

HARLEYSVILLE RISK SERVICES

Your Partner in Preventing LossesSM

The New York City Sidewalk Law



Know your
responsibilities
and take action

The New York City Sidewalk Law



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Some Historical Perspective

Thousands of persons are injured each year as a result of slips, trips and falls on sidewalks. Sidewalk liability claims are the most frequent source of liability losses that we observe at Harleysville for New York City property owners and merchants.

In 2003, New York City shifted responsibility for sidewalk liability from the city to property owners. Since that time, we have seen a rapid escalation in sidewalk-related negligence suits. Payments in these cases are frequently in excess of \$100,000 and become part of your insurance loss history. Your best defense in these cases is the ability to demonstrate that the sidewalks adjoining your building were regularly inspected, well-maintained and free of defects. Make needed repairs before a poor condition becomes a defect.



Your Responsibilities

In NYC, property owners or the “responsible party” must keep adjacent sidewalks and pedestrian ramps in proper repair, free of defects and trip and fall hazards. In addition, sidewalks must be kept free of snow, ice and debris. Property owners are required to install, construct, repave, reconstruct or repair sidewalks and pedestrian ramps to New York City Department of Transportation (DOT) specifications at their own expense. Disregarded violations may result in charges to you by the DOT for completed repairs.

You can help protect your business and prevent injuries by complying with and/or exceeding the requirements of the NYC Sidewalk Law.

Section 7-210 of the NYC Administrative Code *makes property owners potentially liable for personal injuries caused by their failure to maintain reasonably safe sidewalks. Defective sidewalks and poor and undocumented snow and ice removal could result in a personal injury lawsuit.*

Through lease agreements and other risk transfer mechanisms, property owners may have shifted this responsibility and liability to tenants, merchants, property managers and/or other management or building maintenance companies. Your insurance agent can offer help with determining your responsibilities.

Note: This law does not apply to one-, two-, or three-family, owner-occupied residential properties. Refer to the FAQ link on p. 8 for special instructions if sidewalk damage was caused by a utility company, contractor or tree roots.

What is a Sidewalk Defect?

- **A trip hazard**, where the vertical surface differences between adjacent sidewalk flags are greater than or equal to 1/2".
- **One or more flag(s) is cracked** to such an extent that one or more pieces of the flag(s) may be loosened or readily removed.
- **An undermined flag** below which there is a visible void; a loose flag that rocks or seesaws.
- **Patchwork** that is less than the full depth needed to repair all or part of the surface area that is broken, cracked or chipped; flag(s) which are partially or wholly constructed with asphalt or other unapproved non-concrete material.
- **One or more flag(s) missing**; a sidewalk that was not built.
- **An improper slope** with flag(s) that do not drain toward the curb and, as a result, retain water; flag(s) that must be replaced to provide for adequate drainage; flags with a cross-slope exceeding established standards.
- **Hardware defects** such as: hardware not flush within 1/2" of the sidewalk surface; cellar doors that deflect greater than 1" when walked on, are not skid-resistant, or are otherwise in a dangerous or unsafe condition.
- **Defects involving structural integrity**: a flag that has a common joint (which is not an expansion joint) with a defective flag, and has a crack that meets the common joint and one other joint.
- **Non-compliance** with DOT specifications for sidewalk construction.

Commonly Observed Sidewalk Defects



Collapsed Sidewalk



Hardware Trip Hazard



Improper Slope



Trip Hazard



Tree Roots Causing Uneven Surface



Unacceptable Patchwork

Sidewalk Inspection Checklist

The following sidewalk inspection checklist can be an important tool to help identify and correct hazards before an accident occurs. It also helps to document your safety efforts. Use this checklist on a regular basis and make needed repairs promptly.

Are any of the following construction defects present?

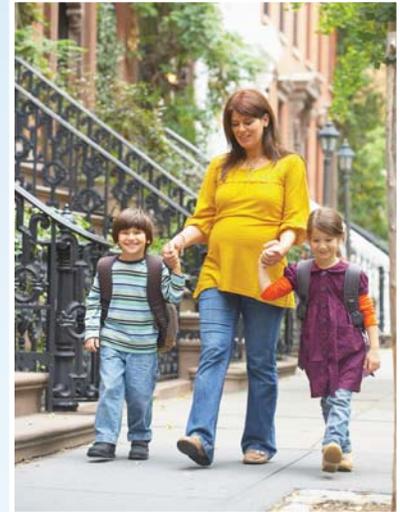
- Vertical surface differences between adjacent sidewalk flags greater than or equal to 1/2"
- Large cracks, missing pieces, or other substantial structural defects
- Improperly sloped flags or pavement
- Loose or otherwise unstable flags; uneven flag settlement or heaving
- Raised surface impediments (e.g., sewer drain plugs or junction boxes)
- Hazardous conditions (e.g., excessive deflection, change in surface texture or lack of structural integrity) caused by cellar doors, gratings, or other flush-set items
- Hazardous conditions created by improper sidewalk repairs

Do any of the following temporary hazards appear on the sidewalk?

