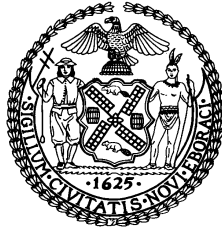


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THE COUNCIL  
OF  
THE CITY OF NEW YORK  
**RORY I. LANCMAN**  
COUNCIL MEMBER  
TWENTY-FOURTH DISTRICT, QUEENS

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JUVENILE JUSTICE  
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ENVIRONMENTAL PROTECTION  
CONSUMER AFFAIRS

February 17, 2015

Chief Thomas M. Chan  
New York City Police Department  
1 Police Plaza  
New York, New York 10007

Re: NYC's Right of Way Law

Dear Chief Chan:

I am writing regarding the New York City Police Department's enforcement of City Administrative Code § 19-190, which provides that when a driver "fail[s] to exercise due care" and physically injures a pedestrian or cyclist by failing to yield, the driver may be charged with (1) a misdemeanor punishable by up to a \$250 fine and/or thirty days in jail, and/or (2) a civil offense adjudicated by the Environmental Control Board punishable by up to \$250. In particular, I would like to know how the NYPD determines the appropriate charge in each instance, and the guidance and training provided to officers and investigators responsible for making such decisions.

Clearly the failure to yield alone is insufficient to support a charge under the law unless the "failure to yield and/or physical injury" was "caused by the driver's failure to exercise due care."

What standards are you applying, and what guidance and training are you giving to officers and investigators, concerning the determination of whether a driver (1) has exercised due care, and (2) should be charged with a misdemeanor or an ECB violation?

Very truly yours,

A handwritten signature in black ink, appearing to read "Rory I. Lancman".

Rory I. Lancman