

What Pedestrians Should Know About Accidents in NYC Parking Lots and Garages

A New York City Pedestrian Accident Lawyer Explains How the Legal Process Works

When you think of dangerous situations for pedestrians in New York City, a parking lot is probably not the first place that comes to mind. But that's exactly why these crashes cause so much harm. People let their guard down. Drivers slow down but stop paying attention. Then a car reverses without looking, and a person walking to their vehicle ends up on the pavement with a broken hip or a traumatic brain injury. This happens in lots and garages across the Bronx and Westchester more often than most people realize.

The [National Safety Council \(NSC\)](#) has documented that tens of thousands of crashes occur in parking lots and garages every year, resulting in hundreds of deaths and thousands of injuries. According to the [NSC's parking lot safety data](#), 66 percent of drivers admit they would make phone calls while driving through parking lots. The same data show that 9 percent of pedestrian deaths in parking lots result from backup incidents. These are predictable outcomes of distracted, inattentive driving in spaces where pedestrians and vehicles share the same ground.

Our New York City [pedestrian accident](#) attorneys at [Giampa Law](#) represent injured pedestrians in the Bronx and throughout New York City. Parking lot and garage crashes raise two separate legal questions: whether the driver was negligent, and whether the property owner also shares responsibility for dangerous conditions. Both questions can affect who pays and how much. This article explains what injured pedestrians need to know.

Can a Parking Lot or Garage Owner Be Held Liable for a Pedestrian Injury in New York?

Liability is the legal responsibility to pay for harm caused to someone else. When a pedestrian is hurt in a parking lot or garage in New York, the driver who struck them is the most obvious source of liability. But the owner or operator of the parking facility may also bear responsibility, depending on the conditions at the facility and what caused the crash.

New York premises liability law requires property owners to maintain their properties in a reasonably safe condition for people lawfully present on the premises. Parking lots and garages are open to the public for a commercial purpose. Owners have a legal duty to make sure the facility does not create unnecessary dangers for the people using it. When they fail to meet that duty, they can be held liable for injuries that result.

This matters especially when a driver's insurance is limited or insufficient to cover serious injuries. The property owner's commercial general liability insurance is a separate potential source of compensation. Identifying and pursuing that coverage requires an attorney who

knows how to investigate the facility's design, lighting, maintenance records and accident history. Missing that layer of responsibility can leave significant compensation on the table.

What Makes Backing Collisions in Parking Lots So Dangerous?

Backing collisions are the most common way pedestrians get hurt in parking lots. A driver reversing out of a space has a limited field of view. The rear camera shows a narrow slice of what is behind the vehicle. A pedestrian walking at a normal pace can appear in the camera's frame and reach the impact point in a matter of seconds. The [NSC](#) specifically advises drivers not to rely solely on backup cameras and to physically look over their shoulder before moving. Many drivers do not follow that guidance.

When a vehicle reverses into a pedestrian, the impact often strikes the person in the lower back, hips or legs. The body collapses and the person falls onto the pavement. The secondary impact with hard pavement can be as damaging as the initial strike. Older adults and children face the highest risk because a fall from a vehicle strike can produce fractures and head injuries even when the vehicle was moving slowly.

A driver who backs into a pedestrian without checking for people behind the vehicle has violated [New York Vehicle and Traffic Law Section 1146](#), which requires every driver to exercise due care to avoid colliding with any pedestrian. The law applies in parking lots just as it does on public streets. That violation is often one of the most important facts in a pedestrian's injury claim.

What Are the Most Common Ways Pedestrians Get Hurt in NYC Parking Facilities?

New York City's parking facilities range from open-air surface lots in the Bronx to multi-story garages in Midtown. Despite that variety, the situations that injure pedestrians follow recognizable patterns. Understanding these patterns helps injured people recognize what happened to them and why it may support a legal claim.

- **Backing collisions** – A driver reverses from a parking space without checking for pedestrians walking behind the vehicle. This is the single most common cause of pedestrian injuries in parking lots.
- **Garage exit crashes** – A driver descending a ramp exits the garage without stopping to check the sidewalk. Pedestrians using the adjoining sidewalk have no warning the vehicle is about to cross their path.
- **Drive-aisle strikes** – A driver moving through the parking lot's internal travel lanes strikes a pedestrian walking to or from their vehicle. These crashes often involve distracted drivers who are not watching the travel path ahead.

- **Turns across pedestrian walkways** – Drivers turning into or out of a parking space cut across a marked pedestrian path without yielding. Retail parking lots, in particular, see these crashes near store entrances.
- **Poor-visibility crashes** – Structural columns, parked SUVs or poor lighting create blind spots where drivers cannot see pedestrians until a collision is imminent or has already occurred.

Each of these crash types raises different questions about fault. Some involve only driver negligence. Others involve conditions at the facility that the property owner is responsible for maintaining. Many involve both.

Are Pedestrians Protected by New York Laws on Private Property?

One of the most common misconceptions after a parking lot crash is that New York law does not apply because the accident happened on private property. That is not accurate. [New York Vehicle and Traffic Law Section 1146](#) requires drivers to exercise due care to avoid colliding with pedestrians. That duty applies on any road open to the public, including commercial parking lots and garage facilities where the general public is invited.

