, one member receives a monthly payment of $10, while the settlement for another FSS member stipulates that the driver pay the cemetery directly for all upkeep costs. We are happy to speak with you about this if you are interested in pursuing this option.

**Uninsured or Underinsured Motorist Coverage**
If the offending driver/vehicle was underinsured (meaning that the coverage of the vehicle was insufficient to compensate the crash victim for the severity of the injury/loss), uninsured, or could not be found, you may be able to turn to your own policy of insurance to make a claim.
By law, everyone who purchases insurance for a vehicle in New York has available to them uninsured coverage in the amount of $25,000 per person and $50,000 per occurrence/crash, separate from your liability and no-fault coverage. However, for most people involved in a serious crash this coverage is just not enough.

Some people have purchased additional Supplementary Uninsured/Underinsured Motorist (SUM) coverage. You should check your insurance coverage to see if you purchased additional coverage.

Both the minimum and supplementary coverage are typically available to you or a member of your household. They do not necessarily need to be individuals named on the policy. Some coverage may also be afforded to children of the insured living outside the household. This can be complicated, so you may want to share a copy of your policy with an attorney who can interpret the coverage for you and determine whether or not a claim can be made.

The Civil Court System

If you wish to pursue a personal injury or wrongful death claim, you or your attorney will need to file a lawsuit in the NYS Unified Court System (UCS). Sometimes insurance settlements for basic expenses can require a lawsuit, but they are typically settled without court involvement.

The NYS Supreme Court is the UCS’ trial-level court for civil and criminal matters. The NYS Supreme Court handles the vast majority of personal injury and wrongful death lawsuits. There is a branch of the New York Supreme Court in each borough. Unlike in most other states, the Supreme Court is a trial court and is not the highest court in the state. The Appellate Division is the intermediate appellate court and the highest court is the Court of Appeals.

The UCS has Civil Court divisions by county (borough) that decides lawsuits involving claims for damages up to $25,000 and includes a small claims part (small claims court) for cases involving amounts up to $5,000 as well as other matters not related to traffic crashes.

Worker’s Compensation & Disability

If you were working at the time of the crash, you may be eligible for NYS Worker’s Compensation. Your employer also is required to provide short-term disability for non-work related crashes through the NYS. Consult your employer for details.

If you are injured and unable to return to work, you may be eligible for long-term disability through the Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI), the two largest Federal assistance programs that offer financial support to people with disabilities.

Applying for Social Security disability benefits can be a difficult process, and as many as 60% of applicants are denied on their initial request. Some members have found that a disability attorney or advocate may increase your chances of being awarded benefits by helping accurately and favorably complete the complex paperwork, ensuring that all deadlines are met, and providing you with representation at a hearing. Most disability attorneys will provide a free consultation and will operate on a contingency basis (i.e., they only be paid if you are awarded back benefits).
After Ally was killed, we were shocked to learn there is rarely any consequences for drivers and even in our case, with a video that showed how reckless the driver was, there was no justice. Every time we tell someone what happened, they think the driver is in jail. And we tell them, “No, there are no consequences unless it’s drunk driving or texting or hit and run.”

We worked with our Council Member to pass a bill that makes it a criminal misdemeanor if someone hits a pedestrian with the right of way, and seriously injures or kills them. We learned that in European countries, when there’s a crash and someone is injured or killed, the assumption of responsibility or fault is on the driver, until the driver proves them wrong. But here in the US, it’s the other way around. What we should be asking when a crash does happen, is did the driver do everything possible to prevent the crash from happening? That’s the way people in some other countries see it, whereas here the assumption is that the victim has to prove that they were doing everything right. Or the driver just says “I didn’t see anything” and is absolved from responsibility.

This law, along with so much of what we do with FSS, is about changing the culture to make it socially unacceptable to drive aggressively and recklessly. This is how we choose to keep Ally’s memory alive.

