

APPENDIX C

**ARTICLES 27 & 34
of the
NYS VEHICLE AND TRAFFIC LAW**

Pedestrian Safety

NYS Vehicle & Traffic Law Excerpts



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These excerpts are provided for information only and NOT as the basis for legal or judicial determinations. ALWAYS verify them against the most recent available copy of the law. The entire Vehicle and Traffic Law, sorted by **section number**, is available from the [New York State Assembly Site](#) or from the [New York State Senate Site](#).

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Sec. 1150. Pedestrians subject to traffic regulations.

Pedestrians shall be subject to traffic-control signals as provided in section eleven hundred eleven of this title, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

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Sec. 1151. Pedestrians' right of way in crosswalks.

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk on the roadway upon which the vehicle is traveling, except that any pedestrian crossing a roadway at a point where a pedestrian tunnel or overpass has been provided shall yield the right of way to all vehicles.

[Effective 1/19/03.](#)

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impractical for the driver to yield.

(c) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

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Sec. 1151-a. Pedestrians' right of way on sidewalks.

The driver of a vehicle emerging from or entering an alleyway, building, private road or driveway shall yield the right of way to any pedestrian approaching on any sidewalk extending across such alleyway, building entrance, road or driveway.

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Sec. 1152. Crossing at other than crosswalks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(c) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

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Sec. 1153. Provisions relating to blind or visually impaired persons.

(a) Notwithstanding the foregoing provisions of this article every driver of a vehicle approaching an intersection or crosswalk shall yield the right of way to a pedestrian crossing or attempting to cross the roadway when such pedestrian is accompanied by a guide dog or using a cane which is metallic or white in color or white with a red tip.

(b) No person, unless blind or visually impaired, shall use on any street or highway a cane which is metallic or white in color or white with a red tip.

(c) This section shall not be construed as making obligatory the employment of the use of a guide dog or of a cane or walking stick of any kind by a person blind or visually impaired.

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Sec. 1155. Pedestrians to use right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

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Sec. 1156. Pedestrians on roadways.

(a) Where sidewalks are provided and they may be used with safety it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. Upon the approach of any vehicle from the opposite direction, such pedestrian shall move as far to the left as is practicable.

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Sec. 1157. Pedestrians soliciting rides, or business.

(a) No person shall stand in a roadway for the purpose of soliciting a ride, or to solicit from or sell to an occupant of any vehicle.

(b) No person shall stand on or in proximity to a street or highway for the purpose

of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(c) No person shall occupy any part of a state highway, except in a city or village, in any manner for the purpose of selling or soliciting.

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Bikes & Wheel Sport Safety

NYS Vehicle & Traffic Law Excerpts



Bicycles & Wheel Sport Safety
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The bicycle helmet law has changed.

As of January 1, 2005, persons less than 14 years old are required to wear a certified bicycle helmet when riding a skate board. See Section 1238 of the Vehicle and Traffic Law.



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Section 102. Definition of Bicycle, Bicycle lane and Bicycle path.

102. Bicycle. Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

102-a. Bicycle lane. A portion of the roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles.

102-b. Bicycle path. A path physically separated from motorized vehicle traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way and which is intended for the use of bicycles.

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Section 375 24-a. Use of earphones while driving or riding a bicycle

It shall be unlawful to operate upon any public highway in this state a motor vehicle, limited use automobile, limited use motorcycle or bicycle while the operator is wearing more than one earphone attached to a radio, tape player or other audio device.

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Section 1230. Effect of regulations.

(a) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

(b) These regulations applicable to bicycles or to in-line skates shall apply whenever a bicycle is, or in-line skates are, operated upon any highway, upon private roads open to public motor vehicle traffic and upon any path set aside for the exclusive use of bicycles, or in-line skates, or both.

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Section 1231. Traffic laws apply to persons riding bicycles or skating or gliding on in-line skates.

Every person riding a bicycle or skating or gliding on in-line skates upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this article and except as to those provisions of this title which by their nature can have no application.