New York courts have consistently held that drivers operating vehicles in commercial parking facilities open to the public are subject to the same negligence standards that apply on public streets. A driver who strikes a pedestrian in a Bronx shopping center lot or a Westchester garage cannot use the private property status of the lot as a shield against liability.

Property owners face their own obligations under New York law. The duty to maintain premises in a reasonably safe condition for invited guests is a well-established legal principle. That duty extends to the layout and design of the parking facility, the adequacy of lighting, the clarity of pedestrian walkways and the safety of garage exit points. When a property owner's failure to meet that duty contributes to a crash, they can be named as a responsible party alongside the driver.

What Evidence Matters Most After a Parking Lot Pedestrian Accident in New York?

The outcome of a parking lot pedestrian injury claim depends heavily on the quality of the evidence. Unlike a crash on a public street, there is often no police accident report and no automatic government response. Injured pedestrians and their attorneys have to build the evidentiary picture themselves. Acting quickly matters because the most valuable evidence in these cases disappears fast.

- **Surveillance footage from the facility** – Most commercial parking lots and garages in New York have security cameras. This footage can show exactly what happened. Most systems overwrite their recordings within 24 to 72 hours. A formal legal preservation notice must be sent immediately.

- **Footage from neighboring businesses and buildings** – Stores, restaurants, ATMs and residential buildings near the parking facility may have captured the crash from an angle the facility's own cameras missed. These sources are often overlooked.
- **Photographs of the scene** – Photos showing the crash location, lighting conditions, lane markings, sight lines, signage and any physical damage to the vehicle document conditions that may change before litigation begins.
- **Witness statements** – People who saw the crash happen or who saw the driver's behavior before the impact can provide critical testimony. Contact information for witnesses should be gathered immediately.
- **The facility's incident history** – Records of prior accidents, complaints or maintenance issues at the same location can help establish that the property owner knew about a dangerous condition and failed to fix it.
- **Medical records from the date of the crash** – Prompt medical evaluation creates a record connecting your injuries to the crash. Gaps in treatment give insurance companies room to argue that injuries were not serious or were caused by something else.

An attorney can send a formal preservation demand to the property owner and any third-party security company, putting them on legal notice that surveillance footage must be retained. If the owner destroys footage after receiving that notice, that destruction can become an issue in the case itself.

Why Does Surveillance Footage Disappear So Quickly After a Parking Lot Crash?

Commercial surveillance systems in New York parking facilities are typically set to record continuously and overwrite the oldest footage automatically. Depending on the system and the volume of traffic it records, that cycle can run as short as 24 hours. In a multi-camera garage covering hundreds of spaces, storage fills quickly and the system overwrites on a constant loop.

Property owners and their security contractors are not legally required to preserve footage unless they have been put on notice that it is relevant to a potential claim. Without that notice, the footage will be gone before most injured pedestrians have even spoken to a lawyer. Once overwritten, it cannot be recovered. An attorney who moves quickly can send a written preservation demand that creates a legal obligation to retain the footage.

This is one of the most concrete reasons why contacting a lawyer as soon as possible after a parking lot crash matters. The difference between a case with clear surveillance evidence showing a driver who never looked before reversing and a case with no footage at all can be enormous. That window closes in hours, not weeks.

How Does New York's Comparative Fault Rule Affect a Parking Lot Injury Claim?

New York follows a pure comparative fault rule, which means an injured pedestrian can recover financial compensation (money for their losses) even if they were partly responsible for the crash. Their recovery is reduced by the percentage of fault assigned to them. A pedestrian found 20 percent responsible for their own injury would receive 80 percent of the total compensation awarded.

Insurance companies defending parking lot claims often try to build comparative fault arguments against the injured pedestrian. Common arguments include claims that the pedestrian was not watching for approaching vehicles, was walking behind a reversing car without checking for movement, or was distracted by a phone. Some of these arguments have merit in specific situations. A driver reversing from a space still has an independent obligation to check for people before moving, regardless of what the pedestrian was doing.

The comparative fault analysis is one of the strongest reasons why the evidence matters so much in these cases. Surveillance footage showing a pedestrian walking normally through an area where foot traffic is expected, struck by a driver who never checked before reversing, produces a very different result than a case where no footage exists and the driver's account is the only version before the jury. Building that evidence record early is one of the most valuable things an attorney can do.

How Can a NYC Pedestrian Accident Lawyer Help After a Parking Lot Injury?

Our New York City pedestrian accident attorneys at [Giampa Law](#) represent pedestrians injured in parking lots and garages throughout the city. We investigate these crashes from the start, identify every party whose negligence or failure contributed to the injury, and move immediately to preserve surveillance footage and other evidence before it disappears. We handle all communications with insurance companies so our clients can focus on recovering from their injuries.

We have recovered millions of dollars for [pedestrians injured in New York City](#), including a \$1.5 million verdict and a \$1.3 million settlement for Bronx County pedestrian accident victims. Those results reflect thorough investigation, effective use of evidence and a willingness to take cases to court when insurance companies refuse to offer fair compensation. Our [case results](#) prove we know how to build strong legal cases the right way from the beginning.

If you were struck by a vehicle in a parking lot or garage in New York, the window for preserving evidence may be closing right now. [Contact us](#) today for a free case evaluation. We serve clients throughout New York City and Westchester County. Under [New York CPLR Section 214](#), you generally have three years from the date of injury to file a personal injury lawsuit - but the evidence that wins these cases cannot wait that long. Call us. We can help.