—Amy Tam-Liao, mother of Allison Hope Liao
Property Damage
If your car or bicycle was damaged, you may need to make an insurance claim against the driver if he/she was at fault, so that you may be reimbursed for this expense. Property damage will be covered if the insurance company determines that their client is responsible for the damage. If it appears that the crash is due to your negligence or violation of state or local law, the other driver’s insurance company might refuse to pay for the property damages. Should this happen, you can take the insurance company to small claims court, where you may represent yourself without a lawyer. Of course, you might want to consult an attorney in any case, especially if the insurance company find you at fault for the crash.

If you have damaged articles that you did not replace before you submit your claim, write down a description of each article and a fair estimate of the replacement or repair cost for each damaged item on a sheet of paper. Submit this sheet with your insurance claim, along with the receipts for damages to your car or bicycle.

Estate Planning
If your lost loved one had any assets, there will likely be additional logistical challenges. A few members have done this alone, but most find it helpful to have an attorney assist them.
It is unimaginable to lose a child. The five letter word grief does not adequately capture the physical pain, emotional anguish, guilt, sadness and longing. I kissed my 12-year-old son Sammy goodbye the morning of 10/8/2013, and I never saw him again. Sammy was kind, bright, and caring and had a dimpled smile that lit up a room. His life was cut short in an instant.

We had met with the DMV early on as part of our work with FSS so I was not surprised to get a hearing notice less than a year after Sammy was killed, despite the backlog. For me, the DMV hearing was important. I wanted to make sure they set an example with my hearing and started to get dangerous drivers off the road. I had already been quite public in fighting for change. But even I had no idea how painful it would be to sit in a small conference room across the table from the reckless driver who killed my son.

My advice would be to be emotionally prepared and have someone you can lean on come with you. I made sure to bring a friend as well as an attorney. I was apparently the first person to be able to read a written statement as part of the hearing and am glad I had prepared something even though I had been told I would not be allowed to speak.

Please know, we at FSS have experienced these painful hearings and can support you through the process.

—Amy Cohen, mother of Sammy Cohen Eckstein
District Attorneys and the Criminal Process

Overview
The legal process can be complex, and if you plan to pursue criminal charges against a driver, multiple hearings and a sentencing may be part of the process.

As of 2013, fewer than 2% of fatal bicyclist or pedestrian crashes that weren’t DWIs, hit-and-runs, or intentional were charged by NYC’s District Attorneys. It is a serious crime if a driver leaves the scene, so it will be easier to pursue criminal charges. However, you may still need to do a lot of work on your own to help locate the driver. Hit-and-run investigations involving life-threatening injuries result in a 64% arrest rate, but those involving less serious injuries have only 8% arrest rate.

The laws are problematic and typically require a very high standard to make it a crime for killing or injuring someone in a traffic crash. Moreover, judges have issued rulings interpreting the law, often making it even harder to hold drivers criminally liable. Typically a driver must be in violation of two traffic rules (e.g., speeding and running a red light) in order to be held criminally responsible. This is known as “the rule of two.”

Moreover, in our experience, the District Attorneys tend to blame the victim, particularly when there is a fatality and the victim cannot give his/her account of the crash.

It likely will not be easy. You may need to gather your own evidence, find your own witnesses and apply public pressure through the media, meetings with elected officials, online petitions, and more. You should consider hiring an attorney to help you with this fight. Though your attorney does not have an actual standing in a criminal case and the District Attorney is technically representing you along with the interests of “the people,” many of our members have found that having a civil lawyer who is willing to help with the criminal case is helpful. And you will need to persevere in what is likely a painful and emotionally fraught process.

But we are here to help. And we continue to fight to strengthen the laws and their application.

The District Attorney
The five borough-based District Attorney’s Offices in NYC have the responsibility and authority to investigate and prosecute crimes. They work closely with the NYPD and rely heavily on the investigation that the police conducted, though in reality the D.A.’s office can pressure the police to investigate further if the initial investigation was not completed properly.

The District Attorney’s Office officially represents the “People” and not the victim or family of the victim.

The District Attorneys are elected; elections are held for the position every four years though many serve for multiple terms. In each District Attorney’s office, there are hundreds of Assistant District Attorneys. Many have a dedicated unit for vehicular crime, and we are fighting to make this standard practice in each office.