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Section 1232. Riding on bicycles.

(a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, nor shall he ride with his feet removed from the pedals.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

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Section 1233. Clinging to vehicles.

1. No person riding upon any bicycle, coaster, in-line skates, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle being operated upon a roadway.

2. No person shall ride on or attach himself to the outside of any vehicle being operated upon a roadway.

The provisions of this section shall not apply to:

(i) vehicles in an emergency operation as defined in section one hundred fourteen-b of this chapter; and

- (ii) farm type tractors used exclusively for agricultural purposes or other farm equipment; and
- (iii) riding on the open, uncovered cargo area of a truck with the permission of the operator of such truck; and
- (iv) vehicles employed by a municipality for local garbage collection; and
- (v) vehicles participating in a parade pursuant to a municipal permit.

3. No vehicle operator shall knowingly permit any person to attach any device or himself to such operator's vehicle in violation of subdivision one or subdivision two of this section.

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Section 1234. Riding on roadways, shoulders, bicycle or in-line skates lanes and bicycle or in-line skates paths.

(a) Upon all roadways, any bicycle or in-line skates shall be driven either on a usable bicycle or in-line skates lane or, if a usable bicycle or in-line skates lane has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge. Conditions to be taken into consideration include, but are not limited to, fixed or moving objects, vehicles, bicycles, in-line skates, pedestrians, animals, surface hazards or traffic lanes too narrow for a bicycle or person on in-line skates and a vehicle to travel safely side-by-side within the lane.

(b) Persons riding bicycles or skating or gliding on in-line skates upon a roadway shall not ride more than two abreast. Persons riding bicycles or skating or gliding on in-line skates upon a shoulder, bicycle or in-line skates lane, or bicycle or in-line skates path, intended for the use of bicycles or in-line skates may ride two or more abreast if sufficient space is available, except that when passing a vehicle, bicycle or person on in-line skates, or pedestrian, standing or proceeding along such shoulder, lane or path, persons riding bicycles or skating or gliding on in-line skates shall ride, skate, or glide single file. Persons riding bicycles or skating or gliding on in-line skates upon a roadway shall ride, skate, or glide single file when being overtaken by a vehicle.

(c) Any person operating a bicycle or skating or gliding on in-line skates who is entering the roadway from a private road, driveway, alley or over a curb shall come to a full stop before entering the roadway.

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Section 1235. Carrying articles.

No person operating a bicycle shall carry any package, bundle, or article which

prevents the driver from keeping at least one hand upon the handle bars. No person skating or gliding on in-line skates shall carry any package, bundle, or article which obstructs his or her vision in any direction.

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Section 1236. Lamps and other equipment on bicycles.

(a) Every bicycle when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible during hours of darkness from a distance of at least five hundred feet to the front and with a red light visible to the rear for three hundred feet. Effective July first, nineteen hundred seventy-six, at least one of these lights shall be visible for two hundred feet from each side.

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(d) Every new bicycle shall be equipped with reflective tires or, alternately a reflex reflector mounted on the spokes of each wheel, said tires and reflectors to be of types approved by the commissioner. The reflex reflector mounted on the front wheel shall be colorless or amber, and the reflex reflector mounted on the rear wheel shall be colorless or red.

(e) Every bicycle when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with reflective devices or material meeting the standards established by rules and regulations promulgated by the commissioner; provided, however, that such standards shall not be inconsistent with or otherwise conflict with the requirements of subdivisions (a) and (d) of this section.

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Section 1237. Method of giving hand and arm signals by bicyclists.

All signals herein required to be given by bicyclists by hand and arm shall be given in the following manner and such signals shall indicate as follows:

1. Left turn. Left hand and arm extended horizontally.
2. Right turn. Left hand and arm extended upward or right hand and arm extended horizontally.

3. Stop or decrease speed. Left hand and arm extended downward.

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Section 1238. Passengers on bicycles under one year of age prohibited; passengers and operators under fourteen years of age to wear protective headgear.

