



Summer Fun ...

## The Great Outdoors



### Sidewalk Cracks, Holes and other Defects

Now that the horrible winter of 2015 is over, go ahead out there for a walk and enjoy the weather! But be careful, because cracks, holes and other sidewalk defects are everywhere. When an accident happens, **you should know your rights.**

New York City makes every person who owns a house responsible for the sidewalks surrounding his property. This means that the owner must repairs holes, cracks and raised areas of their sidewalk. **If, however, the owner lives in the house and it is a one to three family house, then the City is liable.**

Broken curbs or curb defects are also still the responsibility of the City of New York (and a Notice of Claim must be filed within 90 days).

If you fall on or in a hole at least 1 inch deep or high, then you may be able to bring a lawsuit. This is called an “actionable defect.”

Sidewalks in and around public parks, pools, schools, and other City-owned buildings are the responsibility of the City of New York, or the New York City Housing Authority (NYCHA). Interior sidewalks of NYCHA buildings and complexes remain the responsibility of the NYCHA.

### Outdoor Stairways and Steps

Stairs and steps leading to parks and recreation areas; along with steps up to building entrances, are as different as summer flowers. According to the law, however, they should **all** be safe to walk on.

In general, steps should be of equal height and width so as to prevent one from falling. If the stairway is very wide, handrails should be installed on both sides and in good working order, to prevent falls. The handrails should reach the whole length of the steps, and not be loose.

Each step of a stairway should be smooth and free of holes, cracks and other defects. The surface of each step should not be slippery in the event of rain.

If someone falls because of a defective stairway, then a claim and possible lawsuit can be brought.

The law makes property owners responsible for falls on stairways and steps leading to their building entrances. The City of

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New York may be liable if anyone falls in a City park or other City property. **Remember to contact a lawyer right away if you fall on a City or NYCHA property because a Notice a Claim must be filed within 90 days.**



CONSTRUCTION ACCIDENTS



Working outside can seem like a great idea when the weather is good. But, accidents at construction sites are probably the most complicated to understand. There are many different laws in play here, so it is best to consult a lawyer. Some general rules follow.

You cannot ever sue your employer or any co-worker. If you fall from a height while working in construction, you may be able to sue the building owner or general contractor (if they are NOT your employer.)

If you fall on garbage or construction debris, and it has been there for a very long time, you may have a case against the subcontractor who left it there (if they are NOT your employer.)

Pedestrian Accidents  
*Person v. Automobile...*

All people, or pedestrians, crossing the street with a green traffic light or “Walk” signal walking in the crosswalk have the right of way over both vehicles and bicycles. Any vehicle turning left or right must yield to the pedestrians crossing in the crosswalk. In other words, the vehicles must wait for the pedestrian to finish crossing the street before they proceed.

The most common accidents occur when vehicles with the green light turn left or right into pedestrians who are crossing the street. Even though both have the green light, the pedestrian always “wins” in this scenario.

A pedestrian crossing in the middle of the street or outside of the crosswalk bears the responsibility for his own accident. If the vehicle, however, has a red traffic signal, stop sign, or was speeding, he may also be responsible for a “pedestrian knockdown.”

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