If you believe a criminal charge is warranted and have not been contacted by the DA’s office, you may want to
schedule a meeting and consider bringing a lawyer with you. We are happy to consult with you and answer any questions you may have.

**What is the Function of the Criminal Courts?**
The courts are charged with ensuring the fair application of the law. Judges preside over all legal proceedings in court, including any criminal proceedings involving a death or serious injury in a traffic crash.

The cases may be heard in Criminal Court or Traffic Court. Almost all cases — felonies, misdemeanors, and violations — are arraigned in the Criminal Court of the City of New York. **Arraignment Parts** are staffed in **Criminal Court** seven days a week, 365 days a year, both day and night. After arraignment, Criminal Court handles only misdemeanors and violations. The **Supreme Court** of the State of New York handles felony cases after indictment. (Note: in New York State, the highest appellate court is the Court of Appeals, not, as one might expect from the name, the Supreme Court.)

Some drivers have appealed their convictions and the Court of Appeals has issued rulings making it difficult, though not impossible, to prosecute drivers.

**Types of Laws and the Various Legal/Administrative Codes**
Currently, there are three different types of laws that govern the criminality of killing or injuring someone with a vehicle:

1. The **Vehicle and Traffic Law** portion of the State Penal Law Code (VTL) - which primarily results in a misdemeanor charge which can include fines and/or a very short jail time which is rarely applied.
2. The **New York State Penal Law Code** contains the more serious criminal laws which often include felonies with longer incarceration periods.
3. The New York City Administrative Code (NYC ADC) has a few new laws located in its Title 19 section which are trying to improve accountability for drivers.

**Consequences**
The various laws give sentencing guidelines ranging from fines, points on a driver’s license, and jail time. Violations are the lowest level of penalty and typically involve only a fine, though a jail term of up to 15 days may be applied. Misdemeanor charges result in a fine and/or a sentence of under one year and result in a permanent criminal record for the driver. There are different levels of criminal felonies from Class A to Class E, reflecting a specific recommended range of sentencing. Class A is the most severe and has the longest recommended sentences.

However, the judges also have some discretion. They are able to suspend/revoke a driver’s license in nearly all cases (VTL 510), though this is something that usually only is done if the family presses for it.

If the driver is found guilty there will be a separate sentencing hearing. Family members are usually afforded an opportunity to give a personal statement. We are happy to help you with this if you wish.
Four years ago, my 23-year-old daughter Ella was struck and killed by a careless busdriver as she crossed the street. She was a dancer, a musician, and an artist. She was a beautiful person, my daughter, and my best friend. It is a loss no person should have to endure.

We lost Ella before FSS was formed, so we had no one to ask for help. I was so overwhelmed with grief that tackling the logistics of hiring a lawyer, the insurance, suing the MTA, etc. was so overwhelming.

We fortunately did make sure to hire an attorney who had sued the MTA before, which was a plus. But he did not ever mention that there was likely a hearing to make sure the driver who killed Ella never drove a bus again. I wish I had known this was something we should have pursued.

And I am glad that I can now offer support to others who are facing this horrific journey. I would have been grateful for the emotional and logistical support I can now provide to others.

— Judy Kottick, mother of Ella Bandes
Laws that May Be Eligible for Charging
The following are the primary charges that can be brought against a driver who kills or injures someone, listed in order of severity from the least to the most severe. Note that the information below is meant to translate legal jargon into more easily understood language. However, in doing so, some of the legal nuance may have been lost. This information is only meant to provide some basic information to assist you in navigating the legal system. We recommend you read the actual statute and/or have an attorney assist you as he/she can provide detailed legal guidance.

“Elle’s Law” ([VTL 510](#)) [3]
• A first-time violation results in license suspension for 6 months. A second violation within five years of the first, will result in a one-year suspension of driving privileges.

Failure to yield ([N.Y. ADC. Law 19-190](#) and [Local Law 29-2014](#))
• NYC Administrative Code 19-190 imposes a misdemeanor for New York City drivers who injure or kill pedestrians or cyclists with the right of way. The penalty for this misdemeanor is a fine of up to $250, imprisonment for up to 30 days, or both. In addition or as an alternative, the driver is subject to a civil penalty of up to $250.
• NYC’s Right of Way law, which FSS was instrumental in passing, protects pedestrians who are in the crosswalk with the “walk” signal. It is only a modest penalty, but it is the first time drivers were held criminally liable for violating a pedestrian or cyclist’s right of way.

