

# LEGALNews

## Summer Highlights 2014

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*Summer can be a fun and exciting time for everyone! Unfortunately, it also comes with a greater risk of outdoor accidents. Take steps to be prepared and know your rights.*

### **The Great Outdoors**

#### *Sidewalk Cracks, Holes & Defects*

New York City makes every private landowner responsible for the sidewalks surrounding his property. This means that every property owner must make repairs to holes, cracks and raised portions of their sidewalk. If, however, the property is an owner-occupied one to three family house, then the City is responsible.

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).

Any defect in a sidewalk that is at least 1 inch high is usually an “actionable” defect (unless you have a bad judge). This means that if you fall on or in a hole at least 1 inch deep or high, you may be able to bring a lawsuit.

Sidewalks in and around public parks, schools, and other City-owned buildings are the responsibility of the City of New York, or the

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New York City Housing Authority (NYCHA). Interior sidewalks of NYCHA buildings and complexes remain the responsibility of the NYCHA.



#### *Outdoor Stairways & Steps*

Stairs and steps leading to parks and recreation areas; along with steps up to building entrances, are as different as Spring flowers. According to the law, 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. Depending on the dimensions of the steps, handrails should be installed on both sides and in good working order, to prevent falls. In other words, 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

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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 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.

### Pedestrian Collisions

#### *Person vs. Automobile*

All pedestrians 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.”



#### *Person vs. Bicycle*

Warm weather is perfect for biking, so pedestrians need to be watching in all directions for their own safety. The bicycle rider must follow the same rules of the road as a motor vehicle. In other words, riding in the same direction as the vehicle traffic, and not riding the opposite way on a one-way street. Also, bicycles must stop for stop signs and red traffic signals just as vehicles are required to do.

Unfortunately, a pedestrian would be unlikely to recover for injuries in an accident with a bicycle. No-fault insurance does not cover accidents with bicycles, and, generally, a bicycle rider would not have private liability insurance for accidents.

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