

## **Comment on DOT's Proposed Rule on Blocking Pedestrian Ramps at Unmarked Crosswalks and Unaltered Commercial Vehicle Markings**

I support the intention of the proposed rule to make parking illegal in front of pedestrian ramps at T-intersections. However, in the course of doing so DOT should not outlaw midblock crossings city-wide and should not make the right of way at T-intersections dependent on difficult to see pedestrian ramps. Section 2 of the proposed rule (outlawing midblock crossings) should be removed and Section 1 of the proposed rule (amending the definition of "crosswalk") should be modified to make all T-intersections legal crosswalks.

### **I. CROSSING THE STREET MID-BLOCK SHOULD NOT BE MADE ILLEGAL**

Section 2 of the proposed rule would ban pedestrians from crossing mid-block across the entire city (except the few places where there is a painted mid-block crosswalk):

**§2. Paragraph 3 of subdivision (c) of section 4-04 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:**

(3) No pedestrian shall cross a roadway except at a crosswalk [on any block in which traffic control signals are in operation at both intersections bordering the block].

It should be removed from the final rule.

Currently, it is legal for pedestrians to cross mid-block on any block that does not have traffic lights at both ends. 34 RCNY § 4-04(c)(3). Pedestrians do not have the right of way while crossing mid-block and have to yield to vehicles, but it is permitted. See 34 RCNY § 4-04(b), (c)(3), (d). These blocks make up a huge percentage of city blocks, especially in outer boroughs and very often next to parks. It should be legal to cross the street in the middle of quiet residential blocks without having to walk to the corner. This rule change would transform that into jaywalking. There are many places where this proposal would require someone to walk a quarter mile or more to legally cross the street in front of their house.

No justification or explanation is provided for this change for this change other than the fact that crossing the street will be made legal at some—but by no means all—of the T-intersections where it is currently prohibited.

Expanding the definition of jaywalking is especially problematic because of the documented racial disparities in jaywalking enforcement. More than 90% of jaywalking citations are issued to Black and Latino New Yorkers. See Aliza Chasan, *About 90 Percent of All Jaywalking Tickets Issued to Black and Latino Pedestrians in NYC*, PIX11 (last updated Sept. 17, 2020), <https://pix11.com/news/local-news/about-90-percent-of->

[all-jaywalking-tickets-issued-to-black-and-latino-pedestrians-in-nyc/](#). Given the racial disparities of jaywalking enforcement and the fact that it should not be illegal for any New Yorker to cross the street, the New York City Council is currently considering legislation to remove all restrictions on crossing the street and to legalize jaywalking. See [Int. No. 1125-2023](#) (introduced July 13, 2023) (“This bill would permit pedestrians to legally cross a roadway at any point, including outside of a marked or unmarked crosswalk, and allow for crossing against traffic signals. It would legalize the activity commonly referred to as ‘jaywalking’ and specify that no penalties can be imposed for jaywalking.”). While the council is considering these changes, DOT should not charge ahead and greatly expand the definition of jaywalking through the rulemaking process.

Section two of the proposed rule should be removed from the final rule.

## **II. THE RIGHT OF WAY AT INTERSECTIONS SHOULD NOT DEPEND ON WHETHER THERE ARE PEDESTRIAN RAMPS**

Under the proposed rule, whether pedestrians have the right of way at many T-intersections will depend on whether the sidewalk has pedestrian ramps. This is completely unworkable. From the driver's perspective, the view of pedestrian ramps will often be blocked by legally parked cars. Using pedestrian ramps as traffic control devices to determine right of way will lead to confusion, conflict, and injuries.

Section 1 of the proposed rule reads in relevant part:

### **Section 1. The definitions of . . . “unmarked crosswalk” in subdivision (b) of section 4-01 of chapter 4 of Title 34 of the Rules of the City of New York are amended to read as follows:**

. . .

(ii) Unmarked crosswalk. The term "unmarked crosswalk" means that part of a roadway, other than a marked crosswalk, that is included within the extensions of the sidewalk lines between opposite sides of the roadway at an intersection, provided that (A) the roadway crosses through the intersection rather than ending at the intersection, and/or (B) all traffic on the opposing roadway is controlled by a traffic control device, and/or (C) a pedestrian ramp exists at such intersection where the roadway does not cross through the intersection and there is at least one pedestrian ramp within the limits of the crosswalk.

Currently, there are crosswalks—and pedestrians have the right of way—at all normal, non-T-intersections (those intersections where both streets continue through the intersection). Either there is a marked crosswalk or, under DOT rules, the crossing is considered an "unmarked crosswalk." 34 RCNY § 4-01(b) at definition of “Crosswalk” parts (i), (ii)(A). Either way pedestrians have the right of way. 34 RCNY § 4-04(b)(1). At T-intersections, the rules are currently different. Cars crossing the top of a T-intersection

only have to stop for pedestrians if there is a marked crosswalk or car traffic is controlled by a traffic light or stop sign. 34 RCNY § 4-01(b) at definition of “Unmarked crosswalk”). Section 1 of the proposed rule would also make it an "unmarked crosswalk" at T-intersections where there is a curb cut on either side of the crossing.

The intersection of [Crotona Park North and Marmion Avenue](#) in the Bronx illustrates why the proposed rule is unworkable and dangerous:



As there is no painted crosswalk, traffic light, or stop sign, under the current rules, vehicles have the right of way and this is not a legal pedestrian crossing. Under the proposed rule, it would be impossible for a driver approaching this intersection to know whether this is now considered an "unmarked crosswalk" so that pedestrians have the right of way and vehicles must to stop for them. That would depend on whether there are pedestrian ramps, but a driver’s view of where the pedestrian ramps would be is completely blocked by the van and the UPS truck (which are both legally parked).

Now there are in fact pedestrian ramps at this intersection. They are almost impossible to see even when they're not blocked by cars because they have not been upgraded ADA-compliant tactile paving. Visibility would be even worse in the dark, rain, or snow. However, under the proposed rule, this would be an "unmarked crossing" and pedestrians would have the right of way.



While the intention of the proposed rule to make parking illegal in front of these ramps is commendable, the proposal as written will be practically impossible to follow. Pedestrian ramps are entirely unsuitable to be used as traffic control device for cars. The simpler, safer, and preferable solution here is to make every T-intersection a legal pedestrian crossing (just like all non-T-intersections currently are). It is much easier as a driver to always stop for pedestrians at intersections (unless you have a green traffic light) instead of going through a checklist at every corner. This could be accomplished by amending the current definition of "unmarked crosswalk" as follows:

(ii) Unmarked crosswalk. The term "unmarked crosswalk" means that part of a roadway, other than a marked crosswalk, that is included within the extensions of the sidewalk lines between opposite sides of the roadway at an intersection[, **provided that (A) the roadway crosses through the intersection rather than ending at the intersection, and/or (B) all traffic on the opposing roadway is controlled by a traffic control device**].

(bracketed language to be removed).

Thank you for considering these modifications to the proposed rule.

Yours,

Brandon Chamberlin