Reckless Driving ([VTL 1212](#))
• Reckless driving is a criminal misdemeanor, and involves a crash where “the driver’s actions unreasonably interfere with the free and proper use of the public highway, or unreasonably endangers users of the public.”
• Judges have overturned previous convictions determining that there has to be more than “mere negligence” to prove beyond a reasonable doubt that a defendant has committed reckless driving.
• The consequences include a fine, points on the driver’s license and up to 30 days in jail for the first offense; more for subsequent offenses.

Aggravated Unlicensed Operation ([VTL 511 - various](#))
• Aggravated unlicensed operation is essentially when a driver knowingly operates a vehicle with a suspended or revoked license. There are various levels depending on the specific circumstance and whether it is the first offense.

Failure to use due care ([VTL 1146](#) (2)) - for multiple violations
• Failure to use due care is typically a traffic violation unless, the driver has a previous offense within the past five years in which case it is a criminal misdemeanor punishable by fines, community service, and possible jail time.

Leaving the scene without reporting ([VTL 600 (2)(c)](#))
• Leaving the scene without reporting a personal injury, serious physical injury or death to another person is often known as the “hit-and-run” law. It has various levels of punishment depending on whether this was a first offense. The circumstances with consequences range from fines to a maximum of four years.
Operating a vehicle under the influence of drugs or alcohol (VTL 1192, 1193 and 1194 (a))
• Mothers Against Drunk Driving successfully fought to increase penalties for drunk and drugged driving. The penalties vary depending on the circumstances and whether there were previous offenses, but this charge typically involves less severe injuries. The maximum sentence is seven years.

Unlawful fleeing a police officer in a motor vehicle (N.Y. Pen. Law 270.25, 270.30 and 270.35)
• Drivers who flee from the police and hit and injure someone face a penalty ranging from fines to seven years in prison depending on the circumstances.

Criminally negligent homicide (N.Y. Pen. Law 125.10)
• A person acts with criminal negligence when he/she fails to perceive a substantial and unjustifiable risk that a reasonable person would observe in the situation. Currently, a charge of criminally negligent homicide is extremely rare and is typically only charged in the most egregious circumstances. The maximum sentence is four years.

Vehicular assault in the second and first degree (N.Y. Pen. Law 120.03, 120.04)
• Vehicular assault is a felony that occurs when a person is under the influence of drugs or alcohol causes serious physical injuries that “create a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted loss, or impairment of the function of any organ.” The more severe charge involves when the driver has a blood alcohol content of over 0.18, has a suspended license, has been convicted of drunk driving in the last 10 years, causes serious injuries to more than one person, or has previously been convicted of vehicular assault. The maximum penalty for the more severe crime is seven years.

Aggravated vehicular assault (N.Y. Pen. Law 120.04(a))
• Aggravated vehicular assault occurs when a driver commits a vehicular assault and has a blood alcohol content of 0.18 or higher, has driven with a suspended license, has been convicted of DWI in the past 10 years, has caused serious injury to more than one person, has previously been convicted of homicide, or has injured a child passenger who is 15 years of age or younger. The maximum penalty for the more severe crime is 15 years.

Aggravated criminally negligent homicide (N.Y. Pen. Law 125.11)
• This sentence involves a criminally negligent homicide where the victim was an on-duty police officer and carries a maximum penalty of 15 years.

Vehicular manslaughter in the second and first degree (N.Y. Pen. Law 125.12, 125.13)
• Vehicular manslaughter charges involve a fatality caused by a driver who was under the influence of drugs or alcohol, or driving recklessly (or merely carelessly), or otherwise driving in an illegal manner. The crime of vehicular manslaughter is relatively new. Before its appearance, these drivers were charged with manslaughter (unintentionally killing someone as a result of criminal negligence or recklessness), but juries were often reluctant to attach the onus of “manslaughter” to a traffic “accident.” “Vehicular manslaughter” addressed this reluctance by typically providing for lesser penalties than manslaughter itself. It carries a maximum penalty of 15 years, though can be much lower depending on the circumstances.
On March 10, 2009, I became a mother. Ariel Russo, my first child and only daughter, was born that day. I held her in my arms and I told her that she was born to make the world a better place. Having her in my life was pure joy. Every day I was inspired by her inquisitiveness, kindness, creativity, exuberance, bravery and love.

