

## Cars vs. People

By: Joshua Stein, Principal, Joshua Stein PLLC



*Joshua Stein  
Joshua Stein PLLC  
501 Madison Avenue, Suite 402  
New York, NY 10022  
212-688-3300  
joshua@joshuastein.com*

New York's streets look nothing like they did a decade or two ago. Today they have protected bike paths; count-down "walk" signs for traffic signals; signal-controlled right turns; pedestrian islands and safe zones; a lower speed limit; delayed traffic signals; and other measures that make travel safer for pedestrians and bicyclists.

Until recently, pedestrians and bicyclists used the streets of New York at their peril. Now the city is not quite a pedestrian paradise, but it's certainly much better. Pedestrian fatalities and injuries show the benefits of that change. The current mayor has adopted the "Vision Zero" program, which seeks to reduce pedestrian fatalities and injuries to zero. They are certainly heading that way, although they still have a distance to go.

All the measures described above make a lot of sense, as do the various campaigns to get drivers to behave better. Those campaigns seem to have had an effect. Cars move slower and wait for pedestrians to cross the street. Even when pedestrians walk against the signal, cars usually slow down and accommodate them. It's not the New York of 10 or 20 years ago.

Perhaps the next pedestrian safety campaign ought to focus on pedestrians themselves. Drivers of cars and trucks aren't the only people who can make a difference for pedestrian safety.

Jaywalking remains part of New York culture, so much so that when one of my colleagues was ticketed for jaywalking in another city, this was the subject of a humorous memo circulated around the office. But New York pedestrians don't just jaywalk. They often play a game of seeing how quickly they can get across the street in the face of oncoming traffic. If they see an opening, they grab it. And they get back to safety as quickly as possible, but during the mad dash through traffic they don't seem to worry too much about safety. They proceed with the comfort that the cars will always stop or move slowly, because they always do.

Although that system seems to have worked and not produced too many pedestrian deaths or injuries, it has presumably led to some. If the city decides to turn its attention to the pedestrian element of pedestrian safety, idiotic jaywalking might present a good starting point.

The universal use of cellphones and texting has produced an epidemic

of oblivious pedestrians, creating a danger not only to themselves, but also to others on the sidewalk. These wired walkers have headphones in their ears, reducing or eliminating the crucial ability to hear what's around them. They simply keep walking, lost in a world of music.

Often these people slow down or stop in the middle of the sidewalk or the street with no warning, perhaps because they received and want to read a text message or email. Then they move forward at a slow, measured pace, typically walking right down the middle of the sidewalk, making it hard for anyone to pass them. When they get to an intersection, they just keep going at the slow measured pace of someone whose attention is primarily focused elsewhere. It doesn't much matter what the pedestrian signals say; these people are busy reading and writing messages or checking Facebook.

One hears stories of people so preoccupied with their phones that they walk straight into large holes, but similar stories play out every day on New York's streets. If our legislators think drivers shouldn't be distracted by their cellphones, why not enact similar rules for pedestrians?

In today's world, drivers often display tremendous courtesy to pedestrians of all types. When drivers want to make right turns, they typically come to a complete stop or near-stop, so pedestrians can proceed. Do the pedestrians reciprocate with the same courtesy by crossing quickly so that the car can proceed? Typically no. Even if a pedestrian isn't preoccupied with email and has no disability issues, he or she often plods across the crosswalk, oblivious to the idea that anyone else might ever want to use that particular rectangle of pavement. The turning car waits patiently and courteously for the pedestrian, often holding up other cars as a result. This isn't as much of a pedestrian safety issue as some of the earlier points mentioned above. Instead, it's more an issue of polite coexistence.

Pedestrians do have a role to play in pedestrian safety and courtesy on the road. It's not just up to the drivers.

*Joshua Stein PLLC  
501 Madison Avenue, Suite 402  
New York, NY 10022  
212-688-3300  
joshua@joshuastein.com*