- Puddled water
- Snow and ice
- Sand, dirt or mud
- Leaves, fallen branches or twigs
- Oil, grease or other foreign substances
- Bicycle racks, planters, retail displays, other objects or obstructions
- Tree limbs or other overhanging objects that pose a hazard to pedestrians

Completed by _____ Date _____

Corrective Actions Needed _____



Tips for Effective Snow and Ice Removal

Follow these suggestions to help prevent slips and falls:

- Have a plan.
- Select contractors early.
- Use detailed written contracts.
- Have a legal review of contracts and use proper risk transfer techniques.
- Train staff.
- Stockpile calcium chloride, sand and other supplies.
- Have your equipment ready to be used (snow blowers, shovels, etc).
- Pay close attention to weather forecasts.
- Treat surfaces before expected high levels of pedestrian traffic.
- Stay ahead of the storm with frequent treatments and inspections.
- Apply treatments at night when surfaces may refreeze.
- Check melting piles of snow and ice for refreezing.
- Give special attention to stairs.
- Close entrances that can't be adequately treated.
- Repair or replace downspouts, gutters, awnings and roofs to prevent dripping water on walkways.
- Document surface treatments with a snow and ice log.
- Digitally photograph areas where a slip and fall has allegedly occurred.



Additional Tips: Preventing *Indoor* Slips and Falls

Entranceways, Lobbies, Walkways

- Make sure there is adequate lighting.
- Keep floors dry, clean and free of debris.
- Make a serious commitment to good housekeeping and maintenance.
- Replace worn or frayed carpeting, tiles and flooring.
- Remove low-level displays.
- Inspect flooring and walking surfaces frequently.
- Take special precautions for single steps or ramps such as warning signs, additional lighting and "safety yellow" warning tape or paint.
- Keep aisles clear.
- Do not use a slippery floor wax or dressing.
- Use "safety yellow" paint to highlight the front edges of stairs at entranceways.
- Use anti-skid strips or treatments.

Additional Tips: Preventing *Indoor Slips and Falls* (cont'd.)

Inclement Weather

- Make sure entrances are free of snow and ice and ponding water.
- Provide suitable walk-off mats (absorbent) extending 8-12 feet from entrance ways and in each direction of travel.
- Make sure mats lie flat and have anti-slip backing, or anchor them.
- Inspect entranceways and floors often and mop frequently as needed.
- Make sure floors are clean and free of debris.
- Provide umbrella sleeves.
- Display "Wet floor" signs, especially at changes in floor surface (e.g., mats to flooring).
- Use anti-skid strips or treatments in high traffic areas.

Stairways

- Keep stairs dry, clean and free from clutter.
- Repair or replace broken steps and stair components immediately.
- Replace worn or frayed carpeting.
- Make sure handrails are on both sides of the stairs and adequately secured.
- Maintain good lighting, especially at the top and bottom of stairs.
- Where needed, install light switches at the top and bottom of stairs.
- Repair stairways if the stair height is not uniform and the tread is uneven.
- Highlight the front edge of the steps with a contrasting color such as white or "safety yellow" and install anti-skid strips or treatments.
- Remove throw rugs from the top or bottom of the stairs, or securely anchor them in place.
- Install emergency lighting in egress paths and stairways.
- Ensure that stairways meet all federal, state and local building codes.

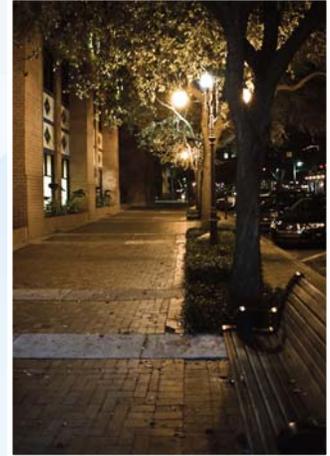


This information is designed to help users address their own risk management and insurance needs. Although we go to great lengths to make sure our information is accurate and useful, we do not warrant its accuracy or completeness, and we recommend you consult your insurance agent or other insurance professional to ensure that this information, and your interpretation of it, is appropriate to your particular situation. This information does not address all conditions, and may not be in compliance with federal, state or local laws.

For Additional Information

NYC Sidewalk Law

- **Sidewalk Maintenance and Repair**
<http://www.nyc.gov/html/dot/html/sidewalks/sidewalkintro.shtml>
- **NYC Admin.Code 19-152—Your Duties and Obligations Under the Law**
<http://www.nyc.gov/html/dot/html/sidewalks/19-152.shtml>
- **Specifications for Residents Installing a Sidewalk**
<http://www.nyc.gov/html/dot/html/sidewalks/sidewalkspecs.shtml>
- **FAQs**
<http://www.nyc.gov/html/dot/html/faqs/sidewalkfaqs.shtml>



Snow and Ice Removal

- **Snow and Ice Removal Programs (with Treatment Log and Incident Report Form)**
<http://www.harleysvillegroup.com/losc/documents/Z-1617.pdf>

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