On June 4th 2013, she was on her way to preschool with my mother when an unlicensed, reckless driver sped up onto the sidewalk with an SUV and crushed them while he was fleeing from police. I remember seeing my beautiful daughter who just that morning had been so full of life, dead on a stretcher in the Emergency Room of St. Luke’s Hospital. That image haunts me every day because that’s not who she was and I don’t want to remember her that way.

So instead, I have chosen to turn my grief into action and became a founding member of Families for Safe Streets. Meeting others whose lives have been significantly affected by traffic violence helped me realize that I was not alone in my pain. Together we fight for change. I push myself to do this work, even though it can be so hard at times, so that I can honor Ariel.

— Sofia Russo, mother of Ariel Russo
**Aggravated vehicular homicide** *(N.Y. Pen. Law 125.14)*
• A driver may be subject to this charge if they commit vehicular manslaughter and have either a higher blood alcohol content (.18 or above), knowing or having reason to know that his or her driver’s license has been suspended or revoked in New York or another state; had a previous conviction for DWI within the preceding 10 years; causes the death of more than one person; causes the death of 1 person and serious physical injury to at least 1 other person; or has a previous conviction under this statute or the Vehicular Assault statute. The maximum sentence is 25 years.

**Manslaughter in the second and first degree** *(N.Y. Pen. Law 125.15, 125.20)*
• Manslaughter is a legal term for homicide considered by law as less culpable than murder. A charge of manslaughter involves a fatality when the driver had no intent to seriously harm or kill, or had no extreme, reckless disregard for life.
• The most severe charge carries a maximum penalty of 25 years.

**Aggravated manslaughter in the second and first degree** *(N.Y. Pen. Law 125.21, 125.22)*
• This involves a crime of manslaughter where the victim was a police officer. The maximum penalty is 25 years.

**Assault in the third, second and first degree** *(N.Y. Pen. Law 120.00, 120.05, 120.10)*
• Assault is a criminal misdemeanor involves intentionally causing harm to another person but is rarely brought against a driver unless the driver intended to cause harm. The consequences vary depending on the circumstances but the most severe charge carries a maximum penalty of 25 years.
More Detail on Criminal Proceedings
The following is a detailed flow chart showing the process for criminal prosecution, courtesy of the Manhattan District Attorney’s Office.
District Attorney Victim Services
The District Attorney’s (DA) office in each borough has free victim services that provide support, counseling, advocacy and information to all individuals who have been criminally victimized. If the crash appears to have been the result of criminal behavior, reach out to the DA in the borough where the crash occurred.

CONTACT INFORMATION FOR VICTIM SERVICES OFFICES:
BRONX
Phone: 718-590-2115; 800-862-2637
Address: 198 E 161st St, 5th Floor, Bronx, NY 10451
Email: fragolac@brondxa.nyc.gov
Website: http://brondxa.nyc.gov/

BROOKLYN
Phone: 718-250-3820
Address: 350 Jay St., 10th Floor, Brooklyn, NY 11201
Email: mcgrats@brooklynda.org
Website: http://www.brooklynda.org/victim-services-unit/

MANHATTAN
Phone: 212-335-9040
Address: 100 Centre Street, Room 231, New York, NY
Website: http://manhattenda.org/witness-aid-services-unit

QUEENS
Phone: DA Office hotline 1-800-648-9961; Crime Victim Advocate line 718-286-6847
Address: 125-01 Queens Boulevard, Kew Gardens, NY 11415
Website: http://www.queensda.org/forms/cvap.pdf

STATEN ISLAND
Phone: 718-876-6300
Address: 130 Stuyvesant Place, 7th Floor Staten Island, New York 10301
Email: victimadvocate@rcda.nyc.gov
Website: http://rcda.nyc.gov/initiatives/victimserv.html
Department of Motor Vehicles Hearings

The DMV has a two-pronged hearing system; a driver who was ticketed in a crash is required to go to traffic court. Regardless of whether a ticket was issued, a separate DMV safety hearing is held where there was a fatality.

