What Happens If a Cyclist Hits a Pedestrian in New York?

Trusted legal representation for pedestrians across NYC

New York's streets are busy, chaotic, and alive with motion. You see bikes weaving through traffic, pedestrians on crowded sidewalks, and everyone in a hurry to get somewhere. But with so much shared space, collisions between cyclists and pedestrians can happen. One common yet often misunderstood scenario is when a cyclist hits a pedestrian.

If you were hurt in a pedestrian accident with a cyclist, it's important to know who is likely at fault, what your rights are, and what you should do in the moments and days that follow.

What are the rights and responsibilities of cyclists and pedestrians?

In New York, bicycles are considered vehicles under the law. That means cyclists must follow the same traffic laws as cars, such as stopping at red lights, yielding at intersections, and riding with the flow of traffic. They must also yield to pedestrians in crosswalks and are typically prohibited from riding on sidewalks unless local laws say otherwise.

Meanwhile, pedestrians have the right-of-way at marked crosswalks and controlled intersections, so long as they're following walk signals. If a pedestrian darts into traffic against a red light or steps outside a crosswalk without warning, that could count as negligence on their part.

Both parties have a duty to act with reasonable care. Cyclists need to ride safely and predictably; pedestrians must pay attention and follow signals.

How is fault determined after a bike-pedestrian crash?

Like any accident, determining who's at fault comes down to negligence and who failed to act responsibly under the circumstances. If a cyclist runs a red light or speeds through a crosswalk, that's negligence. If a pedestrian steps into a bike lane without looking or is distracted while jaywalking, that could also be negligence.

New York uses a "comparative negligence" rule. This means even if you were partially at fault, you can still recover damages, just less of them. Say a pedestrian was 30% responsible and the cyclist 70%. Any settlement or court award would be reduced by 30% for the pedestrian.

In the end, every case depends on who was where, who saw what, and who had the legal right-of-way at the moment of impact.

Can a pedestrian sue a cyclist?

If the cyclist was negligent and caused injury, the pedestrian has every right to pursue a pedestrian accident claim. To win, they'll need to prove four things:

- **Duty of care**: Cyclists have a legal duty to exercise reasonable care and avoid actions that could harm others. This includes following the rules of the road and watching out for pedestrians, especially in crosswalks, at intersections, or on shared-use paths.
- **Breach of that duty**: If the cyclist violated that duty by riding recklessly, disobeying traffic signals, or failing to yield, this would be considered a breach.
- **Causation**: The pedestrian must show that the cyclist's breach directly caused the injury. In legal terms, this is called "proximate cause." If the injury would not have happened but for the cyclist's behavior.
- **Damages**: The pedestrian must demonstrate that they suffered real, measurable harm. This could include physical injuries, medical expenses, time missed from work, emotional distress, or ongoing pain and suffering.

Does no-fault insurance apply to bicycle-pedestrian accidents?

Unfortunately, New York's no-fault insurance laws only apply to accidents involving motor vehicles. If a car hits a pedestrian, the driver's no-fault policy covers up to $50,000 in medical expenses, regardless of fault. But when a bike is involved, that coverage doesn't exist.

So if a pedestrian is hurt by a cyclist, they'll need to pursue a claim the old-fashioned way, either through the cyclist's personal insurance (if any exists) or by filing a lawsuit.

Cyclists in New York aren't required to carry insurance. However, in some cases, a cyclist's homeowner's or renter's insurance might provide liability coverage if the accident involved negligent behavior. This kind of coverage is often overlooked, but it could help pay for medical costs or damages.

If no insurance applies, then the cyclist is personally responsible. That means a pedestrian may need to sue for damages and collect from the cyclist's income or assets if they win.

If the cyclist was working at the time of the collision, their employer might be held liable under New York's vicarious liability laws. Businesses are responsible for the actions of their employees while they're doing their jobs. In this case, the injured pedestrian might be able to file a claim against the company's insurance policy.

What should you do right after the accident?

If you're a pedestrian who's been hit, the first step is always safety. Get out of the street if you can. Call 911 to get the police and emergency medical personnel on the scene. An official police report is a key piece of evidence if you later decide to pursue a claim.

Exchange contact information with the cyclist, including their name, phone number, and address. If they're working, get their employer's name. If either of you has any relevant insurance, make note of it.

Look for witnesses. Anyone nearby who saw the crash can help later if there's a disagreement about how it happened. Ask for their contact info or ask if they'll give a statement to police.

Take photos. Document the scene, such as the bike position, injuries, traffic signals, weather, even clothing. These small details can help piece together what happened and support your claim later.

Even if you feel fine, go to the doctor as soon as possible. Some injuries take hours or days to show up. A medical record created soon after the collision will be helpful to your claim when it's time to pursue compensation.

If police don't respond, go to the nearest NYPD precinct and file a report yourself. Include all details of the accident and the cyclist's contact information. This ensures there's an official record and helps protect your rights if the situation escalates.

Injured by a cyclist in NYC? Let Giampa Law fight for you

If you were hit by a bicyclist in New York City, you need a skilled legal advocate who understands the law and how these cases work. Giampa Law has decades of experience standing up for injured pedestrians across the Bronx, Westchester County, and all five boroughs. We know how to hold negligent cyclists accountable, and we'll dig into the details, gather the evidence, and fight to get you the compensation you deserve.

When you work with us, you won't pay a dime out of pocket. That's because we work on a contingency fee basis – we only get paid if we win your case. From the moment you contact us, we take the pressure off your shoulders and handle the legal heavy lifting, so you can focus on healing. We offer a free consultation to review what happened, answer your questions, and explain your legal options.

If you can't come to our office, don't worry; we can come to you. Whether you're recovering at home, in the hospital, or somewhere more convenient, we'll meet you where you are. All you need to do is take the first step. Contact us online or call us today to schedule your free case evaluation. We're ready to help you get justice, and we won't back down until we do.

“Giampa Law was incredible throughout the process of my case. They helped me win a settlement that has significantly impacted my life. Thank you, Zach!” – T.B., ★ ★ ★ ★ ★