1. No person operating a bicycle shall allow a person who is under one year of age to ride as a passenger on a bicycle nor shall such person be carried in a pack fastened to the operator. A first violation of the provisions of this subdivision shall result in no fine. A second violation shall result in a civil fine not to exceed fifty dollars.

2. No person operating a bicycle shall allow a person one or more years of age and less than five years of age to ride as a passenger on a bicycle unless:

(a) such passenger is wearing a helmet meeting standards established by the commissioner. For the purposes of this subdivision wearing a helmet means having a helmet of good fit fastened securely upon the head with the helmet straps; and

(b) such passenger is placed in a separate seat attached to the bicycle and such seat shall have adequate provision for retaining the passenger in place and for protecting the passenger from the moving parts of the bicycle.

* 2-a. The commissioner shall promulgate rules and regulations establishing standards for helmets required to be worn while bicycling or in-line skating. Such standards, to the extent practicable, shall reflect the standards recommended by the Snell Memorial Foundation, Safety Equipment Institute, or United States Consumer Product Safety Commission. * NB Effective until January 1, 2005

* 2-a. The commissioner shall promulgate rules and regulations establishing standards for helmets required to be worn while bicycling, in-line skating, or operating a skate board. Such standards, to the extent practicable, shall reflect the standards recommended by the Snell Memorial Foundation, Safety Equipment Institute, or United States Consumer Product Safety Commission. * **NB Effective January 1, 2005**

3. Any person who violates the provisions of subdivision two of this section shall pay a civil fine not to exceed fifty dollars.

4. The court shall waive any fine for which a person who violates the provisions of paragraph (a) of subdivision two of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet, which meets the requirements of paragraph (a) of subdivision two of this section. Further, the court shall waive any fine for which a person who violates the provisions of paragraph (b) of subdivision two of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a seat which meets the requirements of paragraph (b) of subdivision two of this section. The court may waive any fine for which a person

who violates the provisions of subdivision two of this section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or seat. Such waiver of fine shall not apply to a second or subsequent conviction under paragraph (a) or (b) of subdivision two of this section.

5. (a) No person operating a bicycle shall allow a person five or more years of age and less than fourteen years of age to ride as a passenger on a bicycle unless such passenger is wearing a helmet meeting standards established by the commissioner.

(b) No person, one or more years of age and less than fourteen years of age, shall operate a bicycle unless such person is wearing a helmet meeting standards established by the commissioner.

(c) For the purposes of this subdivision wearing a helmet means having a helmet of good fit fastened securely upon the head with the helmet straps.

* 5-a. No person, one or more years of age and less than fourteen years of age, shall skate or glide on in-line skates unless such person is wearing a helmet meeting standards established by the commissioner. For the purposes of this subdivision, wearing a helmet means having a helmet of good fit fastened securely on the head of such wearer with the helmet straps securely fastened. * NB Effective until January 1, 2005

* 5-a. No person, one or more years of age and less than fourteen years of age, shall skate or glide on in-line skates or a skateboard unless such person is wearing a helmet meeting standards established by the commissioner. For the purposes of this subdivision, wearing a helmet means having a helmet of good fit fastened securely on the head of such wearer with the helmet straps securely fastened. * **NB Effective January 1, 2005**

5-b. No person less than fourteen years of age shall ride upon, propel or otherwise operate a two-wheeled vehicle commonly called a scooter unless such person is wearing a helmet meeting standards established by the commissioner. As used in this subdivision, wearing a helmet means having a properly fitting helmet fixed securely on the head of such wearer with the helmet straps securely fastened.

6. (a) Any person who violates the provisions of subdivision five, five-a or five-b of this section shall pay a civil fine not to exceed fifty dollars.

(b) The court shall waive any fine for which a person who violates the provisions of subdivision five of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet.