Traffic Court
The traffic court process is based on the infraction (ticket) and is run similar to a criminal hearing. Police accuse and seek punishment against the driver. Drivers have the right to counsel and the right to not testify. The driver also has the right to force the state to the “clear and convincing” standard of proof (not as high as “beyond a reasonable doubt” but still high). Possible outcomes are fines, license suspension, and points on the driver’s license. Due to their procedural protections, traffic court hearings are generally understood to favor the accused. [4]

Crash survivors or family members who lost a loved one are rarely notified of the hearing and often do not know it occurred until after the fact, though if you have the police report it is possible to monitor the status of some infractions and hearings on the DMV website.

These hearings tend to be very short. They are held in the regular traffic court so the judges are hearing all types of traffic violations before and after your hearing. Most will not include crashes where someone was killed or seriously injured.

In our experience, the police do not always attend and the judge may not even be aware that the crash involved a fatality or injury.

Safety Hearings
NYS is mandated to hold a safety hearing within 12 months if a crash results in a fatality to determine if the driver’s license should be suspended or revoked. (The DMV is permitted to hold them for serious injuries as well though this rarely happens.)

This hearing not only gets dangerous drivers off the road, but it can provide a measure of comfort to families whose loved one was blamed in the press and by the police for his/her own death. Moreover, the evidence gathered and the outcome of the hearing may help in pursuing compensation and/or criminal charges. Unlike in criminal court, drivers must answer questions that are posed to them.

The standard of proof required is lower than it is in criminal court so it is easier to hold drivers accountable in these hearings. The judge uses the “preponderance of evidence” (at least 51% likely) standard of proof.

Unlike in traffic court, the DMV is required to notify family members about the Safety Hearing. However, unfortunately, victims have no rights at these hearings. You officially are not permitted to speak or give evidence. That said, many FSS members have attended and some judges have let them give a personal statement.
The hearings are lengthier. There are only a few administrative judges who hear these cases in each borough. The hearings are held in a small room. Typically, there is a small table where all participants sit. Typically, attendees include the driver, his/her attorney (if he/she has one), and a police officer. You should be aware, you may sit directly across from the driver. This can be a painful experience. Please make sure you have adequate support.

At times, family members and/or their attorneys have provided evidence because the police failed to either attend and/or bring all available information. If you have the police report, a video, photos, etc., we recommend that you bring everything with you. We have also found that giving a statement makes a difference, so come prepared to speak or submit written testimony. Previous FSS members have shared more about the person who died, the circumstances of the crash, and why they want the drivers’ license suspended/revoked.

Note that we are fighting for NYS to adopt a Victim’s Bill of Rights which would give family members standing at the hearings so that they could speak, submit evidence, and more.

**Public Vehicle License/Employment Hearings**

When the vehicle in the crash was a public vehicle - bus, taxi, sanitation, police officer etc., there may be additional considerations. The NYC Taxi and Limousine Commission has a special process to decide whether to suspend and/or revoke the driver’s TLC license. One of the key laws governing this process, Cooper’s Law, is named after the son of a founding FSS member and is one of the many ways we make change in memory of those we’ve lost.

Similar hearings are often held for other public vehicle drivers to determine whether they should continue to be employed and/or be allowed to drive. Each public agency has a separate process. Most do not allow the crash victim and/or family to participate but we encourage you to pursue this and can assist you.
Advocacy: Fighting Back and Making Change

Families for Safe Streets originally came together because we realized we did not want anyone else to suffer as we have. We hope you will join us. Our voices are powerful and are making a difference. And for many FSS members, speaking out provides a healthier outlet for our rage, anger, and pain.

We know it is painful to fight for change, and we are here to support you. In our experience, with whatever avenue you choose, it is also helpful have friends and/or family members to support you during your advocacy. You may also wish to plan your day after an advocacy activity knowing that initially it will be more painful. But in the long run, most of our members find that fighting for change is a release valve for their grief and trauma.

Below are some things you way wish to do to promote change.

Changing NYC’s Reckless Driving Culture

We are fighting for many systematic changes to change NYC’s reckless driving culture. MADD made it socially unacceptable to drink and drive. We need to do the same with dangerous driving.

We are here when you are ready to join with us to demand change. Note that if an attorney tells you that you should not speak out for fear it will impact your criminal or civil case, please contact us. We have received guidance from several attorneys that this is not usually the case. We would be happy to have the Transportation Alternatives attorney contact your lawyer if you wish to discuss this further.
My need to take action in 2006 to prevent deaths like my husband Henry’s felt as crucial to me as my need for air and water. Despite family and friends, loneliness had descended upon me the likes of which I’d never known. I wanted to take action as part of a team, one that got it: got that my loss was tragic, but not inevitable. Transportation Alternatives were the advocates I turned to. Their mission to reclaim the streets from the domination of the automobile for walking, biking, and public transit became my mission. TA got it, and also accepted that grief means that despite having the energy to fight the good fight on most days, there’d be days when I needed to sit it out on the bench.

Bessel van der Kolk, psychiatrist, researcher, and world authority on trauma writes of the deep need for the body to be moving, the anger within to be given physical expression. I got back on my bike. Pedaling mattered, and in group rides with TA, I felt at home. I resonated with what the historian, author, and activist Rebecca Solnit suggests about activism. I began to feel that by committing to the future, I began to make my present more inhabitable. I saw that channeling my grief into action has provided hope and a more inhabitable future for others.

In 2014 as a founding member of Families for Safe Streets, I was thrilled to see that the work of eliminating death on our streets was being embraced by other family members who had lost a loved one, especially the parents of children who’d been killed. Our ranks have swelled over the years of not only intensive action, but through the support members give each other. It has been my privilege to mentor FSS members, provide a shoulder to cry on, help people find hope in the midst of trauma and loss, and stand with FSS, as we demand a livable city together.

—Mary Beth Kelly, wife of Carl Henry Nacht
Hold a Memorial Vigil
If you wish to hold a memorial vigil at the crash site, we can help you with the logistics, press, police notification, etc. This can be an important way to remember the person you lost and demand that changes occur to prevent future fatalities and serious injuries.

Redesign the Street/Intersection of the Crash Site
Sadly, many crashes occur on known dangerous streets. The NYC Department of Transportation has issued a pedestrian safety report for each borough that lists the known most deadly streets and intersections, but there are sadly no plans yet to do anything about many of them.

If you wish to demand that the street where you were injured or your loved one was killed be fixed to ensure that everyone is safe, we can help you.

Memorial Street Naming
It can be a challenge to rename the street after a loved one, but several of our members have been successful. We recommend you press for this change after you successfully help bring about the redesigning of the street, intersection, and/or plaza to prevent future crashes.

The first step is to contact your local City Council Member, who will help you with the renaming process. You will need to show that your loved one had a lasting impact on the community by sharing news articles on the person killed and/or the advocacy you have undertaken in their memory. You may also want to consider naming a bike lane or plaza if these are part of the redesign you helped accomplish. Some elected officials and communities are more supportive of street namings than others. Also, bigger boulevards are sometimes harder to rename than smaller streets.

We encourage you to request that the City install a plaque that states, “FSS/TransAlt fought for redesign in memory of NAME”.

Contact us if you want further assistance.

Ghost Bike
We can connect you with the Ghost Bike project which can create small and somber memorials for bicyclists who are killed or hit on NYC streets. A bicycle is painted all white and locked to a street sign near the crash site, accompanied by a small plaque. They serve as reminders of the tragedy that took place on an otherwise anonymous street corner, and as quiet statements in support of cyclists’ right to safe travel.

The first ghost bikes were created in St. Louis, Missouri in 2003. Currently there are over 630 ghost bikes that have since appeared in over 210 locations throughout the world.
Contact Your Representatives
We can help you set-up meetings with your City and State representatives or the representatives where
the crash occurred to share your experience, seek assistance, and demand change. To identify your
representatives, just enter your address below.