* (c) The court may waive any fine for which a person who violates the provisions of subdivision five or five-a of this section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or due to such economic hardship such person was unable to obtain a helmet from the statewide in-line skate and bicycle helmet distribution program, as established in section two hundred six of the public health law, or a local distribution program. * NB

Effective until January 1, 2005

* (c) The court may waive any fine for which a person who violates the provisions of subdivision five, five-a, or five-b of this section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or due to such economic hardship such person was unable to obtain a helmet from the statewide in-line skate and bicycle helmet distribution program, as established in section two hundred six of the public health law, or a local distribution program. **NB Effective January 1, 2005**

7. The failure of any person to comply with the provisions of this section shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

8. A police officer shall only issue a summons for a violation of subdivision two, five, or five-a of this section by a person less than fourteen years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian, and shall not be issued to the person less than fourteen years of age.

* 9. Subdivisions five, five-a, five-b and six of this section shall not be applicable to any county, city, town or village that has enacted a local law or ordinance prior to the effective date of this subdivision that prohibits a person who is one or more years of age and less than fourteen years of age from operating a bicycle or skating or gliding on in-line skates without wearing a bicycle helmet meeting the standards of the American National Standards Institute (Ansi Z 90.4 bicycle helmet standards), the Snell Memorial Foundation's Standards for Protective Headgear for use in Bicycling, or the American Society of Testing and Materials (ASTM) bike helmet standards, or that prohibits a person operating a bicycle from allowing a person five or more years of age and less than fourteen years of age to ride as a passenger on a bicycle unless such passenger is wearing a bicycle helmet that meets such standards. The failure of any person to comply with any such local law or ordinance shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action. The legislative body of a county, city, town or village may enact a local law or ordinance that prohibits a person who is fourteen or more years of age from skating or gliding on in-line skates or from operating or riding as a passenger on a bicycle without wearing a bicycle helmet. * NB Effective until January 1,2005

* 9. Subdivisions five, five-a, five-b, and six of this section shall not be applicable to any county, city, town or village that has enacted a local law or ordinance prior to the effective date of this subdivision that prohibits a person who is one or more years of age and less than fourteen years of age from operating a bicycle or skating or gliding on in-line skates or a skate board without wearing a bicycle helmet meeting the standards of the American National Standards Institute (Ansi Z 90.4 bicycle helmet standards), the Snell Memorial Foundation's Standards for Protective Headgear for

use in Bicycling, or the American Society of Testing and Materials (ASTM) bike helmet standards, or that prohibits a person operating a bicycle from allowing a person five or more years of age and less than fourteen years of age to ride as a passenger on a bicycle unless such passenger is wearing a bicycle helmet that meets such standards. The failure of any person to comply with any such local law or ordinance shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action. The legislative body of a county, city, town or village may enact a local law or ordinance that prohibits a person who is fourteen or more years of age from skating or gliding on in-line skates, operating a skate board, or operating or riding as a passenger on a bicycle without wearing a bicycle helmet. * **NB Effective January 1, 2005**

* 10. No person shall skate or glide on in-line skates outside during the period of time between one-half hour after sunset and one-half hour before sunrise unless such person is wearing readily visible reflective clothing or material which is of a light or bright color. * NB Effective until January 1, 2005

* 10. No person shall skate or glide on in-line skates or a skate board outside during the period of time between one-half hour after sunset and one-half hour before sunrise unless such person is wearing readily visible reflective clothing or material which is of a light or bright color. * **NB Effective January 1, 2005**

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Section 1239. Reflective material and devices for in-line skating.

The commissioner is hereby directed to promulgate rules and regulations to establish standards for reflective devices and/or material to be equipped into in-line skates pursuant to section three hundred ninety-one-m of the general business law.

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Section 1146. Drivers to exercise due care.

Notwithstanding the provisions of any other law to the contrary, every driver of a vehicle shall exercise due care to avoid colliding with any bicyclist, pedestrian or domestic animal upon any roadway and shall give warning by sounding the horn when necessary. For the purposes of this section, the term "domestic animal" shall mean domesticated sheep, cattle and goats which are under the supervision and control of a pedestrian.

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