NYS Assembly: http://assembly.state.ny.us/mem/search/
NYS Senate: https://www.nysenate.gov/find-my-senator

Or enter your zip code for all representatives here:

Vision Zero Memorial Pin - Not One More New Yorker
We can order pins for you and your family with your loved ones photo and name, saying Not One More New
Yorker Killed in Traffic. The pins are free of charge and can be worn to meetings and advocacy events.

Publicly Share Your Story and Speak to the Press
If members of the press have contacted you already, or you wish to the speak to the media, we can help you. A
few basic tips to remember - reporters will still be interested in hearing your story once you are ready to tell
it. You have control over what you want to say and who you want to say it to and when. Always ask when the
story is to be filed, and you can get their telephone number so that you can call them back when you are ready
after you have gathered your thoughts or gotten advice from us. You also can decline interviews or refuse to
answer specific questions.

Consider also starting an online petition through Transportation Alternatives to press for change. Our
members have used petitions for many demands, such as: urging the District Attorney to charge the driver,
redesigning streets, and passing laws.

Other Ideas
If there is any other way we can help you speak out and make change, please let us know.
Additional Resources
This guide is a compilation of FSS member experiences along with a range of articles and other online guides, which you may want to review for additional information, including:

After a Crash
“What to Do When You’re Hit by A Car” by Laura Bliss at CityLab (May 22, 2015)
“If You Crash...” by Lauren LeClaire at MassBike (August 2016)
“What to do if you’re hit by a car while riding your bike” by Greg Hanscom at Grist.org (September 23, 2014)
“How to Report a Car-Bike/Ped Crash” by Carol A. Wood
“NYC Car Crash Resources for Bicyclists and Pedestrians” by Carol A. Wood

Emotional Recovery
Roadpeace: A long-standing national charity group located in the United Kingdom for road crash victims
RoadPeace: Resources and Guides for bereaved families
“MADD - Supportive Literature” covering injury, care, and financial/emotional recovery (available in English and Spanish)

Financial Recovery
“How is a Pedestrian Hit by a Car Compensated for Injuries?” by Coulter Boeschen at AllLaw.com
“What if I am involved in a “Hit and Run” crash or collision with an uninsured or underinsured vehicle?” by Wheels of Justice (January 12, 2015)

Legal Resources
“Understanding No-Fault Laws” by jwillis at New York Bicycle Coalition (May 8, 2013)
“Criminal Justice System: How It Works” by the New York County District Attorney’s Office
“Crime Victims’ Rights” by The Office for Victims of Crime (US Department of Justice)
Rights of Crime Victims in New York State pamphlet by NYS Office of Victim Services
“Lawyers for Injured Pedestrians and Cyclists” by Transportation Alternatives
“Informational Session with an Attorney” by FSS and Steve Vacarro
References

NYS Law still refers to the report as an “Accident” report. We hope to change that. [1]

This is the form title. We prefer to call them crashes since the term “accident” implies it was not preventable and there is already an assumption no one was at fault. [2]

In 2009, 3-year-old Elle Vandenberghe was crossing a NYC street when a motorist looking for a parking spot backed up a one-way street, through an intersection, and struck her while she was in the crosswalk. Elle suffered permanent brain damage and has limited use of the right side of her body. Transportation Alternatives helped the Vandenberghe family pass this law. [3]

As families who have experienced the tragic loss of a loved one or been injured due to traffic violence, we stand with others with similar experiences.

We bear witness to our pain and suffering to press for the elimination of fatalities and injuries on our streets. Through our stories and advocacy, we seek cultural and physical changes on our streets and the rapid implementation of Vision Zero. We envision a city where pedestrians, bicyclists and vehicles safely co-exist, and children and adults can travel freely without risk of harm – where no loss of life in traffic is acceptable.

FSS gives New Yorkers who have lost loved ones or been injured in traffic crashes the opportunity to receive support services as well as to channel their grief into action. **FSS is a project of Transportation Alternatives** and builds on its longstanding commitment to amplify the voices of people affected by traffic violence as a tool for change.